

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

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

The following Members were present: Kruzel, Pribyl, and Chair Sparby and none were absent.

Variance Board Member Pribyl introduced the following resolution and moved its adoption:

VARIANCE BOARD RESOLUTION NO. 143

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

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

Lot 15, Lake Owasso Park, and that part of Lot 16, Lake Owasso Park, described as follows: Beginning at the most Northerly comer 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

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

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

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

WHEREAS, the Variance Board has made the following findings:

- a. The compromise and complexity added to the structure for the sake of avoiding a 4-inch encroachment represents a practical difficulty which the variance process is intended to relieve.
- b. The proposal is generally consistent with the Comprehensive Plan because it represents the sort of continued investment promoted by the Comprehensive Plan's goals and policies for residential areas.
- c. The proposal is consistent with the intent of the zoning ordinances because the zoning code provides an administrative path to approving such a minor

encroachment into the required side yard setback. A variance would not be necessary in this situation, but it has been addressed in this process since it is part of a larger variance request.

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

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

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

The motion for the adoption of the foregoing resolution was duly seconded by Variance Board Member Kruzel and upon vote being taken thereon, the following voted in favor: Members Pribyl, Kruzel, and Chair Sparby; and none voted against;

WHEREUPON said resolution was declared duly passed and adopted.

