

 **ROSEVILLE**
VARIANCE BOARD
REGULAR MEETING AGENDA

Wednesday, December 2, 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:** November 4, 2020
5. **Public Hearing**
 - a. Consider a **variance** to City Code §1004.08.B (Structure Setbacks) to allow a proposed garage addition to encroach into a required side yard setback at 1114 Autumn Street.
6. **Adjourn**



**Variance Board Regular Meeting
City Council Chambers, 2660 Civic Center Drive
Draft Minutes – Wednesday, November 4, 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
- 19 **MOTION**
20 **Member Kruzel moved, seconded by Member Pribyl to approve the agenda as**
21 **presented.**
22
- 23 **Ayes: 3**
24 **Nays: 0**
25 **Motion carried.**
26
- 27 **4. Review of Minutes: September 2, 2020**
28
- 29 **MOTION**
30 **Member Sparby moved, seconded by Member Pribyl to approve the September 2,**
31 **2020 meeting minutes as presented.**
32
- 33 **Ayes: 3**
34 **Nays: 0**
35 **Motion carried.**
36
- 37 **5. Public Hearing**

38 Chair Sparby reviewed protocol for Public Hearings and public comment and opened the
39 Public Hearing at approximately 5:35 p.m.

40

41 **a. PLANNING FILE 20-032**

42 **Consider a variance to City Code §1006.04.C (Setbacks) to allow a proposed**
43 **medical office building and parking area to encroach into a required side yard**
44 **setback at 2850 Snelling Avenue.**

45 Senior Planner Lloyd reviewed the variance request for this property, as detailed in
46 the staff report dated November 4, 2020.

47

48 Member Pribyl indicated she noticed in the applicants letter a reference to a need for
49 a parking variance but did not see it in the staff report. She wondered if that was
50 needed or not.

51

52 Mr. Lloyd explained the zoning code, sets out a number of parking stalls for a
53 minimum requirement for a property given its general land use and its floor area but
54 also provides for ways to reduce that minimum number on a given property. That
55 reduction can come in the form of having on-street parking available adjacent to the
56 site. It can also come in the form of being close to transit stops that have frequent
57 service and would reduce the need for people to drive their own vehicles to that site
58 and it also provides the opportunity to receive information that indicates the way this
59 property will operate is such that it does not need the required minimum number of
60 stalls. There are ways to reduce the minimum number of stalls that are required for
61 the site without needing a variance and is why the analysis prepared in staff's
62 recommendation does not include that topic.

63

64 Member Pribyl noted the request for parking stalls is twelve stalls and there are
65 sixteen shown so is it the intent of the applicant to use sixteen or is that was agreed
66 upon with the City because it seems to be very tight and if the applicant does not need
67 sixteen maybe it could be reduced.

68

69 Mr. Lloyd indicated discussion with the applicant about that topic could be continued.
70 He noted staff has not formally reviewed that part of this application yet because that
71 opportunity does exist to work out an appropriate number of stalls. It is still sort of
72 any open question although their proposal, given the description about how the office
73 facility will operate with the number of practitioners on site at one time and the
74 number of office staff along with patients. It certainly seems like the applicant is well
75 on track to having an approvable plan.

76

77 Member Kruzel asked if there has been input from the neighborhood.

78

79 Mr. Lloyd indicated he has not received any emails or phone calls about this variance
80 proposal.

81

82 Chair Sparby wondered in this situation if staff has seen the unique circumstances as
83 really the application of the office business park requirements to this specific lot and
84 that being out of the applicants' control.

85
86 Mr. Lloyd indicated the combination of the substandard lot size, if the lot were bigger
87 there would be more room to implement that heightened setback in which case it
88 might not be a compelling application for a variance.

89
90 Chair Sparby invited the applicant and representative to comment.

91
92 Mr. Reed Robinson, architect for applicant, addressed the Commission.

93
94 Member Pribyl wondered about windows in the office spaces. She did not think this
95 building was real close to residential homes but she noticed windows in the lobby
96 area but not in the other spaces and did not know if that was the preliminary nature of
97 the drawing or if there are windows facing the residential properties or not.

98
99 Mr. Robinson indicated this is preliminary drawing and since that drawing windows
100 have been introduced in the front of the building. There are some in the back as well,
101 coming off of offices and also in the examination rooms on the south side, which is
102 basically the residential area. The way this doctor happens to have the exam rooms
103 set up is there is actually a small alcove area that is used as seating to make notes, etc.
104 and on the other side of the wall is the exam area. The area that is the doctor's private
105 area there is a window. On the north side there are windows out of the procedure and
106 the PT area on both floors.

107
108 Dr. Sanjeev Arora, applicant, addressed the Commission.

109
110 Chair Sparby offered an opportunity for public comment with no one coming forward.

111
112 Chair Sparby closed the public hearing at 5:51 p.m.

113
114 **MOTION**

115 **Member Pribyl moved, seconded by Member Kruzel, adoption of Variance**
116 **Board Resolution No. 152 (Attachment D), entitled "A Resolution Approving**
117 **Variations to Roseville City Code §1006.04.C, Office/Business Park Setbacks, at**
118 **2850 Snelling Avenue."**

119
120 **Ayes: 3**

121 **Nays: 0**

122 **Motion carried.**

123
124 **6. Adjourn**

125
126 **MOTION**

127 **Member Pribyl, seconded by Member Kruzel, to adjourn the meeting at 5:54**
128 **p.m.**

129
130 **Ayes: 3**

131 **Nays: 0**

Motion carried.

ROSEVILLE
REQUEST FOR VARIANCE BOARD ACTION

Date: December 2, 2020
 Item No. 5a

Department Approval

Agenda Section
 Public Hearings

Janice Gundlach

Item Description: Request for a variance to City Code §1004.08.B (Structure Setbacks) to allow a proposed garage addition to encroach into a required side yard setback (PF20-033)

APPLICATION INFORMATION

Applicant: Jordan Cabak
 Location: 1114 Autumn Street
 Property Owner: Jordan Cabak
 Application Submittal: Submitted and Considered complete November 6, 2020
 City Action Deadline: January 5, 2021, per Minn. Stat. 15.99

GENERAL SITE INFORMATION

Land Use Context

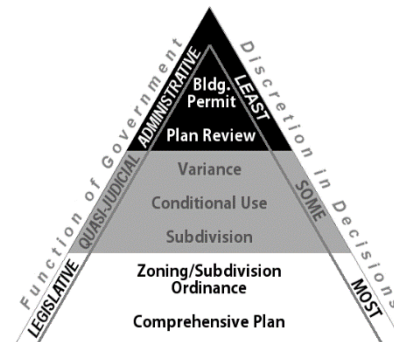
	Existing Land Use	Guiding	Zoning
Site	One-family residence, detached	LR	LDR-1
North	One-family residence, detached	LR	LDR-1
West	One-family residence, detached	LR	LDR-1
East	One-family residence, detached	LR	LDR-1
South	One-family residence, detached	LR	LDR-1

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 According to Ramsey County’s property data, the home and attached garage was originally built in
3 1971, but the lot itself appears to have been platted in 1955, before the adoption of the subdivision code
4 in 1956 establishing minimum lot size requirements. The table below shows the minimum requirements
5 and approximate actual values of the width, depth, and area of the subject property.

	Width	Depth	Area
Minimum Requirement	85 ft.	110 ft.	11,000 sq. ft.
Approx. Actual Size	75 ft.	135 ft.	10,125 sq. ft.

6 The property would need to be at least 10 feet wider to conform to the minimum width requirement
7 which, at its current depth, would allow the property to conform to the minimum area requirement. The
8 substandard lot size, having been created before Roseville’s standard minimums were established, is a
9 legal nonconforming condition.

10 A single-stall garage was a pretty standard residential amenity at the time it was built, and Planning
11 Division staff presumes if the property were platted 10 feet wider, conforming to the width standard
12 adopted after this plat was created, there would likely be more than enough space to build the proposed
13 garage stall and conform to the current setback requirement without additional complications. As it
14 stands, though, the proposal to add a second stall onto the existing garage requires consideration through
15 the variance process. The proposed plans and the applicant’s written narrative are included with this
16 RVBA as Attachment C.

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

20 **VARIANCE ANALYSIS**

21 City Code §1004.08.B (Residential Setbacks) requires accessory structures in the LDR-1 zoning district
22 to be set back at least 5 feet from side property lines in order to preserve a minimum separation between
23 residences on adjacent properties.

24 **REVIEW OF VARIANCE APPROVAL REQUIREMENTS**

25 Section 1009.04 (Variances) of the City Code explains that the purpose of a variance is “to permit
26 adjustment to the zoning regulations where there are practical difficulties applying to a parcel of land or
27 building that prevent the property from being used to the extent intended by the zoning.” State statute
28 further clarifies that “economic considerations alone do not constitute practical difficulties.” Planning
29 Division staff finds the substandard width and area of the property represents a practical difficulty which
30 the variance process is intended to relieve.

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

- 34 **a.** *The proposal is consistent with the Comprehensive Plan.* Planning Division staff believes that
35 the proposal is generally consistent with the Comprehensive Plan because it represents a standard
36 amenity on a residential property and embodies the sort of continued investment promoted by the
37 Comprehensive Plan’s goals and policies for residential neighborhoods.

- 38 **b.** *The proposal is in harmony with the purposes and intent of the zoning ordinance.* Planning
39 Division staff finds the proposal to be consistent with the intent of the zoning ordinance because
40 the nearest portion of the structure on the abutting property is also that home's garage and not
41 bedrooms or other residential spaces.
- 42 **c.** *The proposal puts the subject property to use in a reasonable manner.* Planning Division staff
43 believes that the proposal makes reasonable use of the subject property because the garage would
44 create a modest two-stall garage where a one-stall garage currently exists.
- 45 **d.** *There are unique circumstances to the property which were not created by the landowner.*
46 Planning Division staff finds that the substandard size of the property is a unique circumstance
47 that was not created by the landowner.
- 48 **e.** *The variance, if granted, will not alter the essential character of the locality.* Although this
49 garage might stand closer to the side property line than most in the area, the variance, if
50 approved, would not negatively alter the character of the surrounding residential neighborhood.

51 **PUBLIC COMMENT**

52 At the time this RVBA was prepared, Planning Division staff has not received any communication from
53 members of the public regarding the proposed garage addition.

54 **RECOMMENDED ACTION**

55 **Adopt a resolution approving the requested variance to the required minimum side yard setback**
56 **at 1114 Autumn Street**, based on the content of this RVBA, public input, and Variance Board
57 deliberation.

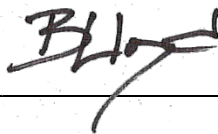
58 **ALTERNATIVE ACTIONS**

- 59 **A) Pass a motion to table the item for future action.** An action to table consideration of the
60 variance request must be based on the need for additional information or further analysis to reach
61 a decision on one or both requests. Tabling may require extension of the 60-day action deadline
62 established in Minn. Stat. 15.99 to avoid statutory approval.
- 63 **B) Adopt a resolution denying the requested variances.** A denial should be supported by specific
64 findings of fact based on the Variance Board's review of the application, applicable zoning
65 regulations, and the public record.

Attachments: A: Area map
B: Aerial photo

C: Proposed plans and written narrative
D: Draft resolution

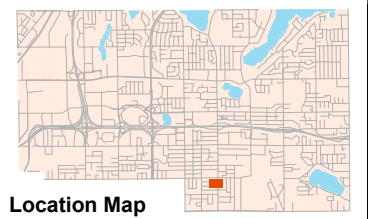
Prepared by: Senior Planner Bryan Lloyd
651-792-7073
bryan.lloyd@cityofroseville.com



Attachment A: Planning File 20-033



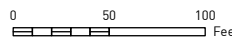
Attachment B: Planning File 20-033



Disclaimer

Data Sources
* Ramsey County GIS Base Map (10/1/2020)
* Aerial Data: Surdex (4/2020)
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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Cabak Family Garage Variance Request
1114 Autumn Street
November 5, 2020

Legal Description: Lot 2 Block 1 of STRUWE'S ADDITION

Parcel ID: 152923410032

Narrative:

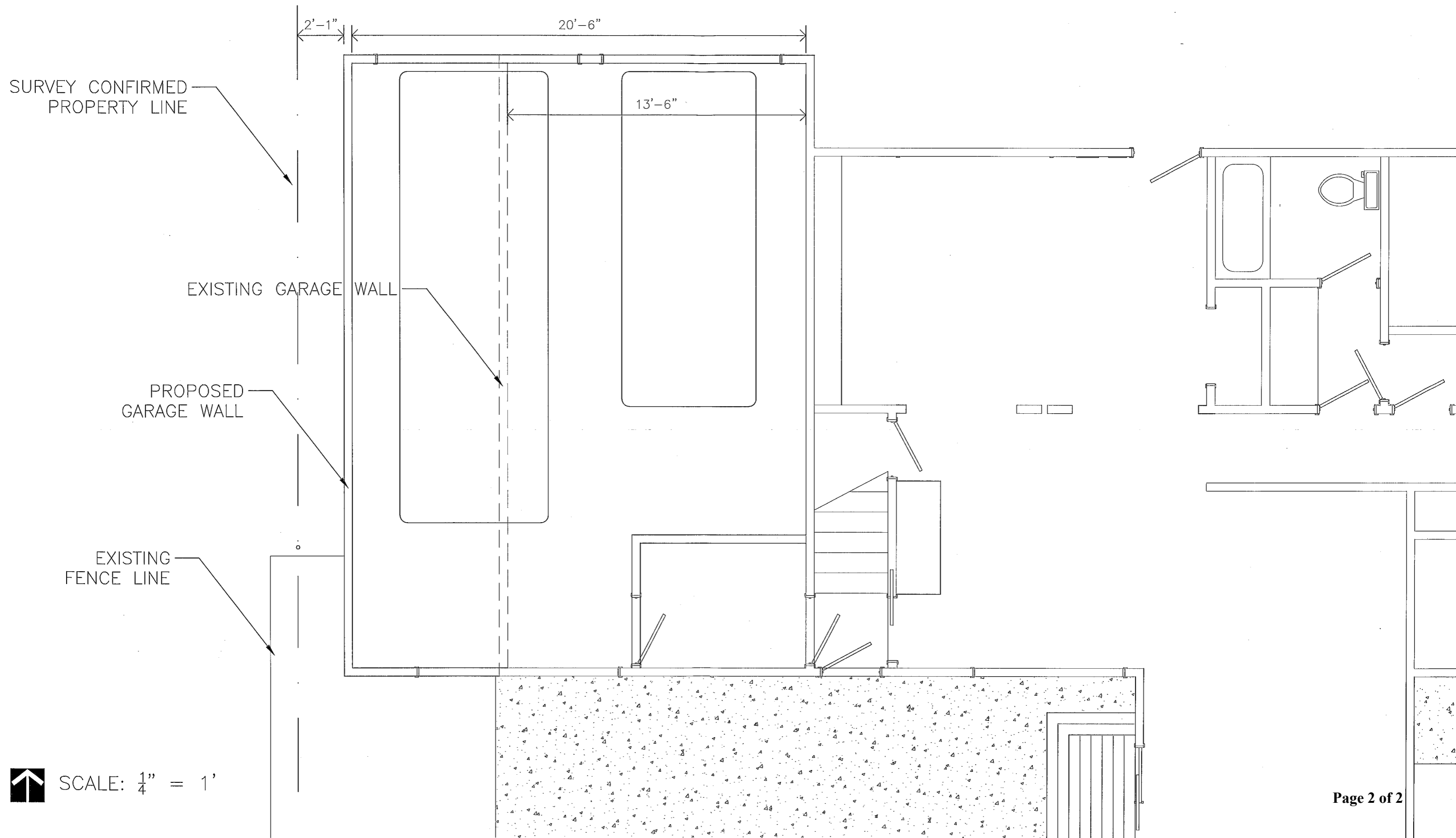
Thank you for your consideration of our variance request. Our current home has a single stall garage. We would like to add on to the west side in order to create a second stall. This would require an encroachment into the property setback. In the attached drawing you will see that we would like to build to two feet from the property line. This property line has been confirmed by a surveyor.

Currently we park one of our vehicles in the street since our driveway is also only a single wide. This creates issues during snow emergencies with having to shuffle cars around. Our house is also the second lot from Lexington Ave. While it is rare there are occasions when cars are queued at the stop sign to turn onto Lexington Ave back to where we park. This can create a tight area for other cars turning onto our street that would be less of an issue if our vehicles were not parked on the street. The properties adjacent to us have at a minimum a 1.5 stall garage and wider driveways than our property has which serves their family's needs. The extension on our garage would put our structure closer to the garage side of our neighbor's house, so we are not taking away any views or encroaching on living space.

For all of the reasons listed above we believe that an addition to our garage is justified and meets the variance criteria. Thank you for your consideration and please let us know if you have questions or need additional information.

Thank you,

Jordan and Kristin Cabak



**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 December 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 A VARIANCE TO ROSEVILLE CITY CODE §1004.08.B,
RESIDENTIAL SETBACKS, AT 1114 AUTUMN STREET (PF20-033)**

WHEREAS, the subject property is assigned Ramsey County Property Identification Number 15-29-23-41-0032, and is legally described as:

Lot 2, Block 1, Struwe's Addition, Ramsey County, Minnesota

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, Jordan Cabak, owner of the property at 1114 Matilda Street, requested a variance to §1004.08.B to allow a proposed garage addition, which would encroach as much as 3 feet 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 substandard area of the property 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 a standard amenity on a residential property and embodies the sort of continued investment promoted by the Comprehensive Plan's goals and policies for residential neighborhoods.
- c. The proposal is consistent with the intent of the zoning ordinances because the nearest portion of the structure on the abutting property is also that home's garage and not bedrooms or other residential spaces.
- d. The proposal makes reasonable use of the subject property because the garage would create a modest two-stall garage where a one-stall garage currently exists.
- e. The substandard size of the property is a unique circumstance that was not created by the landowner.

- f. Although this garage might stand closer to the side property line than most in the area, so 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 for the garage, the testimony offered at the public hearing, and the above findings.

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

WHEREUPON said resolution was declared duly passed and adopted.

Variance Board Resolution No. ____ - 1114 Autumn Street (PF20-033)

STATE OF MINNESOTA)
) ss
COUNTY OF RAMSEY)

I, the undersigned, being the duly qualified City Manager of the City of Roseville, County of Ramsey, State of Minnesota, do hereby certify that I have carefully compared the attached and foregoing extract of minutes of a regular meeting of said Roseville Variance Board held on the 2nd day of December 2020.

WITNESS MY HAND officially as such Manager this 2nd day of December 2020.

Patrick Trudgeon, City Manager

SEAL