



**Variance Board Regular Meeting  
City Council Chambers, 2660 Civic Center Drive  
Minutes – Wednesday, November 7, 2018 – 5:30 p.m.**

**1. Call to Order**

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

**2. Roll Call & Introductions**

At the request of Vice Chair Gitzen, City Planner Thomas Paschke called the Roll.

**Members Present:** Vice Chair Chuck Gitzen and Member Julie Kimble

**Members Absent:** Chair James Daire and Alternate Member Peter Sparby

**Staff Present:** City Planner Thomas Paschke and Senior Planner Bryan Lloyd

**3. Approval of Agenda**

**MOTION**

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

**Ayes: 2**

**Nays: 0**

**Motion carried.**

**4. Review of Minutes: October 3, 2018**

**MOTION**

**Member Kimble moved, seconded by Member Gitzen to approve the October 3, 2018 meeting minutes.**

**Ayes: 2**

**Nays: 0**

**Motion carried.**

**5. Public Hearing**

Vice Chair Gitzen reviewed protocol for Public Hearings and public comment and opened the Public Hearing at approximately 5:32 p.m.

**a. PLANNING FILE 18-027**

**Request for a variance from Section 1004.06H “Surface Parking” of the City Code to allow the redevelopment of the existing Presbyterian Homes care facility and site at 1910 County Road D.**

City Planner Thomas Paschke reviewed the variance request for this property, as detailed in the staff report dated November 7, 2018.

Member Kimble asked how big in density this redevelopment is after the new construction is completed compared to what is there now.

Mr. Paschke indicated he did not know what the difference is between the beds that will be provided in the one facility compared to the beds in the senior facility. He knew this would achieve co-compliance from the standpoint of what is allowed.

Member Kimble asked if there were any responses from the neighbors.

Mr. Paschke stated he has not received any responses related to this. He indicated the comments staff has received are more related to traffic and staff has worked very hard to separate the uses and try to minimize those impacts on the neighborhood, specifically on the residential street. He noted Ramsey County is allowing an access point off of County Road D, which will be utilized by the trucks that will provide the deliveries which will eliminate some of the more impactful use that is there.

Member Kimble asked if this project would have required an open house.

Mr. Paschke indicated it would not because it is not one of four types of land use projects that would require an open house. He noted the everything in the proposed project is a permitted use except for the parking lot design.

Vice Chair Gitzen asked if the parking lot out front made this pre-existing non-conforming now.

Mr. Paschke stated it was because the current design was built before the 2010 Zoning Ordinance and does not comply with a number of the design standards or site layout standard in the City Code and is now considered pre-existing, non-conforming. From the standpoint of what the Commission is discussing the parking lot would not necessarily be allowed where it is under current codes.

Vice Chair Gitzen asked if both phases go through the only non-conforming would be the parking.

Mr. Paschke stated the parking would become conforming because a variance would be granted. Once the variance is approved for the two lots the parking would achieve compliance.

Vice Chair Gitzen stated originally there were two accesses off the north, is the applicant only asking for one access now.

Mr. Paschke stated the County is only allowing one access.

Vice Chair Gitzen asked if the variance covered both parking lots.

Mr. Paschke indicated it would.

- **Ms. Debora Zarbok, Senior Housing Partners**

Ms. Zarbok made a presentation to the Commission.

Ms. Zarbok stated as far as a neighborhood meeting, there was one held and approximately twenty people were in attendance. Since that time, she has had the opportunity to meet with a couple neighbors and walk the property lines to see what some of the neighborhood concerns were. She thought there would be some opportunities to address the neighborhood concerns.

Ms. Zarbok stated as far as the size of the building, in the second phase there will also be underground parking. The underground parking for the eighty independent apartment buildings will be underground. This was done to eliminate any additional need for surface parking and also to meet the greenspace requirements as well.

Member Kimball asked in regard to the density, is the applicant replacing one building with two.

Ms. Zarbok stated over time the existing building has gone down in the amount of people who are occupying the building so the new transitional care building will have fifty apartments and will fluctuate due to it being a transitional care and long-term facility. The first phase will be a smaller development.

Mr. Gerald Oatie, 3074 Evelyn Street

Mr. Oatie asked how many occupants there will be when all the phases are done.

Ms. Zarbok indicated there will be eighty independent apartments total in phase two and fifty in phase one.

Mr. Oatie stated he liked the way the building is design so there will not be anyone looking into the other residents' backyards. He asked what the distance was from Evelyn Street to the corner of the building.

Ms. Zarbok thought it would be more than fifty feet away from Evelyn Street.

Senior Planner Bryan Lloyd stated the building would be in excess of one hundred feet judging by the graphic scale of the bottom of the schematic.

Vice Chair Gitzen closed the public hearing at 5:49 p.m.

**MOTION**

**Member Kimble moved, seconded by Member Gitzen, to Adopt a Variance Board Resolution (Attachment E) approving a variance to §1004.06.H, Surface Parking, of the Roseville Zoning Code, to allow the Senior Housing Partners redevelopment project to move forward as designed, at 1910 County Road D.**

Member Kimble stated the variance before the Commission is only related to the surface parking and so it relates to the design and project, it is a permitted use and would go through the typical City process for approval. She was in support of the variance to the surface parking components in both the new parking lots.

Vice Chair Gitzen indicated he would also support this.

**Ayes: 2**

**Nays: 0**

**Motion carried.**

Vice Chair Gitzen reviewed protocol for Public Hearings and public comment and opened the Public Hearing at approximately 5:51 p.m.

**b. PLANNING FILE 18-029**

**Request for a variance from Section 1004.8 “Low Density Residential (One-Family) -1 (LDR-1) District” of the City Code to permit building of an enclosed front porch that would encroach within the front yard setback at 1276 Eldridge Avenue.**

Senior Planner Bryan Lloyd reviewed the variance request for this property, as detailed in the staff report dated November 7, 2018.

Member Kimble noted a neighbor phoned into staff in support of this proposal.

Mr. Lloyd stated he received an e-mail earlier in the week in support of this project as well.

Vice Chair Gitzen asked what the minimum setback is usually required.

Mr. Lloyd stated the thirty-foot setback applies to the enclosed portions of the house. An open front porch without walls can extend into the setback area, as close as twenty-two feet from the front property line. If this addition were an open porch, it would also require a variance because the ten-foot depth would come closer than twenty-two feet from the front property line. This is enclosed addition space which is subject to the thirty-foot setback requirement.

Vice Chair Gitzen asked if the Public Works Department has looked at this as far as site distance on a corner lot. Are there any concerns with that?

Mr. Lloyd indicated there were not any concerns with that addressed in the DRC review earlier last month after the application was received. This is not something the Public Works Department noted was a concern.

**• Ms. Sara Barsel, owner and applicant at 1276 Eldridge Avenue**

Ms. Barsel stated her family has been in the home since 1992 and have done what was needed to make it accessible internally. She indicated she has multiple sclerosis and no way to know what the progression of that will be. She stated the anticipation

of it is at some point she will need to use a walker and beyond that a wheelchair which will limit her use of portions of the home. She stated her family would like to put this addition on now, so it can be used and if necessary, make any other modifications in order for her and her husband to age in place. She noted her, and her husband do not have any intention to move into senior housing at any point in their lives.

Ms. Barsel stated her family has been very careful with landscaping. She reviewed some of the landscaping around her home with the Commissioners. She stated her, and her husband are trying really hard to make their home as friendly and accessible As possible and have talked to assorted neighbors and have talked with an architect to develop the plans. She indicated it is the same architect that did the reconfiguration of the downstairs internal to the home. She stated everyone seems excited by this possibility and nobody is concerned this will block any view while backing out of the driveway.

Ms. Barsel indicated there was some mention of a stormwater plan and her husband happens to be the head of Minnesota Stormwater City Organization and does a number of things regarding that on the National and Federal level. She indicated her husband is willing to talk to the City about a stormwater plan as well. She stated when the house was purchased her family did not know there were minimum lot sizes, nobody informed her family that the house was non-conforming. She noted the house across the street, which is the original farm house, is also closer to the street line than her property and her house is on the site where the original outbuildings had been on the original farm.

Vice Chair Gitzen asked where the steps were coming into the new addition where the ramp would be if one were needed.

Ms. Barsel stated that was correct. She noted it would be pretty close to ADA proper slope for a ramp.

Member Kimble noted a condition in the proposal where a survey would be completed to ensure the home addition will not stand less than seventeen feet from the front property line. If the addition does not stand less than the seventeen feet from the property line what is the outcome.

Mr. Lloyd stated the intent there was to acknowledge an existing setback of twenty-seven feet which may be correct and if it is then the ten-foot addition would come to that seventeen-foot mark and if the existing house is actually further back then twenty-seven feet from their own property line then it would not be as close as the seventeen feet.

Member Kimble asked if the applicant would need to come back to the City if it went beyond the seventeen feet.

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Mr. Lloyd stated that was correct but was not the intent of the recommendation, but he could see how that is where it gets to. He noted the variance approval could accommodate the ten-foot addition as proposed and he supposed the actual distance from the property line, whereas the City would specify where that would be, isn't as important as the distance being facilitated in the approval.

Member Kimble asked if it would accurate to say that the survey is needed just to be able to verify what the setback will in fact be under the variance.

Mr. Lloyd stated as this is being discussed he was not sure it would even be important that a survey be done if the City is not limiting it to that seventeen-foot line.

Member Kimble asked if there was a setback where it would just not be safe or would not work.

Mr. Lloyd stated there is a provision from the Zoning Code that are related to visibility triangles, making sure that structures and other obstructions are out of a certain triangle distance from an intersection and assuming the City is not approving a variance specifically going into that site triangle, that would be a sort of back stop for that visibility protection. The City would not need to be concerned about an absolute distance that is too close. He did not see something getting into the site triangle which he did not see happening so the specific distance may not be as much of a concern.

Vice Chair Gitzen thought a survey may still be important to make sure there are no other concerns that the applicant would have to address.

Mr. Lloyd thought a good accurate site plan, in order to account for impervious surfaces is maybe more important overall if the City is not specifying what the minimum distance needs to be from the front property line.

Vice Chair Gitzen asked Ms. Barsel is the property was ever surveyed.

Ms. Barsel believed it was surveyed before the property was purchased. She appreciated the constraints and the concerns the City has. This is expensive to have to apply for a variance and to have additional requirements in order to be able to talk to a contractor makes this even more expensive. She noted she is retired and does not have a great deal of social security income that she can allocate to this so if things are nice to have but not absolutely necessary, her family would appreciate not having them as requirements.

Ms. Kimble stated the only reason why she asked was because it was a condition in the staff report but what she thought staff was stating was possibly the survey did not need to be a condition of approval.

Mr. Lloyd believed that was right. He agreed after discussion that there is not a need to know that it is exactly seventeen feet and no closer to the front property line

because there are site triangles and regulations, so he did not think a survey would be needed.

Vice Chair Gitzen stated he would still like to discuss this as a Commission.

Ms. Barsel asked what the City would want done for impervious surface if the addition is in excess of the amount.

Mr. Lloyd stated there is a process through the Public Works Department to quantify the amount of stormwater that gets generated by the excess impervious coverage and then identifying a way to help infiltrate on site or slow it down before it runs off onto other properties or onto the street.

Ms. Barsel thought that would go back to such things like prairie plantings and other plants with deep root systems.

Vice Chair Gitzen indicated it could also be a raingarden. He thought there were a number of ways the applicant could take care of the stormwater. He did not think until a site plan was brought into the City there was not a way to analyze it.

Mr. Lloyd indicated that was correct.

Ms. Barsel stated the City was now requiring a site plan in addition to the plans from their architect.

Mr. Lloyd stated a site plan would be an essential part of a building permit application and is not part of the variance.

Vice Chair Gitzen asked if there was anyone in the audience that wanted to make a comment. No one came forward.

Vice Chair Gitzen closed the public hearing at 6:20 p.m.

Vice Chair Gitzen stated he would still like some condition where the City staff would meet, feel comfortable and approve the setback to make sure there is no additional items that should be taken care of with the site triangle. If staff did not feel like a survey was needed that would be ok but he still thought the City should be looking at the site triangle because the property is on a corner lot. Without having some idea where the property line is, it would still be needed with the site plan anyways.

Mr. Lloyd agreed that the property line would need to be identified with the site plan. If necessary and not immediately clear where the corner monuments are then it may be necessary to have somebody locate those in order to find where the property corners are. He would say that it is not critical that there is a requirement or a condition of approval that addresses meeting a site triangle requirement, but a condition can clarify that whatever variance is being approved that it is not intended

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to go into the site triangle. He stated the condition could be worded “the proposed addition shall not encroach in the site triangle regulated by the Zoning Code.”, to clarify that the addition as proposed is fine as long as it stays out of places it should not be.

Mr. Lloyd stated if there is an existing survey the homeowners have on hand the work would not have to be redone necessarily and could meet the needs as well.

**MOTION**

**Member Kimble moved, seconded by Member Gitzen, to adopt a resolution approving the requested variance to §1004.08.B (Residential Setbacks) to allow the proposed 10-foot home addition at 1276 Eldridge Avenue to encroach up to 13 feet into the required front yard setback, based on the proposed plans, the testimony offered at the public hearing, and the comments and findings of this report, with the following conditions:**

- **The proposed addition shall not encroach into the site triangle.**

**Ayes: 2**

**Nays: 0**

**Motion carried.**

**6. Adjourn**

**MOTION**

**Member Kimble, seconded by Member Gitzen, to adjourn the meeting at 6:24 p.m.**

**Ayes: 2**

**Nays: 0**

**Motion carried.**