


ROSEVILLE
VARIANCE BOARD
REGULAR MEETING AGENDA

Wednesday, November 4, 2020 at 5:30 p.m.

Following guidance from state health officials, Variance Board Members will participate in upcoming meetings electronically pursuant to Minn. Stat. § 13D.021.

Members of the public who wish speak during public comment or an agenda item during this meeting can do so virtually by registering at www.cityofroseville.com/attendmeeting

1. **Call to Order**
2. **Roll Call & Introductions**
3. **Approval of Agenda**
4. **Review of Minutes:** September 2, 2020
5. **Public Hearing**
 - a. Consider a **variance** to City Code §1006.04.C (Setbacks) to allow a proposed medical office building and parking area to encroach into a required side yard setback at 2850 Snelling Avenue (PF20-032).
6. **Adjourn**



**Variance Board Regular Meeting
City Council Chambers, 2660 Civic Center Drive
Draft Minutes – Wednesday, September 2, 2020 – 5:30 p.m.**

Pursuant to Minn. Stat. 13.D.021, Variance Board members, City Staff, and members of the public participated in this meeting electronically due to the COVID-19 pandemic.

- 1 **1. Call to Order**
2 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 Chair Sparby, City Planner Thomas Paschke called the Roll.
7
- 8 **Members Present:** Chair Peter Sparby; Vice Chair Michelle Pribyl; and Member
9 Michelle Kruzel.
10
- 11 **Members Absent:** None
12
- 13 **Staff Present:** City Planner Thomas Paschke, Community Development Director
14 Janice Gundlach, Senior Planner Bryan Lloyd, and Community
15 Development Department Assistant Staci Johnson
16
- 17 **3. Approval of Agenda**
18 Senior Planner Lloyd indicated Item 5c. was deemed to be unnecessary and has been
19 withdrawn by the applicant and can be removed from the agenda.
20
- 21 **MOTION**
22 **Member Pribyl moved, seconded by Member Kruzel to approve the agenda as**
23 **amended.**
24
- 25 **Ayes: 3**
26 **Nays: 0**
27 **Motion carried.**
28
- 29 **4. Review of Minutes: August 5, 2020**
30 **MOTION**
31 **Member Kruzel moved, seconded by Member Pribyl to approve the August 5, 2020**
32 **meeting minutes.**
33
- 34 **Ayes: 3**
35 **Nays: 0**
36 **Motion carried.**
37
- 38 **5. Public Hearing**

39 Chair Sparby reviewed protocol for Public Hearings and public comment and opened the
40 Public Hearing at approximately 5:40 p.m.

41

42 **a. PLANNING FILE 20-020**

43 **Consider a Variance to City Code §1004 (Residential Setbacks) to Allow a**
44 **Garage Addition that would Encroach into the Required Front Yard Setback at**
45 **640 Eldridge Avenue.**

46 Senior Planner Lloyd reviewed the variance request for this property, as detailed in
47 the staff report dated September 2, 2020.

48

49 Member Pribyl indicated in the report it is noted there is a letter of support from a
50 neighbor.

51

52 Mr. Lloyd indicated he received a phone call from a neighbor across the street
53 indicating there was not any objection but other than that staff has not received any
54 other comments from the public.

55

56 Member Pribyl noted in the packet there was an elevation shown with the garage and
57 the garage had a pitched roof on it. She wondered if the applicant had considered a
58 flat roof that might allow for more useable space which would keep it at a lower
59 elevation in the front yard.

60

61 Mr. Lloyd suggested more of a rooftop deck type of structure. He explained as far as
62 staff's position on the addition, this does meet City standards but is something staff
63 could discuss with the applicant if the Variance Board would like that.

64

65 Chair Sparby asked if this will be ten feet off of Eldridge Avenue.

66

67 Mr. Lloyd explained the precise distance is not readily known because the survey has
68 not been done yet and the homeowner has not been able to find the corner markers for
69 both front corners. The owner did find the property corner that is less helpful. He
70 showed the aerial photo from the packet and reviewed the property.

71

72 Chair Sparby wondered if the City would go more than ten feet for the variance
73 because ten feet seems a reasonable amount to go to the right-of-way line but going
74 much further than that it would appear to encroach on the right-of-way.

75

76 Mr. Lloyd explained staff would not necessarily recommend more than ten feet. The
77 recommendation staff has made is sort of predicated on the location about ten feet
78 from the front property line. The garage itself, at twenty feet deep is about as modest
79 as a two-car garage can be. The draft resolution in the packet would indicate
80 addressing the variance as potentially approving that twenty-foot depth and not
81 directly affected by what the resulting setback is, which the City typically does. A
82 condition could be attached to the approval that requires a new application or further
83 consideration if the garage were to be less than ten feet from the property boundary.

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85 Chair Sparby invited the applicant to make a presentation or answer questions.

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Ms. Nicole Pierce, application, 640 Eldridge Avenue, reviewed the application with the Variance Board.

Chair Sparby offered an opportunity for public comment with no one coming forward.

Chair Sparby closed the public hearing at 5:55 p.m.

MOTION
Member Pribyl moved, seconded by Member Kruzel, adoption of Variance Board Resolution No. 150 (Attachment D), entitled “A Resolution Approving Variances to Roseville City Code §1004 Residential Setbacks and §1004.05.A, Design Standards, at 640 Eldridge Avenue.”

Member Pribyl thought given the unique circumstances of this site and the fact that the garage is tucked down between retaining walls, the lack of other spaces to put a garage make this a reasonable proposal.

Member Kruzel thought what the application was trying to do makes sense.

Chair Sparby agreed and thought the applicant has been creative in trying to figure out something that works in the neighborhood. Certainly, there are difficulties that are based on that particular property and given some of the characteristics of the neighborhood he thought this will blend in well. He indicated he did support the motion.

Ayes: 3
Nays: 0
Motion carried.

Chair Sparby reviewed protocol for Public Hearings and public comment and opened the Public Hearing at approximately 6:01 p.m.

b. PLANNING FILE 20-022
Consider a Variance to City Code §1004 (Residential Setbacks) to Allow a Rebuilt Detached Garage to Encroach into the Required Side Yard Setback at 2666 Matilda Street.

Senior Planner Lloyd reviewed the variance request for this property, as detailed in the staff report dated September 2, 2020.

Member Kruzel asked with the setback being what it is, is this kind of a common thing that has been done elsewhere in the City.

Mr. Lloyd explained this is not entirely unusual, but this does seem to be a more unique circumstance with the narrow lots and substandard lot area having ten thousand rather than eleven thousand square feet. The general idea of supporting modest, two stall garages is very much consistent with lots of variance approvals over

132 time. Many of the homes in Roseville were built when one car garages were more of
133 the standard and over the years the household needs have changed, and the standard
134 really is two cars. Because of the age of the community and when the properties were
135 platted and structures built, there is not often much space where space is needed to
136 expand a garage like this. He noted he heard from one person that was in support of
137 this with no other comments from the surrounding homeowners.

138
139 Mr. Eric Gunderson, applicant, 2666 Matilda Street, reviewed the application with the
140 Variance Board.

141
142 Chair Sparby offered an opportunity for public comment with no one coming forward.

143 Chair Sparby closed the public hearing at 6:18 p.m.

144
145 **MOTION**

146 **Member Pribyl moved, seconded by Member Kruzel, adoption of Variance**
147 **Board Resolution No. 151 (Attachment D), entitled “A Resolution Approving a**
148 **Variance to Roseville City Code §1004.01.A, Residential Setbacks, at 2666**
149 **Matilda Street.”**

150
151 Member Pribyl felt this was a very reasonable proposal on a tight site with several
152 trees. It is similar to other houses and garages in the neighborhood and seems to have
153 little to no impact on the neighbors and it would be helpful to the residents that live
154 there and for future residents.

155
156 Member Kruzel agreed and indicated she supported the plan that is in place.

157
158 Chair Sparby indicated he would support this as well along with the two-foot setback
159 and it was reasonable going from a one car to a two-car garage.

160
161 **Ayes: 3**

162 **Nays: 0**

163 **Motion carried.**

164
165 **c. PLANNING FILE 20-023**

166 **Consider a Variance to City Code §1017 (Shoreland Setbacks) to Allow a Home**
167 **Addition to Encroach into the Required Shoreline Setback at 3079 Sandy Hook**
168 **Drive.**

169 This item was removed from the agenda by the applicant.

170
171 **6. Adjourn**

172
173 **MOTION**

174 **Member Kruzel, seconded by Member Pribyl, to adjourn the meeting at 6:20**
175 **p.m.**

176
177 **Ayes: 3**

178
179
180

Nays: 0
Motion carried.

ROSEVILLE
REQUEST FOR VARIANCE BOARD ACTION

Date: November 4, 2020
 Item No. 5a

Department Approval

Agenda Section
 Public Hearings

Janice Gundlach

Item Description: Request for a variance to City Code §1006.04.C (Setbacks) to allow a proposed medical office building and parking area to encroach into a required side yard setback (PF20-032)

APPLICATION INFORMATION

Applicant: Hukum Business LLC
 Location: 2850 Snelling Avenue
 Property Owner: Hukum Business LLC
 Open House Meeting: N/A
 Application Submittal: Submitted and considered complete October 9, 2020
 City Action Deadline: December 8, 2020, per Minn. Stat. 15.99

GENERAL SITE INFORMATION

Land Use Context

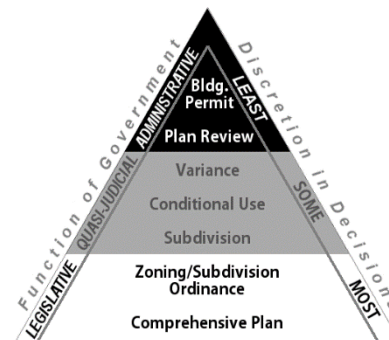
	Existing Land Use	Guiding	Zoning
Site	Dwelling, one-family, detached	O	O/BP
North	Medical office	O	O/BP
West	General retail	CB	CB
East	Place of assembly	INST	INST
South	Dwelling, multifamily	HDR	HDR-1

Notable Natural Features: none

Planning File History: none

LEVEL OF CITY DISCRETION IN DECISION-MAKING

Action taken on variance requests is **quasi-judicial**.



1 **BACKGROUND**

2 The existing house on the property was originally built sometime in the late 1800s, although it was
3 expanded over time. It was the dwelling on a larger farm property, platted as a lot of about 13,500
4 square feet in the 1950 *Rosette* plat. Most of the plat was developed as the Centennial United Methodist
5 church, and the remainder has become right-of-way for the Snelling Avenue frontage road along with a
6 medical office on the adjacent property to the north.

7 The property has been guided for business development in Roseville’s comprehensive plans since at
8 least 1969, and has been zoned for business uses since the mid-1960s. In 2010, this property and its
9 northern neighbor were rezoned to the O/BP (Office/Business Park) district, but the single-family
10 dwelling on the property has been a legal, nonconforming use since the residential zoning was first
11 changed to a non-residential district in the 1960s. This rezoning to O/BP imposed a minimum lot area
12 requirement of 20,000 square feet, which rendered the smaller size of the lot a legal nonconforming
13 condition. The neighboring property to the south was developed into the Coventry apartment and
14 townhome complex in the late 1970s.

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

18 **VARIANCE ANALYSIS**

19 City Code §1006.04.C (Office/ Business Park Setbacks) requires structures and parking areas in the
20 O/BP zoning district to be set back at least 40 feet from side property lines abutting a residential
21 property. While the subject property for this application abuts the Coventry development, it is most
22 immediately adjacent to the multifamily complex’s entrance road and detached garage structure. The
23 minimum side yard setback requirement from a residential district is primarily intended to preserve
24 space to buffer the residents from the adjacent commercial activity, but the nearest part of a residential
25 building on the Coventry property appears to be more than 120 feet from the boundary of the subject
26 property.

27 Roseville’s Development Review Committee (DRC) has reviewed iterations of this proposal on several
28 occasions, including most recently on October 22, and all of the comments and feedback based on the
29 DRC’s review of the application are included in the analysis below.

30 **REVIEW OF VARIANCE APPROVAL REQUIREMENTS**

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

35 The subject property area is well below the minimum requirement of 20,000 square feet, and without
36 even considering the applicable setbacks from other property lines, the 40-foot setbacks required from
37 the southern boundary leaves only about 6,800 square feet of developable area, which is constrained to
38 the northernmost 55 feet of the property. Considering that none of the dwelling units on the residential
39 property to the south are within 120 feet from the subject property, the heightened side yard setback in
40 this location represents a practical difficulty which the variance process is intended to relieve.

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

- 44 a. *The proposal is consistent with the Comprehensive Plan.* Planning Division staff believes that
45 the proposal is generally consistent with the Comprehensive Plan because it would change the
46 land use on the property to something that conforms to the Office guidance and because it
47 represents the sort of reinvestment promoted by the Comprehensive Plan’s goals and policies for
48 commercial areas while not compromising the policies intended to protect the residential
49 properties adjacent to those commercial areas.
- 50 b. *The proposal is in harmony with the purposes and intent of the zoning ordinance.* Planning
51 Division staff finds the proposal to be consistent with the intent of the zoning ordinances because
52 the proposed redevelopment will not negatively affect the adjacent residential property even
53 though it will encroach into the required side yard setback.
- 54 c. *The proposal puts the subject property to use in a reasonable manner.* Planning Division staff
55 believes the proposal makes reasonable use of the subject property because the medical office
56 will be appropriately scaled for the size of the subject property.
- 57 d. *There are unique circumstances to the property which were not created by the landowner.*
58 Planning Division staff finds that the existing setback requirements, which are overly restrictive
59 for this particular situation, are the results of legislative actions taken by the City and have
60 resulted in unique circumstances that were not created by the landowner.
- 61 e. *The variance, if granted, will not alter the essential character of the locality.* Because the
62 proposed medical office would be surrounded by multifamily residential, institutional, and other
63 medical office development, the variance, if approved, would not negatively alter the character
64 of the locality.

65 **PUBLIC COMMENT**

66 At the time this RVBA was prepared, Planning Division staff has not received any comments or
67 questions about the proposed medical office development.

68 **RECOMMENDED ACTION**

69 **Adopt a resolution approving the requested variances the required minimum side yard setbacks at**
70 **2850 Snelling Avenue**, based on the content of this RVBA, public input, and Variance Board
71 deliberation.

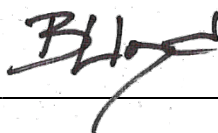
72 **ALTERNATIVE ACTIONS**

- 73 **A) Pass a motion to table the item for future action.** An action to table consideration of the
74 variance request must be based on the need for additional information or further analysis to reach
75 a decision. Tabling beyond December 2, 2020, may require extension of the 60-day action
76 deadline established in Minn. Stat. 15.99 to avoid statutory approval.
- 77 **B) Adopt a resolution denying the proposed encroachments into the required minimum side**
78 **yard setbacks at 2850 Snelling Avenue** A recommendation of denial should be supported by
79 specific findings of fact based on the Variance Board’s review of the application, applicable
80 zoning regulations, and the public record.

Attachments: A: Area map
B: Aerial photo

C: Proposed plans and written narrative
D: Draft resolution

Prepared by: Senior Planner Bryan Lloyd
651-792-7073
bryan.lloyd@cityofroseville.com



Attachment A: Planning File 20-032



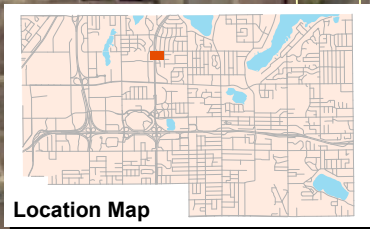
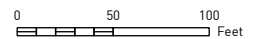
Attachment B: Planning File 20-032



Disclaimer

Data Sources
 * Ramsey County GIS Base Map (10/1/2020)
 * Aerial Data: Pictometry [4/2018]
 For further information regarding the contents of this map contact:
 City of Roseville, Community Development Department,
 2660 Civic Center Drive, Roseville MN

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Location Map



Winther-Johnson-Robinson
Architects-Designers

VARIANCE APPLICATION SUPPLEMENTAL INFORMATION

Property Owner: Hukum Business, LLC

Property Address: 2850 Snelling Avenue North, Roseville, MN

Parcel Identification Number: 032923320019

Legal Description: Lot 5, Block 2, Rosette, Ramsey County, Minnesota

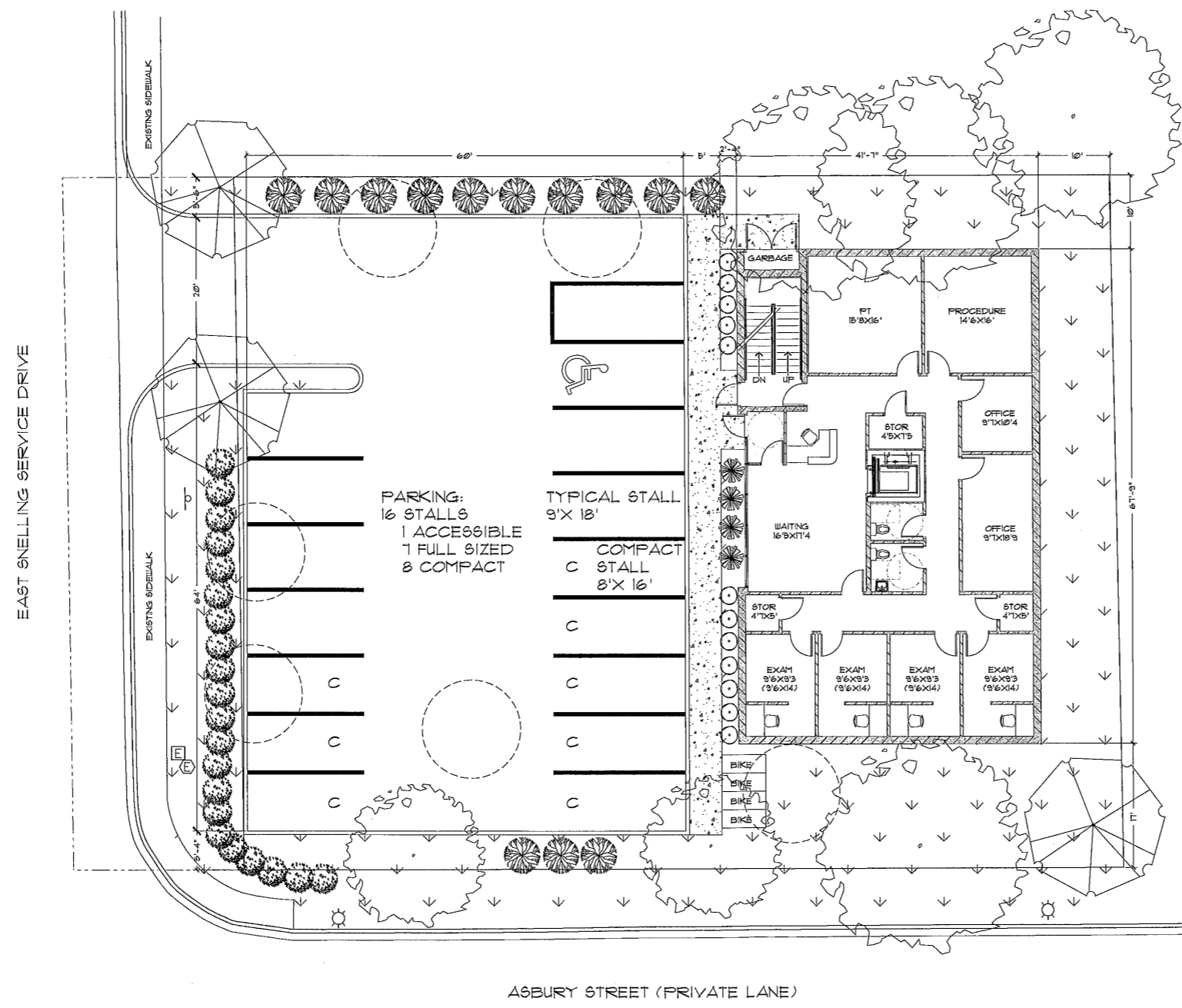
Project Narrative:

This application is to address three variances of the Zoning Code. The lot is undersized at 11,434 useable square feet to the required size of 20,000 sf. We request a variance of the side yard setback for both parking and building from 40' to 5' and 17' respectively. Finally, we ask for reduction in required on-site parking from 21 to 16 stalls.

This property is zoned as Office/Business Park (BP) and with this designation the lot is required to be a minimum of 20,000 sf. Unfortunately, the lot has only 11,434 sf of useable land to build upon. The lot size inherently limits what can be placed on the property without variances on the Zoning Code requirements. The size is what it is and cannot be increased since it is surrounded by other private properties or highway right-of-way.

The property owner would like to build a two-story building with a 2,600 sf footprint. Balancing the building size with the required parking for such a building requires an encroachment into the side yard setback for both the parking and building. In a normal lot without a residential designation to the south, the building and parking would be within the allowable setbacks. In this case, the residential designation is present south of the property. The immediate adjacency on the south is an access roadway with center median called Asbury Street, a deep lawn area backing up to the back of a garage building, an internal drive and maneuvering lane and finally the residential building. We say this to say the impact on the adjacent property is minimal. Our intent is to mitigate this reduction of the setback by retaining as many mature healthy trees on the variance side of the property as possible and to supplement with at least one tree and shrubs. Where the lot is not with shrubs the landscape will be lawn.

The size of the building dictates the parking requirements. The lot size does not allow the required 21 stalls. It allows 16 stalls of which half are compact stalls. The parking will include one access aisle with an accessible parking stall. The type of building is a medical clinic. The practice has multiple locations around the Cities and therefore the doctors or physical therapist are not always on site. As a result, the building calculates out with more stalls than they actually need. They have three full-time staff on site. The exam rooms are setup to have two active at any one time when doctors or physical therapy staff are on site. There will be a third doctor or physical therapist in the physical therapy room. When a doctor is in the procedure room the corresponding exam room is not used. The actual count of persons on site are 3 staff, 3 doctor/physical therapist, 3 patients and 3 in waiting equaling 12 persons that can arrive by car, bike or transit.



LEGEND

- TURF/LANDSCAPE
- NEW CONCRETE
- EXISTING DECIDUOUS
- NEW DECIDUOUS
- TREE TO BE REMOVED
- MISCELLANEOUS SHRUBS
- EXISTING HEDGE TO REMAIN

SITE

LOT AREA:

GROSS AREA	13,660 SF
RIGHT OF WAY	2,226 SF
NET USEABLE AREA	11,434 SF

IMPERMEABLE SURFACE: (74%)

BUILDING	2,795 SF
PARKING/ACCESS LANE	5,158 SF
NEW SIDEWALK/BIKES	524 SF

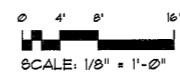
PERMEABLE SURFACE AREA: (26%)
WITHIN R/W AND PROPERTY LINE

TURF AND VEGETATION	2,956 SF
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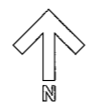
BUILDING

2 STORY MEDICAL CLINIC W/ BASEMENT
STORAGE AND UTILITIES
CONSTR. TYPE V-B, FIRE SPRINKLED,
B OCCUPANCY

FLOOR	GROSS AREA	NET AREA
BASEMENT	2,795 SF	2,554 SF
1ST FLOOR	2,795 SF	2,599 SF
2ND FLOOR	2,181 SF	1,999 SF
	7,771 SF	7,152 SF



1 PRELIMINARY SITE AND FLOOR PLAN
A1 1/8" = 1'-0"



WR
Winther-Johnson-Robinson
Architects-Designers
8175-B Lewis Road
Golden Valley, Minnesota 55427
Phone: 763-398-0458
Fax: 763-398-0455

I hereby certify that this plan, specification or report was prepared by me or under my direct supervision and that I am a duly registered architect under the laws of the State of Minnesota.

Date: _____ Reg. No. _____

MEDICAL CLINIC
DR. ARORA
2850 SNELLING AVENUE NORTH

Issues & Revisions:
Origination Date: 10/01/00
Revision: 01/04/01
Sheet Title:
Preliminary Site Plan

Location:
2850 Snelling Ave. N
Roseville, MN 55199

Project No.: 90-536,018
Scale: As Noted
Drawn By: RFR
Approved:

A1
OF

**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 4th day of November 2020, at 5:30 p.m.

The following Members were present: _____;
and _____ was absent.

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

VARIANCE BOARD RESOLUTION NO. _____

**A RESOLUTION APPROVING VARIANCES TO ROSEVILLE CITY CODE §1006.04.C,
OFFICE/BUSINESS PARK SETBACKS, AT 2850 SNELLING AVENUE (PF20-032)**

WHEREAS, the subject property is assigned Ramsey County Property Identification Number 03-29-23-32-0019, and is legally described as:

Lot 5, Block 2, Rosette, Ramsey County, Minnesota.

WHEREAS, City Code §1006.04.C (Office/Business Park Setbacks) requires principal structures and parking areas to be set back a minimum of 40 feet from side property lines adjacent to residential properties; and

WHEREAS, Hukum Business LLC, owner of the property at 2850 Snelling Avenue, requested a variance to §1005.06.C to allow a proposed structure to encroach up to 23 feet into the required setback and a proposed parking area to encroach up to 35 feet into the required 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. Because none of the dwelling units on the residential property to the south are within 120 feet from the subject property, the heightened side yard setback in this location represents a practical difficulty which the variance process is intended to relieve
- b. The proposal is generally consistent with the Comprehensive Plan because it would change the land use on the property to something that conforms to the Office guidance and because it represents the sort of reinvestment promoted by the Comprehensive Plan's goals and policies for commercial areas while not compromising the policies intended to protect the residential properties adjacent to those commercial areas.
- c. The proposal is consistent with the intent of the zoning ordinances because he proposed redevelopment will not negatively affect the adjacent residential property even though it will encroach into the required side yard setback.

- 39 **d.** The proposal makes reasonable use of the subject property because the medical
40 office will be appropriately scaled for the size of the subject property.
- 41 **e.** The existing setback requirements, which are overly restrictive for this particular
42 situation, are the results of legislative actions taken by the City and have resulted in
43 unique circumstances that were not created by the landowner.
- 44 **f.** Because the proposed medical office would be surrounded by multifamily
45 residential, institutional, and other medical office development, the variance, if
46 approved, would not negatively alter the character of the locality.

47 NOW THEREFORE BE IT RESOLVED, by the Roseville Variance Board, to approve
48 the requested variances to §1006.04.C of the City Code, based on the proposed plans, the
49 testimony offered at the public hearing, and the above findings.

50 The motion for the adoption of the foregoing resolution was duly seconded by Variance
51 Board Member _____ and upon vote being taken thereon, the following voted in favor:
52 Members _____;
53 and _____ voted against;

54 WHEREUPON said resolution was declared duly passed and adopted.

