



**Variance Board Meeting
City Council Chambers, 2660 Civic Center Drive
Minutes – Wednesday, April 4, 2018 – 5:30 p.m.**

1. Call to Order

Chair Daire called to order the Variance Board meeting at 5:30 p.m. and reviewed the role and purpose of the Variance Board.

2. Roll Call & Introductions

At the request of Chair Daire, Senior Planner Lloyd called the Roll.

Members Present: Chair James Daire, Vice Chair Chuck Gitzen, and Alternate Member Peter Sparby

Members Absent: Member Julie Kimble

Staff Present: Senior Planner Lloyd

3. Approval of Agenda

MOTION

Member Gitzen moved, seconded by Member Sparby to approve the agenda as presented.

Ayes: 3

Nays: 0

Motion carried.

4. Review of Minutes

MOTION

Member Sparby moved, seconded by Member Gitzen to approve meeting minutes of March 7, 2018.

Ayes: 3

Nays: 0

Motion carried.

5. Public Hearings

Chair Daire reviewed protocol for Public Hearings and public comment and opened the Public Hearing at approximately 5:33 p.m.

a. PLANNING FILE 18-004

Request by Jeffrey Barnhart for a variance to City Code §1004.08 Residential Setback, to allow a rebuilt home on the property to stand within the required 30-foot setback from the rear property line

Senior Planner Lloyd reviewed the variance request for this property, as detailed in the staff report dated April 4, 2018. He reported the proposed variance is to allow a house to be rebuilt 15 feet into the 30-foot setback from the rear property

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line. The existing home is currently five feet from the rear property line. The house was originally built in 1940 and the house behind it was built in 1947. It is unclear when the rear property line was determined. However, the home was built before the City's subdivision codes came into place and any existing conditions would be grandfathered in.

Mr. Lloyd commented the proposed new home is larger overall and takes up more home area in the rear setback area, which requires a variance. The Applicant would like to shift the rebuilt home further back on the property in an attempt to preserve the trees on the front of the lot. The Applicant has worked with staff to make sure the front of the home conforms to the provisions in the zoning code and has indicated it is possible to build the home at the required 30-foot setback from the rear property line. The proposed driveway is as long as it can be while keeping in with the impervious coverage requirement of the property at or below the 30 percent limit.

Mr. Lloyd reported staff recommends approval of the requested variance.

Member Gitzen inquired if there have been any additional comments made by the public on this application.

Mr. Lloyd responded he did receive more phone calls inquiring about the proposal. After explaining it to them, they did not have any further concerns about the proposal. He confirmed there has been no negative public feedback.

Member Gitzen inquired if there was some leeway if the Applicant were to build on the same footprint.

Mr. Lloyd responded if built on the same footprint, they would have to determine if the new home increases or exacerbates the nonconformity. It could be built in the same location, but if it were built taller, it could add more to the rear building wall in the required setback area, magnifying the nonconforming condition and triggering the need for a variance.

Member Sparby inquired if tree preservation comes into play with this request.

Mr. Lloyd responded the zoning code has a tree preservation and restoration section in it and does not prevent or inhibit the removal of trees. However, it does promote and incentivize the protection of trees, especially with redevelopment. There would be no penalty if the trees were damaged but there is a replacement formula if they were removed. This incentive is at odds with the converse requirement of having the home further away from the rear property line.

Member Sparby referred to item D in the report regarding unique circumstances to the property which were not created by the landowner. He inquired if that analysis considers previous landowners.

Mr. Lloyd explained it refers to the current landowner and if they have taken actions that have created a difficulty.

Jeff Barnhart, owner and applicant, commented he has lived in the current home for 10 years. It is small, not in great shape, and five feet from the rear property line. He loves living in Roseville and across the street from the park. There are five 70-year-old Maple trees that provide a canopy over the yard and he believes it will benefit the trees if the redevelopment does not damage the root system with the position of the house. It will be moved up nine more feet but will still be out of compliance. He believes this is a better use and will preserve the yard.

Chair Daire inquired about the location of the drip line.

Mr. Barnhart responded it is over half of the property line and will be right in front of where the proposed home will be. He would prefer to keep the drip line off the house.

Member Sparby inquired if he has spoken with his neighbor located at 2570 Snelling Curve.

Mr. Barnhart noted that home is vacant and is part of an estate. He had inquired about purchasing it, but it is a complicated situation. The house sits on Snelling Curve and has a double long yard. The neighbor located behind him at 2560 Snelling Curve is supportive of the project.

Member Sparby inquired about the side setback on the north side of the property.

Mr. Lloyd responded the detached garage will sit in the same location but will become an attached garage. It has a three-foot setback, which is greater than the required minimum of five feet.

Rachel Clyne, 2549 Pascal Street, expressed support for this project.

Chair Daire closed the public hearing at 5:48 p.m.

Members Sparby and Gitzen expressed support for this project.

Chair Daire noted he stopped by the site and this plan will be an enormous improvement.

MOTION

Member Gitzen moved, seconded by Member Sparby to adopt a resolution approving the requested variance to §1004.08.B (Residential Setbacks) to allow the construction of a new home at 2553 Pascal Street to encroach up to 15 feet into the required rear yard setback, based on proposed plans, the testimony offered at the public hearing, the comments and findings in the report, and as reflected in attachment D of the report.

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**Ayes: 3
Nays: 0
Motion carried.**

Chair Daire noted the appeal period will begin now and go through Monday, April 16, 2018 at noon.

6. Adjournment

MOTION

Member Gitzen moved, seconded by Member Sparby to adjourn the meeting at approximately 5:52 p.m.

**Ayes: 3
Nays: 0
Motion carried.**