

ROSEVILLE
VARIANCE BOARD
REGULAR MEETING AGENDA

Wednesday, October 2, 2019 at 5:30 p.m.
Roseville City Hall Council Chambers, 2660 Civic Center Drive

- 1. Call to Order**
- 2. Roll Call & Introductions**
- 3. Approval of Agenda**
- 4. Review of Minutes: July 10, 2019**
- 5. Public Hearing**

Please note: The Chair of the Board shall repeat the name of the Board member making the motion and the name of the Board member who seconds the motion.

- a.** Consider a Variance from City Code §1004.02 (Residential Setbacks) and §1017 (Shoreland Requirements), to allow a pre-existing patio to remain in its location less than 30 feet from the Ordinary High Water Level and a home addition that would encroach into the require side yard setback at 3078 W Owasso Blvd. (PF19-020)
- 6. Adjourn**



**Variance Board Regular Meeting
City Council Chambers, 2660 Civic Center Drive
Draft Minutes – Wednesday, July 10, 2019 – 5:30 p.m.**

- 1 **1. Call to Order**
2 Vice Chair Sparby called to order the regular meeting of the Variance Board meeting at
3 approximately 5:30 p.m. and reviewed the role and purpose of the Variance Board.
4
- 5 **2. Roll Call & Introductions**
6 At the request of Vice Chair Sparby, City Planner Thomas Paschke called the Roll.
7
- 8 **Members Present:** Vice Chair Peter Sparby; and Member Michelle Kruzel, and
9 Alternate Member Michelle Pribyl.
10
- 11 **Members Absent:** None.
12
- 13 **Staff Present:** City Planner Thomas Paschke and Community Development
14 Director Janice Gundlach
15
- 16 **3. Approval of Agenda**
17 City Planner Paschke indicated an addition to the agenda. Election of Chair and Vice
18 Chair given the resignation of former Chair Member Daire.
19
- 20 **MOTION**
21 **Member Kruzel moved, seconded by Member Pribyl to approve the agenda as**
22 **amended.**
23
- 24 **Ayes: 3**
25 **Nays: 0**
26 **Motion carried.**
27
- 28 **3a. Election of Chair and Vice Chair to the Variance Board**
29 City Planner Paschke noted Member Daire has given his resignation. The Board needs to
30 elect a new Chair and Vice Chair.
31
- 32 Member Pribyl nominated Member Sparby as Chair of the Variance Board.
33
- 34 Member Sparby indicated he would be willing to be Chair of the Variance Board.
35
- 36 **MOTION**
37 **Member Pribyl moved, seconded by Member Kruzel to elect Member Sparby as**
38 **Chair of the Variance Board.**
39
- 40 **Ayes: 3**
41 **Nays: 0**
42 **Motion carried.**

43 Member Kruzel nominated Member Pribyl as Vice Chair of the Variance Board.

44

45 Member Pribyl indicated she would be willing to serve as Vice Chair of the Variance
46 Board.

47

48 **MOTION**

49 **Member Kruzel moved, seconded by Member Sparby to elect Member Pribyl as**
50 **Vice Chair of the Variance Board.**

51

52 **Ayes: 3**

53 **Nays: 0**

54 **Motion carried.**

55

56 **4. Review of Minutes: November 7, 2018**

57 There were no changes to the November 7, 2018 minutes.

58

59 **MOTION**

60 **Member Pribyl moved, seconded by Member Kruzel to approve the November 7,**
61 **2018 meeting minutes.**

62

63 **Ayes: 3**

64 **Nays: 0**

65 **Motion carried.**

66

67 **5. Public Hearing**

68

69 **a. PLANNING FILE 19-012**

70 **Consider a Variance from City Code Section §1011.04.J.8 “Replacement Tree**
71 **Locations”, to permit reduced tree replacement and seek relief from the**
72 **required Tree Replacement Fee for property at 3056 Hamline Avenue.**

73 Chair Sparby reviewed protocol for Public Hearings and public comment and opened
74 the Public Hearing at approximately 5:38 p.m.

75

76 City Planner Paschke reviewed the variance request for this property, as detailed in
77 the staff report dated July 10, 2019.

78

79 Member Pribyl asked if staff was aware of any other similar size developments on
80 wooded lots that have occurred since the tree replacement change was made in 2014.

81

82 Mr. Paschke stated some of the plats staff is finishing up on as it relates to residential
83 development, other larger plats that might be consisting of ten, eleven, fourteen lots
84 could even be six lots, a number of those were begun and processed under the old
85 ordinance and some were done under the existing ordinance, however, the projects
86 were able to balance whatever the requirements were so variances were not required
87 to any sections of the code. The issues staff is finding is more related to infill
88 situations of four lots or fewer that are now coming forward because those are infill

89 lots and have not been developed and have trees on them. He noted a couple of
90 variances have been granted in the past related to the tree preservation requirements.
91

92 Mr. Paschke indicated the code changed in three ways as it relates to the previous
93 requirements to the new requirements. The first is the City now has three types of
94 trees that is noted, a common, significant and a heritage where before there was only
95 significant and heritage. The Code also now requires the City to count and identify
96 cottonwood, boxelder, elm and exempts invasive species. The fee policy and fee
97 requirement were added and not in the previous Code. He noted the Code change is
98 rather dramatic in this case because on both of them the spot where the house is
99 wanting to be placed and how a driveway can be placed to get to the home is in
100 essence where most of the trees are. It's kind of restricts how one wants to or can
101 develop a lot without getting a variance.
102

103 Chair Sparby asked how the current Ordinance accounts for heavily wooded lots.
104

105 Mr. Paschke explained the Ordinance is not going to account for it other than tree
106 preservation and restoration is triggered by any development activity on a lot. Such
107 as building a home, addition to home, if there are trees within close proximity the
108 owner will have to provide the City information related to those so the City can make
109 sure those trees are not going to be injured or damaged during construction or if
110 removal is needed the City needs to note that and replacement may be needed. It is
111 all dependent on how many other trees are on the lot. For any development, a tree
112 survey needs to be done and the trees need to be identified and if properly done it will
113 note what type of shape the tree is in. The City tree consultant, City Forester, will go
114 out and verify all of the information.
115

116 Chair Sparby asked what the process was for replacement trees within one thousand
117 feet of the subject development.
118

119 Mr. Paschke noted the City would have to work with the property owner and give the
120 owner a list of all of the property owners within that specified radius for contact to
121 find out whether or not any of them would want to have a tree planted on their
122 property. The owner would also have to work with a landscaper or tree company to
123 plant those trees on those sites that might have wanted one which is a very
124 cumbersome process, which the City is finding.
125

126 Chair Sparby asked if the onus is specifically on the applicant.
127

128 Mr. Paschke believed that would be correct. He indicated it could be done two ways,
129 it could be done by the applicant or the applicant could pay their fee to the City and
130 then the City would embark on that process.
131

132 Chair Sparby asked if there was any type of cap on the replacement fee at all.
133

134 Mr. Paschke stated it was ten percent of the market value of the land.
135

136 Chair Sparby asked what the market value of this land is.

137
138 Mr. Paschke indicated he was not sure because he did not know the market value, but
139 his guess was the market value of both of the lots is much higher than what the fee is
140 that is being paid even though the fee is fairly substantial for a single-family
141 residential lot.

142
143 Member Pribyl asked when the revision was crafted in 2014, was there an analysis of
144 different scenarios.

145
146 Mr. Paschke stated there could be an has been a wide range of different requirements
147 based on the type of lot. Nevertheless, the only analysis that was done was analysis
148 based on the previous requirements in certain developments and then the new
149 requirements and what that difference was.

150
151 Chair Sparby invited the applicant to come forward to speak.

152
153 Mr. Jay Johnson, **Zawadski** Homes, indicated worked closely on the tree replacement
154 plan and the application for the variance highlights 3-4 points that were made, and he
155 thought City staff did a thorough job analyzing that. He stated there were only a
156 couple of points that struck him while working on this plan. The hardship seems to
157 be there are an incredible number of trees all clumped right together in the middle of
158 the lot. A lot of the trees are fighting for sunlight and the whole side of this side of
159 the lake is that it is blessed with an over abundance of trees. He stated in his opinion
160 there are a surplus of trees, but it was the luck of the draw that all of the trees
161 happened to be in the building pad of where the house had to go. He stated the lot is
162 very restricted and skinny. The hardship, as calculated results in a significant cost
163 and tree replacement number. He noted the Soukup's love trees and plan on
164 maximizing the number of trees that will be replaced. The remaining trees that will
165 not be able to be planted results in a \$17,000 fee which seems a little bit on the
166 excessive side. He thought the driveway was placed in the best place to try to avoid
167 trees and saving as many of the tall pines as possible.

168
169 Chair Sparby invited residents to come forward in regard to the proposal.

170
171 No one came forward to speak

172
173 Chair Sparby closed the public hearing at 5:56 p.m.

174
175 **MOTION**
176 **Member Pribyl moved, seconded by Member Kruzal, Adoption of Variance**
177 **Board Resolution No. 140 (Attachment E), entitled "A Resolution Approving a**
178 **Variance To Roseville City Code §1011.04.J.8 Replacement Tree Locations, at**
179 **3056 Hamline Avenue (PF19-012)."**

180

181 Member Pribyl thought it was telling that there were two variances before the Board
182 for similar issues and she thought probably it is certainly worthy in this case to
183 approve the variance, given the hardships.

184
185 Member Kruzel agreed. She was not sure if there is a way to look at this as a bigger
186 picture if it keeps coming up.

187
188 Member Pribyl thought this might be worthy of a broader discussion about whether
189 the current tree ordinance as written applies equitably to all the conditions in the City.

190
191 Member Kruzel agreed.

192
193 Chair Sparby agreed with the Commissioners on all of the points and especially given
194 the unique circumstances of the lot and the narrow nature and density of the trees on
195 there. He would agree with supporting the motion as well.

196
197 **Ayes: 3**
198 **Nays: 0**
199 **Motion carried.**

200
201 **b. PLANNING FILE 19-013**

202 **Consider a Variance from City Code Section §1011.04.J.8 “Replacement Tree**
203 **Locations”, to permit reduced tree replacement and seek relief from the**
204 **required Tree Replacement Fee for property at 907 Burke Avenue.**

205 Chair Sparby reviewed protocol for Public Hearings and public comment and opened
206 the Public Hearing at approximately 6:00 p.m.

207
208 City Planner Paschke reviewed the variance request for this property, as detailed in
209 the staff report dated July 10, 2019.

210
211 Chair Sparby invited the applicant to come forward to speak.

212
213 Mr. Josh Whitcomb noted the applicant is pro trees and keeping as many trees as
214 possible on the lot. He believed this Ordinance was well intentioned, but this overlay
215 burdens wooded lots and in particular infill sites. He thought the recommendations
216 laid out by City Planning Staff are exceedingly fair.

217
218 Chair Sparby invited residents to come forward in regard to the proposal.

219
220 No one came forward to speak.

221
222 Chair Sparby closed the public hearing at 6:35 p.m.

223
224 **MOTION**

225 **Member Kruzel moved, seconded by Member Pribyl, Adoption of Variance**
226 **Board Resolution No. 141 (Attachment E), entitled “A Resolution Approving a**

227 **Variance To Roseville City Code §1011.04.J.8 Replacement Tree Locations, at**
228 **907 Burke Avenue (PF19-013).”**

229
230 **Ayes: 3**
231 **Nays: 0**
232 **Motion carried.**

233
234 **6. Adjourn**

235
236 **MOTION**
237 **Member Pribyl, seconded by Member Kruzel, to adjourn the meeting at 6:07**
238 **p.m.**

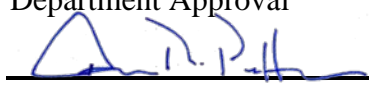
239
240 **Ayes: 3**
241 **Nays: 0**
242 **Motion carried.**

ROSEVILLE
REQUEST FOR VARIANCE BOARD ACTION

Date: October 2, 2019
 Item No. 5a

Department Approval

Agenda Section
 Public Hearings



Item Description: Request for variances to City Code §1004.02 (Residential Setbacks) and §1017 (Shoreland Requirements), to allow a pre-existing patio to remain in its location less than 30 feet from the Ordinary High Water Level and a home addition that would encroach into the required side yard setback (**PF19-020**)

APPLICATION INFORMATION

Applicant: HBRE
 Location: 3078 W Owasso Boulevard
 Property Owner: Ian Redlin
 Open House Meeting: N/A
 Application Submittal: Submitted August 29, 2019; Considered complete September 6, 2019
 City Action Deadline: November 5, 2019, per Minn. Stat. 15.99

GENERAL SITE INFORMATION

Land Use Context

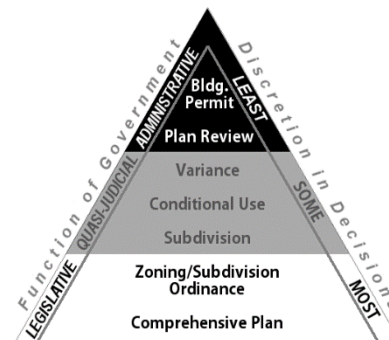
	Existing Land Use	Guiding	Zoning
Site	Single-family detached dwelling	LR	LDR-1
North	Single-family detached dwelling	LR	LDR-1
West	Single-family detached dwelling	LR	LDR-1
East	Lake Owasso	n/a	n/a
South	Single-family detached dwelling	LR	LDR-1

Notable Natural Features: shoreland property with steep grade in the rear yard

Planning File History: (2009) PF09-014: Approval of Administrative Deviation to allow impervious coverage beyond 25% of parcel area

LEVEL OF CITY DISCRETION IN DECISION-MAKING

Action taken on subdivision and conditional use requests is **quasi-judicial**.



1 **BACKGROUND**

2 According to Ramsey County’s property data, the original dwelling on the property was built in 1927,
3 and it has been substantially expanded and improved over time. On behalf of the property owners, the
4 applicant proposes to build an addition of approximately 800 square feet, about 500 square feet of which
5 would replace an existing patio behind the home. The proposed addition is illustrated in Attachment C,
6 along with other development information.

7 In 2009, the homeowner at that time (who is different from the current owner) applied for a variance that
8 would’ve addressed the excess impervious coverage from an expansion of the driveway and the
9 detached garage near the street, as well as a patio that would have encroached into the required setback
10 from the Lake Owasso shoreline. Upon learning that the excess impervious coverage could be addressed
11 without a variance (i.e., through the Administrative Deviation process), and that the shoreland setback
12 encroachment of the patio was unlikely to be approved, the then-homeowner removed the patio from the
13 plans and received approval of the Administrative Deviation to expand the garage and driveway. The
14 approval included the condition that a rain garden be installed to address the storm water runoff
15 generated by the excess impervious coverage, effectively mitigating the storm water to the equivalent of
16 25% impervious coverage on the property. Soon after the approved garage and driveway expansions
17 were completed, however, the homeowner installed a patio within the required setback from the Lake
18 Owasso shoreline. No permit is required for installation of a patio, but City staff is quite convinced the
19 homeowner installed the patio with full knowledge that both the location and impervious area of the
20 patio violated pertinent regulations in City Code.

21 It bears reiterating that the current homeowners are not responsible for the nonconforming conditions
22 discussed above, and they were surprised to learn about the nonconformities as they prepared to apply
23 for a building permit for a proposed home addition. The proposed home addition would be largely in the
24 place occupied by the existing deck and the patio beneath it, with a slight expansion beyond this existing
25 patio, toward the lake. The deck appears in county aerial images as far back as 2003, and because City
26 staff only learned of this patio beneath the deck from the information provided by the builder working
27 with the homeowners, staff has concluded this patio likely existed (but was not disclosed) in 2009, when
28 the previous homeowner was receiving approvals for the excess impervious coverage caused by the
29 expansion of the garage and driveway. Had City staff known about this patio area, the 2009 approval
30 would have required the rain garden to be enlarged accordingly.

31 A home improvement proposal that did not increase the impervious coverage of the site could have been
32 approved on its own merits with no consideration of other, potential nonconformities on the property.
33 Even the home addition as proposed, and the mitigation of its additional impervious surface area, could
34 be approved through entirely administrative processes. Moreover, the homeowners are willing to
35 mitigate the storm water from *all* impervious coverage on the property (including the patio by the lake)
36 such that, when combined with the existing rain garden, current requirements would be met even though
37 the proposed addition would only increase the impervious coverage a relatively small amount.

38 Because the proposed home addition increases the impervious coverage on the site, however, all
39 impervious surfaces on the property need to be taken into account—including the patio within the
40 shoreland setback. It is the unlawful location of this lakeside patio, not its impervious coverage that
41 elicits the present variance request. City staff has concluded the previous homeowner surreptitiously
42 installed the patio in a location they knew would not likely be approved, and that issuing permits for
43 subsequent homeowners without formally addressing the illegal nonconformity would set a harmful
44 precedent.

45 When exercising the “quasi-judicial” authority on variance requests, the role of the City is to determine
46 the facts associated with a particular proposal and apply those facts to the legal standards contained in
47 the ordinance and relevant state law.

48 **VARIANCE ANALYSIS**

49 City Code §1017.16.A (Shoreland Setbacks) requires paved surfaces to be set back at least 30 feet from
50 the ordinary high water level (OHWL, i.e., the shore line) of Lake Owasso. The primary reason for
51 structure and pavement setbacks from lake shores is likely to protect the shoreline itself. Even replacing
52 tall, deep-rooted native plants with shallow-rooted turf grasses compromises lakeshores by allowing the
53 soil to be washed away by wakes and waves on the lake. Removing root systems entirely and replacing
54 them with structures and pavement puts the shore at risk for accelerated erosion. Even if erosion is
55 mitigated by an engineered retaining wall, a secondary reason for setting built improvements away from
56 the shoreline is to preserve the lake’s natural surroundings. The existing patio appears to be within five
57 or 10 feet from OHWL. While the current proposal does not directly affect the unlawful location of the
58 existing patio, City staff cannot issue the requested building permit without formally addressing it.

59 City Code §1004.08.B (Residential Setbacks) requires accessory structures in the LDR-1 zoning district
60 to be set back at least 5 feet from side property lines. Minimum side yard setback requirements in a
61 residential district are primarily intended to preserve sufficient space in side yards to maintain adjacent
62 structures, but setbacks also coordinate with building codes to ensure adequate fire separation from other
63 properties. While the vast majority of the proposed home addition would conform to required setbacks,
64 the addition would align with the southernmost wall of the existing house, stands within the 5-foot side
65 yard setback.

66 Roseville’s Development Review Committee (DRC) met on September 5 and September 19, to review
67 the proposal. Some of the comments and feedback based on the DRC’s review of the application are
68 included in the analysis below, and the full comments offered by DRC members are included with this
69 RVBA as Attachment D.

70 **REVIEW OF VARIANCE APPROVAL REQUIREMENTS**

71 Section 1009.04 (Variances) of the City Code explains that the purpose of a variance is “to permit
72 adjustment to the zoning regulations where there are practical difficulties applying to a parcel of land or
73 building that prevent the property from being used to the extent intended by the zoning.” State statute
74 further clarifies that “economic considerations alone do not constitute practical difficulties.”

75 With respect to the lakeside patio, the homeowners could avoid the need for a variance by not increasing
76 the impervious surface area on the property, either by constraining the addition to the area of the existing
77 patio under the deck, or by removing an amount of other impervious surface elsewhere on the property
78 equal to the expansion of impervious coverage behind the house. Moreover, even though the current
79 homeowners did not install the patio in its unlawful location, the only obstacle to moving or removing
80 the patio to a conforming location is the cost of doing so. For these reasons, Planning Division staff
81 recommends denial of the variance to the shoreland setback for the existing patio because of a lack of a
82 practical difficulty which the variance process is intended to relieve.

83 With respect to the proposed encroachment into the required side yard setback, the proposed addition
84 could be reduced in width in order to conform to the required setback, but Planning Division staff
85 believes that the compromise and complexity added to the structure for the sake of avoiding a 4-inch
86 encroachment represents a practical difficulty which the variance process is intended to relieve. Because
87 the overall project would cause the increase of impervious coverage which elicited the larger review of
88 impervious surfaces and the discovery of the lakeside patio, denial of the patio-related portion of the
89 variance request would logically lead to an approval of the setback variance including a condition that
90 the existing impervious coverage not be increased.

91 Section 1009.04C of the City Code establishes a mandate that the Variance Board make five specific
92 findings about a variance request as a prerequisite for approving the variance. Planning Division staff
93 has reviewed the application and offers the following draft findings.

- 94 **a.** *The proposal is consistent with the Comprehensive Plan.* Planning Division staff believes that
95 the proposal is generally consistent with the Comprehensive Plan because it represents the sort of
96 continued investment promoted by the Comprehensive Plan’s goals and policies for residential
97 areas.
- 98 **b.** *The proposal is in harmony with the purposes and intent of the zoning ordinance.* Planning
99 Division staff finds the proposal to be consistent with the intent of the zoning ordinances because
100 the zoning code provides an administrative path to approving such a minor encroachment into
101 the required side yard setback. A variance would not be necessary in this situation, but it can be
102 addressed in this process since it is part of a larger variance request.
- 103 **c.** *The proposal puts the subject property to use in a reasonable manner.* Planning Division staff
104 believes that the proposal makes reasonable use of the subject property because the proposed
105 addition is aligned with the southern wall of the house and, because of the angle of this wall
106 relative to the property line, the proposed addition would achieve the minimum setback about
107 half way through its length.
- 108 **d.** *There are unique circumstances to the property which were not created by the landowner.*
109 Planning Division staff finds that the existing, nonconforming setback of the southern wall of the
110 house was established long before the applicant acquired the property—perhaps before Roseville
111 even incorporated and adopted a zoning code, resulting in unique circumstances that were not
112 created by the landowner.
- 113 **e.** *The variance, if granted, will not alter the essential character of the locality.* Because the
114 proposed addition would continue to conform to the minimum setback from Lake Owasso’s
115 OHWL and is to be built largely beneath an existing deck, the variance, if approved, would not
116 negatively alter the character of the surrounding residential neighborhood.

117 PUBLIC COMMENT

118 At the time this RVBA was prepared, Planning Division staff has not received any comments or
119 questions about the proposed home addition.

120 RECOMMENDED ACTIONS

- 121 **A) Adopt a resolution denying the requested variance to the nonconforming location of the**
122 **patio within the minimum required setback from OHWL at 3078 West Owasso Boulevard,**
123 **based on the content of this RVBA, public input, and Variance Board deliberation.**
- 124 **B) Adopt a resolution approving the proposed encroachment into the required minimum side**
125 **yard setback at 3078 West Owasso Boulevard,** based on the content of this RVBA, public
126 input, and Variance Board deliberation, with the following conditions:
- 127 a. The applicant shall reduce the size of the proposed addition or remove impervious coverage
128 elsewhere on the site such that the addition does not create a net increase of impervious
129 coverage on the property.
- 130 b. The applicant shall certify the proper functionality of the previously installed rain garden and
131 work through the Residential Storm Water Permit process to implement additional best
132 management practices such that storm water on the property is mitigated to the level that is
133 equivalent to 25% impervious coverage.

134 **ALTERNATIVE ACTIONS**

135 **A) Pass a motion to table the item for future action.** An action to table consideration of one or
136 both components of the variance request must be based on the need for additional information or
137 further analysis to reach a decision on one or both requests. Tabling beyond November 5, 2019,
138 may require extension of the 60-day action deadline established in Minn. Stat. 15.99 to avoid
139 statutory approval.

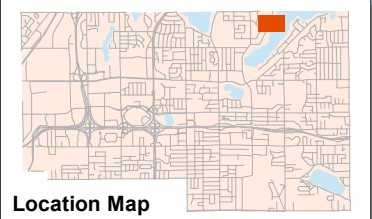
140 **B) Adopt a resolution approving the requested variance to the nonconforming location of the**
141 **patio within the minimum required setback from OHWL at 3078 West Owasso Boulevard.**
142 Approval of a variance should be supported by findings of fact related to the “practical
143 difficulty” as well as the other five items identified in §1009.04C of the City Code based on the
144 Variance Board’s review of the application, applicable zoning regulations, and the public record.

145 **C) Adopt a resolution denying the proposed encroachment into the required minimum side**
146 **yard setback at 3078 West Owasso Boulevard.** A recommendation of denial should be
147 supported by specific findings of fact based on the Variance Board’s review of the application,
148 applicable zoning regulations, and the public record.

- Attachments:
- | | |
|--|---|
| A: Area map | D: Comments from DRC |
| B: Aerial photo | E: Draft resolution denying the patio
encroachment variance |
| C: Proposed plans and written
narrative | F: Draft resolution approving the building
encroachment variance |

Prepared by: Senior Planner Bryan Lloyd
651-792-7073
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Planning File 19-020



Location Map

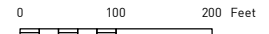


Prepared by:
Community Development Department
Printed: September 24, 2019



Data Sources
 * Ramsey County GIS Base Map (9/4/2019)
 For further information regarding the contents of this map contact:
 City of Roseville, Community Development Department,
 2660 Civic Center Drive, Roseville MN

Disclaimer
 This map is neither a legally recorded map nor a survey and is not intended to be used as one. This map is a compilation of records, information and data located in various city, county, state and federal offices and other sources regarding the area shown, and is to be used for reference purposes only. The City does not warrant that the Geographic Information System (GIS) Data used to prepare this map are error free, and the City does not represent that the GIS Data can be used for navigational, tracking or any other purpose requiring exacting measurement of distance or direction or precision in the depiction of geographic features. If errors or discrepancies are found please contact 651-792-7085. The preceding disclaimer is provided pursuant to Minnesota Statutes §466.03, Subd. 21 (2000), and the user of this map acknowledges that the City shall not be liable for any damages, and expressly waives all claims, and agrees to defend, indemnify, and hold harmless the City from any and all claims brought by User, its employees or agents, or third parties which arise out of the user's access or use of data provided.



Attachment B for Planning File 19-020

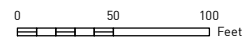


WEST OWASSO BL



Data Sources
* Ramsey County GIS Base Map (9/4/2019)
* Aerial Data: Sanborn (4/2017)
For further information regarding the contents of this map contact:
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9/6/2019

Residence of Ian and Jennifer Redlin

3078 W Owasso
Roseville, MN

To Whom it may concern:

We are looking to add an addition that would essentially replace existing impervious surface that is currently on the lot. The current owners purchased the property with existing conditions of the site having 34% impervious surface. Back in 2009 a variance was approved to allow the site to be increased from 25% to 30% impervious surface. At some point additional impervious surface must have been added and at no fault or knowing to the current owners. That being said, we are looking to add an addition that would net create a 35% true impervious surface to the lot. This would create more impervious surface than that which currently exists, but in doing so we also plan to create rain garden that would actually reduce the impervious surface calculation by 5% in order to get back down to the 30% impervious surface that was approved back in 2009. This would be a benefit to the lot in that this would result in a reduction of the current impervious surface from existing 34% to the proposed 30%. Being that the current owners purchased the property in this state, the understanding is that the lot however being over the impervious surface allowance was not created by them, they would be reducing this back to the approved 30% allowance approved back in 2009.

Thanks!

A handwritten signature in black ink, appearing to read 'Robbie Hyland', written in a cursive style.

Robbie Hyland
HBRE – Home Building & Remodeling Experts
(763) 337-3585 | Robbie@HBRE-MN.com | www.HBRE-MN.com



CERTIFICATE OF SURVEY

3078 West Owasso Street, Roseville, MN

LEGEND

- MONUMENT FOUND
- ☐ MAILBOX
- XC— FENCE LINE

LEGAL DESCRIPTION:

The land referred to herein is situated in the state of Minnesota, Ramsey County described as follows:

Lot 15, Lake Owasso Park, and that part of Lot 16, Lake Owasso Park, described as follows: Beginning at the most Northerly corner of said Lot 16, thence in a Southeasterly direction a distance of 296.3 feet to the point of beginning of the land to be described; thence in a Southwesterly direction a distance of 4 feet; thence in a Southeasterly direction a distance of 46 feet, more or less, to the Southeasterly line of said Lot 16; thence in a Northeasterly direction a distance of 4 feet to the Northeasterly line of said Lot 16; thence in a Northwesterly direction a distance of 46 feet, more or less, to the point of beginning

SET BACK REQUIREMENTS:

- 30' FRONT HOUSE TO R.O.W.
- 5' SIDE HOUSE TO PROPERTY LINE
- 75' REAR HOUSE TO ORDINARY HIGHWATER LINE (O.H.W.)
ELEV.=887.54 (NGVD 29)

LOT AREA SQUARE FOOTAGE:

28699 SQUARE FEET (TO O.H.W.)

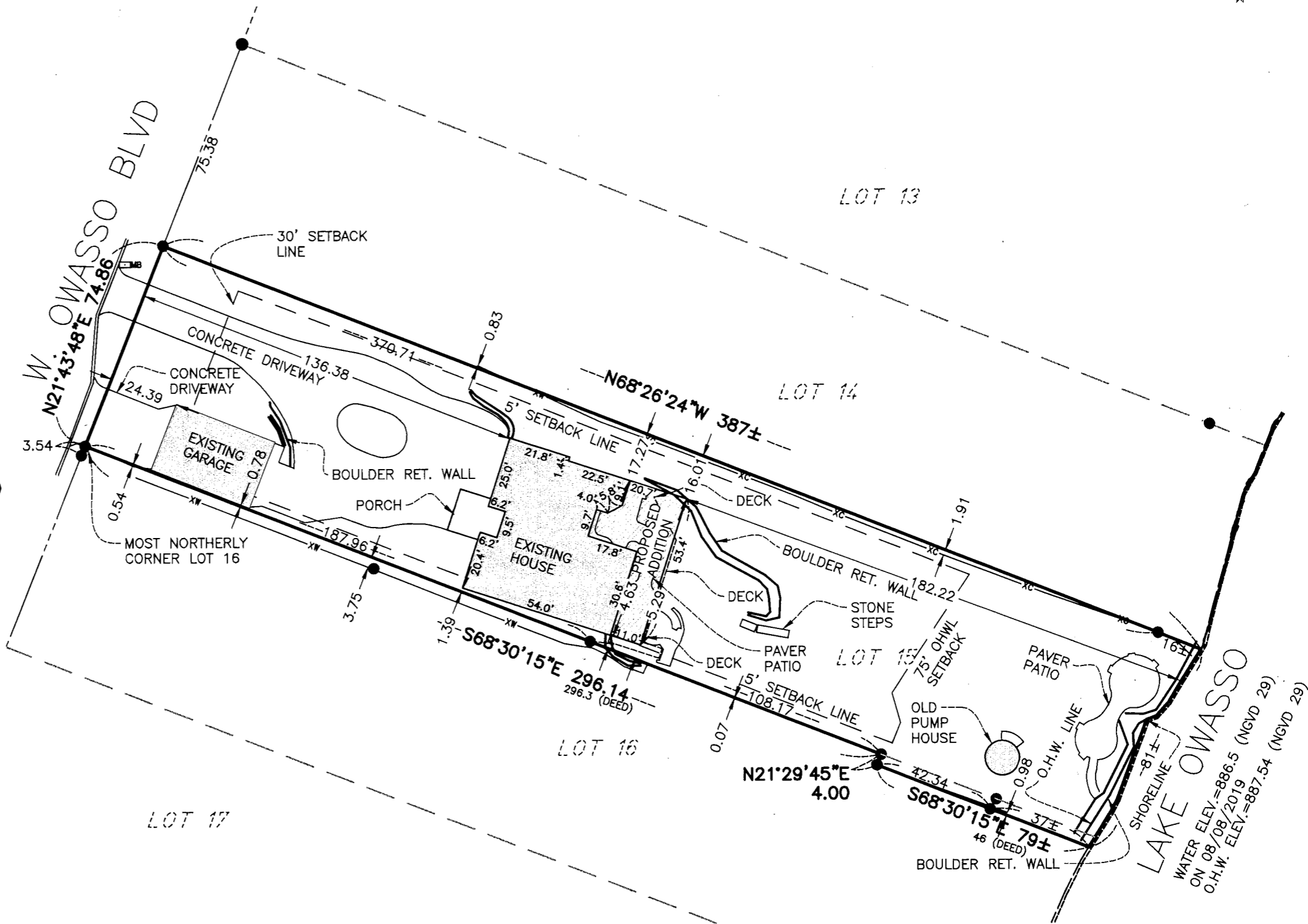
APPROXIMATE SQUARE FOOTAGE*:

- EXISTING HOUSE AREA = 2549
- EXISTING DETACHED GARAGE AREA = 882
- EXISTING PUMP HOUSE AREA = 115
- MAIN DRIVEWAY AREA = 4447
- DRIVEWAY TO DETACHED GARAGE AREA = 532
- PAVERS UNDER DECK = 692
- CONCRETE OUTSIDE PUMP HOUSE AREA = 230
- PAVER PATIO BY LAKE AREA = 520
- STEPS IN BACKYARD = 43

PROPOSED BUILD ADDITION AREA = 896

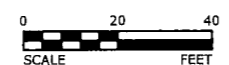
SURVEYOR:

Stonebrooke Engineering, Inc.
12279 Nicollet Ave. S.
Burnsville, MN 55337
Phone: 952-402-9202
Fax: 952-403-6803
www.stonebrookeengineering.com



Aug 14, 2019 - 8:53am - S:\PROJECTS\SURVEY\0648_Home_Building_&_Remodelling_Experts_(HBRE)\S0863 (Lot 15 & 16, LAKE OWASSO PARK, City of Roseville)\Cadd_Files\S0863HCP01.dwg

REV. NO.	DATE	BY	CHK	DESCRIPTION



I HEREBY CERTIFY THAT THIS SURVEY, PLAN, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.

Aaron J. Magos

NAME: Aaron J. Magos LIC. NO.: 45507 DATE: 08/14/2019

DESIGNED	AJM
DRAWN	AJM
CHECKED	AJM



CERTIFICATE OF SURVEY		SHEET
LOT 15 & PART OF LOT 16		4
LAKE OWASSO PARK		1

Page 2 of 4

**LAKE OWASSO
ADDITION &
REMODEL**

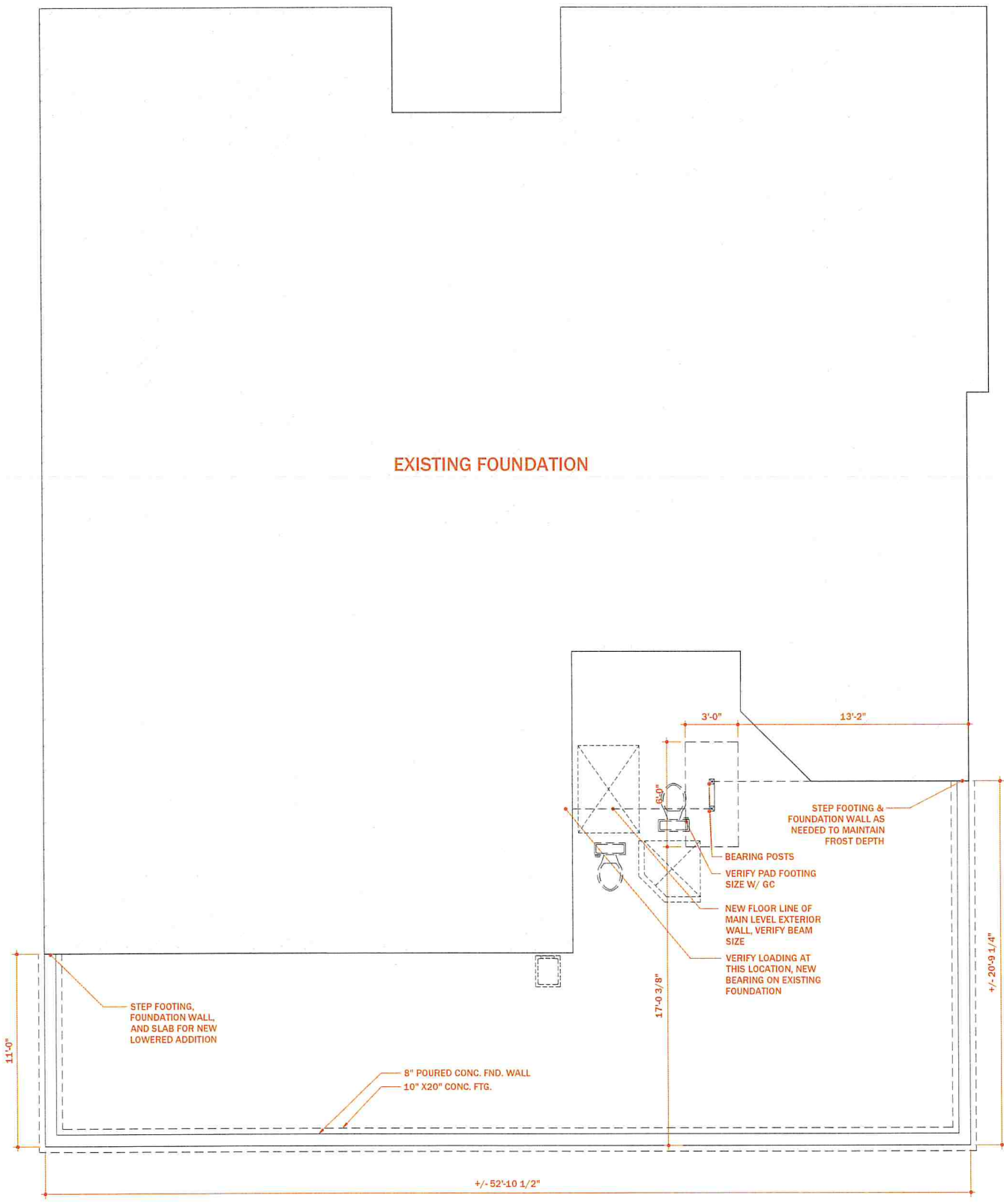
Roseville, MN
DATE: 7.18.19
PROJECT NO: 9901
REVISION: 1 2 3 4 5 6

NOTES:
1. ALL DIMENSIONS SHOWN ARE TO F.O. STUD UNLESS OTHERWISE NOTED.
2. HOUSE DATUM: 1.2' ± 0.0'

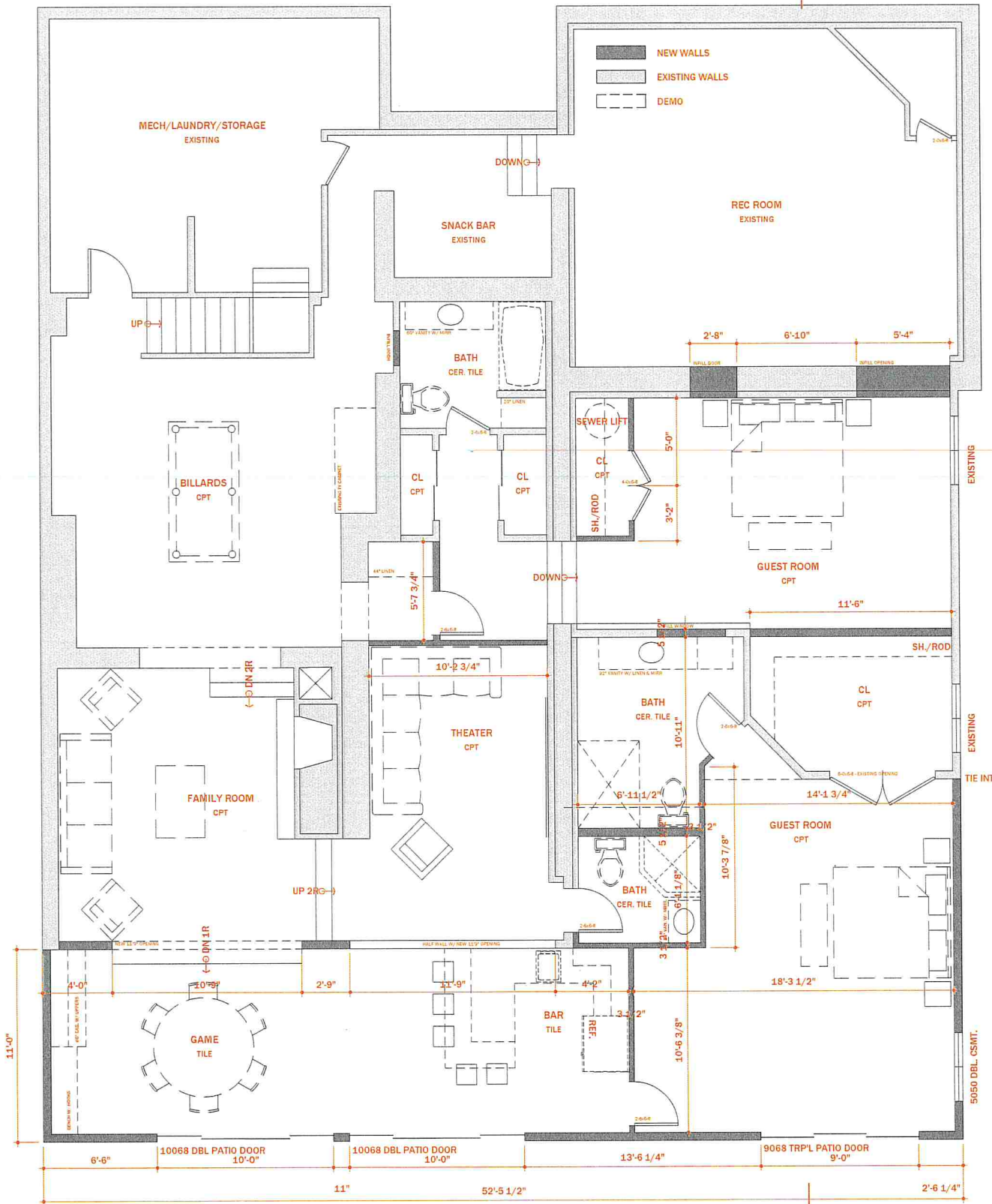


BLDG PLANS

SCALE: 1/4" = 1'-0"



1 FOUNDATION PLAN
SCALE: 1/4" = 1'-0"



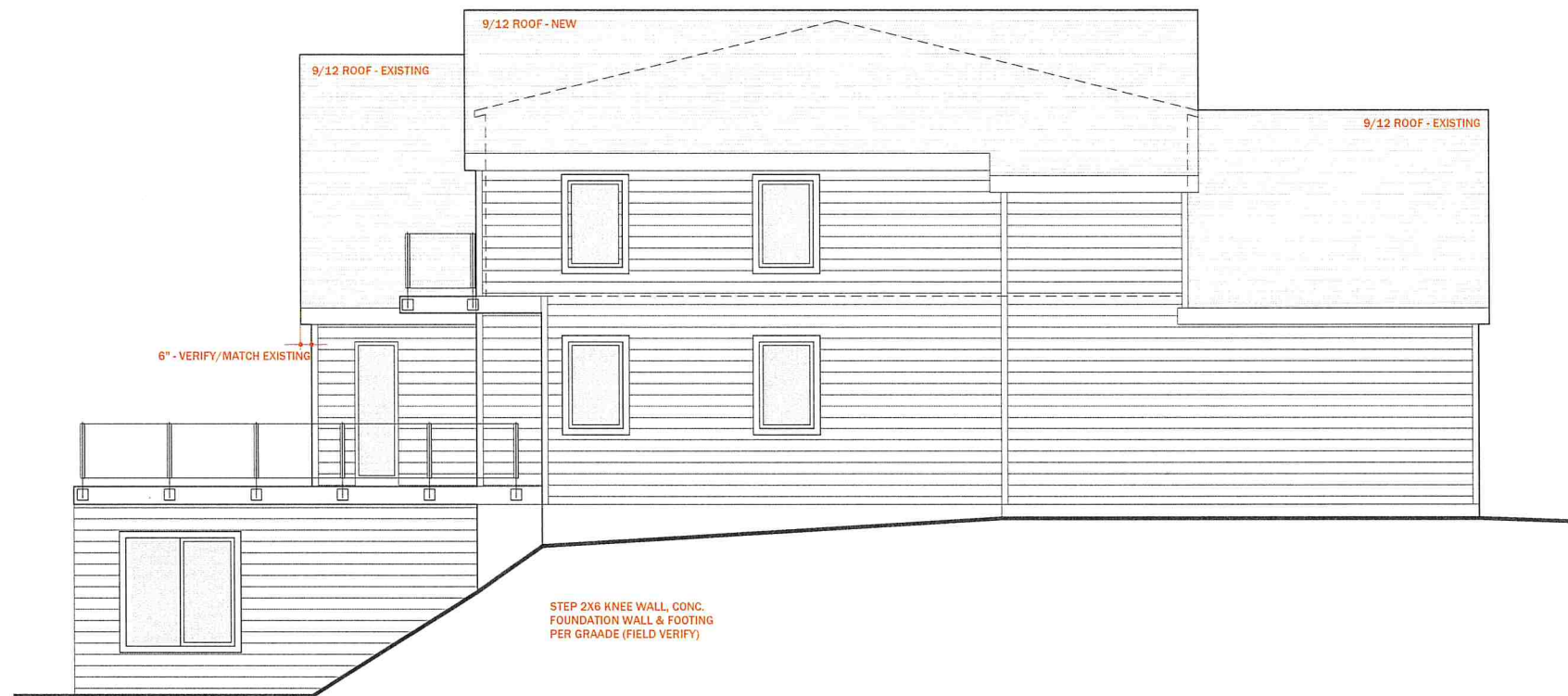
2 LOWER FLOOR PLAN
SCALE: 1/4" = 1'-0"

- ANDERSEN 100 SERIES WINDOWS SPEC'D
- SIDING & TRIM - MATCH EXISTING
- SOFFIT & FASCIA - MATCH EXISTING



1 BACK ELEVATION

SCALE: 1/4" = 1'-0"



2 SIDE ELEVATION

SCALE: 1/4" = 1'-0"



ELEVATIONS

SCALE: 1/4" = 1'-0"

A2.0



INTEROFFICE MEMORANDUM

Date: September 19, 2019

To: Thomas Paschke, City Planner
Bryan Lloyd, Senior Planner

From: Timothy O'Neill Fire Chief / Marshal

RE: (Planning File 19-020: Request by HBRE on behalf of the property owner, Ian Redlin, for variances to City Code §1004.02 (Residential Setbacks) and §1017 (Shoreland Requirements), to allow a pre-existing patio to remain in its location less than 30 feet from the Ordinary High Water Level and a home addition that would encroach into the require side yard setback at 3078 W Owasso Boulevard.
)

The Fire Department reviewed the proposed plans for the project noted above and offer the following comments with regard to the project's impact on City services and/or infrastructure:

1. No comments

**EXTRACT OF MINUTES OF MEETING OF THE
VARIANCE BOARD OF THE CITY OF ROSEVILLE**

1 Pursuant to due call and notice thereof, a regular meeting of the Variance Board of the City of
2 Roseville, County of Ramsey, Minnesota, was held on the 2nd day of October 2019, at 5:30 p.m.

3
4 The following Members were present: _____;
5 and _____ were absent.

6 Variance Board Member _____ introduced the following resolution and moved its
7 adoption:

8 **VARIANCE BOARD RESOLUTION NO. ____**

9 **A RESOLUTION APPROVING A VARIANCE TO ROSEVILLE CITY CODE §1004.08.B,**
10 **RESIDENTIAL SETBACKS, AT 3087 W OWASSO BOULEVARD (PF19-020)**

11 WHEREAS, the subject property is assigned Ramsey County Property Identification
12 Number 02-29-23-11-0037, and is legally described as:

13 [Requires Legal Description]

14 WHEREAS, City Code §1017.16.A (Shoreland Setbacks) requires patios to be set back
15 a minimum of 30 feet from the ordinary high water level (OHWL) of public waters; and

16 WHEREAS, Ian Redlin, owner of the property at 3078 W Owasso Boulevard, requested
17 a variance to §1017.16.A to allow an existing patio unlawfully installed by a previous property
18 owner within the minimum required OHWL setback; and

19 WHEREAS, City Code §1009.04 (Variances) establishes the purpose of a variance is "to
20 permit adjustment to the zoning regulations where there are practical difficulties applying to a
21 parcel of land or building that prevent the property from being used to the extent intended by
22 the zoning;" and

23 WHEREAS, the Variance Board has made the following findings:

- 24 **a.** The homeowners could avoid the need for this variance by not increasing the
25 impervious surface area on the property.
- 26 **b.** Even though the current homeowners did not install the patio in its unlawful
27 location, the only obstacle to moving or removing the patio to a conforming location
28 is the cost of doing so.

29 NOW THEREFORE BE IT RESOLVED, by the Roseville Variance Board, to deny the
30 requested variance to §1017.16.A of the City Code, Planning Division staff recommends denial
31 of the variance to the shoreland setback for the existing patio because of a lack of a practical
32 difficulty which the variance process is intended to relieve.

33 The motion for the adoption of the foregoing resolution was duly seconded by Variance
34 Board Member _____ and upon vote being taken thereon, the following voted in favor:
35 _____;
36 and _____ voted against;

37 WHEREUPON said resolution was declared duly passed and adopted.

38 *Variance Board Resolution No. ____ – 3078 W Owasso Boulevard (PF19-020)*

39 STATE OF MINNESOTA)
40) ss
41 COUNTY OF RAMSEY)

42 I, the undersigned, being the duly qualified City Manager of the City of Roseville, County
43 of Ramsey, State of Minnesota, do hereby certify that I have carefully compared the attached and
44 foregoing extract of minutes of a regular meeting of said Roseville Variance Board held on the
45 2nd day of October 2019.

46 WITNESS MY HAND officially as such Manager this 2nd day of October 2019.

47
48 Patrick Trudgeon, City Manager
49 SEAL

**EXTRACT OF MINUTES OF MEETING OF THE
VARIANCE BOARD OF THE CITY OF ROSEVILLE**

1 Pursuant to due call and notice thereof, a regular meeting of the Variance Board of the City of
2 Roseville, County of Ramsey, Minnesota, was held on the 2nd day of October 2019, at 5:30 p.m.

3
4 The following Members were present: _____;
5 and _____ were absent.

6 Variance Board Member _____ introduced the following resolution and moved its
7 adoption:

8 **VARIANCE BOARD RESOLUTION NO. ____**

9 **A RESOLUTION APPROVING A VARIANCE TO ROSEVILLE CITY CODE §1004.08.B,**
10 **RESIDENTIAL SETBACKS, AT 3087 W OWASSO BOULEVARD (PF19-020)**

11 WHEREAS, the subject property is assigned Ramsey County Property Identification
12 Number 02-29-23-11-0037, and is legally described as:

13 [Requires Legal Description]

14 WHEREAS, City Code §1004.08.B (Residential Setbacks) requires principal structures
15 to be set back a minimum of 5 feet from side property lines; and

16 WHEREAS, Ian Redlin, owner of the property at 3078 W Owasso Boulevard, requested
17 a variance to §1004.08.B to allow a proposed home addition to encroach up to 6 inches into the
18 required side yard setback; and

19 WHEREAS, City Code §1009.04 (Variances) establishes the purpose of a variance is "to
20 permit adjustment to the zoning regulations where there are practical difficulties applying to a
21 parcel of land or building that prevent the property from being used to the extent intended by
22 the zoning;" and

23 WHEREAS, the Variance Board has made the following findings:

- 24 **a.** The compromise and complexity added to the structure for the sake of avoiding a 4-
25 inch encroachment represents a practical difficulty which the variance process is
26 intended to relieve.
- 27 **b.** The proposal is generally consistent with the Comprehensive Plan because it
28 represents the sort of continued investment promoted by the Comprehensive Plan's
29 goals and policies for residential areas.
- 30 **c.** The proposal is consistent with the intent of the zoning ordinances because the
31 zoning code provides an administrative path to approving such a minor
32 encroachment into the required side yard setback. A variance would not be necessary
33 in this situation, but it has been addressed in this process since it is part of a larger
34 variance request.

- 35 **d.** The proposal makes reasonable use of the subject property because the proposed
36 addition is aligned with the southern wall of the house and, because of the angle of
37 this wall relative to the property line, the proposed addition would achieve the
38 minimum setback about half way through its length.
- 39 **e.** The existing, nonconforming setback of the southern wall of the house was
40 established long before the applicant acquired the property—perhaps before
41 Roseville even incorporated and adopted a zoning code, resulting in unique
42 circumstances that were not created by the landowner.
- 43 **f.** Because the proposed addition would continue to conform to the minimum setback
44 from Lake Owasso’s OHWL and is to be built largely beneath an existing deck, the
45 variance, if approved, would not negatively alter the character of the surrounding
46 residential neighborhood.

47 NOW THEREFORE BE IT RESOLVED, by the Roseville Variance Board, to approve
48 the requested variance to §1004.08.B of the City Code, based on the proposed plans, the
49 testimony offered at the public hearing, and the above findings, subject to the following
50 conditions:

- 51 **a.** The applicant shall reduce the size of the proposed addition or remove impervious
52 coverage elsewhere on the site such that the addition does not create a net increase of
53 impervious coverage on the property.
- 54 **b.** The applicant shall certify the proper functionality of the previously installed rain
55 garden and work through the Residential Storm Water Permit process to implement
56 additional best management practices such that storm water on the property is
57 mitigated to the level that is equivalent to 25% impervious coverage.

58 The motion for the adoption of the foregoing resolution was duly seconded by Variance
59 Board Member _____ and upon vote being taken thereon, the following voted in favor:
60 _____;
61 and _____ voted against;

62 WHEREUPON said resolution was declared duly passed and adopted.

