



**CITY OF SHOREVIEW
AGENDA
PLANNING COMMISSION
Tuesday March 23, 2021
7:00 PM**

MEETING FORMAT - *This meeting is taking place virtually due to COVID-19. Members of the public may join the meeting the following ways:*

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/85744388738>

Phone

Call 1-312-626-6799

Webinar ID: 857 4438 8738

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **APPROVAL OF AGENDA**
4. **APPROVAL OF MINUTES**
 - 4.A [Planning Commission Minutes - February 23](#)
5. **REPORT ON CITY COUNCIL ACTIONS**
6. **OLD BUSINESS**
7. **NEW BUSINESS**
 - 7.A [File No. 2787-21-14; Variance/Residential Design Review, 792 County Road I - Riter](#)
 - 7.B [File No. 2780-21-07; Variance/Residential Design Review, 985 Oakridge Avenue - Olson](#)
 - 7.C [File No. 2786-21-13; Variance, 229 N. Owasso Boulevard - Oslin](#)
 - 7.D [Public Hearing: File No. 2788-21-15; Conditional Use Permit/Variance, 5735 Turtle Lake Road - Hauer](#)
 - 7.E [Public Hearing: File No. 2789-21-16; Conditional Use Permit, 3744 Rustic Place -](#)

8. **MISCELLANEOUS**

8.A City Council Meeting Assignments

8.B Development Code Update and Workshops

8.D Land Use Training

9. **ADJOURNMENT**

Memorandum

TO: Planning Commission
FROM: Kathleen Castle , City Planner
DATE: March 23, 2021
SUBJECT: Planning Commission Minutes - February 23
**ITEM
NUMBER:** 4.A
SECTION: APPROVAL OF MINUTES

REQUESTED MOTION

To approve the Planning Commission meeting minutes from February 23, 2021.

INTRODUCTION

Attached are the meeting minutes from February 23, 2021.

DISCUSSION

RECOMMENDATION

To approve the February 23, 2021 meeting minutes.

ATTACHMENTS

[February 23, 2021 Minutes](#)

**SHOREVIEW PLANNING COMMISSION
MEETING MINUTES
February 23, 2021**

CALL TO ORDER

Chair Anderson called the February 23, 2021 Shoreview Planning Commission meeting to order at 7:00 p.m. The meeting took place virtually due to the COVID-19 pandemic. Anyone wishing to testify will find directions on the city website under government/live and streaming video.

Chair Anderson thanked former Chair Kent Peterson for his service as chair last year.

ROLL CALL

The following Commissioners were present: Chair Anderson; Commissioners Doan, Riechers, Solomonson, Wolfe and Yarusso.

Also Present: Kathleen Castle, City Planner
Aaron Sedey, Associate Planner
Niki Hill, Economic Development Coordinator
Joe Kelly, City Attorney

APPROVAL OF AGENDA

Chair Anderson noted that the variance application for 987 Oakridge Avenue, for which the neighborhood was noticed, has been withdrawn and is not on the agenda for this meeting.

MOTION: by Commissioner Doan, seconded by Commissioner Solomonson to approve the February 23, 2021 Planning Commission meeting agenda as presented.

VOTE: AYES - 7 NAYS - 0

APPROVAL OF MINUTES

Page 1: Under Approval of the Minutes, a 5 to 0 vote was recorded. The minutes should be corrected to a vote of 7 to 0.

MOTION: by Commissioner Peterson, seconded by Commissioner Solomonson to approve the meeting minutes of January 26, 2021, as amended.

VOTE: AYES - 7 NAYS - 0

REPORT ON CITY COUNCIL ACTIONS

City Planner Castle reported that the City Council approved the PUD for the new restaurant at 4606 Churchill Street and approved the minor subdivision at 460 West Shore Court.

OLD BUSINESS

VARIANCE

FILE NO.: 2776-21-03
LOCATION: 287 N. OWASS BOULEVARD
APPLICANT: SUMMIT DESIGN

Presentation by Associate Planner Aaron Sedey

The existing home was built in 1941 with a foundation area of 816 square feet that crosses two lots. The lot at 287 is 80 feet wide and 140 feet deep. The application is to use each lot for a new single family home. The proposal was reviewed by the Planning Commission at its January meeting and tabled because of neighboring setbacks. A variance is requested to reduce the minimum front setback of 86.6 to 107.6 feet to 54.9 feet. The variance request at the January meeting was for a front setback of 46.3 feet. The variance has decreased by 8.6 feet.

The applicant states that the proposed home will be closer in alignment with several new homes on N. Owasso Boulevard. As the current home is in the middle of two lots, a variance would be needed to meet today's code, even if it was rebuilt. The requested setback results in a building pad that is sufficient for a new home.

Staff believes practical difficulty is present as a result of the creation of the subdivision of neighboring homes that surround this parcel. The requested front yard setback allows compliance for the rear yard setback. Development of neighboring properties did not allow for placement on a single lot that would meet city code setbacks. Staff does not believe there will be an adverse impact on adjacent properties. The further east along N. Owasso Boulevard are older homes with closer front yard setbacks.

Property owners within 150 feet were re-noticed about the application. One public comment was received in opposition to the proposal. The City Engineer has stated that a grading plan will be required to show drainage is directed to the new improvements for storm water on N. Owasso Boulevard.

Staff finds that the two parcels comply with minimum lot area standards and offer ample room for a building pad. Practical difficulty is present. The variance is recommended for approval subject to the conditions listed in the motion.

Commissioner Solomonson asked if any other changes were made to the application other than increasing the front setback. Mr. Sedey responded that a house blueprint was submitted that shows an adjustment to the garage placement, which results in an increase to the side setbacks.

Commissioner Peterson asked if it would be a significant change if placement of the garage is changed back to the original side load design. It is important for the garage to be front loading to maintain the increased side setback. Mr. Sedey explained that if the garage were moved back to a side load, the front setback

would be less. That would be a significant change that would have to be reviewed again by the Planning Commission.

Mr. Todd Hinz, Summit Design, stated that drainage is a concern. The garage will be a front load. The pad will be built up for drainage to go to the street. Swales will be created on each side to keep any drainage on the property. All drainage will be directed to the drainage outlet at the southeast corner in North Owasso Boulevard that was put in with the road reconstruction.

Chair Anderson opened the discussion to public comment.

Mr. Lee Michaels, 277 N. Owasso Boulevard, stated that his house is directly east of the subject property. His first concern is drainage. Other development that has occurred around his property has caused flooding in the basement, which has never happened. Even with the street improvement, there is a lot of water in his front yard, and he does not want water in the basement again. He appreciates that the applicant has moved the house further back.

Commissioner Peterson stated he is pleased with the repositioning of the home with the space on the sides. He emphasized the major storm water improvements on N. Owasso Boulevard and it is important that grading be improved for water to reach the new system to address drainage. He will support the variance.

Commissioner Solomonson agreed with Commissioner Peterson and especially for the change for the house to be moved back further in the lot and for the garage to be front loaded.

Commissioner Yarusso expressed appreciation for the improved solutions from the applicant.

MOTION: by Commissioner Doan, seconded by Commissioner Peterson to adopt Resolution 21-05 approving the variance allowing a new home to be built 54.9 feet from the front property line located at 287 N Owasso Blvd. This variance is subject to the following conditions:

1. The project must be completed in accordance with a front setback of 54.9 feet as shown on the survey submitted as part of the Variance application. The future house is the same submitted with the updated variance application. Any significant changes to these plans, as determined by the City Planner, will require review and approval by the Planning Commission.
2. This approval is subject to a 5-day appeal period. Once the appeal period expires, a building permit may be issued for the proposed project. A building permit must be obtained before any construction activity begins.

This approval is based on the following findings:

1. Single family homes are permitted in the R1 district
2. Practical Difficulty has been found as stated in Resolution 21-05.

ROLL CALL VOTE

AYES: Doan, Riechers, Solomonson, Wolfe, Yarusso, Peterson, Anderson

NAYS: None

EXTENSION REQUEST FOR RESIDENTIAL DESIGN REVIEW AND VARIANCES

FILE NO.: 2738-19-25

LOCATION: 5240 OXFORD STREET NORTH

APPLICANT: ALEXANDER DESIGN GROUP ON BEHALF OF THOMAS AND KERRY ATKINSON

Presentation by Associate Planner Aaron Sedey

The application is to retain variances approved for construction of a new home. One variance is to retain a 290 square foot shed on a riparian lot. The maximum area allowed for the shed is 288 square feet. Also, variances to reduce the 195.5 minimum street setback to 192 feet and reduce the side setback for living space on the second level of the attached garage from 10 feet to 5 feet were approved. The extension of one year to complete the project is requested because construction did not occur this last year because of COVID. Staff is recommending the extension to February 23, 2022.

MOTION: by Commissioner Riechers, seconded by Commissioner Solomonson to extend the Residential Design Review and Variance approvals for Thomas and Kerry Atkinson, 5240 Oxford St N, and adopt an amendment to Variance Resolution 20-03 which addresses this extension. The approvals are extended to February 23, 2022.

ROLL CALL VOTE

AYES: Riechers, Solomonson, Wolfe, Yarusso, Peterson, Doan, Anderson

NAYS: None

NEW BUSINESS

VARIANCES

FILE NO.: 2779-21-06

LOCATION: 960 COUNTY ROAD I

APPLICANT: ZAWADSKI HOMES ON BEHALF OF CHAD AND MEGAN TOFT

Presentation by Associate Planner Aaron Sedey

The application is to tear down an existing home built in 1947, and construct a new one with an attached garage. The existing detached garage at the street will be removed. Notice was sent for a Conditional Use Permit for the boathouse, but after

determining it is larger than permitted, the request is for a variance to retain it in its present location. Variances are also requested to reduce the front setback from the range of 140.5 to 160.5 feet to 131.54 feet.

A variance is also requested to exceed the 1200 square feet or 90% of dwelling unit foundation, for the total area of accessory structure. The boathouse is 440 square feet; Code allows 288 square feet for water oriented structures. Total accessory structure area would be 1250 square feet. The side yard setback is 8.4 feet; Code requires 20 feet. The width of the boathouse as viewed from the lake is 24.1 feet; the maximum allowed is 12 feet. The boathouse was permitted in 1956 and permitted to be altered in 1965. It is legal structure at its size and location.

The property has 115.5 feet of width at the road right-of-way and 110.57 feet at the Ordinary High Water Level (OHWL). The property is zoned R1, Detached Residential with Shoreland Overlay.

The applicant states that the boathouse will be used for lake storage. It was built before there was any code of regulation and is a useful part of the property. The house will be built on a slab, which will limit storage space. The detached garage at the street will be removed in order to come closer to compliance with allowed storage space. There is more emphasis on the OHW lakeside setback than the front setback on a riparian lot.

Staff believes practical difficulty is present. The property was developed on the lake and more emphasis would be on the lakeside setback. The proposed home will be in the same general location as the existing home but is not be out of line with adjacent homes due to varying depths and distance from County Road I due to the curve of the lake.

Staff finds that keeping the boathouse for lake storage is reasonable. The unique circumstance is that the structure was built before the applicants owned the property and prior to shoreline regulations. The character of the neighborhood will not be altered. The attached garage is a similar design of others along County Road I. The boathouse will be maintained as it was built.

Notice was sent to property owners within 350 feet. One comment has been received. Rice Creek Watershed District requires a permit if more than 10,000 square feet are disturbed.

Staff believes the front yard setback meets the intent of the code. Practical difficulty is present for the variances requested and recommends approval.

Commissioner Peterson asked the reason for the house being built on a slab. Mr. Sedey noted some poor soils and peat in the area which could be difficult.

Commissioner Solomonson asked the condition of the boathouse. Mr. Sedey answered that it is in good shape with minimal maintenance needed.

Commissioner Solomonson asked if the boathouse is a legal non-conforming structure. Mr. Sedey answered, yes.

Mr. Steve Zawadski, stated that the boathouse will have minor repairs. It is concrete and in good condition. The house will be built on slab because the applicants do not want a basement even though the soils are good. The variance on the street side is 9 feet because of the new garage that will be added.

Commissioner Solomonson clarified that the front setback variance is for the house and garage. Mr. Sedey added that there are also variances to retain the boathouse in its size and location. The side setback variance is for the boathouse.

Chair Anderson opened the discussion to public comment. There were none.

Commissioner Solomonson asked if the boathouse is grandfathered and the reason for the variance. City Attorney Kelly stated that if the only work to be done were repair of the boathouse, it would be a legal non-conforming structure. However, because of the other changes with the new house and garage, a variance is needed for the boathouse. Commissioner Solomonson agreed with staff's analysis and expressed his appreciation for seeing the investment in this property.

Commissioner Peterson stated that his concern with no basement is the limited storage and need for more accessory structure area. It would be difficult to reduce the size of a stone boathouse. The attached garage is 24' x 34', which is reasonable for homes built today. He will support the application with the reason of building on a slab.

Chair Anderson echoed Commissioners Solomonson and Peterson and expressed his support.

MOTION: by Commissioner Doan, seconded by Commissioner Peterson to adopt Resolution 21-13 approving variances; submitted by Chad and Megan Toft for 960 County Road I West, subject to the following conditions:

Variances

1. Side yard setback for the existing water oriented accessory building on eastern lot line is to be 8.5 feet, a decrease from the minimum 20 feet.
2. The total accessory building square feet is to be 1,250 square feet, an increase of 50 square feet.
3. Total water oriented accessory building is to be 444 square feet, an increase from the maximum allowed of 288 square feet.
4. The water oriented accessory building as viewed from the water will be 24.1 feet, and increase from the allowed 12 feet.
5. Front yard setback for the proposed new home to be 131.54 for the front property line setback.
6. The lot will conform to the 25% impervious.
7. The current detached garage at the street will be removed from the property.

8. A Shoreland Mitigation Affidavit is required for the application; this Affidavit shall be executed prior to the City's release of the building permit.
9. The approval is subject to a 5 day appeal period.

This action is based on the following findings:

1. The property will be used in reasonable manner as a single family home with a boathouse for lake use.
2. The unique circumstances are tied to the boathouse being permitted in 1956 with a permitted addition to it in 1965 with the previous owners.
3. The character of the neighborhood will not be altered as this structure has been in place for 56 years.

ROLL CALL VOTE

AYES: Solomonson, Wolfe, Yarusso, Peterson, Doan, Riechers, Anderson

NAYS: None

SITE AND BUILDING PLAN REVIEW/VARIANCE

FILE NO.: 2782-21-09
LOCATION: 555 CARDIGAN ROAD
APPLICANT: HTG ARCHITECTS

Presentation by City Planner Kathleen Castle

The application is to construct a warehouse addition onto the north side of the existing building. The property is zoned Industrial (I). A variance is requested to reduce the required 90-foot loading dock berth length to 86.5 feet.

The addition will be 28,250 square feet to warehouse inventory and processing orders. The loading dock area is at the northeast corner of the building with access from Cardigan Road. The addition is designed to match the existing building.

Additional parking will be added on the west side of the building. Required parking for this site is 73 stalls. The proposal shows 66 stalls on the west side with 7 proof of parking stalls shown to meet the minimum requirement.

Impervious coverage is at 74%, which is less than permitted. Impervious pavement is being used for storm water management.

There are 36 trees that will be required to be replaced, including one landmark tree. Due to the limited space on the property, a cash donation may be made to the City's forestry fund.

The applicant's statement regarding the variance explains existing site conditions related to the location of the original building. The proposed addition is set further back than the existing roadway to provide room for trucks without overhanging into the roadway. Staff finds that practical difficulties present. Unique

circumstances exist with the placement and design of the original building. The loading docks are set back 63 feet. The proposed length is greater at 86.5 feet is sufficient. When measured from the curb, the length is 99 feet. There will be no impact to the neighborhood, as the loading dock area will have a greater setback than existing loading docks.

Property owners within 350 feet were notified of the proposal. No comments were received. The Watershed District permit has been granted subject to certain conditions.

Staff is recommending approval of the variance and that the site and building plan review be forwarded to the City Council with a recommendation for approval. Conditions of approval include proof of parking and tree replacement.

Commissioner Solomonson asked the type of trucks that access the loading dock and if there is staging on the road. Ms. Castle noted that 75 feet is needed for adequate access to the loading dock. The proposal is an improvement from the current 63 feet.

Commissioner Riechers asked if there have been variances for loading docks in the past. Ms. Castle did not recall any previous applications for the loading dock area.

Commissioner Peterson noted that the issue of trucks blocking the road was discussed with the adjoining property, Lionsgate. He asked if there have been truck complaints with the current 63-foot length. There is good communication among the occupants of the cul-de-sac about any potential blocking of the road.

Mr. Rob Brandwick, HTG Architects, Eden Prairie, stated that the proposal will improve truck access and getting trucks off the road. The northeast corner has a drive-in truck bay where trucks back up to the building.

Mr. Jim Wilber, Operations Manager, Mead Metals, stated that the increased loading dock area will be a big improvement and move trucks faster than the one bay now being used. Trucks will be able to turn within the site rather than on the road. The schedule for trucks has been set taking into account school hours and is between 10:00 a.m. and 2:00 p.m. There is good communication between Mead Metals and the school.

Commissioner Solomonson asked if there will be more trucks with the increase to four bays and how staging will be done. **Mr. Wilber** answered that staging is done prior to trucks backing in. The turn-around time is approximately 10 minutes—that is backing in, load and leave again. The additional bays should create less traffic on the road. Currently, with only one bay, if there are two trucks, one has to park on the side of the road until the other one leaves. There will be room for two trucks at a time. The trucks used are city trucks, not long haul trucks.

Chair Anderson opened the discussion to public comment. There were no comments.

Commissioner Solomonson expressed his support and appreciation for the investment Mead Metals is making in the community. They are also addressing safety issues by getting trucks off the road. Proof of parking is only 7 stalls with parking added on the west side.

Commissioner Peterson stated his support and is pleased to see the expansion. He is also pleased by the use of city trucks as opposed to long haul trailers. This is a good addition for the city.

Chair Anderson expressed his support and appreciation for the investment of Mead Metals in the city.

MOTION: by Commissioner Yarusso, seconded by Commissioner Riechers to adopt Resolution 21-15 approving variance request and the site and building plan review submitted by HTG Architects on behalf of Mead Metals, 555 Cardigan Road for a building addition. This approval is subject to the following conditions:

1. The project must be completed in accordance with the submitted site and building plans. Any significant changes to these plans, as determined by the City Planner, will require review and approval by the Planning Commission and the City Council.
2. A tree preservation plan shall be submitted and identify the trees to be preserved and protected.
3. A tree replanting plan shall be submitted for the removal of any landmark trees. Landmark trees removed shall be replaced at a ratio of 6:1.
4. Approval of the final grading, drainage, utility, and erosion control plans by the Public Works Director, prior to the issuance of a building or grading permit for this project.
5. The proof of parking shall be installed in the event parking demand exceeds that which is provided on the property. A grading and drainage plan shall be submitted that identifies how stormwater will be managed for the expanded parking area.

This action is based on the following findings:

1. The proposed use of the property as office/manufacturing/warehouse is consistent with the I, Industrial zoning.
2. Practical difficulty is present as stated in Resolution 21-15.

ROLL CALL VOTE:

AYES: Peterson, Doan, Riechers, Solomonson, Wolfe, Yarusso, Anderson

NAYS: None

VARIANCE

FILE NO.: 2783-21-10
LOCATION: 784 COUNTY ROAD I
APPLICANT: TRENT AND ALLISON RITER

Presentation by City Planner Kathleen Castle

The applicants plan to remove the existing home and build a new one. Two variances are requested: 1) to reduce the required side yard setback for an attached garage; and 2) to reduce the required front yard setback for the new home. The property is zoned R1, Detached Residential and Shoreland Overlay and located on the north shore of Turtle Lake.

The property consists of 15,993 square feet in area. The lot width is 90 feet, which is less than the minimum 100 feet required on shoreline. The property is a substandard lot due to the width. The existing home is two stories with a tuck under garage. It is set back 24.8 feet from the OHW of Turtle Lake, less than the required 50 feet, which makes it nonconforming due to the setback.

The new home will be 2.5 stories with a height of 35 feet and attached garage. The foundation area is 2870 square feet. The setback from the OHW will be increased to 52 feet, which brings that setback into compliance. The east side setback for the garage is proposed at 5 feet, which is less than the required 10 feet. The west side setback conforms to the 10 feet required. The front setback is 37.6 feet. A setback of 92.2 to 110.2 feet is required.

The residential design review standards are met for lot coverage, building height and foundation area.

The applicant states that the existing home is not in compliance with setback requirements. The new home needs to comply with the setback for Turtle Lake. The location of the home is impacted by the two adjacent homes which are located closer to Turtle Lake than what is permitted. The proposed setback of the garage is consistent with the R1 District.

Staff agrees with the applicant that practical difficulty exists. Side setbacks of 10 feet are required on lots of less than 100 feet in the R1 District. The placement of the two adjacent homes closer to the lake than permitted results in greater setbacks from County Road I. The setbacks of homes along County Road I vary with attached and detached garages. The proposed home will not be out of character for the neighborhood.

Staff is recommending approval of the variances.

Commissioner Solomonson clarified that the garage is side loaded, that cars will have to turn to enter the garage. He noted that gutters are planned on the garage and asked whether there is intent to direct water a certain direction. Ms. Castle

stated that the intent is to keep drainage from the garage on the property and direct it to County Road I.

Mr. Trent Riter, 784 Count Road I West, expressed his appreciation for the Commission's review and commended the completeness of Ms. Castle's presentation.

Chair Anderson opened the discussion to public comment.

Mr. Dick Chelgren, 776 County Road I, stated that he has lived to the east of the subject property for 50 years. His major concern is drainage and direction of flow. There has been standing water in this yard. He is not opposing the proposal but would like to know the direction of water. He does not want more water in his yard. Directing the water to County Road I is okay, but he is not sure the amount of water can be handled by County Road I. The area is subject to heavy water and standing water. Some neighbors pump water from their basements year round.

Mr. Bob Moser, 986 Priester Lane, Hudson, WI, stated that he is assisting the Riders. The reason for the amount of water is because the existing grade from the front of the house to County Road I ranges from 891.9 to 890.62. The entire area in front is flat, which would be the reason for significant pooling. The grade will be raised to 897 so drainage will be enhanced significantly. The foundation on the garage closest to the property line has been increased in height so that grade does not have to be raised, which will allow water to drain to the north and not to the east onto the neighbor's property. Drainage concerns are being taken seriously and will be addressed.

Commissioner Solomonson stated his concern with drainage but believes it is addressed with Mr. Moser's explanation. A lot of attention to detail has been given to this proposal and he supports it.

Commissioner Peterson agreed that there has been drainage issues, but the plan adds a lot of fill to drain the water to the street. The new driveway will be higher; there are retaining walls. The driveway adds to support for reducing the setback to 5 feet for the turn into the garage. It is a challenging lot, but the plan appears to be well prepared and he will support it.

Commissioner Riechers noted the property is constrained on many sides. She is pleased to see there will be a grading plan reviewed by the City Engineer and with Mr. Moser's comments, she would support the application.

MOTION: by Commissioner Riechers, seconded by Commissioner Peterson to adopt Resolution 21-14 approving variance request submitted by Trent and Allison Riter for new home construction on their property at 784 County Road I W, subject to the following conditions:

1. The project must be completed in accordance with the submitted as part of the Variance application. Any significant changes to these plans, as determined by the City Planner, will require review and approval by the Planning Commission.

2. A grading and drainage plan shall be submitted with the building permit application for review and approval by the City Engineer. To mitigate stormwater runoff from the reduced garage setback, gutters shall be used.
3. A permit from the Rice Creek Watershed District shall be obtained, if required, prior to commencing any construction activity on site, including grading.
4. This approval will expire after one year if a building permit has not been issued and work has not begun on the project.
5. Shoreland Mitigation Affidavit is required to be signed before the building permit is issued.
6. This approval is subject to a 5-day appeal period. Once the appeal period expires, a building permit may be issued for the proposed project. A building permit must be obtained before any construction activity begins.

This action is based on the following findings:

1. The proposed use of the property for single family residential is consistent with the R1 zoning.
2. Practical difficulty is present as stated in Resolution 21-14.

ROLL CALL VOTE:

AYES: Solomonson, Wolfe, Yarusso, Peterson, Doan, Riechers, Anderson

NAYS: None

**PUBLIC HEARING - REZONING/PRELIMINARY PLAT/PLANNED UNIT
DEVELOPMENT - DEVELOPMENT STAGE**

FILE NO.: 2784-21-11
APPLICANT: KATH FUEL OIL SERVICE
LOCATION: 3467 RICE STREET

Presentation by City Planner Kathleen Castle

The properties currently zoned C2, General Commercial. The request is to rezone to a PUD, Planned Unit Development for redevelopment to a Holiday franchise fuel station, car wash and convenience store. The preliminary plat will plat the property into one parcel. The property is surrounded by road on all sides as it is located at Rice Street, I-694 and Grass Lake Place.

The site is currently developed with a fuel station and car wash. The existing buildings will be demolished for redevelopment with new buildings and fuel island. The convenience store and car wash will sit on the eastern portion of the site. The five fuel pump islands will be in the middle. Access to the site will remain the same with two entries off Grass Lake Place.

Staff review finds that the proposal is consistent with the Commercial land use designation and the city's Comprehensive Plan. Rezoning to PUD will maintain an underlying zoning of C2. The property has been recently impacted by right-of-way needs for adjoining I-694 and Rice Street.

The preliminary plat complies with the minimum requirements in a C2 District. The lot width is 125 feet along Rice Street, which exceeds the requirement of 100 feet. A number of existing parcels will be combined to create one parcel.

Flexibility is needed from district standards to redevelop the site, as the proposed buildings are set closer to the right-of-ways than permitted in the C2 District. The required front setback on Rice Street is 50 feet; the proposal is 17 feet. The side setback requirement from I-694 is 30 feet; the proposal is 27.3 feet. The side setback requirement from Grass Lake Place is 30 feet; the proposal is 27 feet. The road right-of-ways needed for I-694 and Rice Street greatly impacted the buildable area for this property.

The plan shows 18 stalls for parking. Nineteen stalls are required. One parking stall was lost due to the impervious surface requirements. The proposed impervious surface requirement is 77%; the proposed is 79.2% with the removal of one parking stall. The city allows 80% if Best Management Practices are used. Storm water will be directed to a pond in the I-694 right-of-way, which would allow impervious surface coverage at 80%. A drainage permit is required.

This site is adjacent to the McMillan, a mixed use development which includes residential apartments. While the site is on a major interchange, staff has some concern about impact to the adjoining residential use to the north. The applicant has indicated the station will not be open 24 hours but from 5:30 a.m. to 1:00 a.m. Hours of operation can be further restricted with the PUD to mitigate impact.

Property owners within 350 feet were notified of the proposal. No comments were received. The Watershed District has indicated that a permit is not required because less than one acre will be disturbed.

Staff finds this redevelopment to be consistent with the Comprehensive Plan and Development Code. Flexibility from site standards is required because of impacts from adjacent roadway development. The preliminary plat simplifies the legal description by consolidating several parcels into one parcel. Staff is recommending the PUD add conditions of hours operation and that the application be forwarded to the City Council with a recommendation for approval.

Commissioner Riechers asked the specific reason for noise concern. If it is the car wash, can hours of operation be limited? Ms. Castle stated that hours of operation can be restricted. Cars will enter the car wash from the north and drive through to exit on the south side. The noisy blowers are located on the south side. There have been no complaints with the existing car wash.

Commissioner Peterson stated he will support further restriction to car wash hours of operation. There is a trail near the property line in the right-of-way. He asked what a safe distance would be from the curb used for the car wash to the trail, which is only two feet. The entrance is toward the fuel pumps where there is a lot of activity and little space for entry and exit. A lot of landscaping is proposed, and there have been a lot of problems with landscaping because of snow removal. He asked if there is a snow removal plan to preserve the landscaping. Ms. Castle responded that the trail is two feet from the property line and another two or three feet to the trail itself. The greater distance the greater safety for trails. The city prefers at least a 3-foot setback, but some trails are adjacent to curbs due to the limitations with right-of-way. Ms. Castle continued, saying that the fuel pump islands will be centered on the property. The canopy is 19 feet from the lot line with an additional 8 to 10 feet to the fuel pump. Landscaping needs to be addressed with the applicant.

Commissioner Solomonson asked what facilities are located on the west side of the site. Ms. Castle answered, a vacuum station, and fuel storage tanks. Commissioner Solomonson asked if there is a signage plan. Ms. Castle stated the applicant is working with a company on a comprehensive sign plan.

Chair Anderson clarified that the fuel pumps would also be not be operational 24 hours.

Mr. Casey Beaton, stated that the new positioning of the car wash with the doors facing south is intentional to mitigate sound. The doors will be closed during the car wash. The only time the blowers would be heard is when another car is entering the bay at the same time, which is not common. The new curb will be in the same location as the existing curb. A portion will be pulled away from the trail along Rice Street. This will be a neighborhood store. The layout of the site will be conducive to a quick stop. There is plenty of room to navigate around the fuel pumps to reach the store. The site will be kept clean and maintained. There are minimum standards for maintenance of landscaping. The intent is that the snow will be piled at the back of the lot at the west point to be picked up and hauled away. The site will not be operational 24 hours because of safety. Application for a signage permit will be submitted when all setbacks and dimensions are known.

Commissioner Doan asked the change in impervious surface from the existing layout to the new layout of the site. **Mr. Beaton** answered that there are two access points now. The first one will be enlarged. The existing impervious surface is approximately 29,000 square feet; the proposed is approximately 29,837 square feet. Efforts are being made to maintain standards for impervious pavement. The driveway on the south for the car wash was reduced from 16 feet to 14 feet. Additional options to reduce impervious are being considered.

Commissioner Solomonson asked if signage can be added to prevent traffic from entering onto Rustic Place. Further, he asked if the lights on the canopies are

dimmed when not operational. **Mr. Beaton** stated that a No Exit sign can be posted. Canopy lights will be dimmed.

Commissioner Anderson asked if the existing tanks will be used. **Mr. Beaton** stated that the existing steel tanks are 30 years old and will be pulled. Clean fill will be put in for the new fiberglass tanks.

City Attorney Joe Kelly stated that he has reviewed the affidavit and the public hearing is in order.

Chair Anderson opened the public hearing at 9:27 p.m.

Mr. Steve Dahl, stated that he has owned the station since 1988. Ramsey County took one access and all the landscaping. When the round-about was put in, the county put the access on the west side of the property in the center. The driveways cannot be moved. Holiday helped with the site layout so it would function properly. Originally, the exit from the car wash faced directly north 25 feet from the property line. The new layout has the car wash exit in the southeast corner, the furthest possible from the apartment buildings. That will help with noise. The road near the trail is for cars to exit from the car wash area if they cannot go through the car wash. There will not be traffic by the trail, and he does not believe it is a safety issue. Before COVID, the station was open 24 hours, but the new proposal will be restricted hours.

MOTION: by Commissioner Peterson, seconded by Commissioner Doan to close the public hearing at 9:31 p.m.

ROLL CALL VOTE

AYES: Wolfe, Yarusso, Peterson, Doan, Riechers, Solomonson, Anderson

NAYS: None

Commissioner Peterson stated his support and that his concerns about car wash noise were addressed by Mr. Dahl and Mr. Casey. People will line up for the car wash and fuel. It will be important to do as much as possible to deal with congestion. Snow removal should be added as a condition under the PUD as item 4.d.

Commissioner Solomonson expressed appreciation that the car wash is moved away from the apartments. As the site is so close to the freeway, he would support being open 24 hours but restricting the car wash. He would like to see ways to discourage any traffic through Rustic Place, which only goes back to Rice Street.

Commissioner Riechers asked if there are limited hours of operation for other car washes, in the city, such as the one on Highway 96 and Hodgson. Ms. Castle answered that she is not familiar with the hours of that car wash. There is a gas station on Lexington that closes at night and canopy lights are required to be dimmed in order to lessen impact to neighbors.

Commissioner Yarusso stated the car wash at Hodgson and Highway 96 is not adjacent to residential property. The proposal is an upgrade to existing facilities. It is a good location for a gas station. She appreciates the relocation of the car wash and supports the application.

Chair Anderson expressed appreciation for the reinvestment to upgrade the property. With all the construction in that area, he is pleased the owner is willing to continue his business at this location.

MOTION: by Commissioner Peterson, seconded by Commissioner Yarusso to recommend the City Council approve the Rezoning, Preliminary Plat and PUD – Development Stage application for Kath Fuel Oil Service to redevelop their property at 3467 Rice Street with a fuel station/convenience store/car wash. This approval is subject to the following conditions and with the added condition of 4.d under Planned Unit Development:

Rezoning

1. This approval rezones the property from C2, General Commercial to PUD, Planned Unit Development.
2. The underlying zoning district for this PUD is: C2, General Commercial.
3. Rezoning is not effective until approvals are received for the Final Plat, PUD - Final Stage and development agreements executed.

Preliminary Plat

1. The Final Plat shall be submitted to the City for approval with the Final Stage PUD application.
2. Drainage and Utility Easements shall be dedicated as required by the Public Works Director.

Planned Unit Development – Development Stage

1. This approval permits the redevelopment of this site with a new fuel station, convenience store and car wash. The site shall be redeveloped in accordance with the submitted plans dated December 31, 2020.
2. Approval of the final grading, drainage, utility, and erosion control plans by the Public Works Director is required, prior to submittal to the issuance of a building permit. Final plans shall identify site construction limits and the treatment of work (i.e. driveways, parking areas, grading, etc.) at the periphery of these construction limits.
3. The developer shall secure a permit from the Minnesota Department of Transportation to allow stormwater runoff to discharge into the pond located in the Interstate 694 right of way.

4. The applicant is required to enter into agreements related to the subdivision, site development and erosion control. Said agreements shall be executed prior to the issuance of any permits for this project. The agreement shall address:
 - a. Construction management and nuisances that may occur during the construction process, including on-site parking for contractors. No parking is permitted on Grass Lake Place, Rustic Place and Rice Street.
 - b. Landscape maintenance
 - c. Maintenance of stormwater management facilities
 - d. The agreement shall address snow removal.
5. This approval shall expire after two months if the Planned Unit Development - Final Stage application has not been submitted for City review and approval, as per Section 203.060 (C).

This action is based on the following findings:

1. The proposed commercial use of the property is consistent with the Comprehensive Plan commercial land use designation.
2. The PUD zone is appropriate as flexibility is needed due to the impact roadway improvements have had on this property.
3. The plat consolidates the existing parcels into one and simplifies the legal description.

ROLL CALL VOTE:

AYES: Yarusso, Peterson, Doan, Riechers, Solomonson, Wolfe, Anderson

NAYS: None

MISCELLANEOUS

City Council Meetings

Commissioners Riechers will the March 15th City Council meeting, when two planning items will be considered.

Development Code Update

Ms. Castle reported that staff is working with the consultant on a draft. Once the draft is completed, there will be an informal engagement process on the city website for public comment and input by mid-March. The Planning Commission will review the document after public comment and feedback before a public hearing.

ADJOURNMENT

MOTION: by Commissioner Solomonson, seconded by Commissioner Riechers to adjourn the meeting at 9:48 p.m.

VOTE: **AYES - 7** **NAYS - 0**

ATTEST:

Kathleen Castle
City Planner

Memorandum

TO: Planning Commission
FROM: Kathleen Castle , City Planner
DATE: March 23, 2021
SUBJECT: File No. 2787-21-14; Variance/Residential Design Review, 792 County Road I - Riter
ITEM NUMBER: 7.A
SECTION: NEW BUSINESS

REQUESTED MOTION

To approve the residential design review and adopt Resolution 21-20 approving variance request submitted by Dick and Dora Riter for new home construction on their property at 792 County Road I W, subject to the following conditions:

1. The project must be completed in accordance with the submitted as part of the residential design review and variance applications. Any significant changes to these plans, as determined by the City Planner, will require review and approval by the Planning Commission.
2. A grading and drainage plan shall be submitted with the building permit application for review and approval by the City Engineer. To mitigate stormwater runoff from the reduced structure setback on the west side, gutters shall be used.
3. A permit from the Rice Creek Watershed District shall be obtained, if required, prior to commencing any construction activity on site, including grading.
4. This approval will expire after one year if a building permit has not been issued and work has not begun on the project.
5. Shoreland Mitigation Affidavit is required to be signed before the building permit is issued.
6. This approval is subject to a 5-day appeal period. Once the appeal period expires, a building permit may be issued for the proposed project. A building permit must be obtained be-fore any construction activity begins.

This action is based on the following findings:

1. The proposed use of the property for single family residential is consistent with the R1 zoning.
2. Practical difficulty is present as stated in Resolution 21-20.

INTRODUCTION

Dick and Dora Riter recently acquired the property at 792 County Road I. They are proposing to remove the existing home and construct a new home on the property. The proposal requires residential design review and the following variances:

1. To reduce the minimum 71.25-foot front yard setback required to 39.2 feet.
2. To reduce the minimum 10-foot side setback for the proposed house and attached garage to 8.1 feet.
3. To increase the foundation area from 18% to 19.4%.

The application was deemed complete on March 5 2021.

DISCUSSION

Project Description

The subject property is a standard riparian lot located in the R1 – Detached Residential District on the north side of Turtle Lake. The property is also in the Shoreland Overlay District with regulations also applying. The lot area is 9,798 square feet above the OHWL, with a width of 60 feet along County Road I West and 60.9 feet at the OHWL. Ramsey County property tax records indicate that the current home was built in 1944. The current home is two stories with a tuck under garage and has a foundation area of 624 square feet. From the OHW of Turtle Lake, the home is setback 29.1 feet, less than the minimum 50-feet required, and is considered non-conforming.

Development Code Requirements

The property is located in the R-1 Detached Residential District. The lot is substandard (Section 209.080(D)) because the 60-foot lot width is less than the 100 feet required. The lot area is also less than the minimum 15,000 square feet required. Residential design review is needed for this proposal since the lot is substandard.

The Development Ordinance requires residential construction on substandard lots to comply with certain design standards (Section 209.080 (L)), and these are summarized in the table below.

STANDARD	PROPOSED	ALLOWED
Lot Coverage	2,896 sf	2,939.4 sf
Building Height	35 feet	35 feet
Foundation Area	1,910 sf (19.4%)*	1,763.64 sf (18%)
Building Setbacks		
Front (County RD I W)	39.3 feet*	71.25 - 91.25 feet
East Side	10 feet	10 feet
West Side	8.1 feet*	10 feet
OHW - Turtle Lak	51 feet	50 feet

* = Variance Required

Variance Criteria (Section 203.070)

When considering a variance request, the Commission must determine whether the ordinance causes the property owner practical difficulty and find that granting the variances is in keeping with the spirit and intent of the ordinance. Practical difficulty is defined as:

1. *Reasonable Manner. The property owner proposes to use the property in a reasonable manner not permitted by the Shoreview Development Regulations.*
2. *Unique Circumstances. The plight of the property owner is due to circumstances unique to the property not created by the property owner.*
3. *Character of Neighborhood. The variance, if granted, will not alter the essential character of the neighborhood.*

Applicant's Statement

The applicant statement of justification is attached. The existing home is noncompliant to the required structure setbacks from the front property line along County Road I and the OHW of Turtle Lake. Construction of a new home on the property will comply with the minimum 50-foot setback required from the Turtle Lake OHW but requires variances from the front and west side lot line. In addition, the applicants are requesting a variance to exceed the maximum foundation area permitted for the new home. The proposed foundation area is reasonable for a property of this size. While the foundation area exceeds that which is permitted, the proposal will comply with the impervious surface coverage requirements. An existing nonconforming patio located near the lakeshore will also be removed. Please see the attached statement.

Staff Review

Staff has reviewed the variance application in accordance with the standards specified in the Development Code. Staff concurs with the applicant that practical difficulty is present.

Reasonable Manner. The property owner proposes to use the property in a reasonable manner not permitted by the Shoreview Development Regulations. The applicant is proposing to use the property in a reasonable manner as single family residential is a permitted use.

Unique Circumstances. The plight of the property owner is due to circumstances unique to the property not created by the property owner. There are unique circumstances that affect the placement of a home on this property. The adjoining home at 784 County Road I W is placed close to the lake, less than the 50-feet required. As a result, this home is set farther back from County Road I impacting the permitted front yard setback range applied to this property. When the required setback is applied from the OHW, the buildable area of the property is constrained with a building pad depth that ranges from about 37 feet to 47 feet.

The 60-foot width of this property is less than the 100-feet required causing it to be substandard and subject to a 10 foot side yard setback for structures. When these setbacks are applied, the buildable width of the property is reduced to 40 feet and creates practical difficulty in designing a home to fit within the buildable area of the lot. The proposed 8.1-foot setback for the garage and southwest corner of the home is minimal and increases the buildable area of the parcel. The proposed garage setback does exceed the minimum 5-foot setback requirement for attached garages in the R1 district.

Regarding the foundation area, the proposed foundation area of 1,910 square feet is 19.5% of lot area, exceeding the 1,763 square feet (18%) permitted. The floor area of this home is modest for a lakeshore property. The proposed foundation area is impacted by additional space needed in the garage for a stairway into the main floor of the home and a covered front porch. The elevation of the home will be raised to provide positive drainage away from the

home as such a stairway in the garage is needed. The covered porch is intended to improve the aesthetics of the home.

Character of Neighborhood. The variance, if granted, will not alter the essential character of the neighborhood. The character of the neighborhood will not be altered. Residential development along County Road I is varied. Some homes have attached garages while others have detached garages closer to the roadway than the home. The proposed setback of 39.2 feet is similar to other homes that have attached garages along this portion of County Road I. Side yard setbacks also vary in this neighborhood with some structures setback 5 feet or less from a side lot line.

Shoreland Mitigation

In accordance with the Development Code, shoreland mitigation is required of the property owners who are seeking certain land use approvals through the City. Property owners are required to enter into a Mitigation Agreement with the City.

Public Comment

Property owners within 150 feet were notified of the applicant's request. No comments were received.

RECOMMENDATION

In staff's opinion, the practical difficulty is present for the variances to be approved. The placement of the home on the property is affected by the location of the adjoining home at 784 which is non-compliant to the minimum required lakeshore setback. The proposed side yard setback for the structure is also reasonable as the building pad is constrained due the lot width and greater setbacks required for this substandard lot. The larger foundation area will not result a building that overshadows the parcel. Further, the variances will not alter the essential character of the neighborhood. Staff is recommending the Planning Commission approve the residential design review and adopt Resolution 21-20 approving variances subject to the following:

1. The project must be completed in accordance with the submitted as part of the Variance application. Any significant changes to these plans, as determined by the City Planner, will require review and approval by the Planning Commission.
2. A grading and drainage plan shall be submitted with the building permit application for review and approval by the City Engineer. To mitigate stormwater runoff from the reduced garage setback, gutters shall be used.
3. A permit from the Rice Creek Watershed District shall be obtained, if required, prior to commencing any construction activity on site, including grading.
4. This approval will expire after one year if a building permit has not been issued and work has not begun on the project.
5. Shoreland Mitigation Affidavit is required to be signed before the building permit is issued.
6. This approval is subject to a 5-day appeal period. Once the appeal period expires, a building permit may be issued for the proposed project. A building permit must be

obtained before any construction activity begins.

This action is based on the following findings:

1. The proposed use of the property for single family residential is consistent with the R1 zoning.
2. Practical difficulty is present as stated in Resolution 21-20.

ATTACHMENTS

[Maps](#)





[Application Submittal](#)

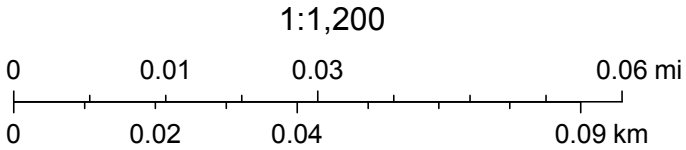
[Res. 21-20](#)

Map Ramsey



3/11/2021, 12:37:53 PM

-  Personal Property
-  Tax Parcels
-  Cities
-  County Offices

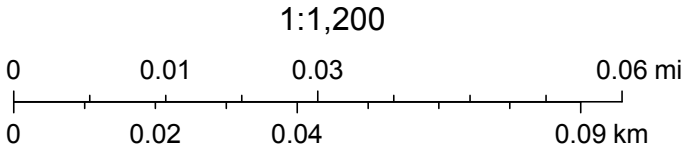


Map Ramsey



3/11/2021, 12:50:42 PM

- Tax Parcels _Query result
- Personal Property
- Tax Parcels
- Cities
- County Offices



March 3, 2021

To: City of Shoreview

From: Dick and Dora Riter

Re: 792 County Road I – Variance request

To whom it may concern:

We are planning to construct a new home at 792 County Road I, Shoreview. As part of this process we propose to remove a non-compliant home that currently exists on the subject property. First, the existing structure does not meet the required average setback of the adjacent properties on the street side as dictated by city code. Secondly, the closest point of the home is located 29.1 feet away from the OHW instead of 50' as required. Finally, there is an existing paver patio in the shoreland impact zone that we propose to remove.

The attached plan and survey shows that we hope to construct a home with a basement floor elevation 2.2' above the OHW and 50' away from the OHW as required by code. In addition, the total impervious surface area coverage of 29.6% will meet the 30% maximum coverage requirement. We will also meet the side yard setback requirement of the home of 10' on the east side.

While we attempted to arrive at a plan that would be fully compliant with city ordinances, some unique circumstances not created by us have resulted in the need to ask for 3 variances. The first one relates to the roadside setback from County Road I. Based on the existing structures on the adjacent properties, our roadside setback should be 82.9' +/- 10'. ($118.2 + 47.6 = 165.8$ divided by 2 = 82.9') As shown, we propose to be 39.2 feet away from the road. As a result, we are requesting a variance of 43.7'. It is important to note, however, that our relatives plan to construct a home at 784 County Road I. A variance has already been approved for their proposed home that would result in a new roadside setback of 37.6'. Based on that setback, the "Zoning Setbacks" section on our survey shows that the proposed location of our home at 39.2' from County Road I would be compliant.

The second variance that we are requesting is a side yard setback variance of 1.9' for our garage and 1'8" for a small section of the home. While our proposed setback of 8.1' exceeds a typical garage side setback of 5' for a garage in Shoreview, a 10' setback is required on our property since it is defined as a substandard lot. It is defined as substandard since its width of 60' is 40' less than the required width of 100' for a lakeshore property. Please note that only a 10' section of the home does not meet the 10' setback as required. This 10' section on the west side is basically a sun porch that we have incorporated into our floor plan since our lot size will not allow for a separate sun porch as desired. While this area will give us added exposure to sunsets, it also breaks up the straight line look of our design and adds to the character of the home. It is important to note that grading proposed along this side will stay consistent with the existing grades so no drainage issues will result from the proposed improvements. An existing retaining wall will remain to assure that no drainage issues will result from the location of our proposed home. It is also important to note that our home and garage are shown at a significant distance away from the residence on the adjacent lot.

Finally, while our proposed total of 2,896 square feet of impervious area is .4% below the total allowable area of 2,039 square feet, our proposed structural coverage is 1.49% more than the 18% allowed. See the list below for some of the home design features that contributed to this marginal difference:

- The minimal size of our property made it difficult to put a modest house on this substandard property.
- The covered front porch adds to this structural coverage calculation, but it is needed to protect the front entrance from drainage from the house and garage. This space also gives added room to enter house, a potential seating area, and it adds character to the home.
- We have proposed a modest two stall garage that is shown at 26' x 20'. The extra length is needed to accommodate a 4' stairway needed to enter the raised first floor of the home.

In summary, we propose to construct a new home which will be much more consistent with city codes than that which currently exists on the property. If the existing non-compliant structure is removed and we can build our home as proposed, the new home would abide by the city's setback minimum from Turtle Lake. A non-compliant paver patio area would also be removed. We are proposing to construct a home that would meet the height requirements of the code and all proposed improvements would abide by the city's total impervious surface requirements. The side yard setback variance requested is minimal and the roadside setback requested is moot based on our relative's plan to construct a new home at 784 County Road I. At the same time, we desire to construct a home consistent with others in the neighborhood that will not negatively impact the character of the neighborhood in any way.

We appreciate your consideration of our request. Feel free to contact us if you have any questions and/or if additional information would be helpful.

Sincerely,

Dick Riter

Dora Riter

CERTIFICATE OF SURVEY

~for~ MOSER HOMES

~of~ 792 COUNTY ROAD I
SHOREVIEW, MN 55126

PROPERTY DESCRIPTON

[PER RAMSEY COUNTY QUIT CLAIM DEED DOC. NO. 3432820]

The West one-half (W 1/2) of Lot Fourteen (14) and the East one-half (E 1/2) of Lot Thirteen (13), TURTLE LAKE SHORES, Ramsey County, Minnesota.

LEGEND

- O DENOTES IRON MONUMENT SET, MARKED RLS# 19421 BY E.G. RUD PER SURVEY DATED 3-29-17
- 1023 DENOTES PROPOSED ELEVATION.
- X 1011.2 DENOTES EXISTING ELEVATION.
- DENOTES DIRECTION OF DRAINAGE.
- ⊠ DENOTES METAL SPIKE AT 11 FOOT OFFSET. (UNLESS OTHERWISE NOTED)
- CS DENOTES CATCH BASIN
- ⊗ DENOTES CURB STOP
- ⊙ DENOTES STORM SEWER MANHOLE
- ⊕ DENOTES HYDRANT
- ⊠ DENOTES GATE VALVE
- ⊗ DENOTES GAS METER
- ⊕ DENOTES POWER POLE
- ~ DENOTES EXISTING CONTOURS
- ~ DENOTES PROPOSED CONTOURS
- DENOTES FENCE
- DENOTES EXISTING STORM SEWER
- DENOTES OVERHEAD WIRE
- DENOTES CONCRETE SURFACE
- DENOTES BITUMINOUS SURFACE
- DENOTES PAVER SURFACE
- DENOTES PROPOSED SILT FENCE (DOUBLE ROW ALONG LAKESHORE)

NOTES

- Field survey was completed by E.G. Rud and Sons, Inc. on 2/24/21. All improvements are per that survey date.
- Bearings shown are on Ramsey County Coordinate System.
- This survey was prepared without the benefit of title work. Additional easements, restrictions and/or encumbrances may exist other than those shown hereon. Survey subject to revision upon receipt of a current title commitment or an attorney's title opinion.
- Builder to verify hse dimensions, sewer depth and foundation depth.
- Finished grade adjacent to home shall be 0.5 feet below top of block except at driveway and patio.
- FEMA FIRM map #27123C0010G dated 6/04/2010 indicates a flood elevation on Turtle Lake of 893.0 (NAVD88).

DIAGONAL: 98.0 X 42.0 = 106.62

PROPOSED ELEVATIONS

(8' BASEMENT LOOKOUT)

TOP OF BLOCK @ HOUSE = 901.7
TOP OF BLOCK @ GARAGE = 896.9 (4.8' DROP)
GARAGE FLOOR = 896.5
LOWEST FLOOR = 894.0 (Low Opening)
TOP OF FOOTING = 893.7
TOP OF LOOKOUT WALL = 897.2

MINIMUM LOWEST FLOOR 2' ABOVE OHWL = 893.8

EXISTING IMPERVIOUS
SURFACE CALCULATIONS

TOTAL AREA ABOVE OHW = 9,798 S.F.
EXISTING HOUSE, GARAGE AND PORCH = 713 S.F.
EXISTING BIT. DRIVEWAY = 1,571 S.F.
EXISTING LAKE PATIO = 146 S.F.
EXISTING WALKS @ PATIO = 284 S.F.
TOTAL EXISTING IMPERVIOUS = 2,714 S.F.
PERCENT IMPERVIOUS = 27.7%

PROPOSED IMPERVIOUS
SURFACE CALCULATIONS

TOTAL AREA ABOVE OHW = 9,798 S.F.
PROPOSED HOUSE, GARAGE AND FRONT PORCH = 1,910 S.F.
PROPOSED BIT. DRIVEWAY = 722 S.F.
PROPOSED FRONT WALK = 124 S.F.
EXISTING LAKE PATIO = 0 S.F.
TOTAL EXISTING IMPERVIOUS = 2,896 S.F.
PERCENT IMPERVIOUS = 29.6%

ZONING SETBACKS #792 CO RD I:

FRONT = 37.6 + 44.3 /2 = 40.95 --+ 10' = 30.9' to 50.9'
SIDE = 10' house. 8' garage variance requested
TURTLE LAKE OHWL = 50' (house and decks)

I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Registered Land Surveyor under the laws of the State of Minnesota.

Daniel W. Obermiller
DANIEL W. OBERMILLER

Date: 3/02/21 License No. 25341

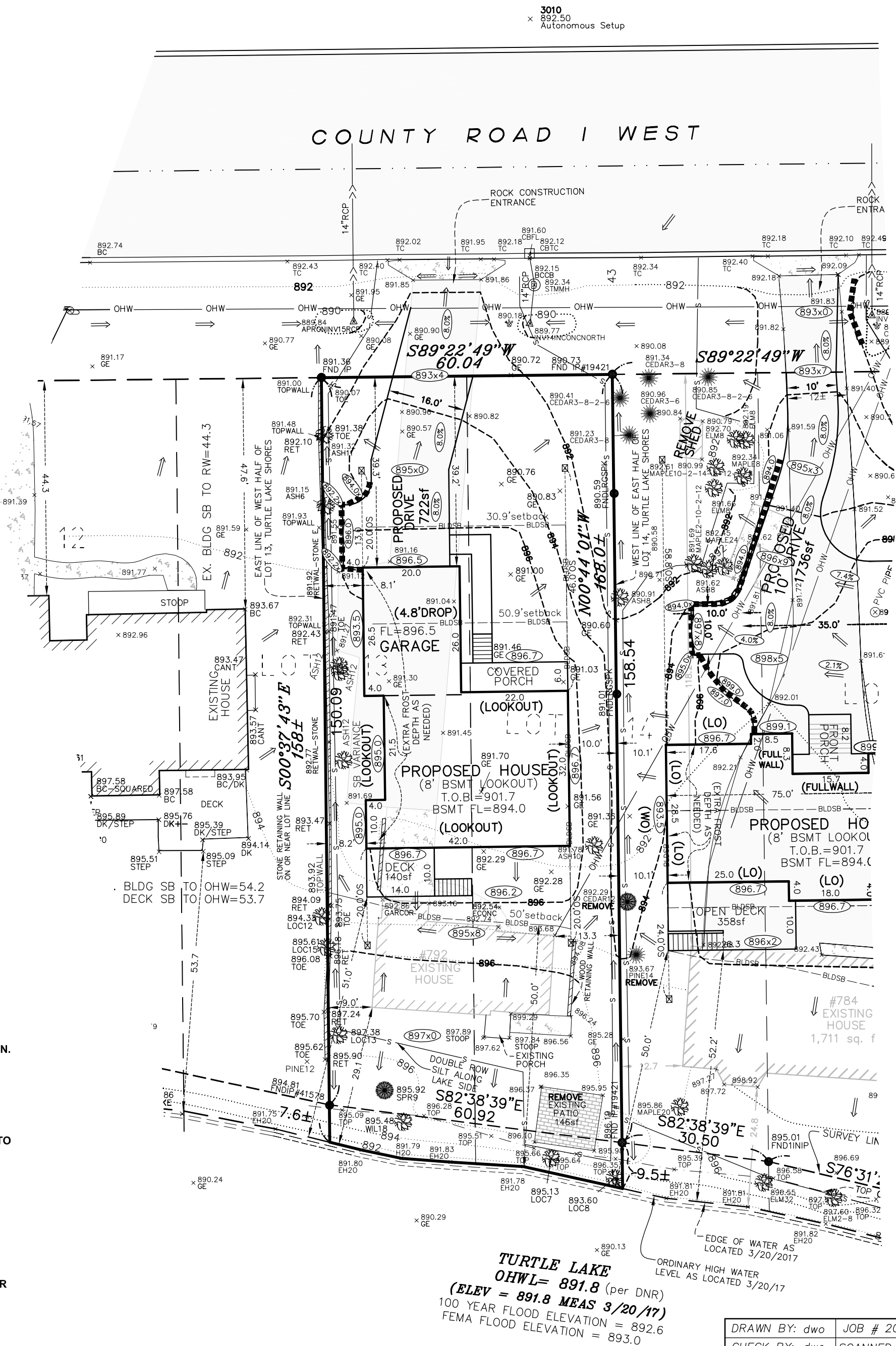
EROSION CONTROL / BMP NOTES:

NARRATIVE - TIMING FOR INSTALLATION OF EROSION AND SEDIMENT CONTROL MEASURES

- CONTRACTOR SHALL INSTALL SILT FENCE AS SHOWN ON PLAN.
1.1. ADDITIONAL SILT FENCE MAY BE NECESSARY IF LOCAL CONDITIONS REQUIRE.
1.2. THE CONTRACTOR SHALL MAINTAIN SILT FENCE, INCLUDING THE REMOVAL OF ACCUMULATED SEDIMENT, THROUGH COMPLETION OF BUILDING CONSTRUCTION.
- CONTRACTOR SHALL INSTALL A ROCK CONSTRUCTION ENTRANCE AT ALL LOCATIONS WHERE CONSTRUCTION TRAFFIC WILL ENTER/EXIT SITE.
- CONTRACTOR TO INSTALL TREE PROTECTION FENCING AS APPLICABLE
- CONTRACTOR SHALL PERFORM SITE GRADING ON AN AREA-BY-AREA BASIS TO MINIMIZE UNSTABILIZED AREAS.
- CONTRACTOR TO SHALL PAY SPECIAL ATTENTION TO ADJACENT PROPERTY LINES TO ENSURE THE EROSION CONTROL PRACTICES INPLACE IN THOSE AREAS PREVENT MIGRATION OF SEDIMENT ONTO ADJACENT PROPERTIES.
- CONTRACTOR TO PROVIDE ADDITIONAL SILT FENCE, BIOROLLS, EROSION CONTROL BLANKET, OR OTHER APPROVED EQUAL FOR ANY SLOPES THAT APPEAR TO BE FAILING
- CONTRACTOR TO STABILIZE SOIL STOCKPILES; STABILIZATION SHALL BE INITIATED IMMEDIATELY
- CONTRACTOR SHALL FINAL GRADE SWALE AREAS UPON STABILIZATION OF UPSTREAM AREAS.
- CONTRACTOR SHALL BE RESPONSIBLE TO SWEEP/SCRAPE ADJACENT STREETS WHEN MATERIALS OR DEBRIS HAVE WASHED/FLOWED ONTO ADJACENT STREETS OR AS DIRECTED BY CITY
- AREA OF DISTURBED PROPERTY IS 8,734 SF. SEE SILT FENCE LOCATION.

BENCHMARK

Ramsey County Bench Mark on outlet dam (paint mark on right corner of upstream end of the right abutment located in SE corner of yard at address #5424 Lake Drive. Elevation = 893.07



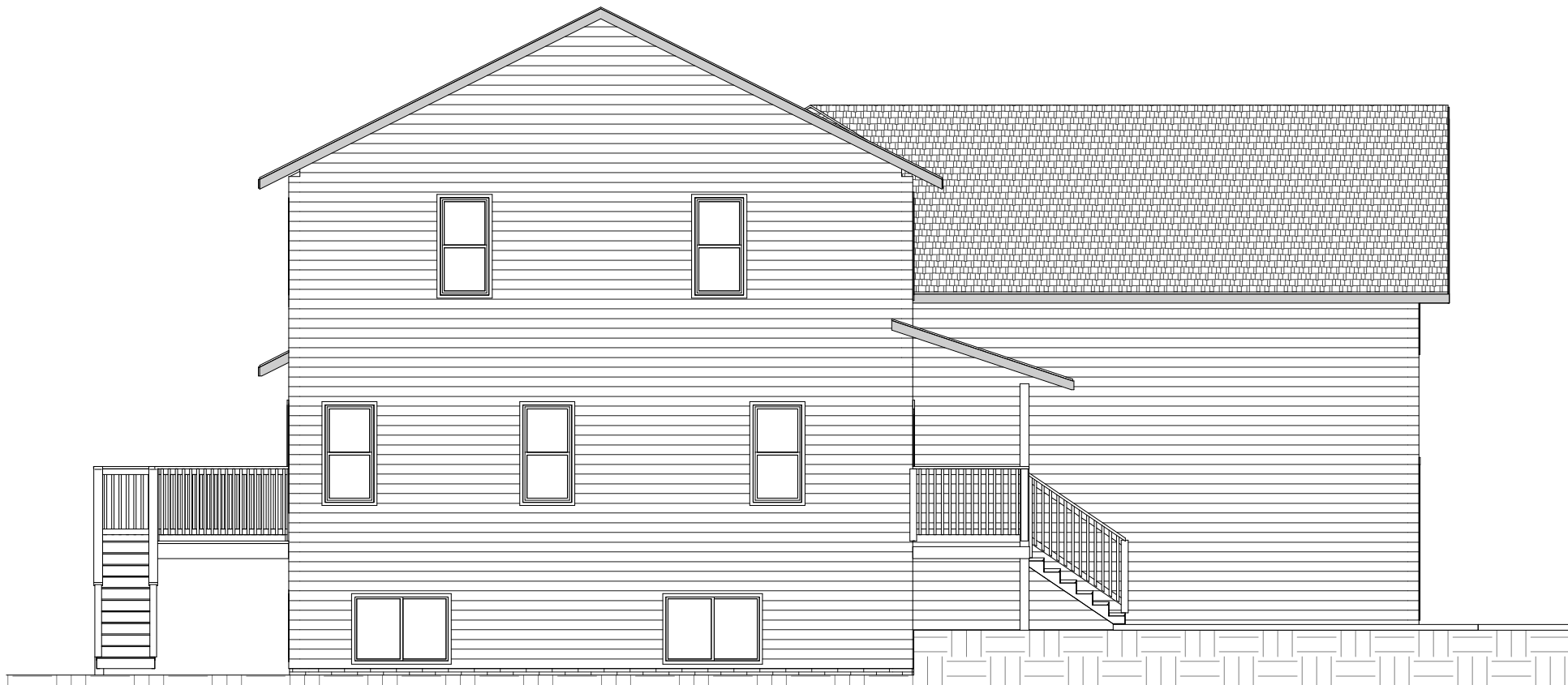
TURTLE LAKE
OHWL= 891.8 (per DNR)
(ELEV = 891.8 MEAS 3/20/17)
100 YEAR FLOOD ELEVATION = 892.6
FEMA FLOOD ELEVATION = 893.0

DRAWN BY:	dwo	JOB #	20.0152HS	DATE:	2/01/21
CHECK BY:	dwo	SCANNED	<input type="checkbox"/>		
1	3/02/21	REMOVE LAKE PATIO	DWO		
2					
3					
4					
5					
6					
NO.	DATE	DESCRIPTION	BY		

E.G. RUD & SONS, INC.
Professional Land Surveyors
6776 Lake Drive NE, Suite 110
Lino Lakes, MN 55014
Tel. (651) 361-8200 Fax (651) 361-8701



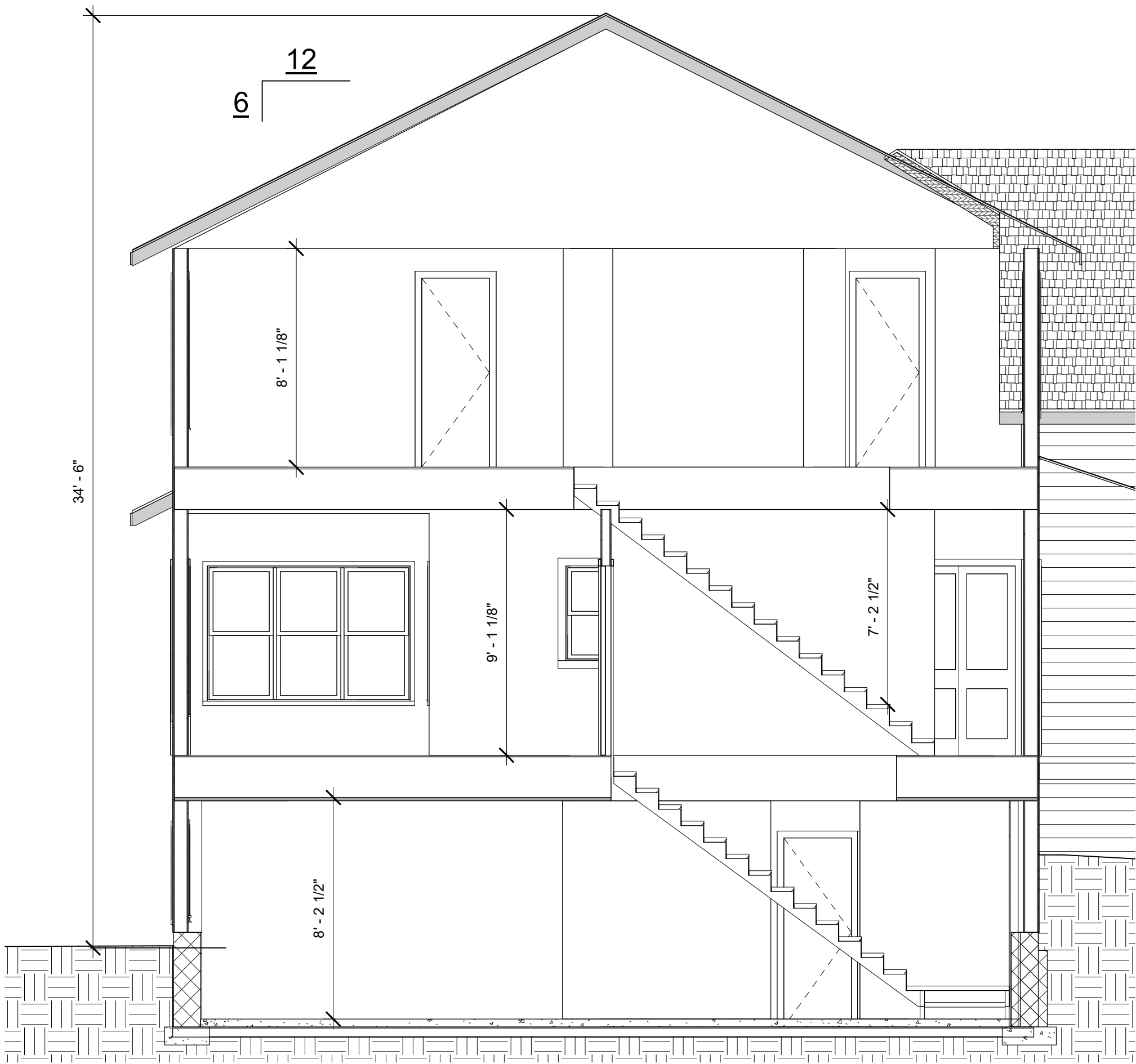
2 SOUTH ELEVATION
1/8" = 1'-0"



4 EAST ELEVATION
1/8" = 1'-0"



3 WEST ELEVATION
1/8" = 1'-0"



5 SECTION THRU HOUSE
1/4" = 1'-0"



1 NORTH ELEVATION
1/4" = 1'-0"

PROJECT:
2 STORY

OWNER:
RICHARD RITER
ADDRESS:
792 COUNTY ROAD I W
SHOREVIEW, MINN. 55126

CONTRACTOR:
TBD

REVISIONS			
NO.	DATE	DESCRIPTION	BY

PRELIMINARY PLAN, NOT
MARCH 03, 2021
FOR CONSTRUCTION

PLANS PROVIDED BY:

SCHWIETERS HOME DESIGN
1628 COUNTY HIGHWAY 10 N.E.
SPRING LAKE PARK, MN 55432

TEL: (763) 785-2105
SchHomDsgn@aol.com

DATE: 01/14/2021

DATE: 03/03/2021
JOB NO:2104

DRAWN: DICK S.
CHECKED R.J.S.

ELEVATIONS

SCALE: As indicated

PAGE NO:

A-1



2 SOUTH ELEVATION
1/8" = 1'-0"



3 WEST ELEVATION
1/8" = 1'-0"



4 EAST ELEVATION
1/8" = 1'-0"



1 NORTH ELEVATION
1/4" = 1'-0"

PROJECT:
2 STORY

OWNER:
RICHARD RITER
ADDRESS:
792 COUNTY ROAD I W
SHOREVIEW, MINN. 55126

CONTRACTOR:
TBD

REVISIONS			
NO.	DATE	DESCRIPTION	BY

PRELIMINARY PLAN, NOT
MARCH 03, 2021
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CHECKED R.J.S.

ELEVATIONS

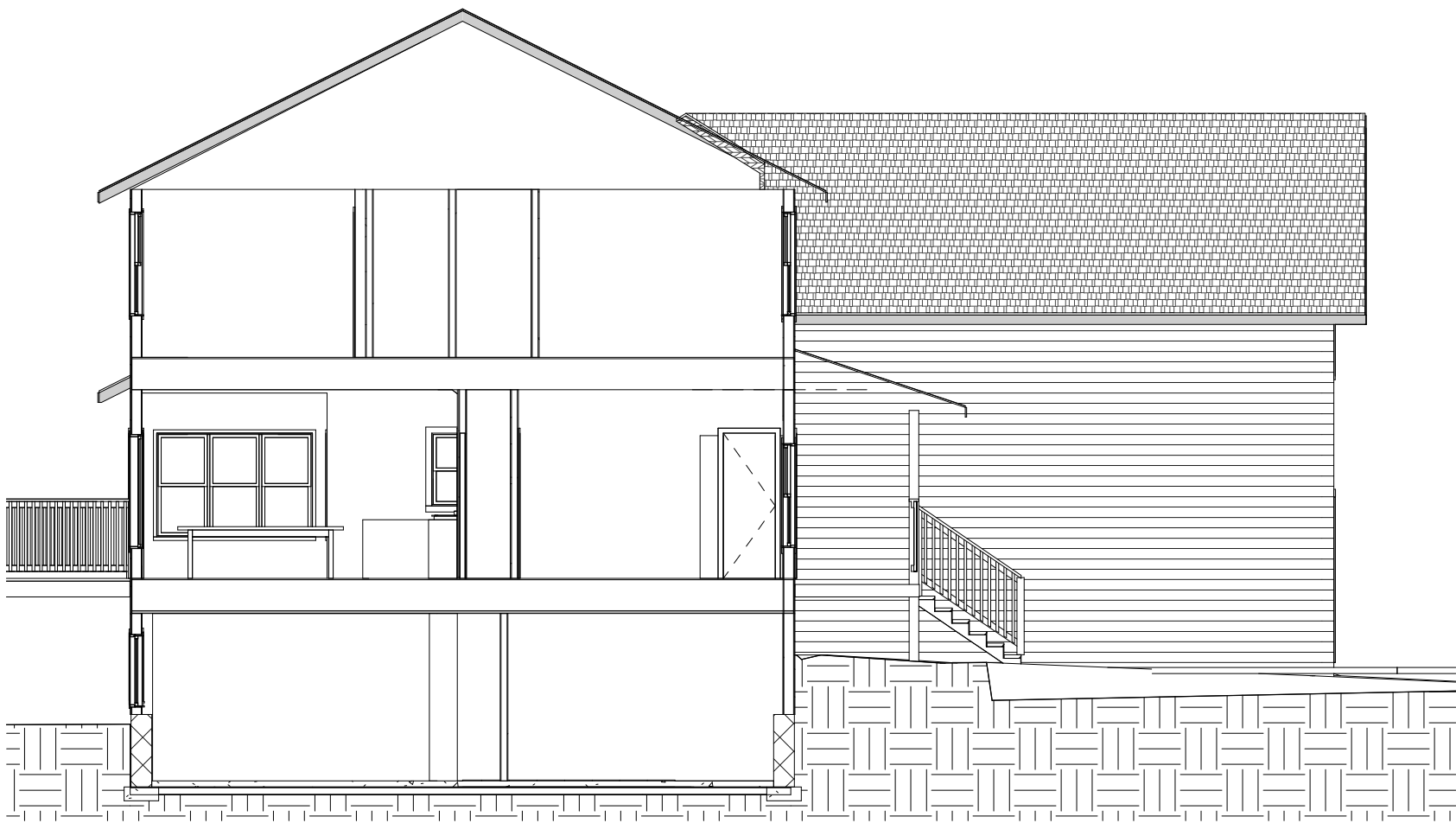
SCALE: As indicated

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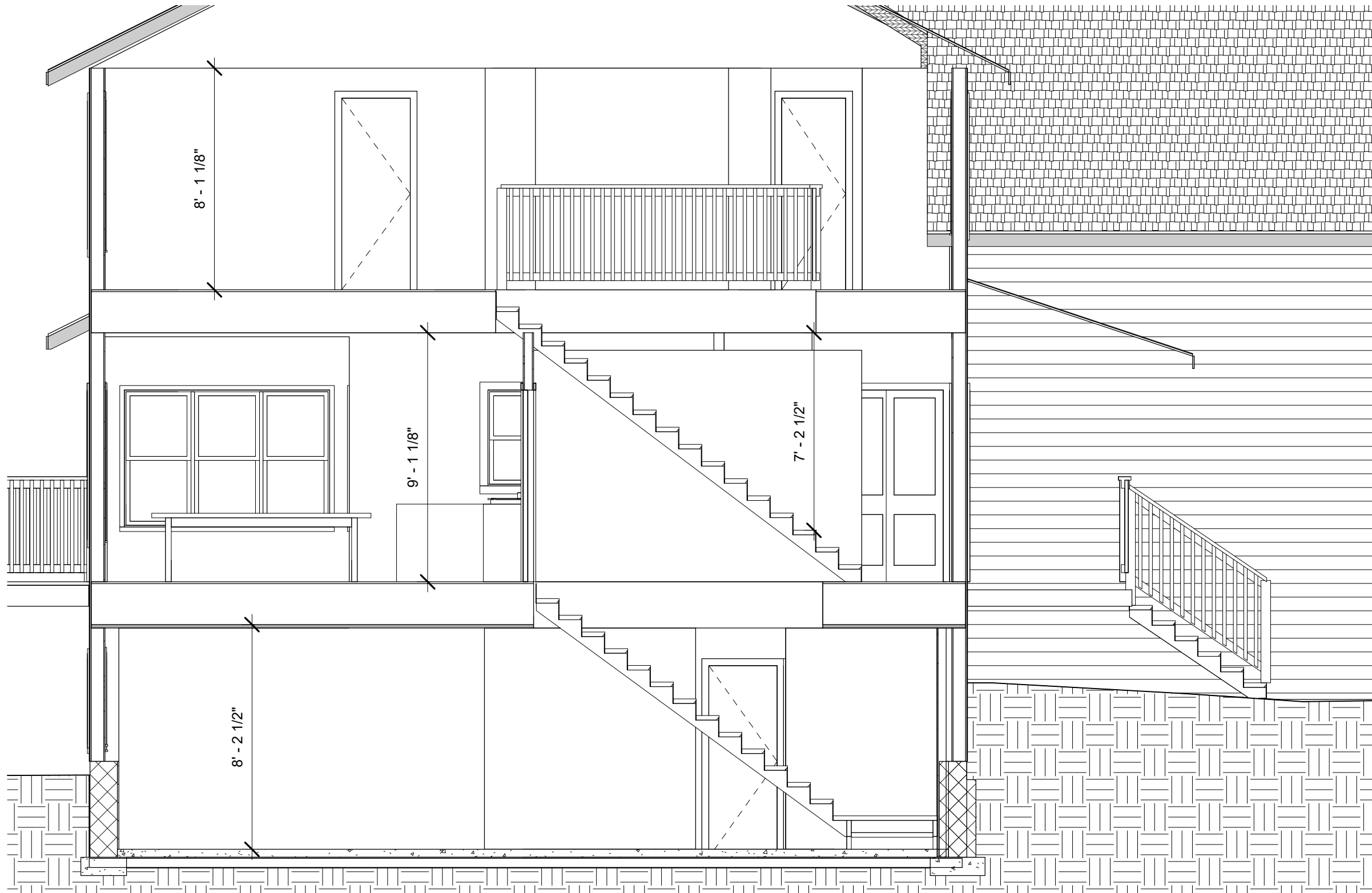
A-1



2 SECTION THRU BONUS ROOM
1/4" = 1'-0"



4 SECTION THRU FRONT PORCH
1/8" = 1'-0"



3 SECTION THRU STAIRS
1/4" = 1'-0"



1 SECTION THRU HOUSE WIDTH
1/4" = 1'-0"

PROJECT:
2 STORY

OWNER:
RICHARD RITER
ADDRESS:
792 COUNTY ROAD I W
SHOREVIEW, MINN. 55126

CONTRACTOR:
TBD

REVISIONS			
NO.	DATE	DESCRIPTION	BY

PRELIMINARY PLAN, NOT
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DRAWN: DICK S.
CHECKED R.J.S.

SECTIONS

SCALE: As indicated

PAGE NO:

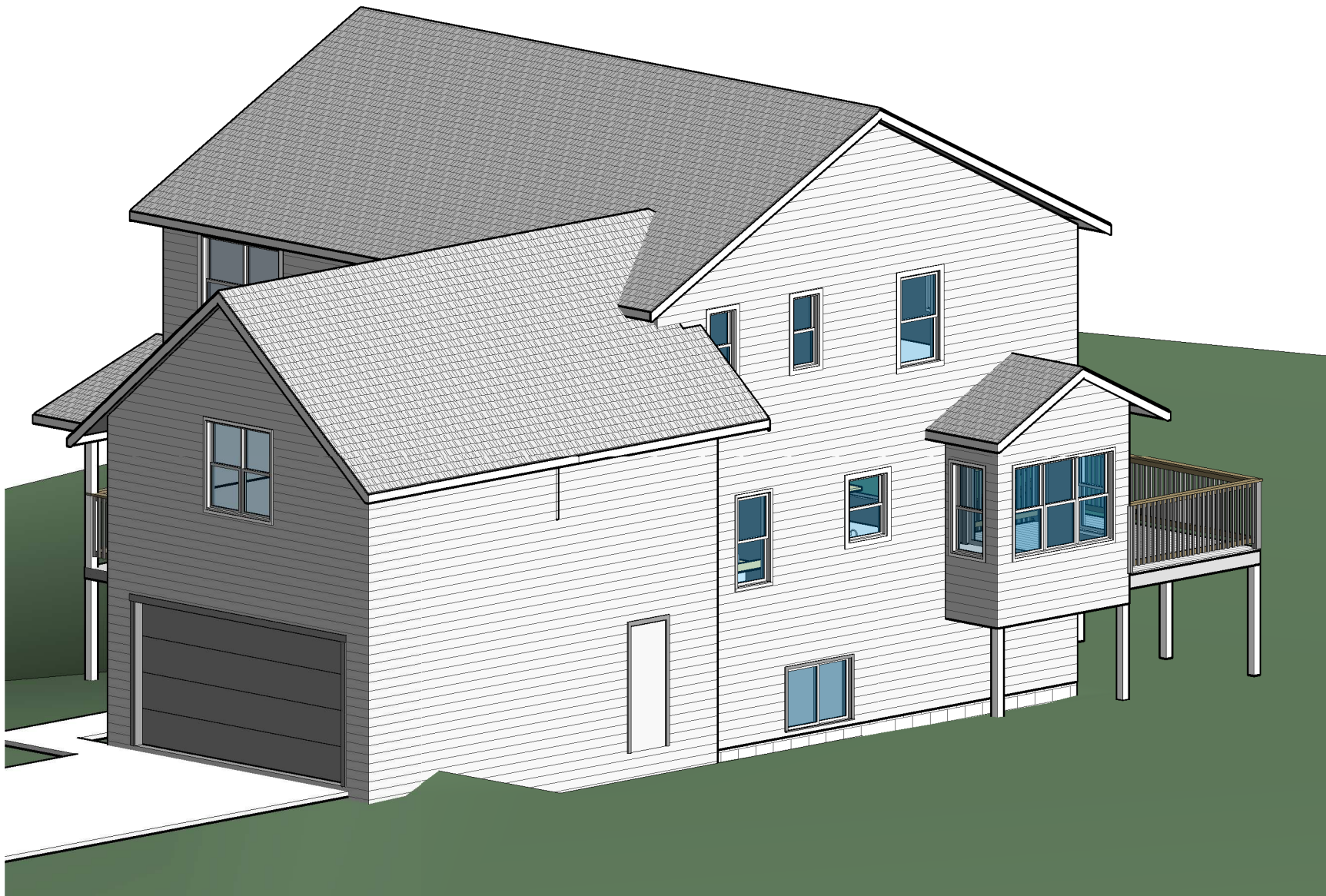
A-5



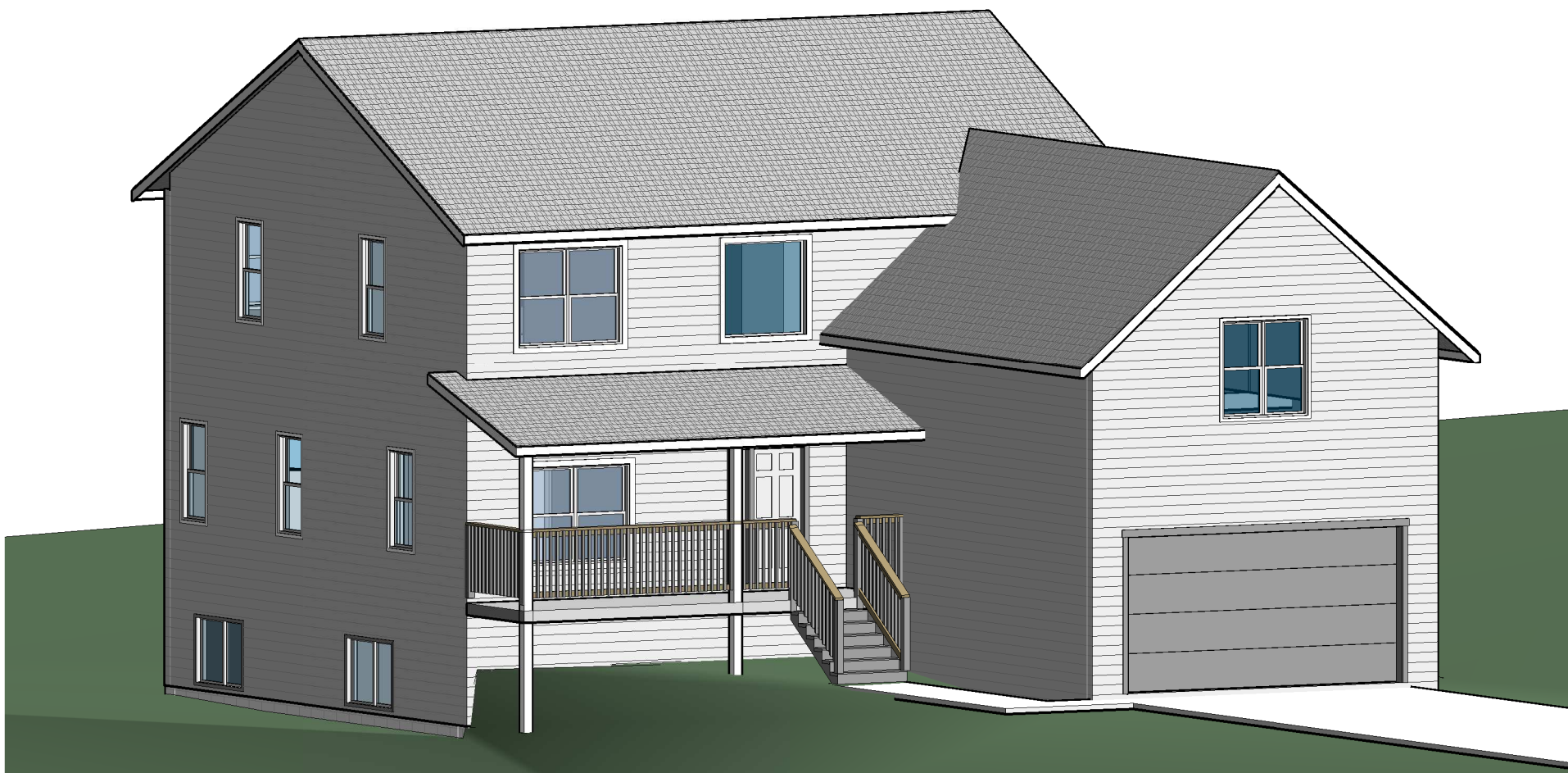
4 3-D PERSPETIVE SOUTH WEST VIEW
D-1



2 3-D PERSPECTIVE SOUTH EAST VIEW
D-1



3 3-D PERSPECTIVE NORTH WEST VIEW
D-1



1 3-D PERSPECTIVE NORTH EAST VIEW
D-1

PROJECT:
2 STORY

OWNER:
RICHARD RITER
ADDRESS:
792 COUNTY ROAD I W
SHOREVIEW, MINN. 55126

CONTRACTOR:
TBD

REVISIONS			
NO.	DATE	DESCRIPTION	BY

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TEL: (763) 785-2105
SchHomDsgn@aol.com

DATE: 01/14/2021

DATE: 03/03/2021 DRAWN: DICK S.
JOB NO: 2104 CHECKED: R.J.S.

3-D PERSPECTIVES

SCALE:

PAGE NO:

D-1

**EXTRACT OF MINUTES OF MEETING OF THE
PLANNING COMMISSION OF SHOREVIEW, MINNESOTA
HELD MARCH 23, 2021**

* * * * *

Pursuant to due call and notice thereof, a meeting of the Planning Commission of the City of Shoreview, Minnesota was duly called and held at the Shoreview City Hall in said City at 7:00 P.M.

The following members were present:

And the following members were absent:

Member introduced the following resolution and moved its adoption.

RESOLUTION NO. 21-20 VARIANCE

WHEREAS, Dick and Dora Riter, married to each other, submitted variance applications for the following described property:

The west one-half (W 1/2) of Lot 14 and the East one-half (E 1/2) Of Lot 13 Turtle Lake Shores, Ramsey County,

(This property is commonly known as 792 County Road I West)

WHEREAS, the applicants have to remove the existing home and build a new home on the property; and

WHEREAS, the property is a substandard riparian lot and the new home is subject to the substandard riparian lot requirements stated in Section 209.080 (L); and

WHEREAS, the proposed home will be setback 39.2' from the County Road right-of-way, less than the 71.25 feet required; and

WHEREAS, the proposed garage and home are proposed to be setback 8.1' from the side property line, less than the 10' required; and

WHEREAS, the proposed foundation area of 1,910 square feet exceeds the maximum 1,763.64 square feet permitted; and

WHEREAS, the Shoreview Planning Commission is authorized by State Law and the City of Shoreview Development Regulations to make final decisions on variance requests; and

WHEREAS, on March 23, 2021, the Shoreview Planning Commission approved the variances and adopted the following findings of fact:

Reasonable Manner. The property owner proposes to use the property in a reasonable manner not permitted by the Shoreview Development Regulations. The applicant is proposing to use the property in a reasonable manner as single family residential is a permitted use.

Unique Circumstances. The plight of the property owner is due to circumstances unique to the property not created by the property owner. There are unique circumstances that affect the placement of a home on this property. The two adjoining homes at 784 County Road I W is placed close to the lake, less than the 50-feet required. As a result, this home is set farther back from County Road I impacting the permitted front yard setback range applied to this property. When the required setback is applied from the OHW, the buildable area of the property is constrained with a building pad depth that ranges from 31 feet to 47 feet.

The 60-foot width of this property is less than the 100-feet required causing it to be substandard and subject to a 10 foot side yard setback for structures. When these setbacks are applied, the buildable width of the property is reduced to 40 feet and creates practical difficulty in designing a home to fit within the buildable area of the lot. The proposed 8.1-foot setback for the garage and southwest corner of the home is minimal and increases the buildable area of the parcel. The proposed garage setback does exceed the minimum 5-foot setback requirement for attached garages in the R1 district.

Regarding the foundation area, the proposed foundation area of 1,910 square feet is 19.5% of lot area, exceeding the 1,763 square feet (18%) permitted. The floor area of this home is modest for a lakeshore property. The proposed foundation area is impacted by additional space needed in the garage for a stairway into the main floor of the home and a covered front porch. The elevation of the home will be raised to provide positive drainage away from the home as such a stairway in the garage is needed. The covered porch is intended to improve the aesthetics of the home.

Character of Neighborhood. The variance, if granted, will not alter the essential character of the neighborhood. The character of the neighborhood will not be altered.

Residential development along County Road I is varied. Some homes have attached garages while others have detached garages closer to the roadway than the home. The proposed setback of 39.2 feet is similar to other homes that have attached garages along this portion of County Road I. Side yard setbacks also vary in this neighborhood with some structures setback 5 feet or less from a side lot line.

NOW, THEREFORE, BE IT RESOLVED BY THE SHOREVIEW PLANNING COMMISSION, that the variance requests for property described above, subject to the following conditions:

1. The project must be completed in accordance with the submitted as part of the Variance application. Any significant changes to these plans, as determined by the City Planner, will require review and approval by the Planning Commission.
2. A grading and drainage plan shall be submitted with the building permit application for review and approval by the City Engineer. To mitigate stormwater runoff from the reduced garage setback, gutters shall be used.
3. A permit from the Rice Creek Watershed District shall be obtained, if required, prior to commencing any construction activity on site, including grading.
4. This approval will expire after one year if a building permit has not been issued and work has not begun on the project.
5. Shoreland Mitigation Affidavit is required to be signed before the building permit is issued.
6. This approval is subject to a 5-day appeal period. Once the appeal period expires, a building permit may be issued for the proposed project. A building permit must be obtained before any construction activity begins.

The motion was duly seconded by Member and upon a vote being taken thereon,
the following voted in favor thereof:

And the following voted against the same:

Adopted this 23rd day of March, 2021

Chris Anderson, Chair
Shoreview Planning Commission

ATTEST:

Kathleen Castle
City Planner

ACCEPTANCE OF CONDITIONS:

Dick Riter

Dora Riter

(STATE OF MINNESOTA)

(COUNTY OF RAMSEY)

(CITY OF SHOREVIEW)

I, the undersigned, being the duly qualified and acting Manager of the City of Shoreview of Ramsey County, Minnesota, do hereby certify that I have carefully compared the attached and foregoing extract of minutes of a meeting of said City of Shoreview Planning Commission held on the 23rd day of March, 2021 with the original thereof on file in my office and the same is a full, true and complete transcript there from insofar as the same relates to adopting Resolution No. 21-20.

WITNESS MY HAND officially as such Manager and the corporate seal of the City of Shoreview, Minnesota, this 23rd day of March, 2021.

Terry Schwerm
City Manager

SEAL

Drafted By: Kathleen Castle
City Planner
4600 Victoria Street
Shoreview, MN 55126

Memorandum

TO: Planning Commission
FROM: Aaron Sedey , Associate Planner
DATE: March 23, 2021
SUBJECT: File No. 2780-21-07;Variance/Residential Design Review, 985 Oakridge Avenue - Olson
ITEM NUMBER: 7.B
SECTION: NEW BUSINESS

REQUESTED MOTION

Motion to deny

To deny the requested impervious surface coverage and building height variances for a proposed home addition, pool and patio submitted by Hendel Homes for 985 Oakridge Ave as practical difficulty is not present. There are no unique circumstances that warrant the height variance and approval of said variance will alter the essential character of the neighborhood.

Motion to approve

To adopt a Resolution #21-XX approving the Variance for a proposed addition, pool and patio submitted by Hendel Homes, 985 Oakridge Ave, subject to the following conditions:

1. The project must be completed in accordance with the submitted as part of the Variance application. Any significant changes to these plans, as determined by the City Planner, will require review and approval by the Planning Commission.
2. The impervious must not exceed 31.9% on the lot.
3. The building height does not exceed 40.5 feet.
4. Any trees removed as part of this project shall be replaced in accordance with the City's tree replacement requirements.
5. This approval will expire after one year if a building permit has not been issued and work has not begun on the project.
6. Shoreland Mitigation is required including the practice of stormwater management. The Shoreland Mitigation Affidavit is required to be signed before the building permit is issued.
7. This approval is subject to a 5-day appeal period. Once the appeal period expires, a building permit may be issued for the proposed project. A building permit must be obtained before any construction activity begins.

Approval is based on the following findings:

INTRODUCTION

A residential design review and variance request has been submitted by Hendel Homes on behalf of Cory and Amanda Olson, 985 Oakridge Avenue, to expand the home and add a patio area and swimming pool. This improvement requires residential design review because the property is a substandard riparian lot.

The proposal also requires the following variances:

1. To exceed the maximum 30.5% impervious surface coverage as 31.9% is proposed.
2. To exceed the maximum 35-foot height permitted for the principal structure, as 40.5 feet is proposed.

A similar application was reviewed by the planning commission in 2019. The applicants proposed a patio expansion and a pool installation on the lakeside of the home. At the August 22, 2019 meeting, the commission approved a variance to increase the maximum impervious surface coverage from 30.5% to 34.9% for these improvements. In August, 2020, the applicant requested the variance be extended. The commission granted this request and the variance now expires August 27, 2021. As the applicant's plan has changed, a new variance application has been required.

DISCUSSION

SITE CHARACTERISTICS

The property is located on the south side of Turtle Lake off the Oakridge Avenue private roadway. It is zoned R1 – Detached Residential and is within the Turtle Lake Shoreland Overlay District. The surrounding properties have similar zoning and are developed with detached single family residential uses.

The lot has an area of 44,670 square feet. It is a substandard riparian lake parcel with a width of 106 ft, an average depth of 387 ft. The parcel exceeds required 15,000 square foot minimum lot size and 100 foot minimum lot width but is substandard because it does not have 100 feet of frontage on a public street.

The lot is developed with a one-story house with a walk-out lower level, attached and detached garage. Existing improvements on the lakeside of the home include a patio area, deck and putting green. The property does slope down approximately 21 feet from the house to the lakeshore.

Access to the property is gained off of a private roadway from Oakridge Avenue. This roadway encroaches over the southern 30' of the property and is located in a driveway easement. Other properties use the roadway for access.

Since the proposed project varies greatly from the 2019 approval, planning commission review of the new project is required.

PROJECT DESCRIPTION

The applicant is proposing to expand the house by building a living space addition that

projects out towards the lake, a patio and in-ground swimming pool area. This improvement increases the impervious surface coverage from 29.3% (13,073 square feet) to 31.9% (14,246 square feet). While swimming pools hold water, they are considered impervious surface since water cannot infiltrate into the ground and vegetation cannot grow.

The 1,980 square foot addition (foundation area) is designed to extend out approximately 80 feet from the existing structure towards the lake. The visibility of the addition varies with the topography. The addition is designed to be below grade near the home but becomes visible as the topography slopes downward towards the lake. When viewed from the lake, the addition has a height of 11 feet.

The pool and patio area will be located closer to the existing home and match the grade elevation of the existing lower level.

Since the addition is at a lower elevation than the existing home, the height is increased from 32.5 feet to 40.5 feet. A variance is required because the structure exceeds the 35-foot maximum height permitted for structures on substandard lots.

At least one landmark tree may be removed as part of this project. Tree replacement would be reviewed at the time of any future building permit.

DEVELOPMENT CODE

City code defines building height, "with the exception of substandard riparian lots, building height shall be measured as follows: A distance to be measured from the mean curb level along the front lot line or from the mean ground level for all that portion of the structure having frontage on a public right-of-way, whichever is higher, to the top of the cornice of a flat roof, to the top line of a mansard roof, to a point on the roof directly above the highest wall of a shed roof, to the uppermost point on a round or other arch-type roof, or to the mean distance of the highest gable on a pitched or hip roof. For substandard riparian lots, building height is measured from the highest roof peak to the lowest point at finished grade. Finished grade is the final grade upon completion of construction. Grade is defined as the lowest point within 5 feet of the building in accordance with the Uniform Building Code."

The maximum height in the R1 district is 35 feet.

Residential Design Review

The Development Ordinance requires residential construction on substandard lots to comply with certain design standards. Variances are being requested to exceed the maximum impervious surface coverage permitted and the building height.

Section 209.080(L)(2)(c)(i) addresses impervious surface coverage on substandard riparian lots. A maximum impervious surface coverage of 30% is permitted if there are no water oriented structures in the required setback from the ordinary high water level. If the existing impervious surface coverage exceeds the allowable impervious surface coverage, the existing impervious surface coverage may remain but cannot be increased.

On a substandard riparian lot the maximum building height shall not exceed 35 feet as measured from the highest roof peak to the lowest point at finished grade (Section 209.080L2c).

The design standards and requested variances are summarized in the table below.

STANDARD	ALLOWED 13,401 sf. ft. (30%)	PROPOSED
Lot coverage	Existing: 13,073 sq. ft. (29.3%)	14,246 square feet (31.9%)*
Principal structure height	35 feet to peak or top of roof Existing 29.5 feet	40.5 feet*
Foundation size	8,041 sq. ft. (18%) Existing; 4,601 sq. ft. (10.3%)	7,577 sq. ft. (17%)
Setbacks:		
Side (west)	5 feet garage 10 feet living	No Change 12.5 feet (new addition)
OHW	55.35 – 75.35 feet	86.5 feet

***Variance Required**

Variance Criteria

When considering a variance request, the Commission must determine whether the ordinance causes the property owner practical difficulty and find that granting the variances is in keeping with the spirit and intent of the ordinance. Practical difficulty is defined as:

1. *Reasonable Manner. The property owner proposes to use the property in a reasonable manner not permitted by the Shoreview Development Regulations.*
2. *Unique Circumstances. The plight of the property owner is due to circumstances unique to the property not created by the property owner.*
3. *Character of Neighborhood. The variance, if granted, will not alter the essential character of the neighborhood.*

For a variance to be granted, all three of the criteria need to be met.

APPLICANT'S JUSTIFICATION OF PRACTICAL DIFFICULTY

The applicant states that practical difficulty is present due to the unique circumstance related to the private roadway as this increases the impervious surface coverage. The amount of impervious has decreased since their last approved request from 34.9% to 31.9%. If the lot fronted on a public right-of-way, it would not be substandard and subject to the stricter height requirement. The new addition would only be 11 feet tall and 70' back from where the height

would be the 40.5 feet. See applicant's statement and submitted plans.

STAFF REVIEW

Staff reviewed the plans in accordance with the residential design review and variance criteria. Staff is appreciative of the proposed reinvestment of the property, but is unable to find practical difficulty as all three criteria are, in staff's opinion, not met. The reduction of the impervious surface from the original approved request is a positive change, however, the proposed height and resulting mass of the structure is not consistent with the neighborhood character.

1. *Reasonable Manner. The property owner proposes to use the property in a reasonable manner not permitted by the Shoreview Development Regulations.* The proposed residential use of the addition is consistent with the the residential uses permitted in R1 district. While adding onto an existing residential home can be considered reasonable use of the property, the resulting size and height of the home is not consistent with the shoreland regulations for substandard lots.
2. *Unique Circumstances. The plight of the property owner is due to circumstances unique to the property not created by the property owner.* Staff understands that the frontage on a private road may be considered a unique circumstance that then causes this property to be subject to the design standards for substandard lots. Regarding the impervious surface coverage, the private roadway does impact coverage on the property, therefore, staff believes the variance to increase the coverage is warranted. While this may be considered a unique circumstance, it is difficult for staff to connect the private roadway frontage with the variance requested for a taller structure. Unique circumstances stem from the personal preference of the homeowners. The existing home does have a foundation area of 3,630 square feet, including the attached garage, which is conducive to modern living standards. Granted it is a large lot which offers more possibilities than the surrounding lots, but the falls under the substandard riparian lot which requires more strict regulations and therefore the preference is created by the property owner.
3. *Character of Neighborhood. The variance, if granted, will not alter the essential character of the neighborhood.* Staff believes that the building height variance will alter the essential character of the existing neighborhood. The properties along this segment of Oakridge Avenue are considered substandard, therefore, building heights can not exceed 35 feet as measured from the lowest grade to the top of the roof peak. While the proposed addition is 11 feet in height near the lakeshore, the total height of the structure is 40.5 feet. This height exceeds the height of some of the homes in the area, specifically the home to the west. Further, the addition does result in a larger foundation area than the surrounding properties. For these reasons, staff believes the character of the neighborhood will be impacted. The proposed house addition is comparable to some of the surrounding homes existing foundations.

SHORELAND MITIGATION

In accordance with the Development Code, shoreland mitigation is required of the property owners who are seeking certain land use approvals through the City. The applicants have identified they will use architectural mass and stormwater management. The applicants are required to enter into a Mitigation Agreement with the City.

PUBLIC COMMENT

Property owners within 150 feet were notified of the applicant's request. Four comments have been received in opposition citing size and drainage issues. Please see attached comments.

RECOMMENDATION

Staff is not able to make affirmative findings regarding the practical difficulty and recommends denial of the requested variances. Practical difficulty stems the owner's preference that creates the hardship.

However, if the Planning Commission were to find practical difficulties to support the requested variances, staff would recommend the following:

The approval of the variance would have the following conditions:

1. The project must be completed in accordance with the submitted as part of the Variance application. Any significant changes to these plans, as determined by the City Planner, will require review and approval by the Planning Commission.
2. The impervious must not exceed 31.9% on the lot.
3. The building height does not exceed 40.5 feet.
4. Any trees removed as part of this project shall be replaced in accordance with the City's tree replacement requirements.
5. This approval will expire after one year if a building permit has not been issued and work has not begun on the project.
6. Shoreland Mitigation is required including the practice of stormwater management. The Shoreland Mitigation Affidavit is required to be signed before the building permit is issued.
7. This approval is subject to a 5-day appeal period. Once the appeal period expires, a building permit may be issued for the proposed project. A building permit must be obtained before any construction activity begins.

ATTACHMENTS

[Application Materials](#)
[985 Oakridge Maps](#)
[Public Comments](#)

Olson Residence Variance Request

March 23rd Planning Commission Meeting

985 Oakridge Ave., Shoreview MN 55126

Variance Request for Hardcover/Impervious Surface

We are requesting to re-new the variance that was previously granted on hardcover/impervious surface at 34.9%, it has been reduced to a new proposed hardcover of **31.9%**. We would submit all previous reasons for granting the variance.

- The variance will not alter the character of the property or neighborhood
- The shared road/driveway will remain unchanged
- The impervious coverage will be used to improve the property and the stormwater management plan will help control any excess runoff to neighboring properties

Variance Request for Height based on a substandard Lot

We are requesting a variance to the structure height based on a substandard lot ordinance requiring 35' max building height from the rear grade of the structure.

The new proposed height of the structure requires a variance due to the fact that the lot is categorized as a substandard lot and does not have 100 feet of Street right of way. The height we are proposing would qualify on any non-substandard lot in Shoreview. The current existing height (as measured per city ordinance on a standard lot is 19.3') is lower than the required height (35') of a standard lot.

Although it will technically be 40.5 feet high from the existing structure, the new addition at the furthest point out it is approximately 11 feet tall and at approximately 70' feet back from the height it will be the same height as the existing main structure and its flat roof. (See attachment) The new rear addition also does not impede on the side view of either neighbor. (See attached survey)

This addition's impressive structure to this unique home will add beauty and character as viewed from the Lake (see renderings).

An alternative option being considered could be to tear the existing house down and build a new house in line existing neighboring house structures per city ordinance. Including 288 square foot boathouse 10 feet tall built to within 10 feet of HWL and neighboring property. The boathouse was considered in past, but didn't want to impede the view of neighboring properties.

- The variance will not alter the character of the property or neighborhood

CERTIFICATE OF SURVEY

~for~ CORY AND AMANDA OLSON
~of~ 985 OAKRIDGE AVENUE
SHOREVIEW, MN 55126

PROPERTY DESCRIPTION

(PER DEED, DOCUMENT NO. A04740244)
That part of Government Lot 1, Section 14, Township 30, North Range 23 West, Ramsey County, Minnesota described as follows:

Beginning at the intersection of the east line of said Government Lot 1 and the northwesterly projection of the north line of Margaret Street as platted in OAK RIDGE, in said Section 14; thence northwesterly on said projection 125 feet; thence north, parallel to said east line of Government Lot 1, 220 feet; thence deflecting 9 degrees 30 minutes to the right and thence northeasterly, 207 feet, more or less, to the shoreline of Turtle Lake; thence southeasterly on said shoreline 100 feet, more or less, to said east line of Government Lot 1; thence south on said east line to the point of beginning.

Reserving for Grantors, their heirs and assigns, an easement for driveway or road purposes over the southwesterly 30 feet of aforescribed tract measured at right angles to the southerly line of said tract.

NOTES

- Field survey was completed by E.G. Rud and Sons, Inc. on 9/15/2020.
- Bearings shown are on Ramsey County datum.
- Parcel ID Number: 14-30-23-22-0001.
- Parcel area above OHWL = 44,670 sq. ft. (1.03 acres)
- Curb shots are taken at the top and back of curb.
- This survey was prepared without the benefit of title work. Additional easements, restrictions and/or encumbrances may exist other than those shown hereon. Survey subject to revision upon receipt of a current title commitment or an attorney's title opinion.

LEGEND

- DENOTES IRON MONUMENT FOUND AS LABELED
- DENOTES IRON MONUMENT SET, MARKED RLS# 41578
- AC DENOTES AIR CONDITIONING UNIT
- EM DENOTES ELECTRICAL METER
- GM DENOTES GAS METER
- CS DENOTES CURB STOP
- SS DENOTES SANITARY SEWER MANHOLE
- OP DENOTES POWER POLE
- GW DENOTES GUY WIRE
- WV DENOTES WATER VALVE
- X 952.36 DENOTES EXISTING SPOT ELEVATION
- DENOTES EXISTING CONTOURS
- - - DENOTES EXISTING SANITARY SEWER
- - - DENOTES FENCE
- - - DENOTES RETAINING WALL
- ASPH DENOTES BITUMINOUS SURFACE
- CONC DENOTES CONCRETE SURFACE
- PAV DENOTES PAVER SURFACE

TREE DETAIL

- DENOTES ELEVATION
- DENOTES TREE QUANTITY
- DENOTES TREE SIZE IN INCHES
- DENOTES TREE TYPE

EXISTING IMPERVIOUS SURFACE

TOTAL PARCEL AREA ABOVE OHWL = 44,670 SF
EXISTING HOUSE W/ATTACHED GARAGE = 3,633 SF
EXISTING DETACHED GARAGE = 722 SF
EXISTING CONCRETE STOOP = 246 SF
EXISTING PAVERS = 6,078 SF
EXISTING CONCRETE PRIVATE DRIVE = 1,612 SF
EXISTING RETAINING WALLS = 752 SF
EXISTING SPIRAL STAIRS = 30 SF
TOTAL IMPERVIOUS SURFACE AREA = 13,073 SF (29.3%)

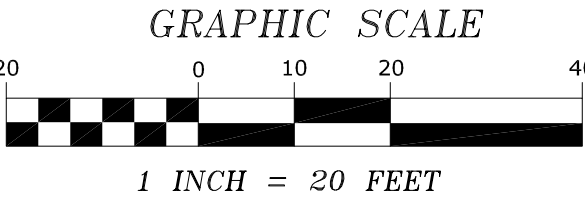
PROPOSED IMPERVIOUS SURFACE

TOTAL PARCEL AREA ABOVE OHWL = 44,670 SF
EXISTING HOUSE W/ATTACHED GARAGE = 3,633 SF
EXISTING DETACHED GARAGE = 722 SF
EXISTING CONCRETE STOOP = 246 SF
EXISTING PAVER DRIVEWAY = 4,657 SF
EXISTING CONCRETE PRIVATE DRIVE = 1,612 SF
PROPOSED HOUSE ADDITION = 1,926 SF
PROPOSED POOL AND SURROUND = 1,050 SF
PROPOSED RETAINING WALLS = 400 SF
TOTAL IMPERVIOUS SURFACE AREA = 14,246 SF (31.9%)

I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Registered Land Surveyor under the laws of the State of Minnesota.

JASON E. RUD
Date: 2/25/2021 License No. 41578

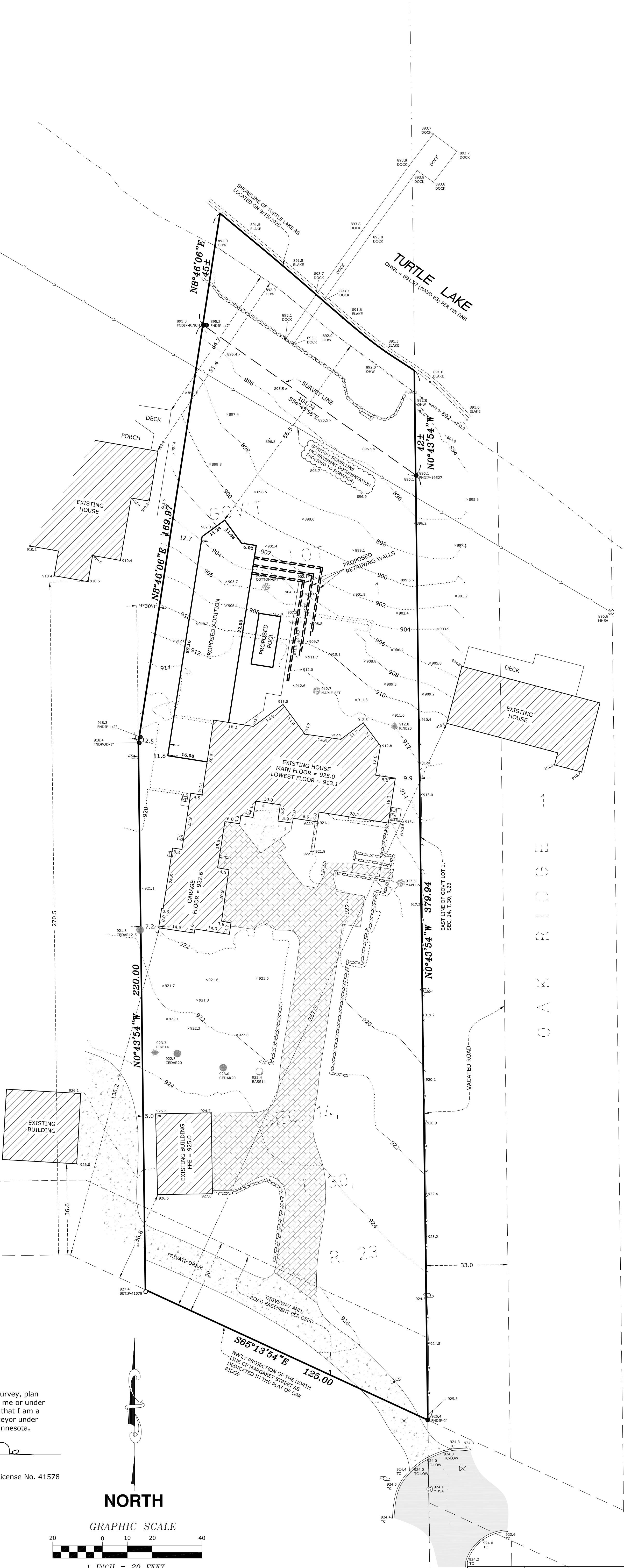
NORTH



BENCHMARK

RAMSEY COUNTY BENCHMARK NO. 9153
ELEVATION: 898.765 FT. (NAVD 88)

E. G. RUD & SONS, INC.
Professional Land Surveyors
6776 Lake Drive NE, Suite 110
Lino Lakes, MN 55014
Tel. (651) 361-8200 Fax (651) 361-8701



DRAWN BY:	BAB	JOB NO:	201055BT	DATE:	9/22/2020
CHECK BY:	JER	FIELD CREW:	JR		
1	12/23/20	ADD IMPERVIOUS CALCS	BAB		
2	1/11/21	REVISE IMPERVIOUS CALCS	BAB		
3	2/4/21	ADD ADJ HOUSE SHOTS	BAB		
4	2/25/21	REMOVE GARAGE/DRIVEWAY EXPANSION	BAB		
NO.	DATE	DESCRIPTION	BY		

Rendering 1



Rendering 3



Rendering 4



Rendering 5



Rendering 7



RENDERINGS



PROJECT DESCRIPTION

This project entails an approximately 3,100 square foot addition to an existing residence located on Turtle Lake in Shoreview, Minnesota. The ideal schedule is to complete the construction within one year or receiving a building permit. The primary purpose of this project is the demolition of an existing porch and replacing it with an addition.

The existing building has a walkout level to the lake, referred to in the drawings at the Pool Level, that currently has frost footings. A new level below this level, referred to as the Lake Level, will be excavated and require shoring of the existing structure as shown in the demolition drawings (see demolition section).

The new structure will have a standard cast in place foundation wall and footing on the Lake Level with precast planks spanning from one wall to the other. All framing above the precast planks is standard 2x6 framing with open 16” trusses for support and running mechanical.

A glass railing encircles the pool deck area for safety while also allowing views out to Turtle Lake. On the Pool Level, there is a light renovation of an existing lounge into a small kitchen area for guests. A three seasons screened in porch meshes seamlessly with the pool deck. A gas fireplace is the focal point on cool days, while the pool is the focal point on hot days. A steel stair runs along the exterior for access up to the upper deck on the main level.

On the Lake Level, there is a celebrated lounge area for guests and small gatherings. This lounge includes two restrooms, a small kitchen, a golf simulator, storage, and an interior stair up to the pool level.

LOCATION MAP



DRAWING INDEX

g-101.00	COVER PAGE
a-001.00 a-002.00	SITE PLAN - EXISTING SITE PLAN
ad-101.00 ad-102.00 ad-103.00 ad-401.00	DEMOLITION MAIN LEVEL PLAN DEMOLITION POOL LEVEL PLAN DEMOLITION LAKE LEVEL PLAN DEMOLITION SECTION
a-101.00 a-102.00 a-103.00	MAIN LEVEL PLAN POOL LEVEL PLAN LAKE LEVEL PLAN
a-201.00	REFLECTED CEILING PLAN / FRAMING PLAN
a-301.00 a-302.00	ELEVATIONS ELEVATIONS
a-401.00 a-402.00	BUILDING SECTIONS BUILDING SECTIONS
a-701.00 a-702.00	WALL SECTIONS WALL SECTIONS
a-801.00	DETAILS

DESIGN
ANNA DOVOLIS AND ASSOCIATES
612-296-2626

DRAFTING
ERASING ARCHITECTURE LLC
612-205-2364

SUBMISSION	DATE
ZONING REVIEW SET	2021.02.27

PROJECT
985 OAKRIDGE AVE
SHOREVIEW, MN 55126

SHEET TITLE
COVER PAGE

PHASE
CONSTRUCTION
DOCUMENTS

SHEET
g001.00



EXISTING HARDCOVER

HOUSE	3,631 SF
PORCH	510 SF
PAVERS	6,078 SF
CONC ROAD / DRIVE	1,602 SF
STONE AREAS	168 SF
SPIRAL STAIRS	30 SF
RETAINING WALLS	752 SF

TOTAL HARDCOVER	13,522 SF
AREA OF LOT	44,306 SF

PERCENTAGE HC	30.5%
---------------	-------

EXISTING ARCHITECTURAL SITE PLAN
SCALE = 1" = 20'-0" | SHEET = 24 X 36



DESIGN
ANNA DOVOLIS AND ASSOCIATES
612-296-2626

DRAFTING
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612-205-2364

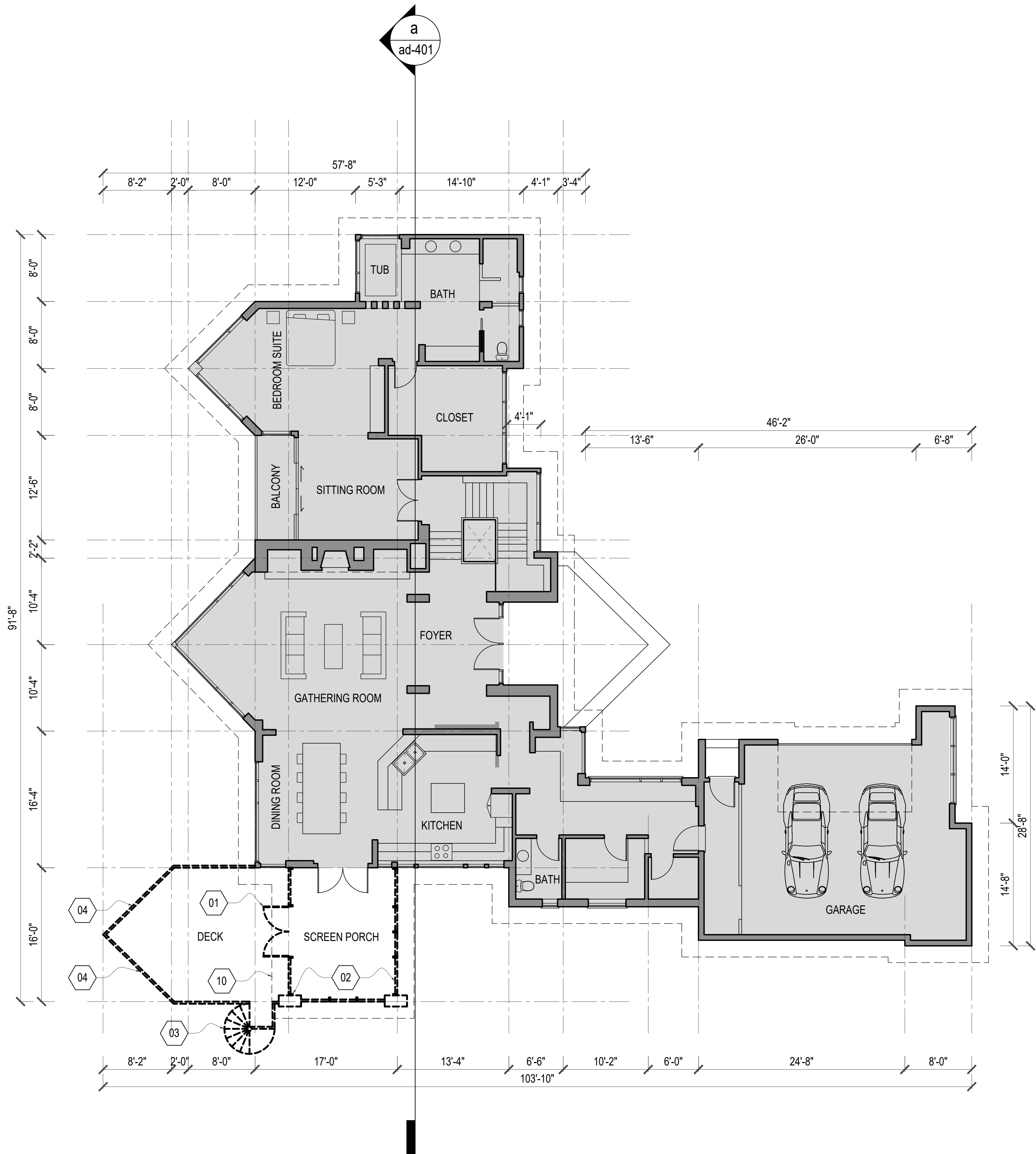
SUBMISSION	DATE
ZONING REVIEW SET	2021.02.27

PROJECT
985 OAKRIDGE AVE
SHOREVIEW, MN 55126

SHEET TITLE
SITE PLAN - EXISTING

PHASE
CONSTRUCTION
DOCUMENTS

SHEET
a001.00



DEMOLITION GENERAL NOTES

- 1. DO NOT DIMENSION DRAWINGS. ALL DIMENSIONS ARE TO BE VERIFIED IN FIELD.
- 2. PROTECT ALL EXISTING STRUCTURE FROM WEATHER CONDITIONS AND ENTRY.
- 3. PROVIDE SILT FENCE AROUND AREA OF NEW CONSTRUCTION.
- 4. ALL FRAMING SHOWN FOR REFERENCE ONLY. CONTRACTOR IS RESPONSIBLE TO VERIFY ALL DIMENSIONS, QUANTITIES, AND CONDITIONS FOR FINAL CONSTRUCTION.
- 5. CONTRACTOR ASSUMES RESPONSIBILITY FOR COMPLIANCE WITH ALL LOCAL AND STATE RESIDENTIAL CODES.

DEMOLITION KEYNOTES

- 01 REMOVE DOOR
- 02 REMOVE WALL
- 03 REMOVE SPIRAL STAIRCASE
- 04 SALVAGE GLASS RAILING AND CONNECTION HARDWARE FOR RE-USE
- 05 REMOVE PIER AND FOOTING BELOW
- 06 NEW HEADER, REFER TO STRUCTURAL DRAWINGS
- 07 EXISTING FROST FOOTINGS REQUIRE SHORING, REFER TO STRUCTURAL DRAWINGS
- 08 REMOVE WINDOW
- 09 REMOVE WINDOW AND SALVAGE FOR NEW GARAGE ADDITION OPENING OF SAME SIZE
- 10 REMOVE STRUCTURE ABOVE

DESIGN
ANNA DOVOLIS AND ASSOCIATES
612-296-2626

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612-205-2364

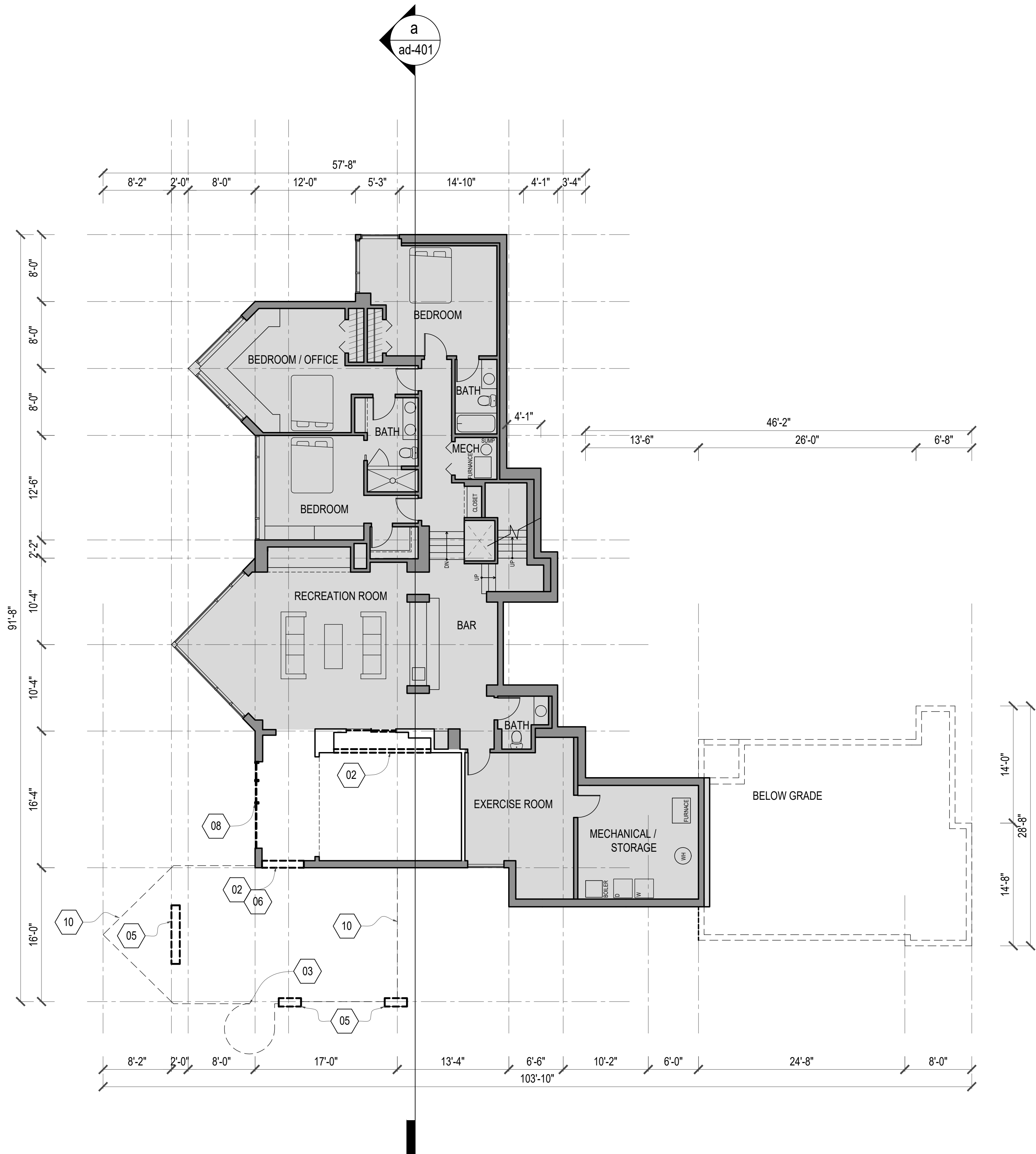
SUBMISSION	DATE
ZONING REVIEW SET	2021.02.27

PROJECT
985 OAKRIDGE AVE
SHOREVIEW, MN 55126

SHEET TITLE
DEMOLITION
MAIN LEVEL PLAN

PHASE
CONSTRUCTION
DOCUMENTS

SHEET
ad101.00



EXISTING LOWER LEVEL PLAN
SCALE = 1/8" = 1'-0" SHEET = 24 X 36

DEMOLITION GENERAL NOTES

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DESIGN
ANNA DOVOLIS AND ASSOCIATES
612-296-2626

DRAFTING
ERASING ARCHITECTURE LLC
612-205-2364

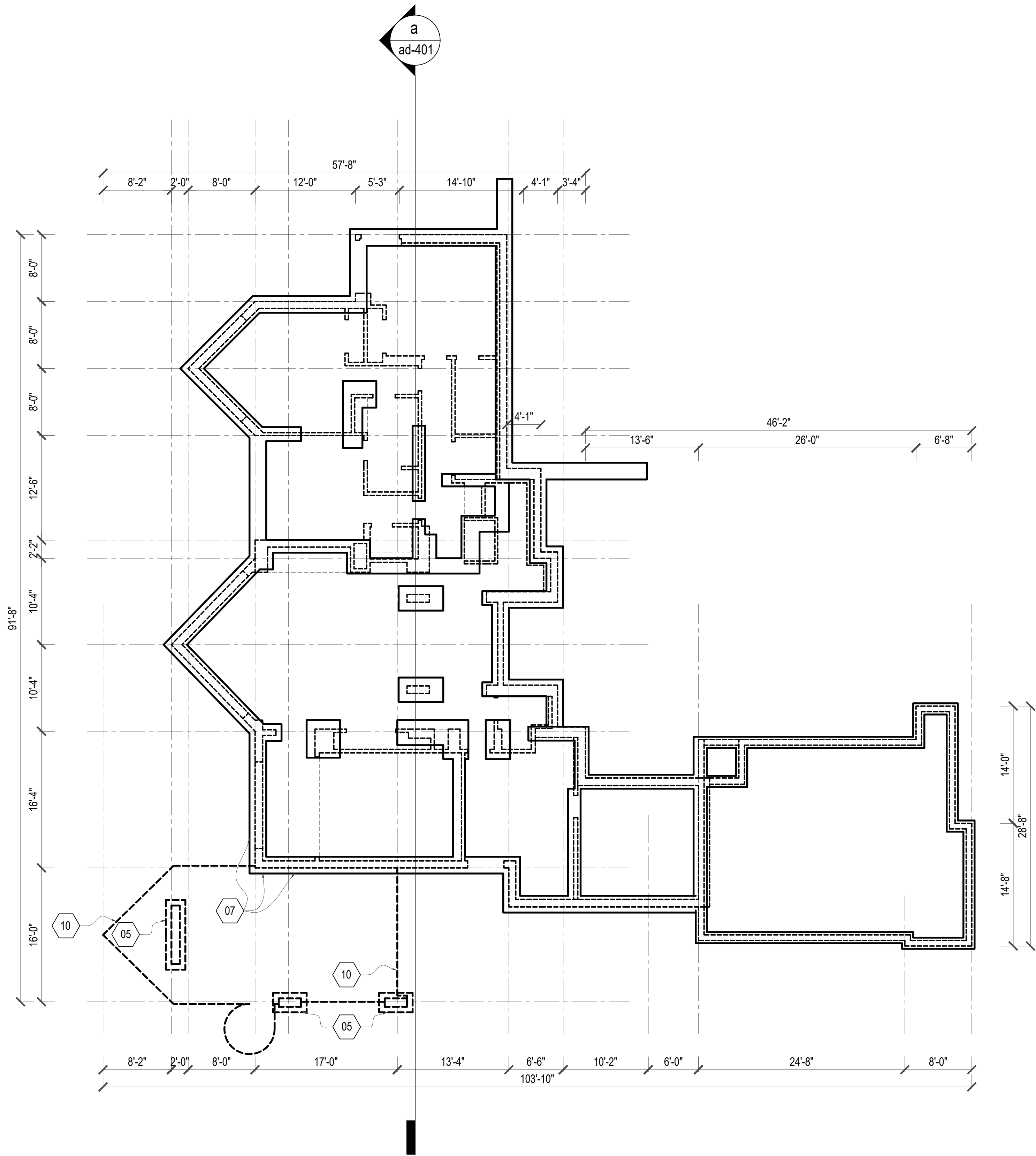
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ZONING REVIEW SET	2021.02.27

PROJECT
985 OAKRIDGE AVE
SHOREVIEW, MN 55126

SHEET TITLE
DEMOLITION
POOL LEVEL PLAN

PHASE
CONSTRUCTION
DOCUMENTS

SHEET
ad102.00



DEMOLITION GENERAL NOTES

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DESIGN
ANNA DOVOLIS AND ASSOCIATES
612-296-2626

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ERASING ARCHITECTURE LLC
612-205-2364

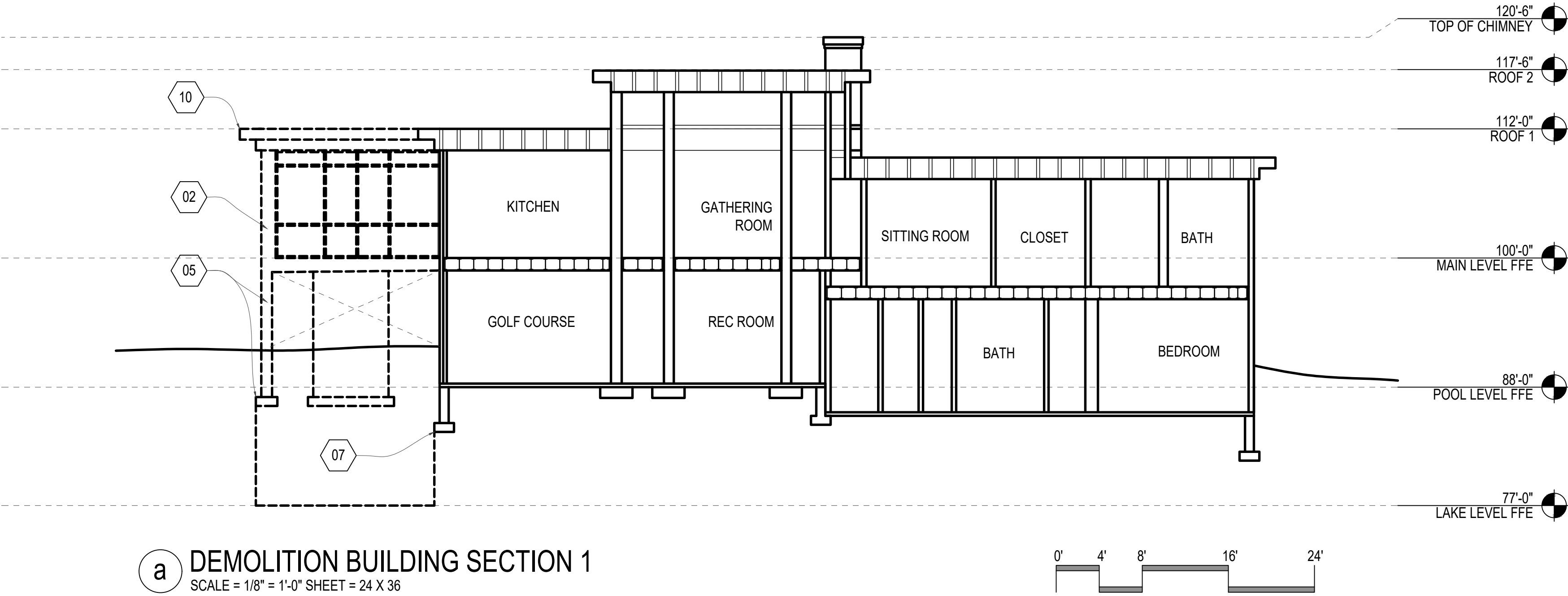
SUBMISSION	DATE
ZONING REVIEW SET	2021.02.27

PROJECT
985 OAKRIDGE AVE
SHOREVIEW, MN 55126

SHEET TITLE
DEMOLITION
LAKE LEVEL PLAN

PHASE
CONSTRUCTION
DOCUMENTS

SHEET
ad103.00



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DESIGN
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612-296-2626

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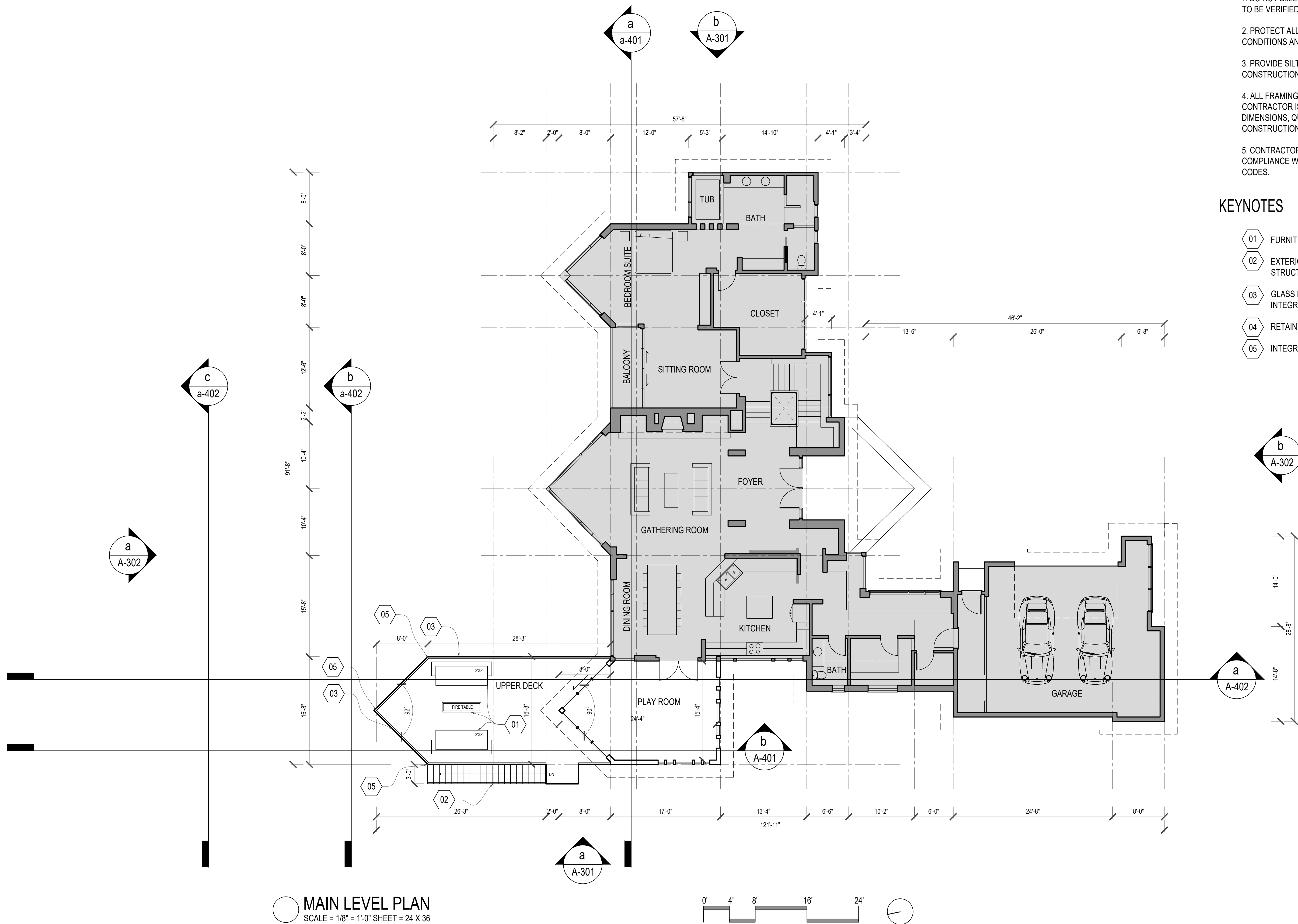
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ZONING REVIEW SET	2021.02.27

PROJECT
985 OAKRIDGE AVE
SHOREVIEW, MN 55126

SHEET TITLE
DEMOLITION
SECTION

PHASE
CONSTRUCTION
DOCUMENTS

SHEET
ad401.00



- GENERAL NOTES
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- KEYNOTES
- 01 FURNITURE BY OWNER
 - 02 EXTERIOR STEEL STAIR WITH METAL RAILING, REFER TO STRUCTURAL DRAWINGS FOR SUPPORTS
 - 03 GLASS RAILING TO MATCH EXISTING RAILING WITH INTEGRATED HARDWARE
 - 04 RETAINING WALL BY LANDSCAPE CONTRACTOR, TYP
 - 05 INTEGRATED GAS FED TORCH INTO RAILING SYSTEM (9EA)

DESIGN
ANNA DOVOLIS AND ASSOCIATES
612-296-2626

DRAFTING
ERASING ARCHITECTURE LLC
612-205-2364

SUBMISSION	DATE
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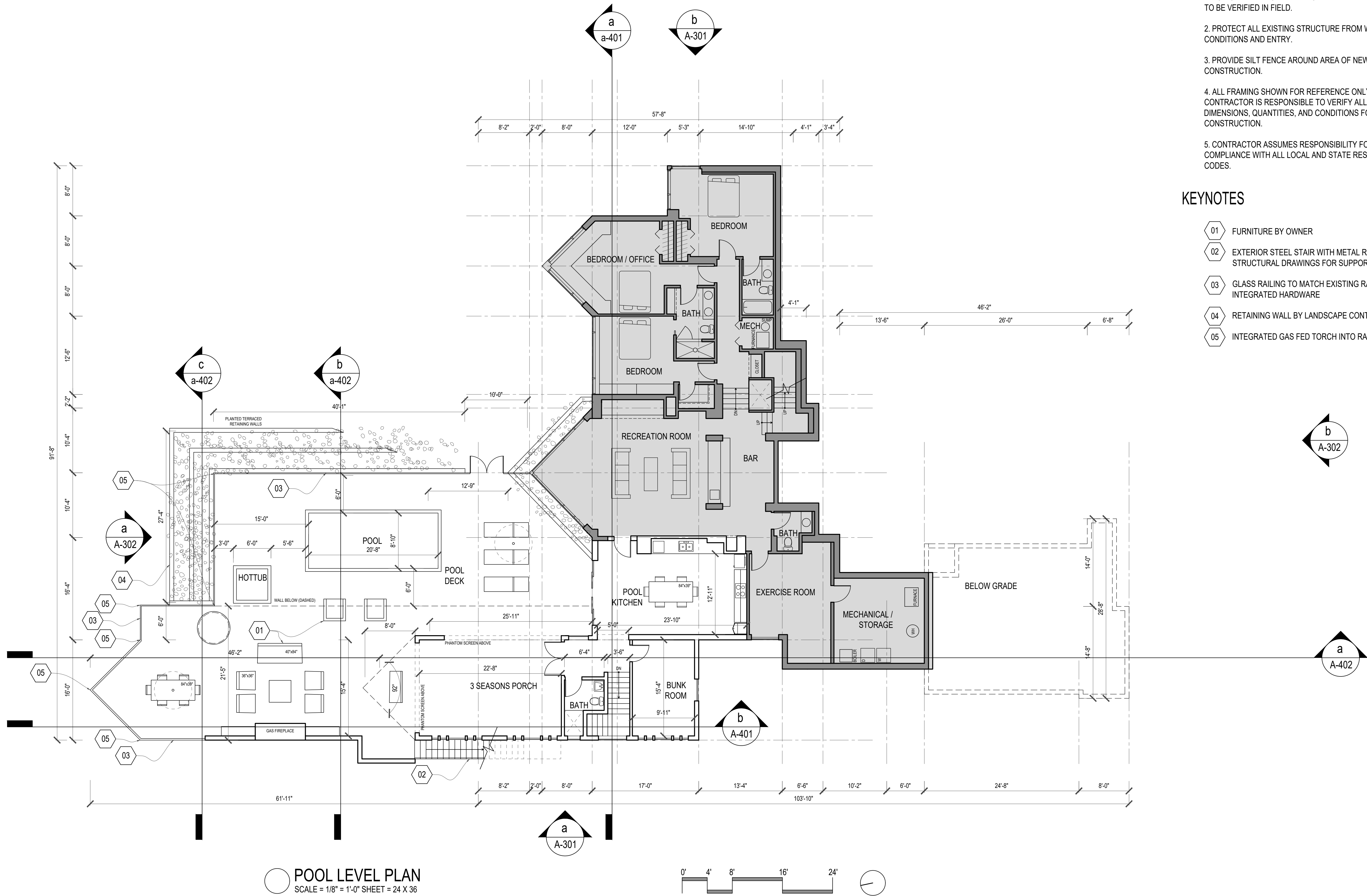
PROJECT
985 OAKRIDGE AVE
SHOREVIEW, MN 55126

SHEET TITLE
MAIN LEVEL

PHASE
CONSTRUCTION
DOCUMENTS

SHEET

a101.00



GENERAL NOTES

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- 02 EXTERIOR STEEL STAIR WITH METAL RAILING, REFER TO STRUCTURAL DRAWINGS FOR SUPPORTS
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DESIGN
ANNA DOVOLIS AND ASSOCIATES
612-296-2626

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612-205-2364

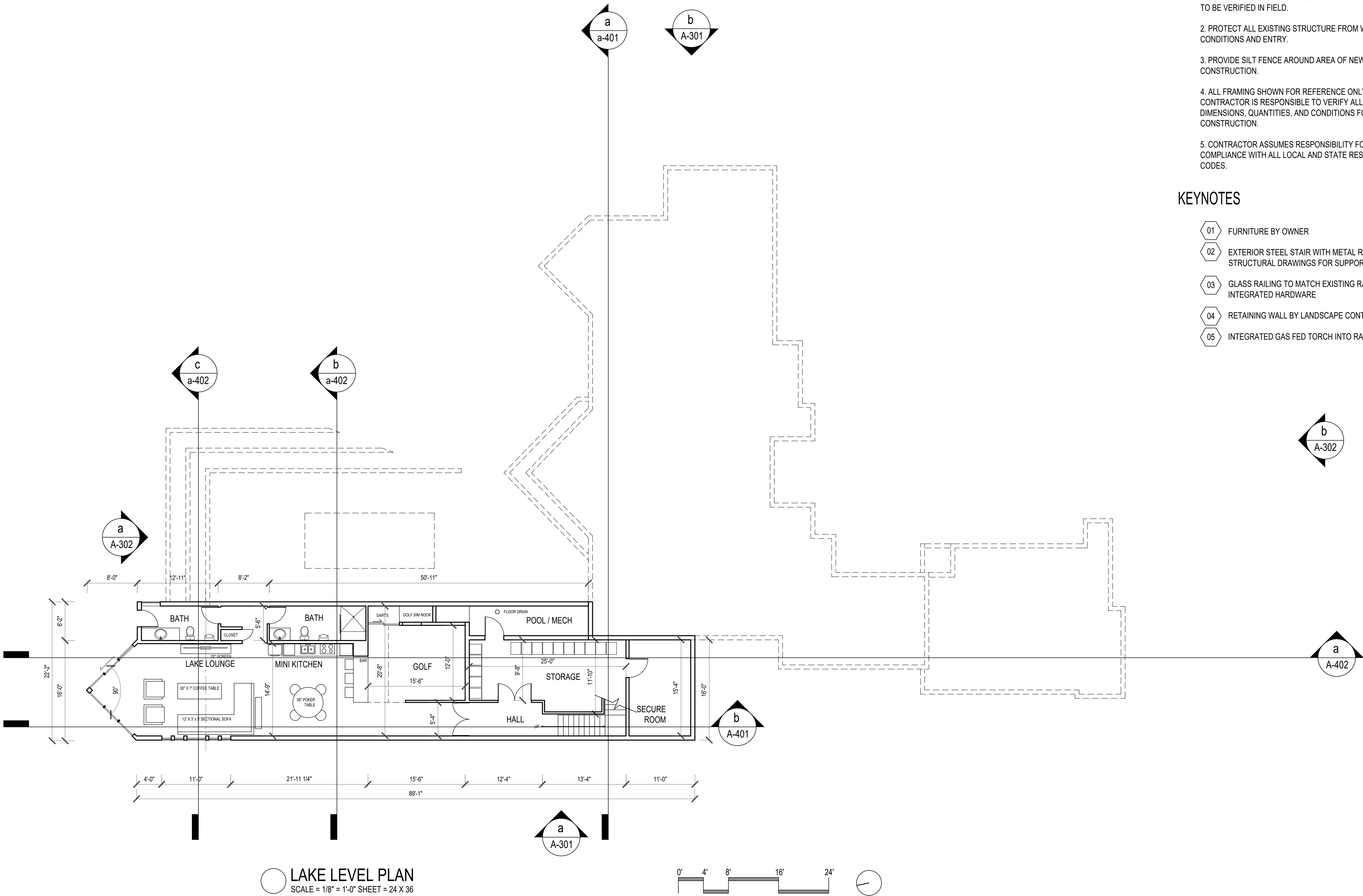
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PROJECT
985 OAKRIDGE AVE
SHOREVIEW, MN 55126

SHEET TITLE
POOL LEVEL

PHASE
CONSTRUCTION
DOCUMENTS

SHEET
a102.00



LAKE LEVEL PLAN
SCALE = 1/8" = 1'-0" SHEET = 24 X 36

GENERAL NOTES

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DESIGN
ANNA DOVOLIS AND ASSOCIATES
612-296-2626

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612-205-2364

SUBMISSION	DATE
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PROJECT
985 OAKRIDGE AVE
SHOREVIEW, MN 55126

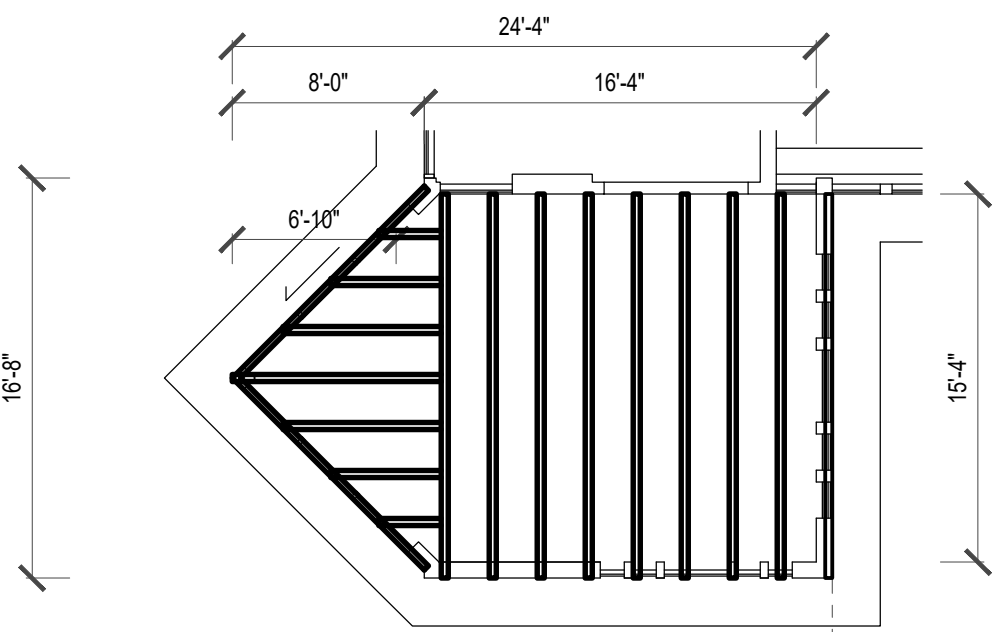
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LAKE LEVEL

PHASE
CONSTRUCTION
DOCUMENTS

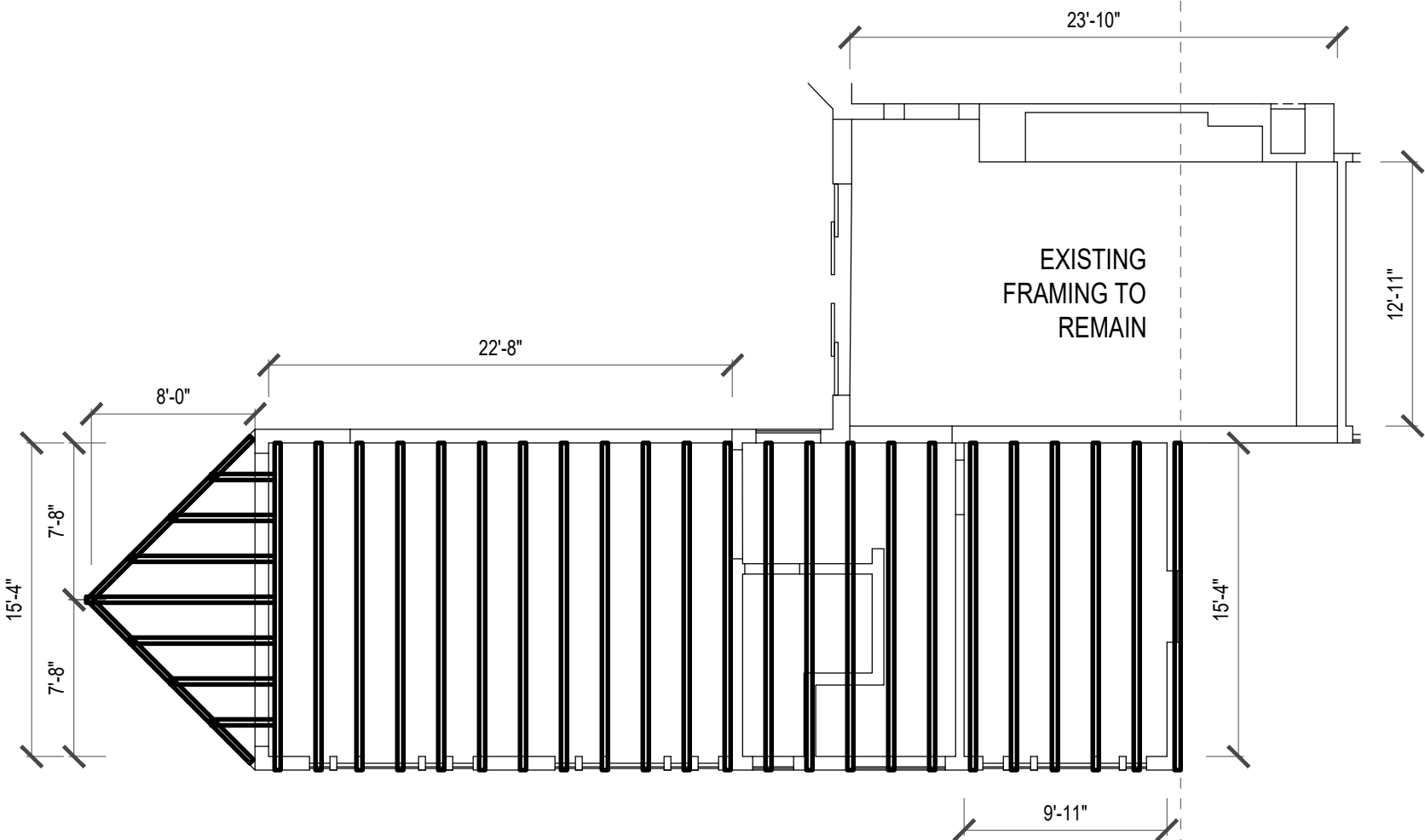
SHEET
a103.00

FRAMING NOTES

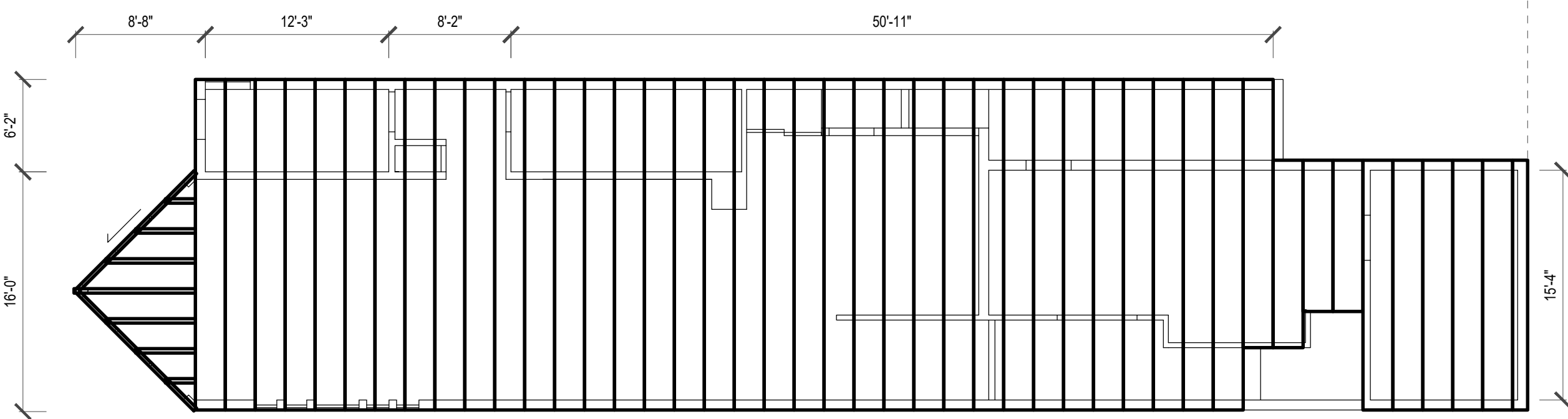
- 1. ALL FRAMING TO BE CONFIRMED BY TRUSS AND PRECAST MANUFACTURER.
- 2. REFER TO STRUCTURAL DRAWINGS FOR HEADER AND WALL INFORMATION.
- 3. CONTRACTOR TO VERIFY ALL EXISTING FRAMING AND CONDITIONS IN FIELD.



a MAIN LEVEL FRAMING
SCALE = 1/8" = 1'-0" SHEET = 24 X 36



b POOL LEVEL FRAMING
SCALE = 1/8" = 1'-0" SHEET = 24 X 36



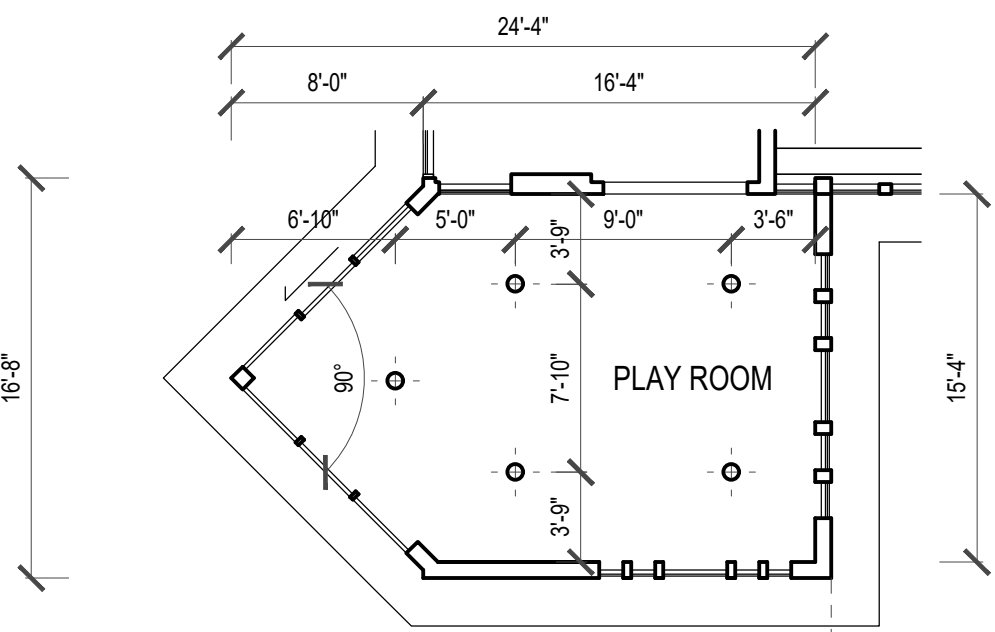
c LAKE LEVEL FRAMING
SCALE = 1/8" = 1'-0" SHEET = 24 X 36

GENERAL RCP NOTES

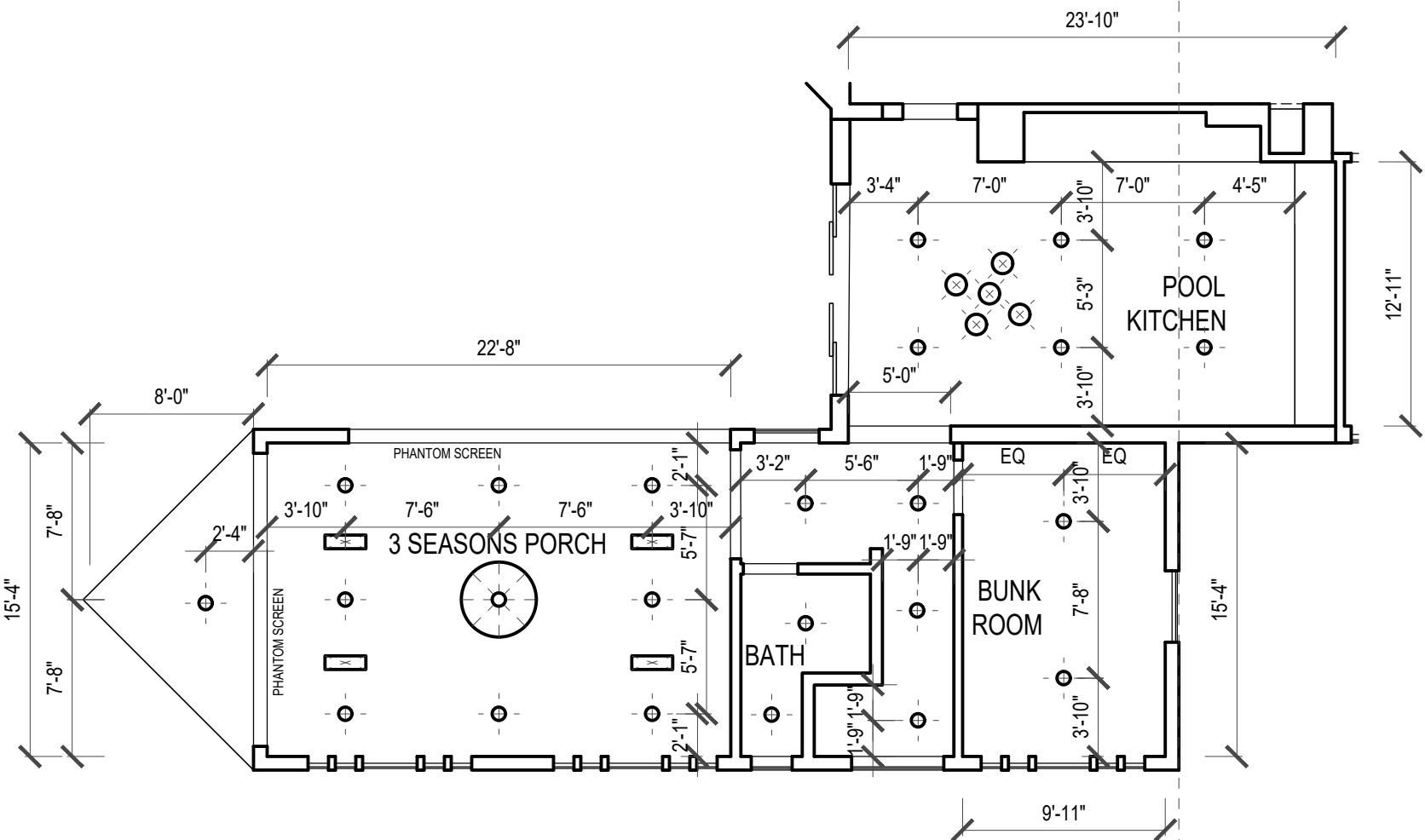
- 1. ALL LIGHTS TO BE DIMMABLE TYPE LED LIGHTS WITH DIMMER SWITCHES.
- 2. COORDINATE ALL DIMMER AND SWITCHES WITH OWNER.

RCP KEY

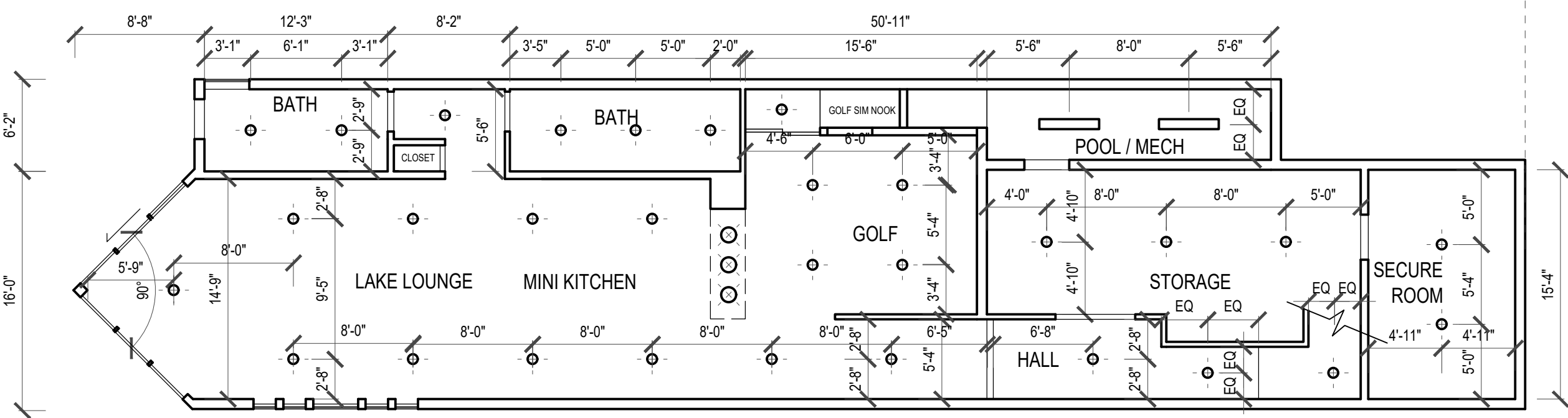
- 1. LINEAR LED LIGHT (8" X 48")
- 2. PENDANT LIGHT
- 3. RECESSED CAN LIGHT
- 4. RECESSED HEAT ELEMENT
- 5. CEILING FAN



a MAIN LEVEL RCP - PLAY ROOM
SCALE = 1/8" = 1'-0" SHEET = 24 X 36



b POOL LEVEL RCP - PORCH, STAIR, BUNK ROOM, & BATH
SCALE = 1/8" = 1'-0" SHEET = 24 X 36



c LAKE LEVEL RCP
SCALE = 1/8" = 1'-0" SHEET = 24 X 36

DESIGN
ANNA DOVOLIS AND ASSOCIATES
612-296-2626

DRAFTING
ERASING ARCHITECTURE LLC
612-205-2364

SUBMISSION	DATE
ZONING REVIEW SET	2021.02.27

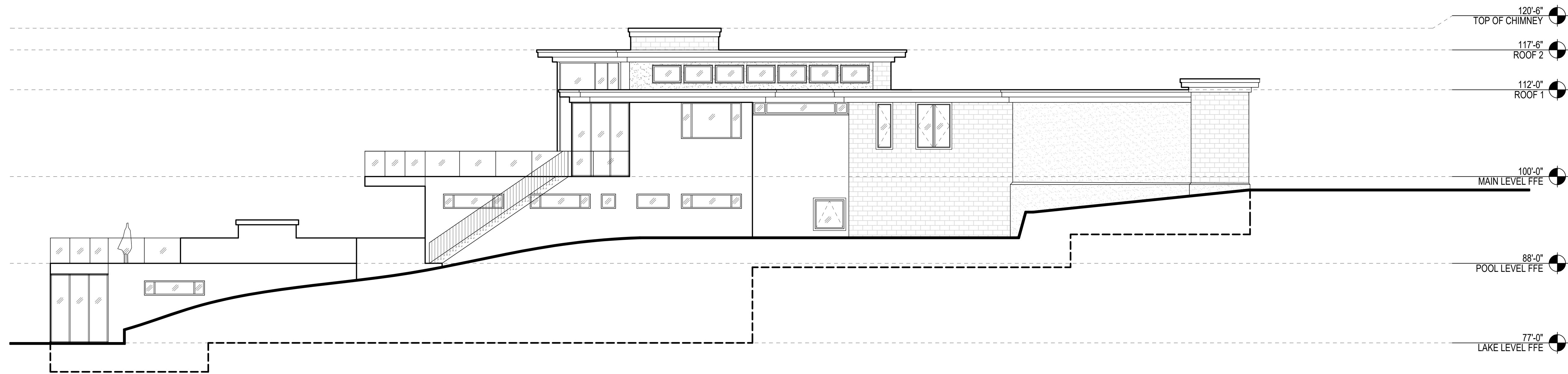
PROJECT
985 OAKRIDGE AVE
SHOREVIEW, MN 55126

SHEET TITLE
RCP / FRAMING PLANS

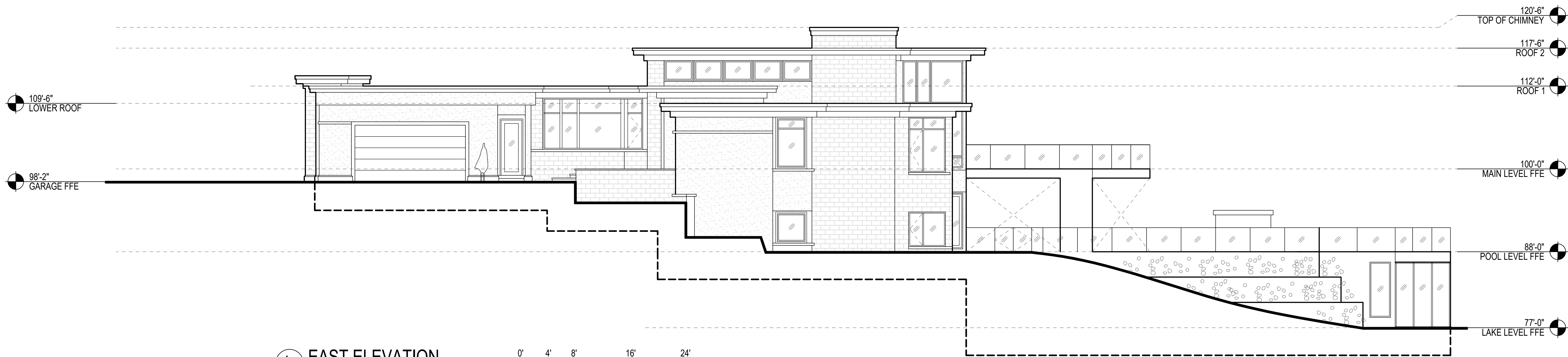
PHASE
CONSTRUCTION DOCUMENTS

SHEET

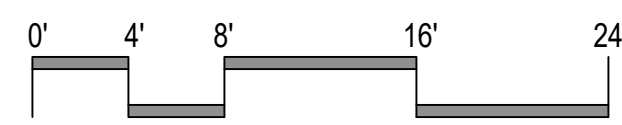
a201.00



a WEST ELEVATION
SCALE = 1/8" = 1'-0" SHEET = 24 X 36



b EAST ELEVATION
SCALE = 1/8" = 1'-0" SHEET = 24 X 36



DESIGN

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612-205-2364

SUBMISSION

DATE

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2021.02.27

PROJECT

985 OAKRIDGE AVE
SHOREVIEW, MN 55126

SHEET TITLE

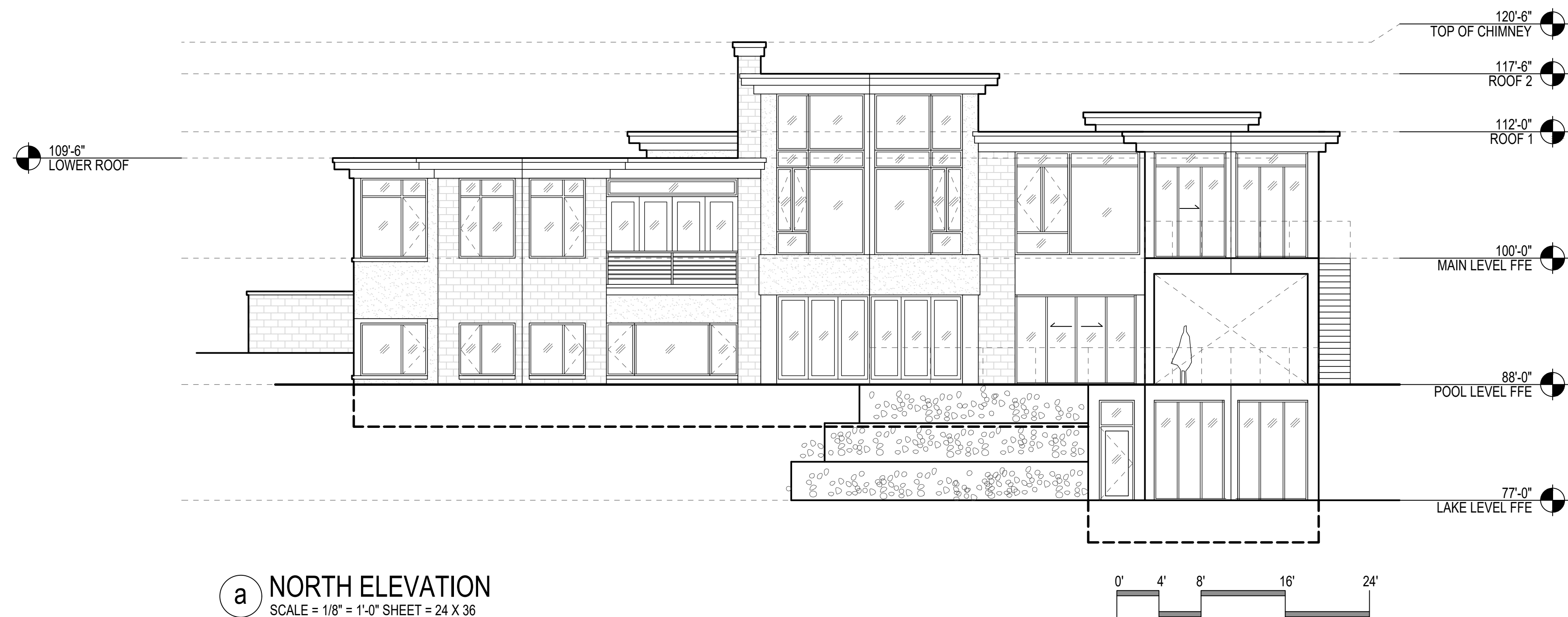
ELEVATIONS

PHASE

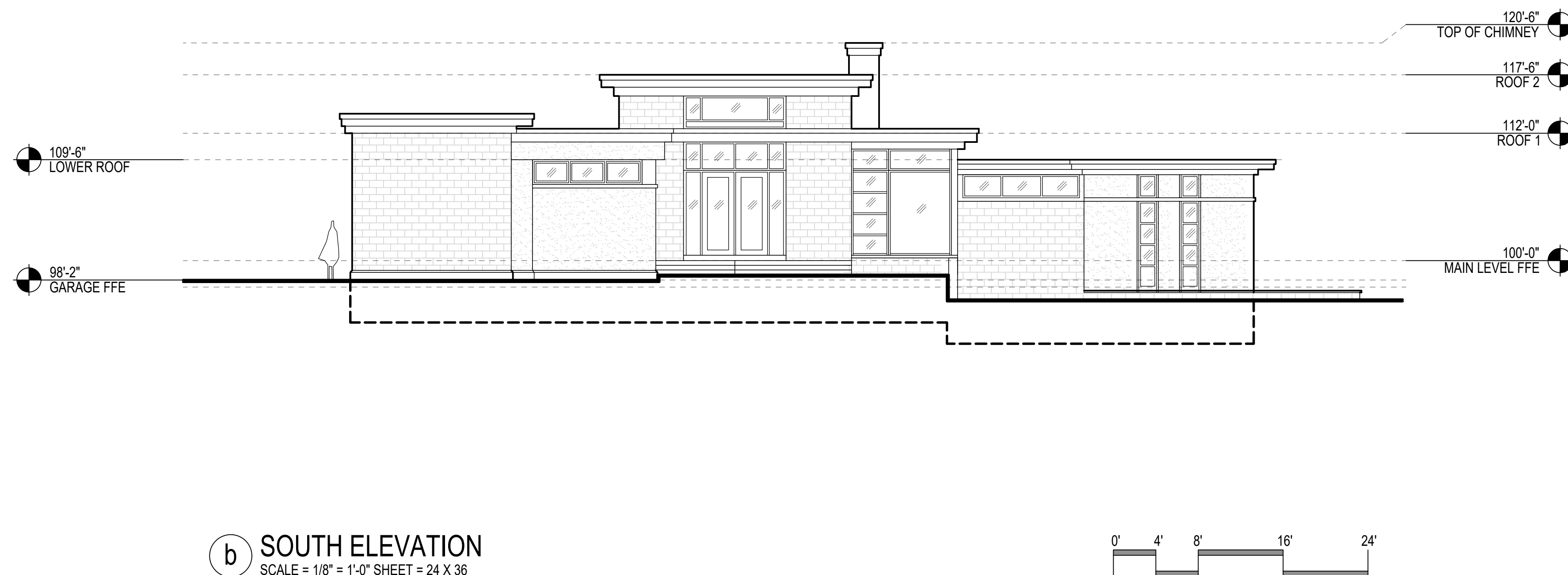
CONSTRUCTION
DOCUMENTS

SHEET

a301.00



a NORTH ELEVATION
SCALE = 1/8" = 1'-0" SHEET = 24 X 36



b SOUTH ELEVATION
SCALE = 1/8" = 1'-0" SHEET = 24 X 36

DESIGN

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612-296-2626

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612-205-2364

SUBMISSION

DATE

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PROJECT

985 OAKRIDGE AVE
SHOREVIEW, MN 55126

SHEET TITLE

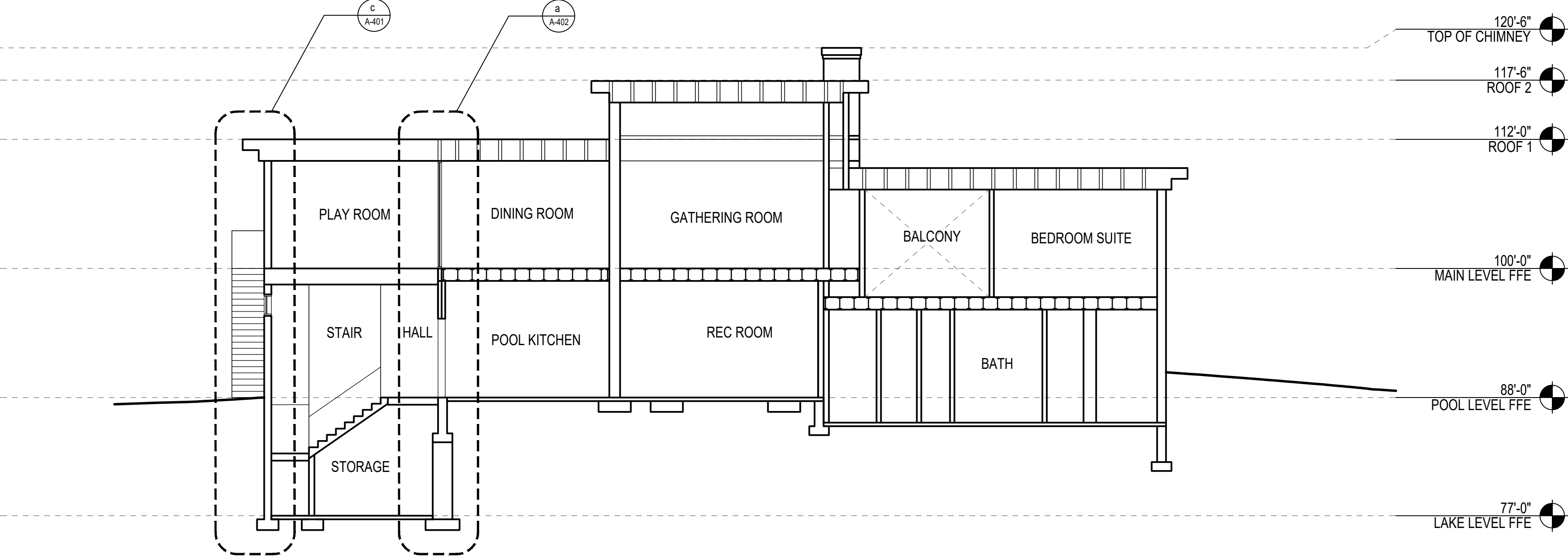
ELEVATIONS

PHASE

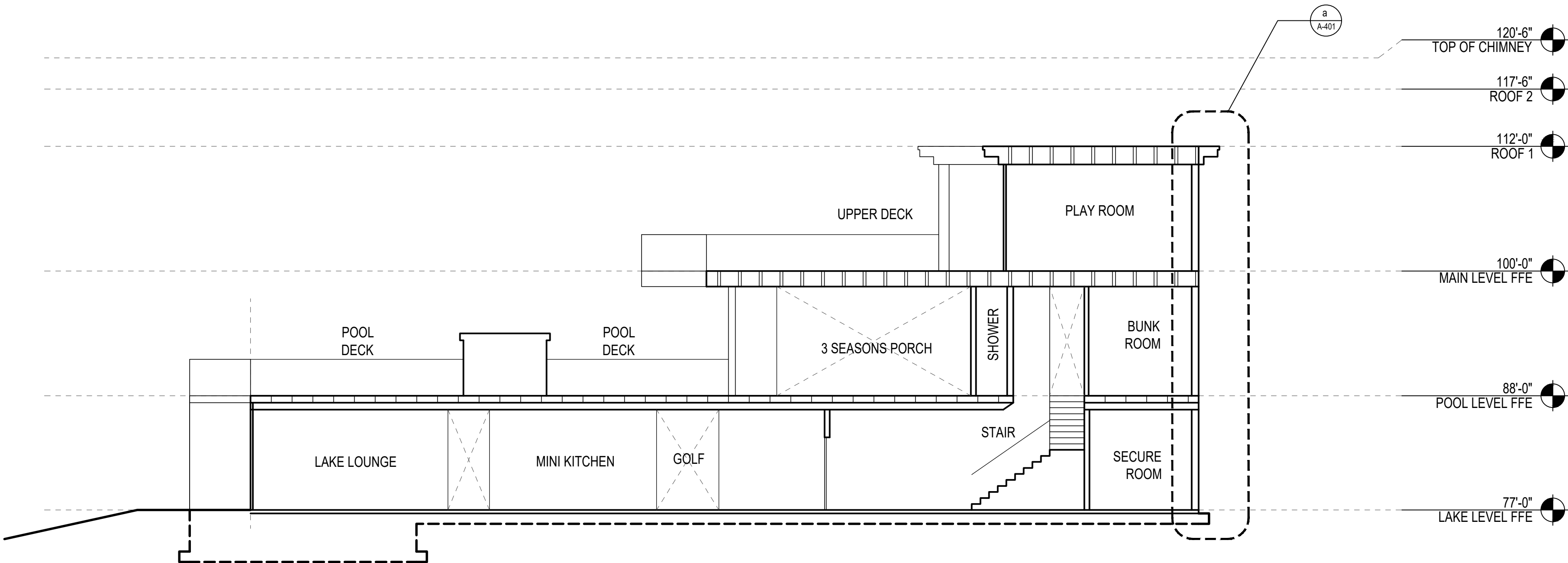
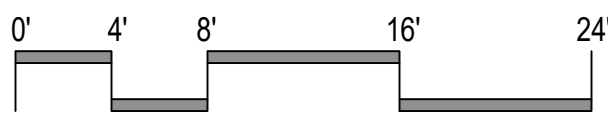
CONSTRUCTION
DOCUMENTS

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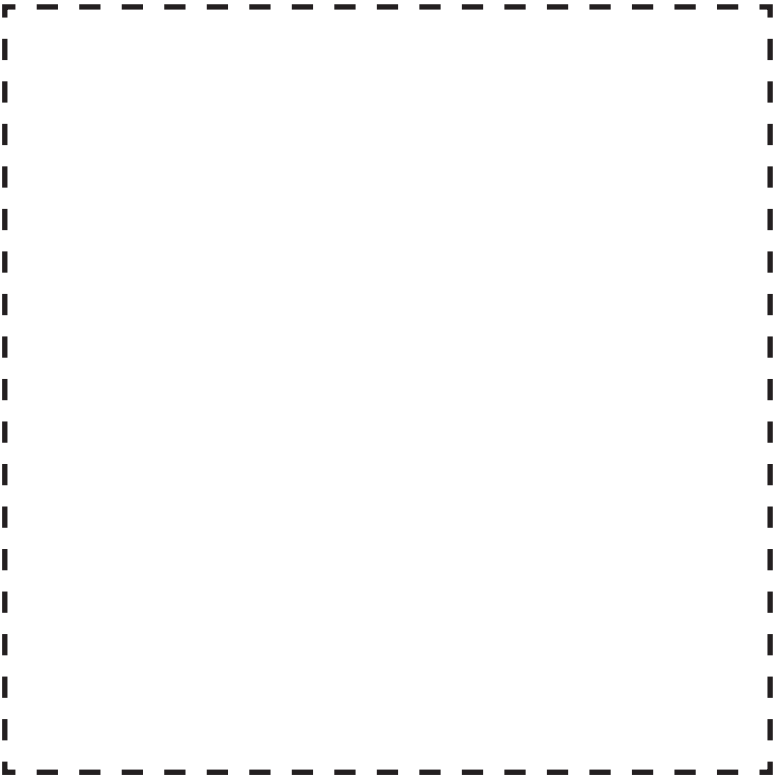
a302.00



a OVERALL BUILDING SECTION
SCALE = 1/8" = 1'-0" SHEET = 24 X 36



b BUILDING ADDITION NORTH SOUTH SECTION
SCALE = 1/8" = 1'-0" SHEET = 24 X 36



DESIGN
ANNA DOVOLIS AND ASSOCIATES
612-296-2626

DRAFTING
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612-205-2364

SUBMISSION	DATE
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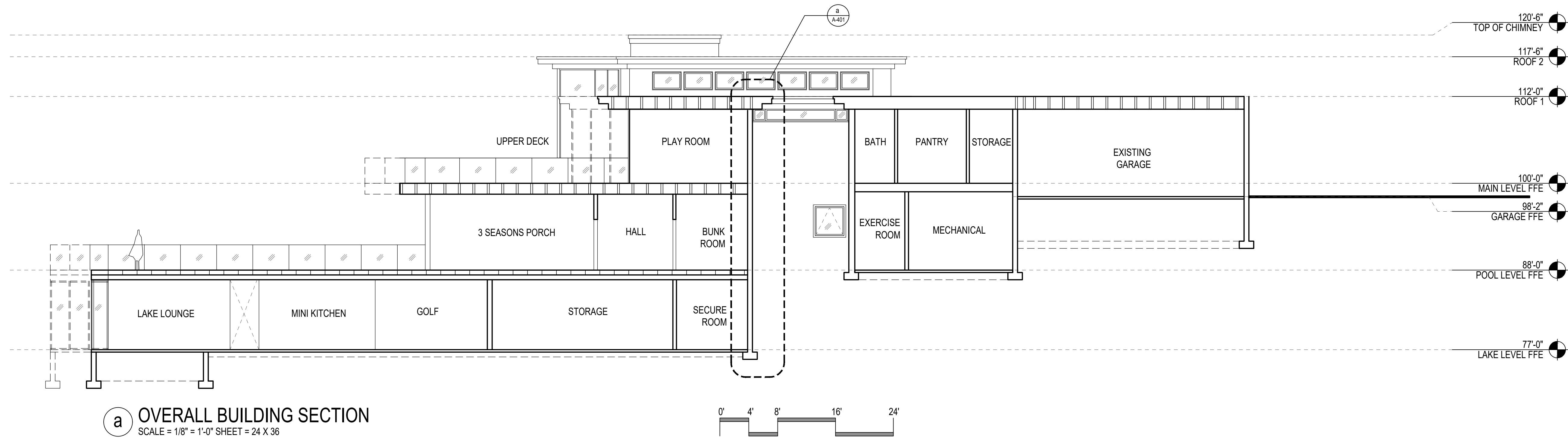
PROJECT
985 OAKRIDGE AVE
SHOREVIEW, MN 55126

SHEET TITLE
BUILDING SECTIONS

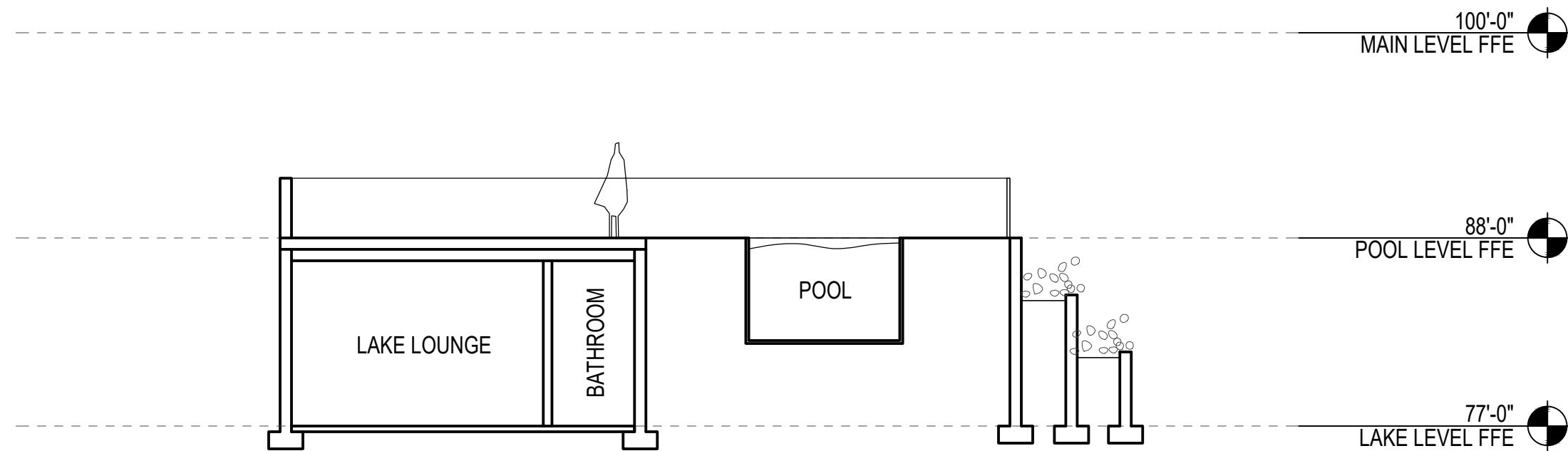
PHASE
CONSTRUCTION DOCUMENTS

SHEET

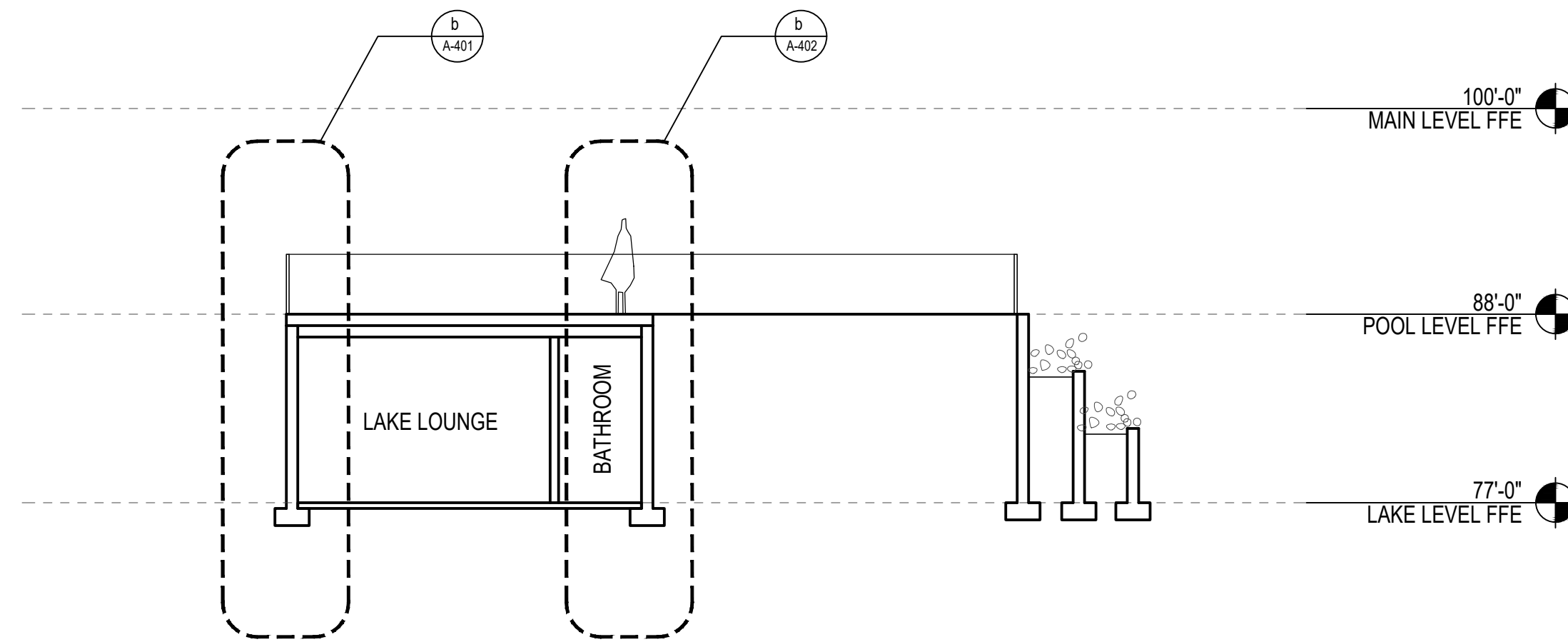
a401.00



a OVERALL BUILDING SECTION
SCALE = 1/8" = 1'-0" SHEET = 24 X 36



b BUILDING ADDITION EAST WEST SECTION THROUGH POOL
SCALE = 1/8" = 1'-0" SHEET = 24 X 36



c BUILDING ADDITION EAST WEST SECTION
SCALE = 1/8" = 1'-0" SHEET = 24 X 36

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SUBMISSION	DATE
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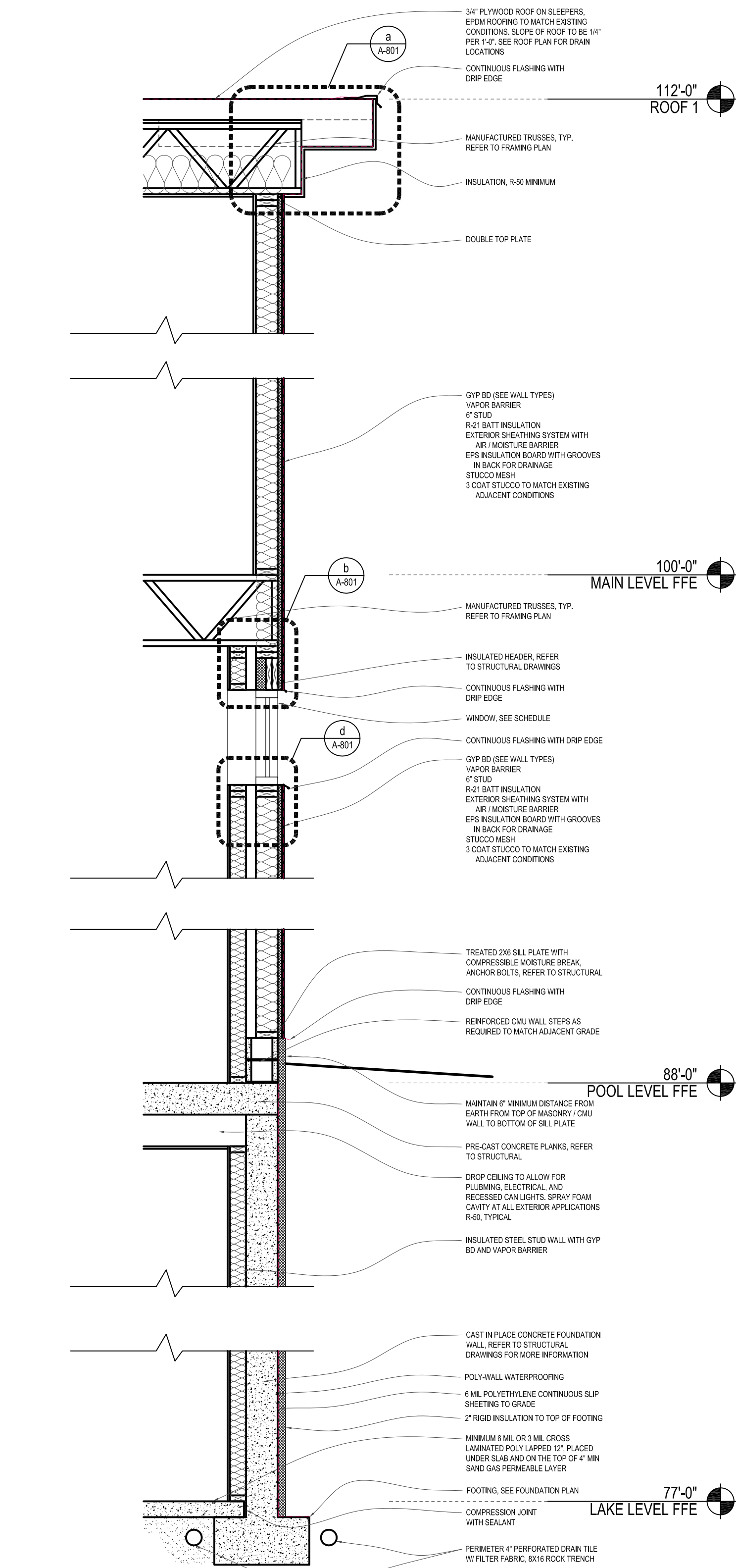
PROJECT
985 OAKRIDGE AVE
SHOREVIEW, MN 55126

SHEET TITLE
BUILDING SECTIONS

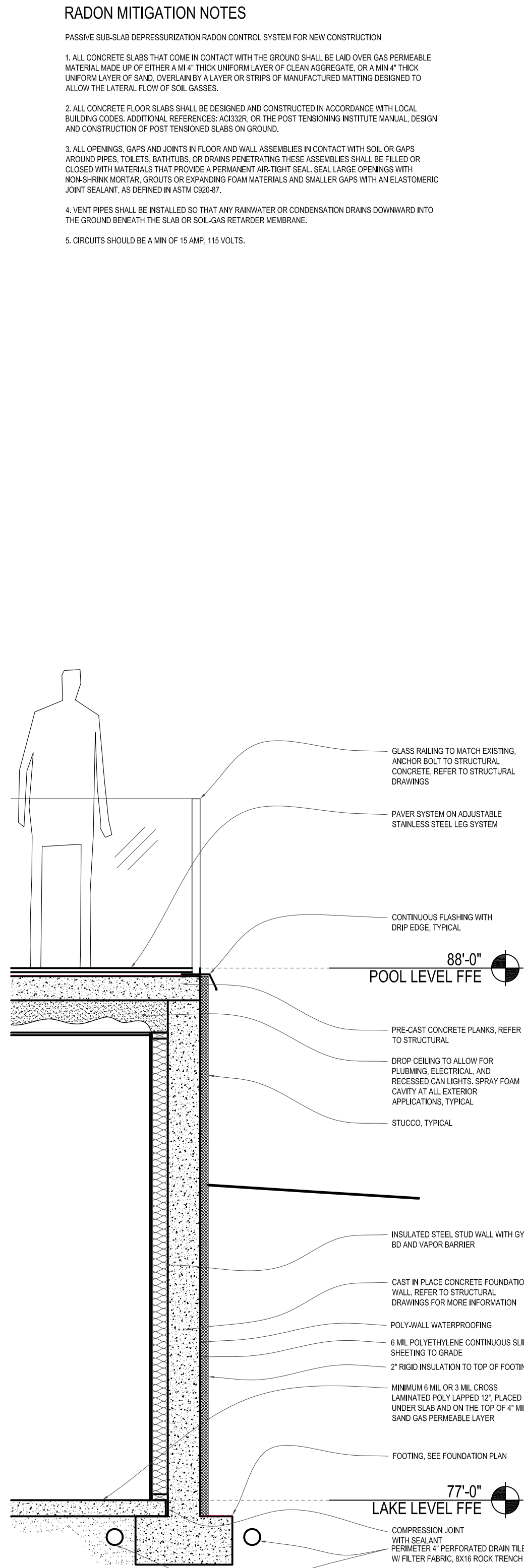
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CONSTRUCTION
DOCUMENTS

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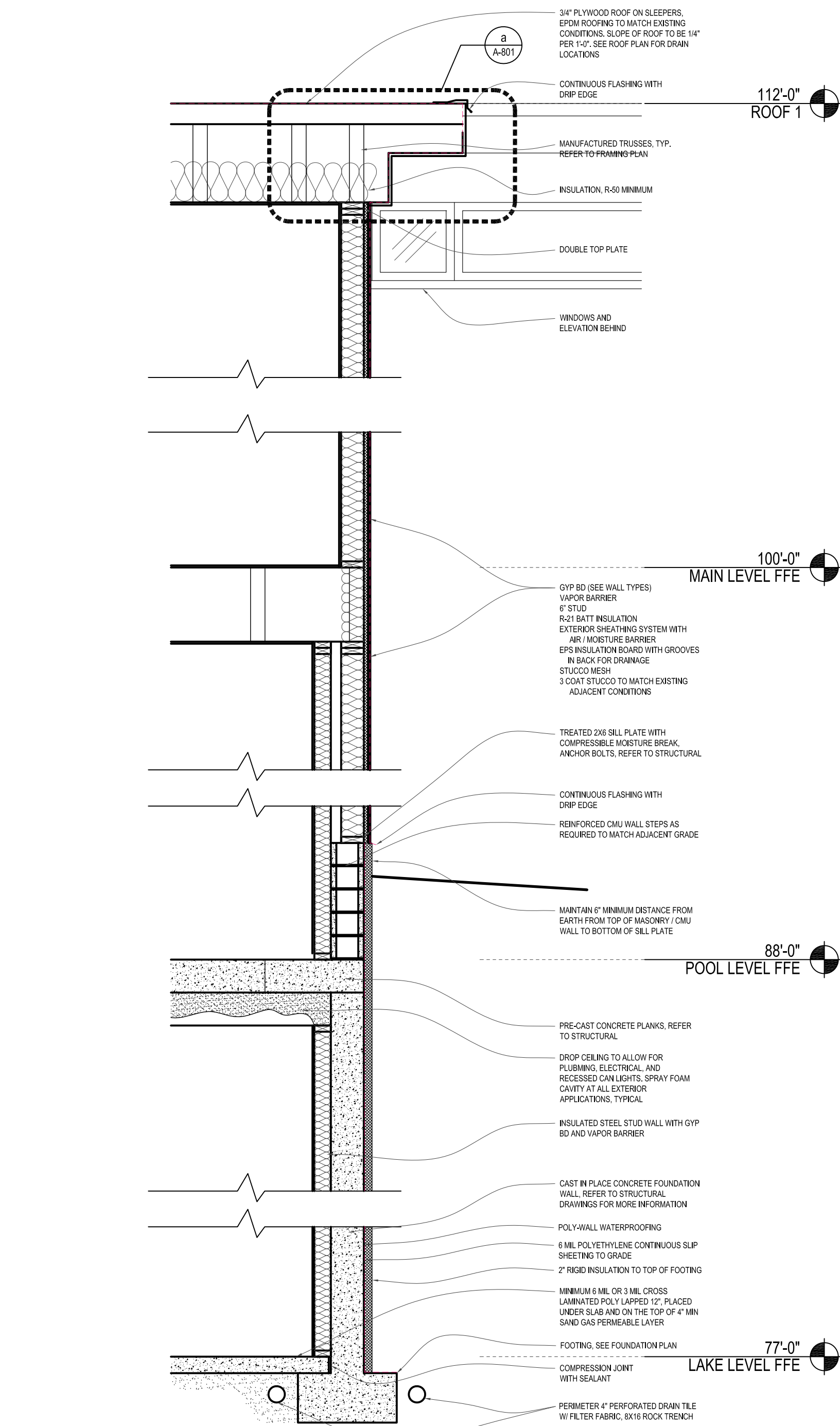
a402.00



c WALL SECTION - EAST WEST TYP
SCALE = 1/2" = 1'-0" SHEET = 24 X 36



b WALL SECTION LAKE LEVEL
SCALE = 1/2" = 1'-0" SHEET = 24 X 36



a WALL SECTION ADDITION SOUTH
SCALE = 1/2" = 1'-0" SHEET = 24 X 36

RADON MITIGATION NOTES

- PASSIVE SUB-SLAB DEPRESSURIZATION RADON CONTROL SYSTEM FOR NEW CONSTRUCTION
1. ALL CONCRETE SLABS THAT COME IN CONTACT WITH THE GROUND SHALL BE LAID OVER GAS PERMEABLE MATERIAL MADE UP OF EITHER A MIN 4" THICK UNIFORM LAYER OF CLEAN AGGREGATE, OR A MIN 4" THICK UNIFORM LAYER OF SAND, OVERLAPPING 4 LAYER OR STRIPS OF MANUFACTURED MATTING DESIGNED TO ALLOW THE LATERAL FLOW OF SOIL GASSES.
 2. ALL CONCRETE FLOOR SLABS SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH LOCAL BUILDING CODES, ADDITIONAL REFERENCES: A-3030, OR THE POST TENSIONING INSTITUTE MANUAL, DESIGN AND CONSTRUCTION OF POST TENSIONED SLABS ON GROUND.
 3. ALL OPENINGS, GAPS AND JOINTS IN FLOOR AND WALL ASSEMBLIES IN CONTACT WITH SOIL OR GAPS AROUND PRES. TOILETS, BATHUBS, OR DRAINS PENETRATING THESE ASSEMBLIES SHALL BE FILLED OR CLOSED WITH MATERIALS THAT PROVIDE A PERMANENT AIR-TIGHT SEAL. SEAL LARGE OPENINGS WITH NON-SHRINK MORTAR, GROUTS OR EXPANDING FOAM MATERIALS AND SMALLER GAPS WITH AN ELASTOMERIC JOINT SEALANT, AS DEFINED IN A-3030-4.7.
 4. VENT PIPES SHALL BE INSTALLED SO THAT ANY RAINWATER OR CONDENSATION DRAINS DOWNWARD INTO THE GROUND BENEATH THE SLAB OR SOIL-GAS RETARDER MEMBRANE.
 5. CIRCUITS SHOULD BE A MIN OF 15 AMP, 115 VOLTS.

DESIGN

ANNA DOVOLIS AND ASSOCIATES
612-296-2626

DRAFTING

ERASING ARCHITECTURE LLC
612-205-2364

SUBMISSION	DATE
ZONING REVIEW SET	2021.02.27

PROJECT

985 OAKRIDGE AVE
SHOREVIEW, MN 55126

SHEET TITLE

WALL SECTIONS

PHASE

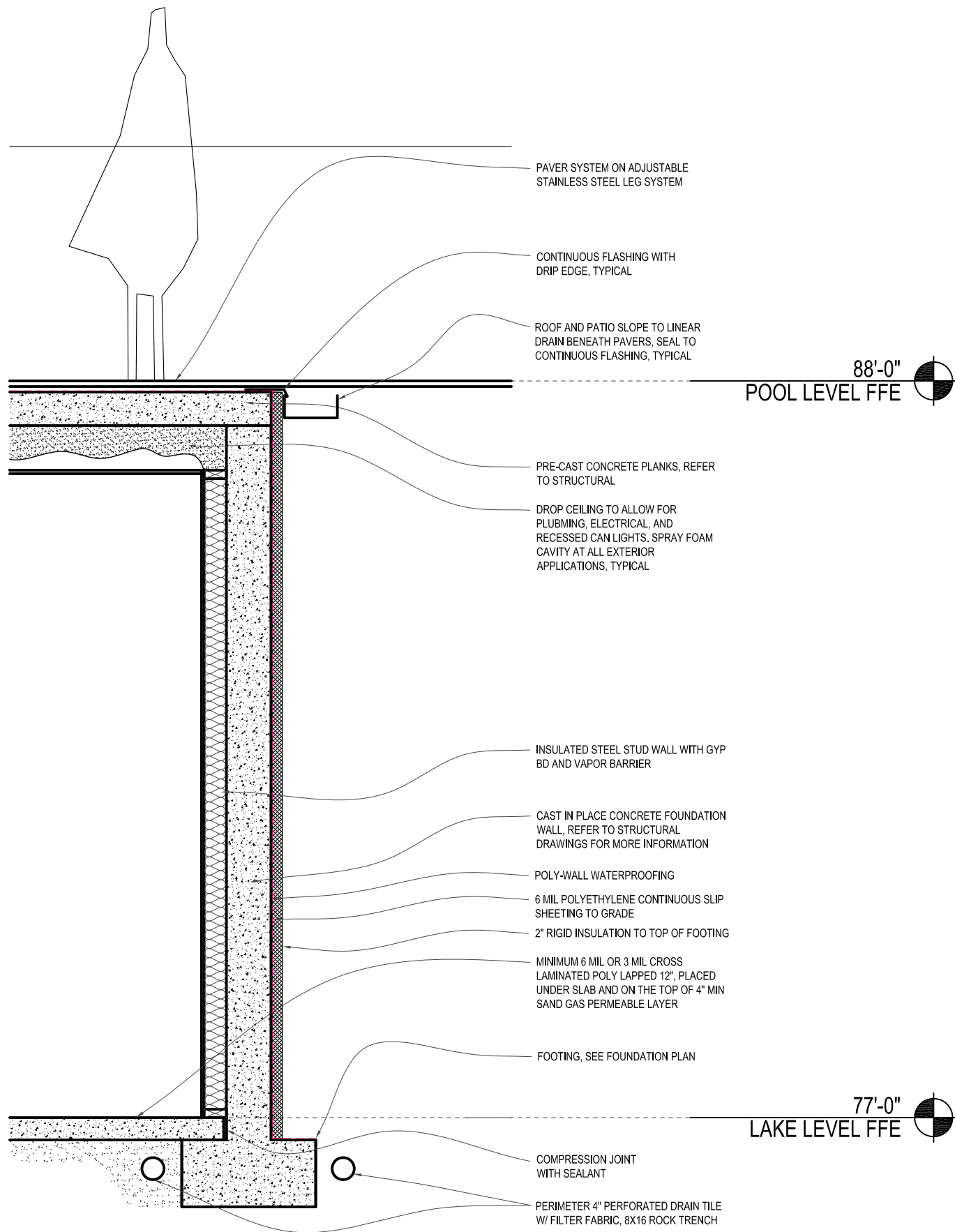
CONSTRUCTION
DOCUMENTS

SHEET

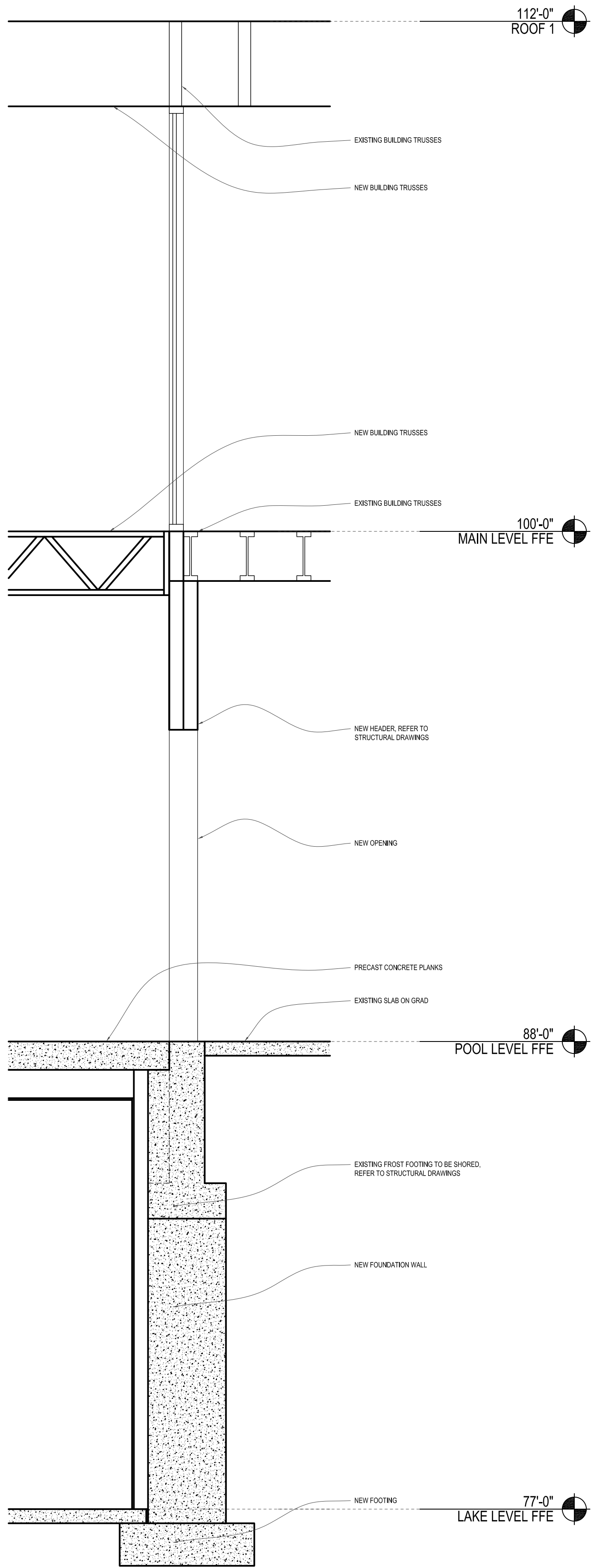
a701.00

RADON MITIGATION NOTES

- PASSIVE SUB-SLAB DEPRESSURIZATION RADON CONTROL SYSTEM FOR NEW CONSTRUCTION
1. ALL CONCRETE SLABS THAT COME IN CONTACT WITH THE GROUND SHALL BE LAID OVER GAS PERMEABLE MATERIAL MADE UP OF EITHER A MIN 4" THICK UNIFORM LAYER OF CLEAN AGGREGATE, OR A MIN 4" THICK UNIFORM LAYER OF SAND, COVERED BY A LAYER OR STRIPS OF MANUFACTURED MATTING DESIGNED TO ALLOW THE LATERAL FLOW OF SOIL GASES.
 2. ALL CONCRETE FLOOR SLABS SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH LOCAL BUILDING CODES. ADDITIONAL REFERENCES: ICC-608, OR THE POST TENSIONING INSTITUTE MANUAL, DESIGN AND CONSTRUCTION OF POST TENSIONED SLABS ON GROUND.
 3. ALL OPENINGS, GAPS AND JOINTS IN FLOOR AND WALL ASSEMBLIES IN CONTACT WITH SOIL OR GAPS AROUND PIPES, TOILETS, BATHTUBS, OR DRAINS PENETRATING THESE ASSEMBLIES SHALL BE FILLED OR CLOSED WITH MATERIALS THAT PROVIDE A PERMANENT AIR-TIGHT SEAL. SEAL LARGE OPENINGS WITH NON-SHRINK MORTAR, GROUTS OR EXPANDING FOAM MATERIALS AND SMALLER GAPS WITH AN ELASTOMERIC JOINT SEALANT, AS DEFINED IN ASTM C636.
 4. VENT PIPES SHALL BE INSTALLED SO THAT ANY RAINWATER OR CONDENSATION DRAINS DOWNWARD INTO THE GROUND BENEATH THE SLAB OR SOIL-GAS RETARDER MEMBRANE.
 5. CIRCUITS SHOULD BE A MIN OF 15 AMP, 115 VOLTS.



b WALL SECTION - POOL DECK
SCALE = 1/2" = 1'-0" SHEET = 24 X 36



a WALL SECTION - EXISTING TO NEW
SCALE = 1/2" = 1'-0" SHEET = 24 X 36

DESIGN
ANNA DOVOLIS AND ASSOCIATES
612-296-2626

DRAFTING
ERASING ARCHITECTURE LLC
612-205-2364

SUBMISSION	DATE
ZONING REVIEW SET	2021.02.27

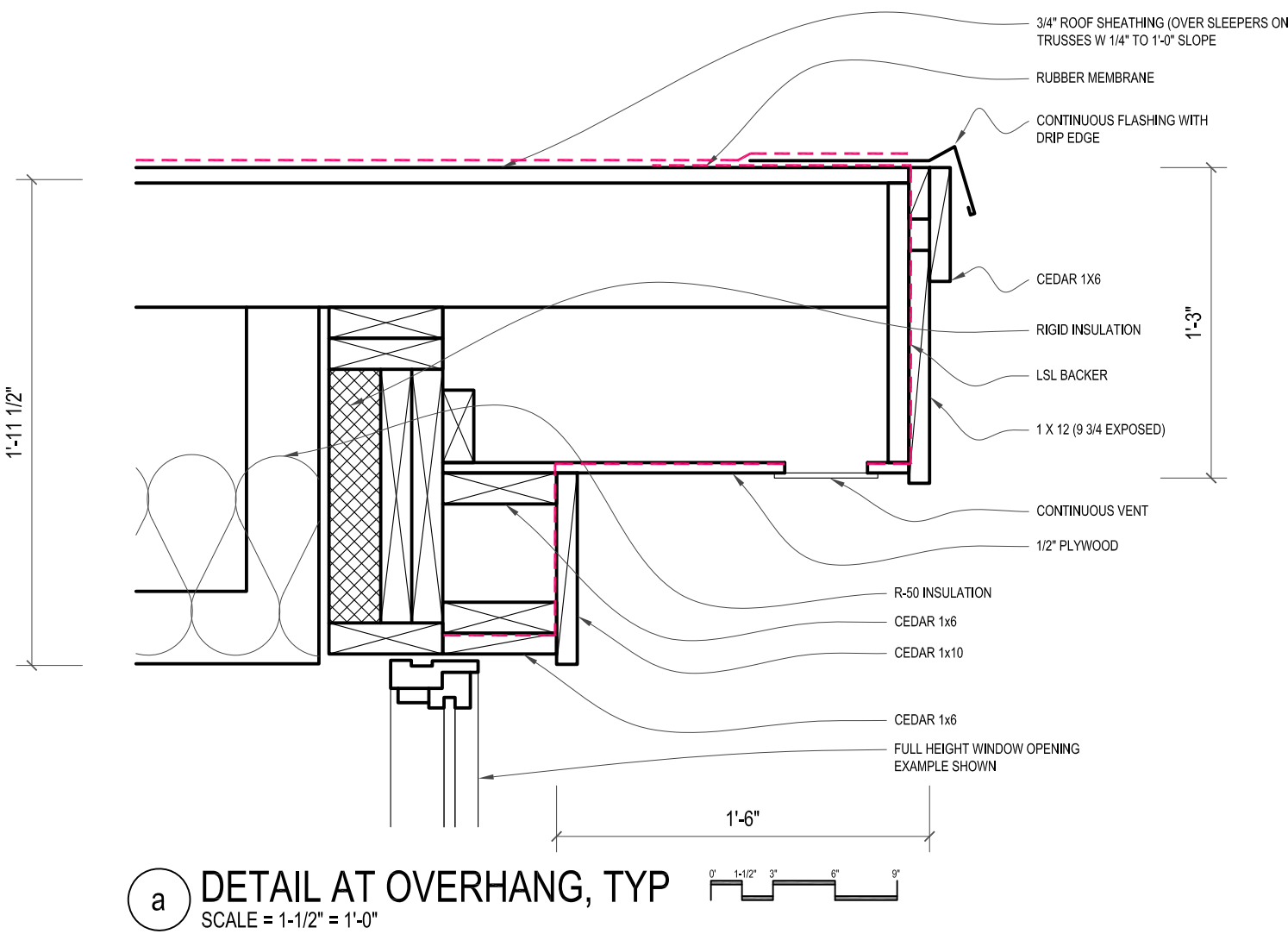
PROJECT
985 OAKRIDGE AVE
SHOREVIEW, MN 55126

SHEET TITLE
WALL SECTIONS

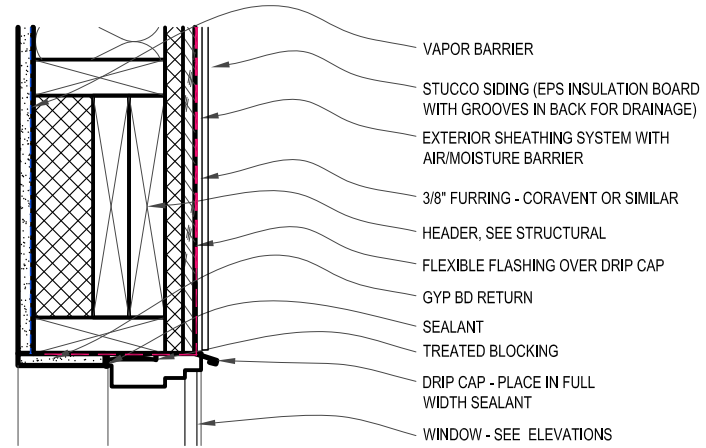
PHASE
CONSTRUCTION
DOCUMENTS

SHEET

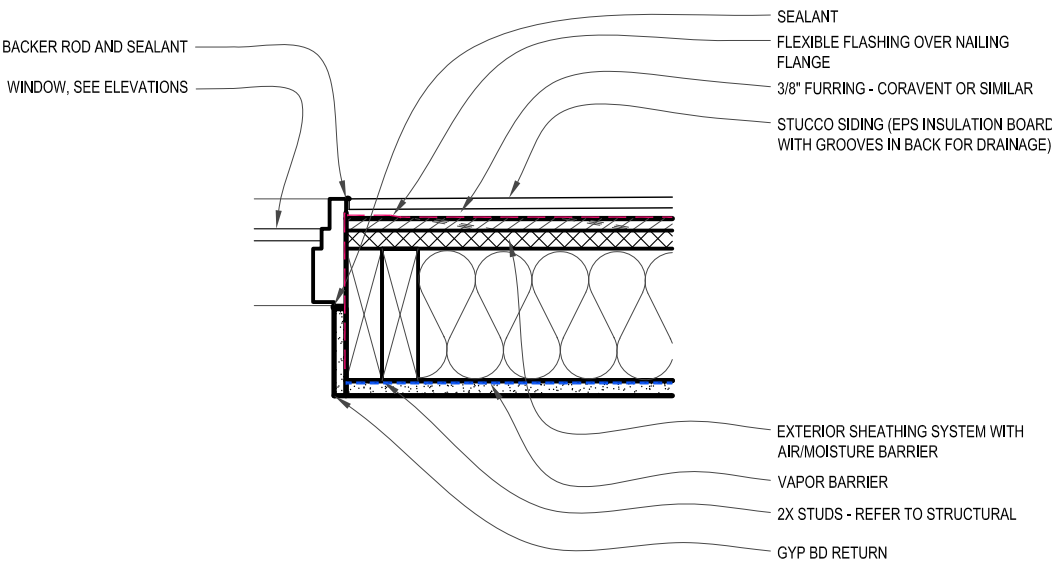
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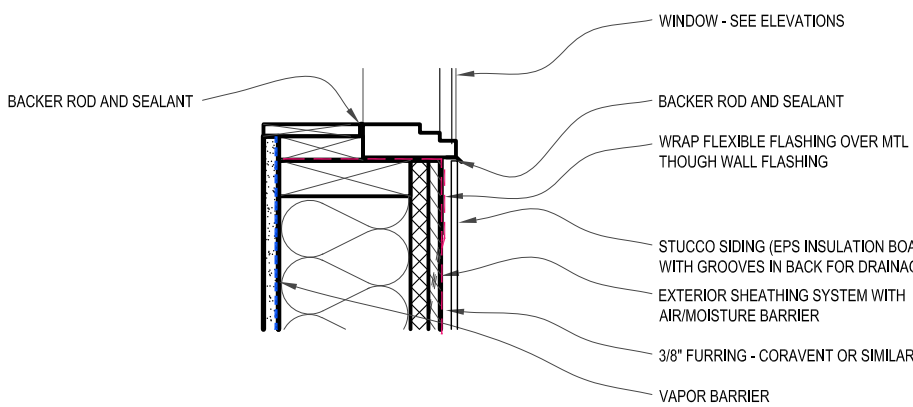
a DETAIL AT OVERHANG, TYP
SCALE = 1-1/2" = 1'-0"



b WIN AT HEAD TYP
SCALE = 1-1/2" = 1'-0"



c WIN AT JAMB, TYP
SCALE = 1-1/2" = 1'-0"



d WIN AT SILL TYP
SCALE = 1-1/2" = 1'-0"

DESIGN
ANNA DOVOLIS AND ASSOCIATES
612-296-2626

DRAFTING
ERASING ARCHITECTURE LLC
612-205-2364

SUBMISSION	DATE
ZONING REVIEW SET	2021.02.27

PROJECT
985 OAKRIDGE AVE
SHOREVIEW, MN 55126

SHEET TITLE

DETAILS

PHASE
CONSTRUCTION
DOCUMENTS

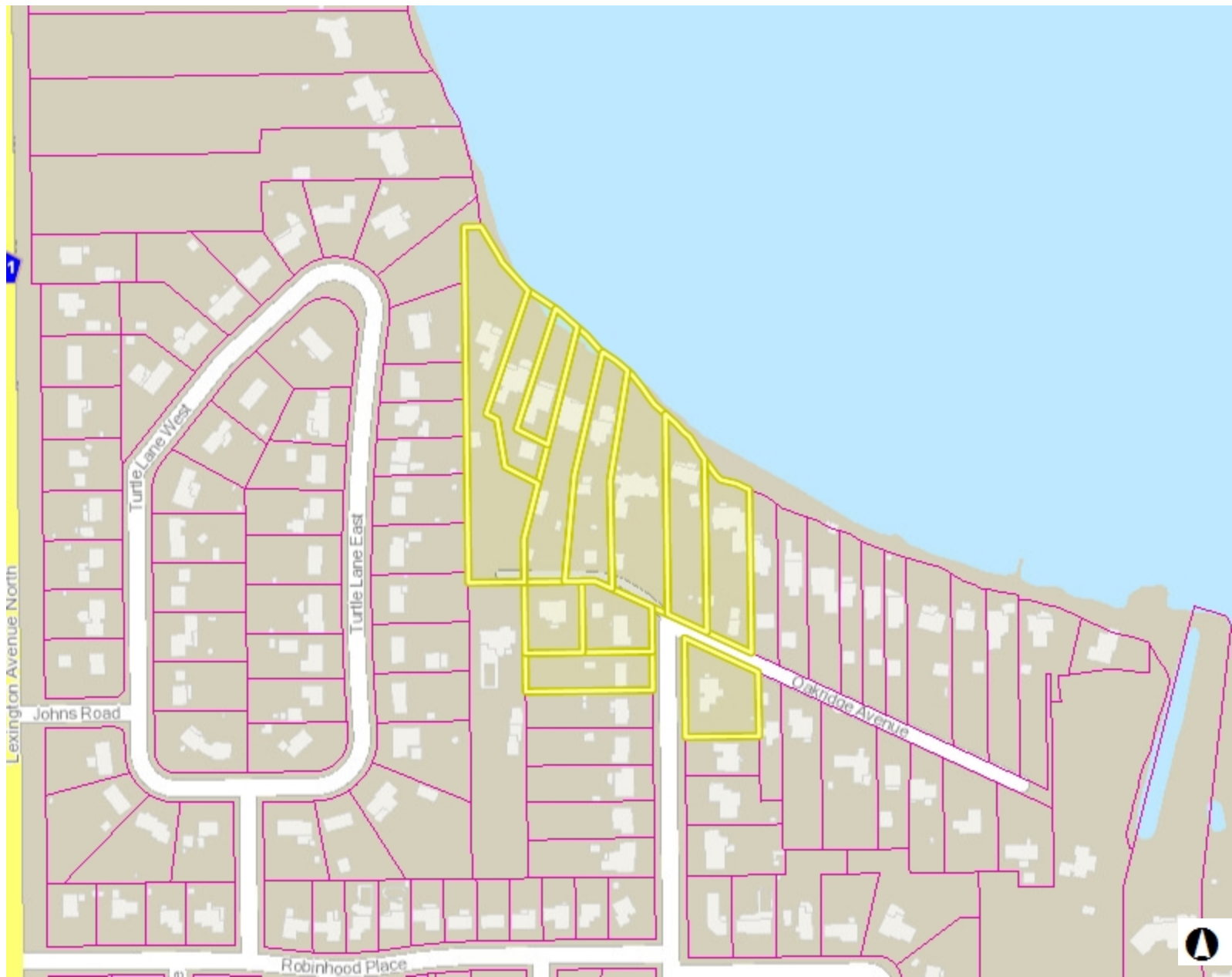
SHEET

a801.00

Legend



- City Halls
- Schools
- Hospitals
- Fire Stations
- Police Stations
- Recreational Centers
- Parcel Points
- Parcel Boundaries
- Personal Properties



600.0 0 300.00 600.0 Feet

NAD_1983_HARN_Adj_MN_Ramsey_Feet
© Ramsey County Enterprise GIS Division

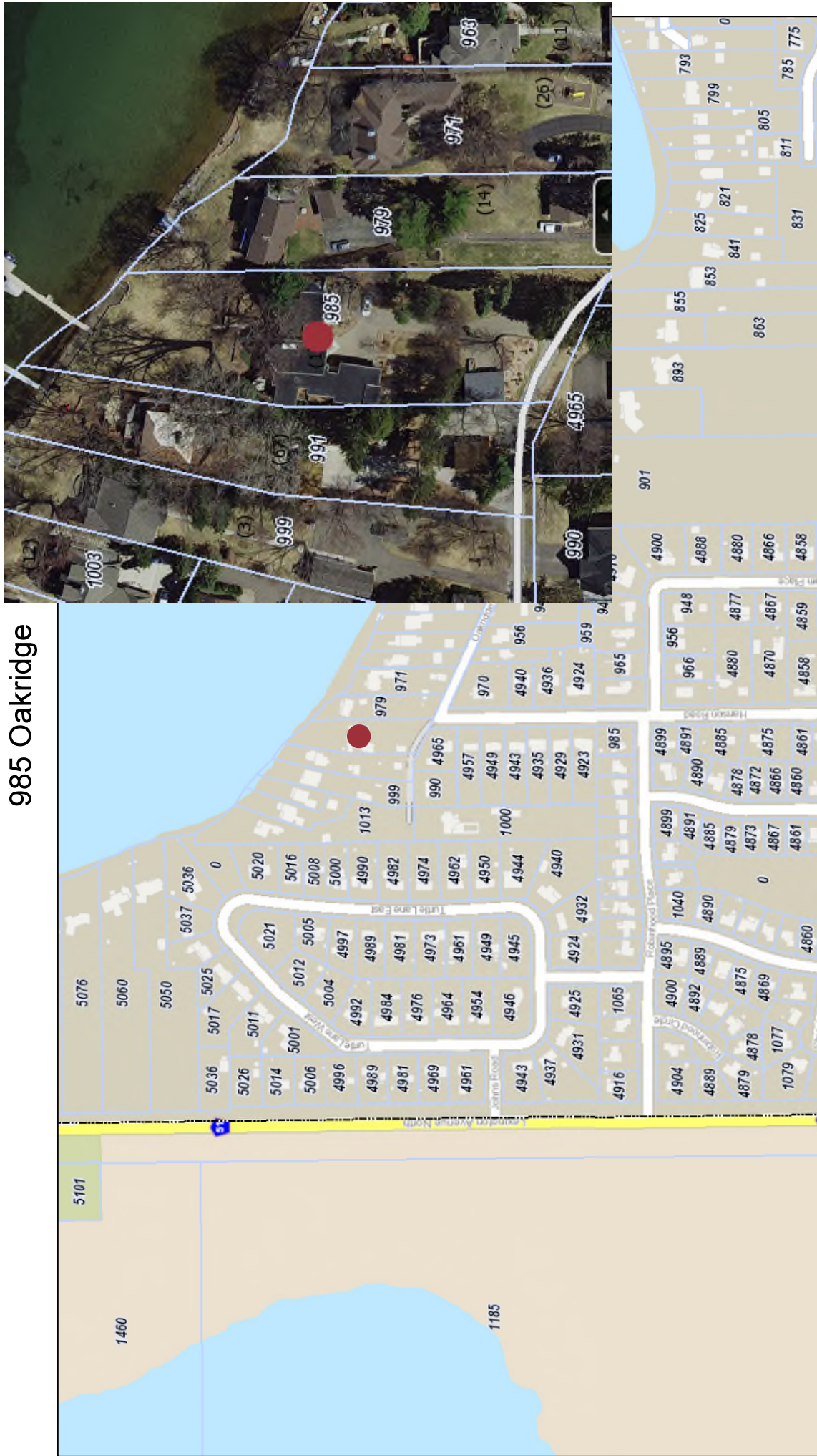
This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

Notes

Enter Map Description

985 Oakridge



2/8/2021, 11:30:16 AM

- Personal Property
- Tax Parcels
- Cities
- County Offices



Aaron Sedey <asedey@shoreviewmn.gov>

RCWD Review Variance Application 985 Oakridge Drive1 message

Anna Grace <AGrace@ricecreek.org>

Mon, Mar 15, 2021 at 4:36 PM

To: Aaron Sedey <asedey@shoreviewmn.gov>

Aaron,

Thank you for sharing the City of Shoreview's updated variance application at 985 Oakridge Drive for RCWD review.

The proposed home, pool and patio addition at 985 Oakridge Drive does not require an RCWD permit. Total area of land disturbance and new/reconstructed impervious surface is under 10,000 sq. ft. The property is within the RCWD regulatory floodplain of Turtle Lake 892.7 NAVD 88. The plan set's vertical elevation datum is listed as NAVD 88. The proposed plans do not propose work within the RCWD regulatory floodplain and comply with Rule E.3(g), structures to be built within the 100-year floodplain will have two feet of freeboard between the lowest floor and the 100-year profile.

Please note that this decision does not indemnify the project from enforcement action if the scope of the project changes, or a violation of District Rules or other laws is found to have occurred as a result of this project. Please take care to ensure that no sediments are deposited down gradient of the site, and that any soils disturbed during construction are stabilized within 14 days of project completion.

Thank you,

Anna Grace

Regulatory Technician

Rice Creek Watershed District

[4325 Pheasant Ridge Dr. NE, #611](#)[Blaine, MN 55449-4539](#)

Direct: (763) 398-3071

agrace@ricecreek.org



Aaron Sedey <asedey@shoreviewmn.gov>

Proposed addition to Olson Home at 985 Oakridge Ave. Shoreview, MN2 messages

Bruce Lohn <brucelohn22@gmail.com>

Tue, Mar 16, 2021 at 12:02 PM

To: asedey@shoreviewmn.gov, denise.firkus@gmail.com

Cc: Bruce F Lohn <blohn@comcast.net>

Aaron Sedey Associate Planner City of Shoreview March 16, 2021

We received the notice for the proposed hearing on March 23 for the proposed addition to the Olson home at [985 Oakridge Avenue, Shoreview](#). We are neighbors, 4 doors down at [1009 Oakridge Ave](#), We will be out of town and not available to provide any input at the hearing. We have a similar concern as some of the other neighbors have regarding drainage. Water tends to drain our way and we have an area of our lawn that is wet most of the summer. We are concerned that more hard surface will increase the drainage problem. We have lived at this address for 6 years. Other neighbors between us and the Olson's who have lived here longer have had serious drainage issues and have had to spend sum's of money to try solve this problem. We are not in favor of granting variances to the Olson's for their proposed addition for this reason.

Sincerely,

Bruce and Nancy Lohn.

[1009 Oakridge Ave](#)[Shoreview, MN 55126-5941](#)

612 859 0929 Cell or text

brucelohn22@gmail.com E-Mail

Aaron Sedey <asedey@shoreviewmn.gov>

Tue, Mar 16, 2021 at 12:14 PM

To: Bruce Lohn <brucelohn22@gmail.com>

Hi Bruce

Thank you for the comments, I will add them to the PC packet.

Thanks

Aaron

Aaron Sedey | Associate Planner

4600 Victoria Street North, Shoreview, MN 55126

651-490-4681 | asedey@shoreviewmn.gov

[Quoted text hidden]



Aaron Sedey <asedey@shoreviewmn.gov>

Revised Olson/Hendel Homes project at 985 Oakridge

2 messages

John Nash <jcbluepoint@gmail.com>

Tue, Mar 16, 2021 at 11:01 AM

To: Aaron Sedey <asedey@shoreviewmn.gov>

Aaron -

I received the letter asking for public comments on the revised Olson/Hendel Homes project at 985 Oakridge.

As a neighbor, I am opposed to this proposed project. I have several reasons for being opposed, the primary two of which are that the project is significantly inconsistent with Shoreview's variance guidelines regarding "Practical Difficulties". I have other reasons to be opposed, e.g. water runoff impact, noise pollution, light pollution and others. Re: runoff, we currently have water runoff issues to the point that the city came out to look at it a few years ago. I believe that the Olson project could amplify those issues. I understand that they already have a variance for a different project, but at the time that project was requested I thought the city would deny the project and I would have appealed that decision had I thought through the runoff issues at that time. They are also adding impervious surface in this application in an area more likely to cause issues, so it is not an apples to apples comparison to the other variance % approved. We have already experienced light and noise pollution from these neighbors and believe this project will likely make it worse. If you'd like more information feel free to contact me at JCbluepoint@gmail.com.

As a reference, here is an excerpt of the Shoreview planning guidelines:

"c. "Practical Difficulties" means:

- i. Reasonable Manner. The property owner proposes to use the property in a reasonable manner not permitted by the Shoreview Development Regulations.
- ii. Unique Circumstances. The plight of the property owner is due to circumstances unique to the property not created by the property owner.
- iii. Character of Neighborhood. The variance, if granted, will not alter the essential character of the neighborhood."

In this case, the 985 Oakridge project meets the first criteria of a reasonable manner. Regarding the second criteria of unique circumstances, it appears the applicant has another option they are willing to pursue (one that may not need variance approval) so it is hard to understand that this is unique circumstances. Regarding the third criteria, it does not meet this criteria as the project is out of character with the neighborhood in terms of the style, function and overall scale. In particular regarding the height variance, it is out of character with the entire lake as the 40.5' vertical is almost entirely glass - as there is little roof line in the measurement. That glass effect is more appropriate for an industrial building than a home.

Please confirm receipt of this email.

John Nash
1003 Oakridge Ave

Aaron Sedey <asedey@shoreviewmn.gov>

Tue, Mar 16, 2021 at 11:12 AM

To: John Nash <jcbluepoint@gmail.com>

Hi John

Thank you for the comments, I will include them in the PC packet.

Thanks
Aaron

Aaron Sedey | Associate Planner
4600 Victoria Street North, Shoreview, MN 55126

3/16/2021

Shoreviewmn.gov Mail - Revised Olson/Hendel Homes project at 985 Oakridge

651-490-4681 | asedey@shoreviewmn.gov



[Quoted text hidden]



Aaron Sedey <asedey@shoreviewmn.gov>

FW: comments for planning commission on 985 Oakridge Ave

1 message

Denise Firkus <denise.firkus@gmail.com>

Sun, Mar 14, 2021 at 3:41 PM

To: "asedey@shoreviewmn.gov <asedey@shoreviewmn.gov>" <asedey@shoreviewmn.gov>
 Cc: Sandy Martin <smartin@shoreviewmn.gov>, "kcastle@shoreview.gov" <kcastle@shoreview.gov>,
 "kpeterson@shoreviewmn.gov <kpeterson@shoreviewmn.gov>" <kpeterson@shoreviewmn.gov>,
 "canderson@shoreviewmn.gov <canderson@shoreviewmn.gov>" <canderson@shoreviewmn.gov>,
 "ariechers@shoreviewmn.gov <ariechers@shoreviewmn.gov>" <ariechers@shoreviewmn.gov>,
 "ssolomonson@shoreviewmn.gov <ssolomonson@shoreviewmn.gov>" <ssolomonson@shoreviewmn.gov>,
 "awolfe@shoreviewmn.gov <awolfe@shoreviewmn.gov>" <awolfe@shoreviewmn.gov>, "byarusso@shoreviewmn.gov
 <byarusso@shoreviewmn.gov>" <byarusso@shoreviewmn.gov>, "dfirkus56@gmail.com" <dfirkus56@gmail.com>, Lynn
 Iwaszko <Iciwaszko@gmail.com>, "butch.gillan@gmail.com" <butch.gillan@gmail.com>, "Nancy and Bruce Lohn
 (brucelohn22@gmail.com)" <brucelohn22@gmail.com>, Dennis Jarnot <djjarnot@comcast.net>

Good Afternoon...we have received a new proposal for 985 Oakridge....only nothing has changed on the HOTEL they want to build next to us. The game they seem to be playing is to ask for the moon and then when neighbors object, they removed the garages from the build, which isn't the problem. Then in the newest rendition (picture above to the far right) my house doesn't seem to exist? Again....I invite you all to come to my yard this week (before the hearing) and walk down the steps to my house and get a sense of how this would tower over my house, how the neighborhood looks now and how this would ruin the look of our quaint private drive neighborhood. You are welcome on my property anytime....there is a long set of steps that you will see that lead down to our house. All the comments and pictures from below are still accurate. .

Below are 2 emails, with pictures that I sent you in February and are still relevant. Please deny the 2 variances that are being requested

Thank you for your time.

Denise Firkus

[991 Oakridge Ave](#)

[Shoreview MN](#)

[55126](#)

Sent from [Mail](#) for Windows 10

From: Denise Firkus

Date: February 16, 2021 at 11:49:44 AM CST

To: Sandy Martin <smartin@shoreviewmn.gov>, kcastle@shoreviewmn.gov, kpeterson@shoreviewmn.gov,
canderson@shoreviewmn.gov, ariechers@shoreviewmn.gov, asedey@shoreviewmn.gov, ssolomonson@shoreviewmn.gov,
awolfe@shoreviewmn.gov, byarusso@shoreviewmn.gov

Cc: dfirkus56@gmail.com, Denise Firkus <denise.firkus@gmail.com>

Subject: Planning commission Application 985 Oakridge Ave - more feedback

I wanted to share some additional feedback – as well as, again invite any planning commission member, or city staff to come view what this addition would do to my property and neighborhood.....to come to my address, which is 991 Oakridge Ave. I have attached a picture from my front door. Those stairs are what I go down to get to my house. Please come view the project my viewpoint. The house on the left of the photo is 985 Oakridge.

1. Some history – The Olson's moved in a couple of years ago to 985 Oakridge Ave. Since that time, Amanda Olsen has asked me twice about my property, she likes how close my house is to the lake and the convenience of a bathroom. It is really inconvenient for her to get on the golf cart to go up to her house to use the facilities.
2. There was a proposal put in by the Olsen's a couple of years ago (might have even been last year) to put a second story on her accessory garage and put the pool in. I believe they were turned down. My builder wont work with Amanda any longer – she wants a bathroom/boathouse closer to the lake and my builder told her that the city will never approve. She obviously has the time and money to go find a builder that will “do what she says”
3. **Our street and the drainage issues we have are the responsibility of all the neighbors that live on the private drive. If you look at the plan, you will see that we are on the westside extension on Oakridge Ave, which is a private drive and has NO city infrastructure to deal with storm water run off.....so it all comes down into our yards. If you want to see what the runoff looks like in a rainstorm, I might be able to find a video of the rivers that flow down our yards and, finally dumping into the lake. The run off has been exacerbated in the last few years due to a new home built on 990 Oakridge Ave (Sharkey property) and the rebuild of 999 Oakridge Ave. Each has tried to do their part, 999 Oakridge has put in raingardens and 990 has a swail in their front yard trying to slant the water east towards Hanson. Even with that, we have had our retaining wall by the lake wash out and have to be rebuilt twice.**

This plan, the size of this house and the impact it will have on our envireomment would be a disaster to this neighborhood.

Please take me up on the offer to come see this from my sidewalk. No need to call....just drive in and walk down the sidewalk.

Thank you for your time.

Denise Firkus

991 Oakridge Ave

Shoreview MN 55126

Cell 651-248-9425

Begin forwarded message:

From: Denise Firkus <denise.firkus@gmail.com>
Date: February 14, 2021 at 11:14:21 AM CST
To: asedey@shoreviewmn.gov
Cc: Sandy Martin <smartin@shoreviewmn.gov>, kcastle@shoreviewmn.gov,
kpetereson@shoreviewmn.gov, canderson@shoreviewmn.gov, ariechers@shoreviewmn.gov,
ssolomonson@shoreviewmn.gov, awolfe@shoreviewmn.gov, byarusso@shoreviewmn.gov,
dfirkus56@gmail.com
Subject: comments for planning commission on 985 Oakridge Ave

*building that amount of additional structure on the property of 985 will cause us (991) additional drainage issues. We have already had to replace our retaining wall from the amount of runoff that comes down the hill. The erosion we have already had has cost us thousands of dollars in rebuilding retaining walls and having to have a patio lifted brick by brick to put a bladder under it so it would quick sinking from the drainage.

*The proximity to our lot line and the beauty and enjoyment we have from our home.

*adding an addition of this size will cause this home to be about 7500 SF in a neighborhood where homes are avg 3000-3500sf. This will not fit into the neighborhood.

*This proposal is requesting 2 variances, all of which we are opposed to and expect you vote no on to protect our rights as a home owner in Shoreview.

Please reach out to me with any questions on my cell at 651-248-9425 or email at denise.firkus@gmail.com

Sent from [Mail](#) for Windows 10


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 4600 VICTORIA STREET NORTH
SHOREVIEW, MINNESOTA 55126
651.490.4600 | shoreviewmn.gov

NOTICE OF PLANNING COMMISSION APPLICATION

February 10, 2021

Dear Property Owner,

NOTICE IS HEREBY GIVEN that the Shoreview Planning Commission will review a residential design review and variances at 7:00 p.m. Tuesday, February 23rd virtually in the City Council Chambers at the Shoreview City Hall, 4600 Victoria Street North, Shoreview, MN. The meeting will be held virtually via the Zoom platform due to the COVID-19 virus outbreak. Information on how to access this meeting will be included on the agenda which will be posted on the City's website no later than February 19, 2021.

APPLICANT: Hendel Homes

LOCATION: 985 Oakridge Ave


PROPOSAL: Apply for residential design review and several variances for a home, garage, pool and patio addition on a substandard lot. The proposed project requires variances for:

- Front yard setback
- Principal structure height
- To exceed the accessory building square feet attached to a principal structure
- To exceed the allowed accessory building total square feet on the property
- Lot coverage


Persons who want to comment on this proposal are invited to attend this hearing, or e-mail asedey@shoreviewmn.gov with comments by Thursday, February 18.

Please visit <https://www.shoreviewmn.gov/government/agendas-and-minutes> after Thursday, February 18 to find out where this item will be located on the meeting agenda.

my house - 991 Oakridge adjacent to 985 property



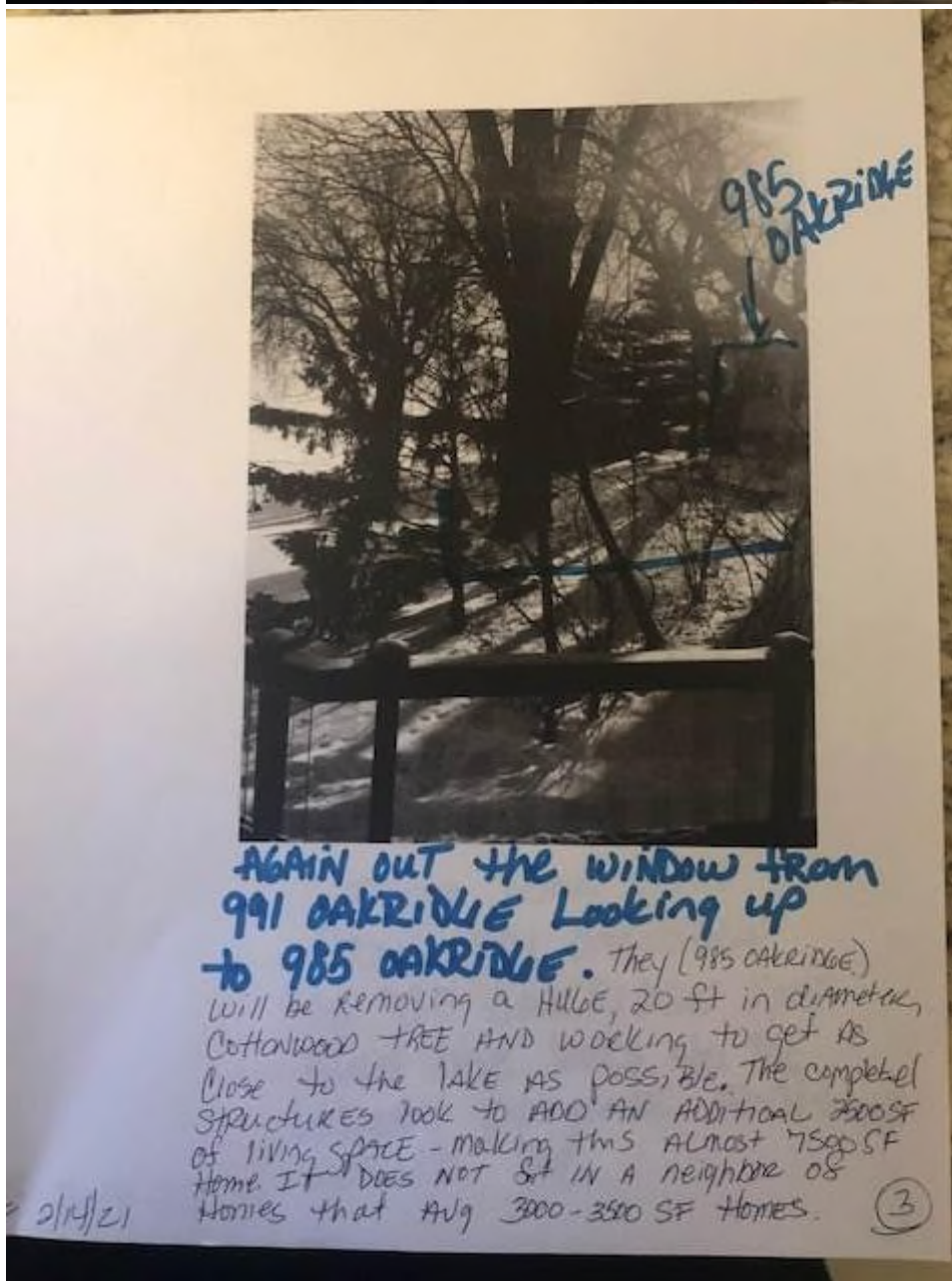
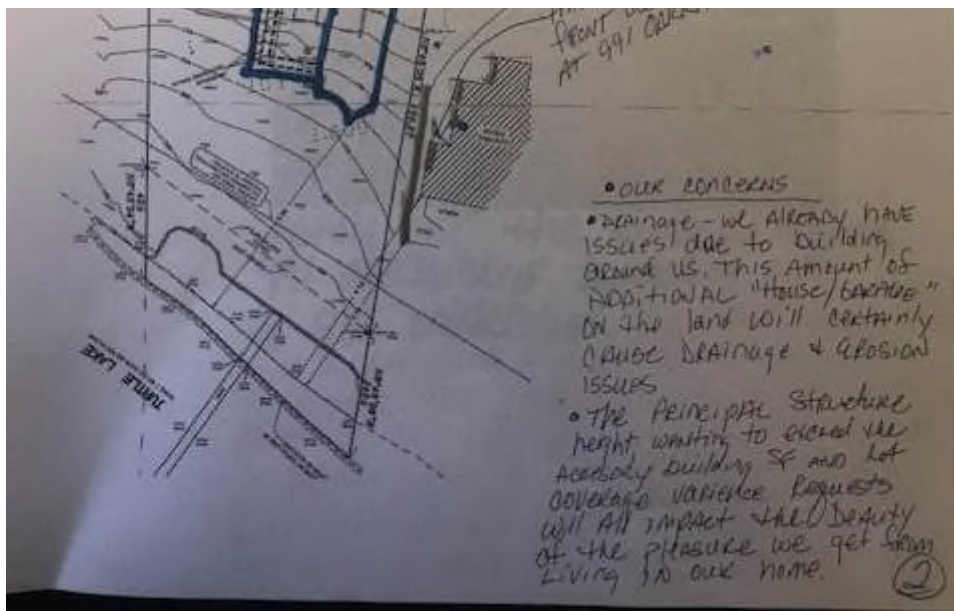
CHANNEL 16 PLANNING COMMISSION Aired LIVE ON 4th TUES @ 7pm



- Existing home of 4760 SF, 4 Bedrooms, 3.5 Baths AND 5 GARAGE stalls.
- PROPOSED ADDITIONS Requesting 5 variances - to ALL variance requests we ask you reject.
- Olson has told us they wanted to turn the screen porch into a "playroom" and the space underneath for a "Boat house" type structure. Not add on a whole additional house.

this is my deck that is the way to get to my front door

this is my driveway

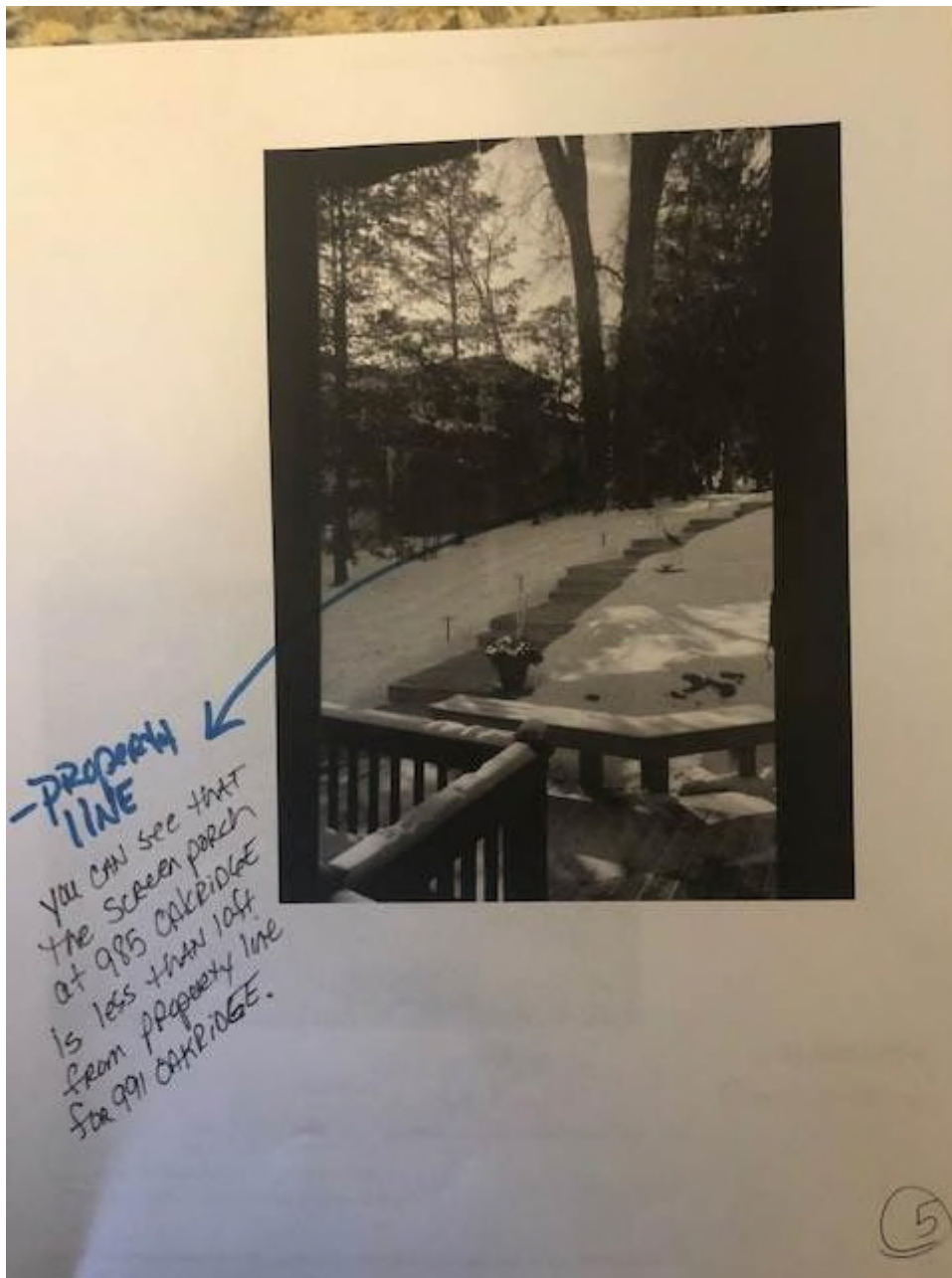


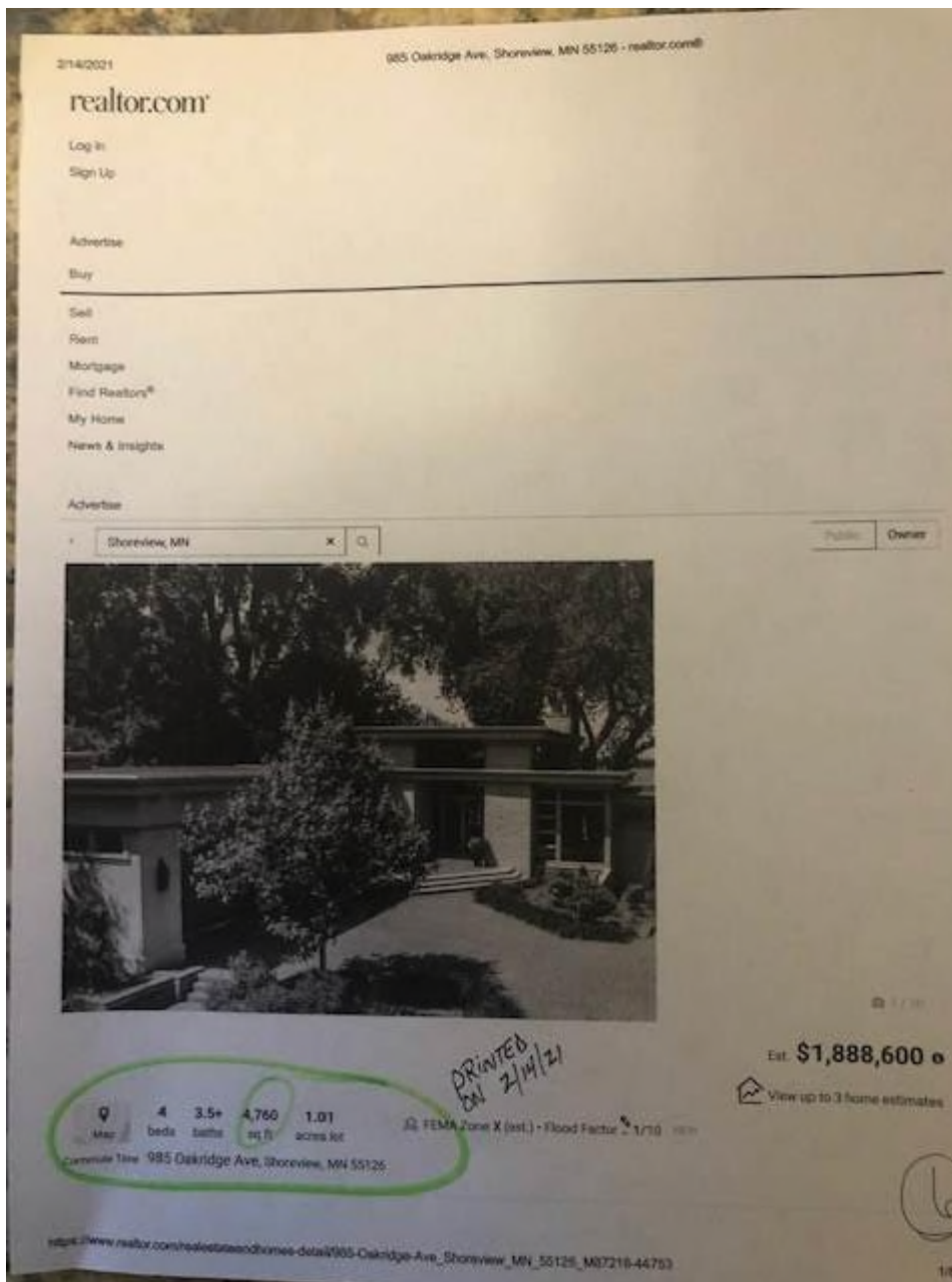


FRONT DOOR VIEW
FROM 991 OAKRIDGE
TO 985 OAKRIDGE AVE
BLUE LINE LOOKS TO BE
WHERE PROPOSED ADDITION
WOULD BE.

DAF 2-14-21

(4)





Links contained in this email have been replaced. If you click on a link in the email above, the link will be analyzed for known threats. If a known threat is found, you will not be able to proceed to the destination. If suspicious content is detected, you will see a warning.

4 attachments

Scan_20210314.jpg
1515K



Scan_20210314_2.jpg
1153K



Scan_20210314_3.jpg
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3384K

March 15, 2021 Update from February 15, 2021

RE: Notice of Planning Commission Application – Hendel Homes, 985 Oakridge Ave

As a property owner at 999 Oakridge Avenue, I ask the City of Shoreview and Planning Commission to deny the Hendel Homes variance requests and put a stop to this surprising proposal that greatly exceeds zoning, building codes and specifications which have been put in place to protect the environment, the community and our neighborhoods.

When Hendel Homes includes a threat to the Planning commission and the neighbors on Oakridge Ave in their request for variance, “An alternative option being considered could be to tear the existing house down and build a new house in line existing neighboring house structures per city ordinance. Including a 288 square foot boathouse 10 feet tall built to within 10 feet of HWL (high water line) and neighboring property...” it demonstrates just how much this proposal is out of character with our neighborhood and the community. Noting the tone and arrogance of their request, the saying “Give them an inch and they will take a mile,” is a reasonable assumption to make with Hendel Homes. Although I don’t believe the DNR would allow a new permanent boat house on a Minnesota lake – a lot of requests have been denied on Turtle - a threat is not a reason for the City to allow the requested variances and allow the construction of an entertainment complex like no other, especially in a neighborhood of substandard lots. We are in close proximity to one another and should respect each other.

If the objective is to add a family swimming pool, it could be done to a scale that does not “break the neighborhood”. Hendel’s is a very selfish request. In the proposal they mention an earlier request to add a pool and working within existing footprint to accommodate access to outdoor activities. That is not reflected in the plans we saw in February or now.

The lot coverage requirements of the proposal, exceeding structure height by what appears to be a full story, exceeding accessory building square footage not by 10 sq ft or 100 sq ft but many hundreds of square feet are alarming at best. In February we were being asked to comment with provided documents that did not spell out how much the proposed additions exceed limits. In March they spell out that the principal structure height request is 40.5’ and the allowed is 35’. As approving the 40.5’ height variance also means – an 11’ tall and approximately 70’ back ... structure being built on the lakeside – deny the variance. Let them work within the existing foot print of structure and patio. I would also point out that on top of the 11’ wall is an open entertainment patio. Even a roof without people partying on top would be better than the proposed.

Although not provided in February, the notice from the Planning Commission provided lot coverage information as a percentage in March. Beside the percentage it would be helpful to have the figure in square feet. A variance of 2, 3 or 4% is a considerable amount of coverage on this lot. It would be smart for the city to go back to the as built approvals when the home was constructed by the previous owners because they stated that every inch of allowable coverage had been used – and since the original construction, additional walls and pads have been added.

Continued

ANY additional water drainage from 985 Oakridge would be a concern and detriment to the neighbors to the west of 985 Oakridge. I was once asked by a previous Oakridge developer if I was a hydrologist – one who studies the movement, distribution and management of water. And, no I am not. But, I can provide anecdotal information to the commission regarding history of run-off from 985 to lower lying properties to the west. A few years after the current home at 985 was constructed, the homeowners built an unpermitted retaining block wall at the shoreline and as a thank you to the former owners of 991 continued the wall west approximately 55 feet. They were going to bring this wall up to my property line but stopped short because I asked them not to have their water run off onto my lake shore. Without drain tiling, weep holes or outlets the wall literally stopped the water and diverted it west to the neighbors. In drought years, when we all had 50 extra feet of beach, the run off did not matter. After 2013 heavy rains their bobcat was out on the shore and wall fixed due to wash out at 985. Both of the “new” owners at 991, since wall was built, have had to do extensive grading and re-sodding to keep the yard level and to keep water from backing up. I am sure the current owners of 991 have spent thousands of dollars in the last couple of years to mitigate the water that not only flows south to north but also from the higher elevation property to the east – 985. Again to share additional history as to why water drainage from 985 is a concern, prior to the building of the current home and 25 years ago, the original owners of 985 rebuilt the hills on the lakeside of the home adding black dirt and new sod. As reported to us by the former owners of 991 and 1003, that sod and truckloads of dirt ended up on yards and sand lake front of 999 and 1003 thanks to a heavy rain. Mrs. Blaisdell the owner of 1003 at the time, told me the black dirt and sod destroyed her beach and filled the lake with black dirt. This demonstrates the direction of lakeside run off that continues from 985. As it stands, lakeside swells, berms and possibly rain gardens to control rainwater from higher elevations should be added. And the requested great expanse of flat roofed structures, patios and walls, moving water to the lakeside will just make the run off situation worse. Tell me what mitigation would be needed to cover the excesses of this proposal.

On the road side of Oakridge we have no curb, gutter, or storm sewer service. This makes it even more important for all property owners to contain their run off. As the private drive is shared by many properties on Oakridge, 985 is at the access to the drive, the commission should also solicit input from all owners of the shared drive.

Loss of trees, light, ventilation. Again it is hard to tell the height of the proposed addition on the lake side, but whether it is 10, 12 or 18 feet in height and 50 or 70 feet long, it has the effect of a concrete wall along a highway for the neighbors to the west. The Hendel request states, “The new rear addition also does not impede on the side view of either neighbor.” My lot is approximately 70 feet away and it would impede my view. The city would not allow a fence or wall of this height anywhere. And, again, beside the height of the structure there is a patio above for outdoor entertainment – it could include fireplaces, grilling/kitchen area, and furniture all **ABOVE THE 11’ WALL**.

Continued

Where now we have green space open to the lake, sunshine, cool breezes, and shade from some of the largest and oldest trees in Shoreview, proposed is a concrete wall. A wall that is topped with a patio and deck hovering over the neighbors ten feet away. The highest impact will be on 991 as the "wall" runs south to north covering a distance of ?? (can't tell from drawings but they stated 70'). It runs half the distance of the east facing structure of their home; **right up to the side entrance of their home.** To me, whomever Hendel is building this entertainment complex for doesn't appear to care for the neighbors. It is excessive, extreme and disregards zoning and specifications in place to prevent excessiveness and extremes.

Past 991 to the west, we at 999, greatly enjoy the walk from our garage, through the rain gardens and greenery to our home. The eastern view to the lake to truly a joy. The home at 985 Oakridge was placed and built to take advantage of the expansive views of Turtle Lake. It is set back from the lake much more than homes to the west. To the east and west there is no more open space than required by building codes, 5 feet by attached garages and 10 feet on east. The lakeside decks, covered porches and patios, are basically aligned with my front walk way and door. We share each other's noise and conversations. And, being only 75 feet away from the porch noise, I can't imagine what noise the neighbors to the east (991) and west (979) will have to listen too if this entertainment complex is built. As it currently stands, the beautiful home at 985 towers over the lakeside neighborhood. At night it lights up like an office building over the lake. The former owners built what was allowed on that lot without excessive variances. And they purposefully left the required uncovered space on the lakeside. The street side of my home is the quite side compared to lakeside. Bringing the party to my front door really is outside of the character of our neighborhood.

As lakeside owners we all enjoy this beautiful, peaceful and sometimes very active, yet respectful, neighborhood. There are reasons for the building requirements; and these variances are not small requests that can be mitigated with a little give and take. Without hesitation, I am asking the Planning Commission and City of Shoreview to address and deny Hendel Home's extreme and excessive variance requests for 985 Oakridge Avenue. Please do not allow them to build this complex 75 feet from my yard and 20 feet from my neighbor's home entrance. Please remind Hendel Homes that the codes are enforced to protect the environment and the community.

Dan Iwaszko

999 Oakridge Avenue, Shoreview, MN 55126



Aaron Sedey <asedey@shoreviewmn.gov>

985 Oakridge Proposal

2 messages

Bradley Gillan <butch.gillan@gmail.com>
To: Aaron Sedey <asedey@shoreviewmn.gov>

Thu, Mar 18, 2021 at 12:20 PM

We live at 979 Oakridge, next door to the east of the Olsons and write to express our concerns about their proposed project.

While we consider the Olsons to be good neighbors with whom we'd like to maintain a good relationship, we have concerns, some of which are hopefully temporary arising during the construction process, but others are likely permanent.

Our primary concerns:

(i) The addition of the pool, hot tub and entertainment area will cause noise outside our dining and living rooms which are quite close to those features. Because their home is set back so far from the lake (the result of an earlier variance granted to prior owners I've been informed) their new pool is about the same north south level as the main living areas in our home. We would expect the noise levels to be greater than if, for example, the pool was located nearer the lake, further from our house.

(ii) We also expect more traffic, people and golf carts, and consequent loss of privacy, between our houses, an area which is quite narrow.

(iii) Storm water runoff is a potential problem for many of the nearby properties, including our own. Cory Olson once described to me a storm water containment system he expected to be required but we can see no reference to that system in the plans presented. Is there no requirement to prevent runoff into the lake?

Construction process concerns:

(i) Access to the Olson's lakeside yard is limited to the narrow slot between our homes (there is no access on the west side of their home). We have a fence, hedge, terraced retaining walls, flower gardens and a sprinkler system along the property line. All of which could be damaged by the movement of construction materials and equipment through the narrow access. There is also a large pine tree obstructing passage through the area, which the plan does not contemplate removal, further narrowing the access.

(ii) Soil erosion both during the construction period and potentially thereafter is another of our concerns due to the slope of our respective yards but especially in the area between our homes, an area that has seen the ground cover washed out by heavy rains in recent years. Near our common property line closer to the lake, we have a very large maple tree which we fear would be stressed by any excavation, erosion or compaction of soil caused by heavy equipment traffic or material storage near its base.

While we assume that mitigating measures such as silt fences or similar requirements will be required if the project is approved, the risk of incidental damage to our improvements, fence, retaining walls and landmark tree would be a major loss for us, which we would like to indemnified for by a bond or similar arrangement.

It appears from the plans we've seen that the major permanent impacts of the proposal will occur to our neighbors to the west of the Olsons, but we believe that the impact of the pool, hot tub and related entertainment areas, and the increased noise traffic and loss of privacy will affect our use and enjoyment of the property we've lived on since 1993, not to mention the disruption and incidental damage during construction.

We would appreciate it if you would share the above with the planning commission members for their consideration. Thank you.

Brad & Margaret Gillan
(612) 868-0306

1. We are all residents of the city of Shoreview, living at the various addresses near 985 OakRidge Avenue, Shoreview Minnesota, listed below.
2. We have reviewed the application submitted by Hendel on behalf of the Olsons concerning 985 OakRidge Avenue ("Application") and are familiar with its contents.
3. We are familiar with the area, the neighborhood, and its character.
4. We don't believe the request is reasonable. Every bit of additional impervious surface threatens Turtle Lake. The lake is already under threat from development, traffic, and runoff. The City should be making every effort to zealously guard the quality of water in that lake, and not allow anyone to increase runoff into it. We understand there to be over 200 homes on Turtle Lake. If every one of them was allowed to add 2500 ft.² of additional impervious surface, 500,000 ft.² of additional impervious surface would be added to the lake. Could not each of them offer the same justification that "the impervious coverage will be used to improve the property" as a reason for asking for a variance? Hendel has not supplied any compelling reason why additional impervious surface is necessary, other than it's required for the applicants to do what they want to do. In order for the City to treat everyone fairly, does this mean the city is prepared to approve 500,000 ft.² of additional impervious surface when other landowners make the same requests? What's the point of a zoning ordinance with an impervious surface requirement, if people can simply acquire a variance to it because it's convenient for what they would like to build?
5. We believe that the Application, if granted, will alter the character of the neighborhood. Oak Ridge Avenue is a quiet, narrow private road with nice but modest houses and a comfortable neighborhood feel. The add-on of what looks like an excessive, extravagant addition will undeniably change the character of the neighborhood. The applicant may feel it's a change for the better, as they seem to say in the application, but we believe it will be a detriment to the character of the neighborhood that we've come to know and love. The proposed additions will be too expansive, too tall and continue to create impervious surface which threatens Turtle Lake. We request the application for both variances be denied.

Signed

Denise J. Junt

Name

3/18/21

date

991 OAKRIDGE AVE

Address

Denise Junt

Name

3/18/21

date

1000 OAKRIDGE AVE

Address

Jill Gorceau

Name

3/18/21

date

936 Oakridge Ave

Address

Bruce E. Junt

Name

3/18/21

date

1009 OAKRIDGE AVE

Address

Lynn Iwaszko 3-18-2021
Name date

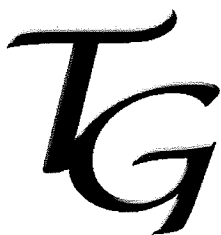
Brad Gill 3/18/21
Name date

Name date

999 Oakridge Ave
Address

979 Oakridge Ave.
Address

Address



TIEDE GRABARSKI PLLC
4770 White Bear Parkway, Suite LL20
White Bear Lake, MN 55110
Tel: 651-964-2514 Fax: 1-651-560-5637

March 18, 2021

To:

City of Shoreview
 Attn: Planning Commission
 4600 Victoria Street North
 Shoreview, MN 55126
 E-mail: asedey@shoreviewmn.gov

**Re: Objection letter to Hendel Homes/Olson Variance Application, 985 Oakridge Ave,
 Shoreview, MN 55126**

Dear Commissioners:

We write on behalf of Denise and Doug Firkus, in opposition to the variance application and accompanying materials (collectively, the “Application”) submitted by Hendel Homes, Amanda and Cory Olson (collectively, the “Applicant”), in connection with real property with a physical address of 985 Oakridge Avenue, Shoreview, MN 55126 (the “Property”). My clients are the neighbors to the West of the Property.

Factual and Historical Concerns

This is the second submission regarding the Property in recent years. From the outset, it’s difficult or impossible to tell from the current submission and the submission in 2019 what the lot size and current impervious coverage are, since different information was submitted with each application. According to the submission presently pending before this Commission, the existing lot coverage is 29.3%. In 2019, a variance was requested which stated that the existing coverage was 30.5%. See Exhibit A. The 2019 variance, while granted, has now expired and never was acted on. No change was made that my clients are aware of, from 2019 to the present day. Yet the numbers in the current application are inconsistent. The difference is over 1%. That is meaningful. At a

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minimum, the City should be entitled to have confidence that the numbers it's being supplied are accurate. It's not possible for us to tell from the current application, which specifically references the inconsistent 2019 application, what the current numbers are.

The current application also asserts that the 2019 application resulted in permission for 34.9% impervious coverage. While it is true that the resolution in 2019 used that number, this is somewhat misleading. As the Planning Commission can see from review of the 2019 record, that number was approved based on the creative assumption that the private road across the property should be excluded from the calculations. There is no legal basis for excluding the road. Thus, it appears that the Applicant wants to both create the impression that what's being requested in this circumstance is less than what was granted in 2019, and simultaneously argue that the impervious surface of the road across the Property should not count against the Property. These positions are not logical. The road should count against the Property, and the amount of impervious surface which the applicants seek to create is substantially above the amount permitted in the City's Ordinances.

This is not the only thing that's difficult to reconcile between the two applications. The current application claims a current impervious coverage of 13,073 ft.². The 2019 application claimed an existing coverage of 13,522 ft.². Exhibit A. It's our understanding nothing has changed since 2019. Why the difference? How can this Planning Commission make an informed decision without clear underlying data?

The last full paragraph of the Hendel letter is puzzling. My clients interpret it as a threat that if the current variances are not granted, the Applicants will do a teardown project and seek to put a boathouse in my clients' line of sight. It's unclear what this information has to do with the present application other than possibly to seek to intimidate the neighbors. Perhaps the Applicants will be able to express a more appropriate purpose for this language than the way it's been perceived.

On the merits, as well, the variance requests should be denied. The Applicants fail to show that they meet the definition of practical difficulties required under statute and City Ordinances:

Practical Difficulties Legal Standard

"Practical difficulties" can be established only when an applicant satisfies the following three-prong test:

- (1) the property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance;
- (2) the plight of the landowner is due to circumstances unique to the property not created by the landowner; *and*
- (3) the variance, if granted, will not alter the essential character of the locality.

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Minn. Stat. § 462.357, subd. 6 (2) (2020) (emphasis added).

Reasonable Manner. The property owner proposes to use the property in a reasonable manner not permitted by the Shoreview Development Regulations.

The proposed variances are not reasonable. The property in question already has a house that is the full size permitted for its location. That means it's providing all the burden to the lake that the policies of the City allow. It's blocking all the view for the neighbors that the policies of the City will allow. It's adding all the runoff to the neighbors' properties that the policies of the City will allow. Adding burden to all of the neighbors and environment just so a full size house can be more than 10 feet taller, with more impervious surface is not a reasonable request.

Undeniably, increasing the impervious surface will increase runoff. How much? We don't know. As far as we have seen, the Applicants have not provided calculations or information to evaluate this question. The City has to have a basis for its decisions. No basis is provided in the materials which we have seen that would be sufficient for the City to find its reasonable to grant this variance with regard to the impact to the neighbors and their drainage.

Though we don't know the amount of water our clients would be expected to suffer, there are several concerns:

- The Application seems to indicate that a cottonwood tree with a 20' diameter will be removed. A cottonwood tree of that size would hold an enormous amount of water. How much burden will removal of that tree cause? We don't know.
- In this location, additional runoff is not an abstract concern. The private road that serves the Property and the neighbors does not feature any of the usual infrastructure a public road would have. There are no culverts. There are no ditches or stormwater sewers. All the water that lands on that road goes on to the adjoining lots. Any activity or construction which exacerbates runoff problems in that area is greatly amplified by the lack of that kind of infrastructure. How much will this affect the neighbors? We don't know.
- My clients have suffered greatly from surface water runoff problems already. They have had to lift their lower patio brick by brick due to washouts. This cost them \$7000. They've twice had to rebuild a retaining wall because of washouts. This cost them \$3000. They've had to work with other neighbors to try to minimize water running onto their property.
- The letter from Hendel says a storm water management plan will help. The letter does not say there won't be runoff. By saying the storm water management plan will help, Hendel is acknowledging that there will be runoff. There is no claim that excess runoff will be prevented or fully controlled. How much runoff is there now, and how much will there be? We don't know. It is not a reasonable use to increase burden on one's neighbors by adding runoff just so a larger house can be built than the one permitted by law.

In light of the foregoing, the claim of the Applicants that even though they desire to increase impervious surface, their unidentified stormwater management plan will "help control any excess runoff" is of little comfort. How much water will be dumped onto our clients property, and during

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what kind of rainfall event? What will be the velocity and scour of the additional runoff, compared to the existing situation? How much worse will it be for the Firkus family? What steps are actually being proposed for mitigation? We don't know these answers. It's simply impossible for the City to evaluate whether the stated intention of the Applicants to add runoff to their neighbors is "reasonable" without knowing these facts. A finding that approves a variance which will increase runoff burdens on properties that already have runoff problems, but without any information about how much the increase will be, can't be anything but arbitrary and capricious.

Putting hard improvements on every inch of the Property and building to great heights might well be desirable to the Applicants. But doing so imposes costs on the lake, the neighbors and the community. This is exactly what zoning is intended to protect against. Giving a variance to someone who's able to impose those costs on the neighbors and the community, just because they want a fancier house flies in the face of the purpose of zoning. It's certainly not a reasonable request justifying a variance.

Unique Circumstances. The plight of the property owner is due to circumstances unique to the property not created by the property owner.

In 2019 this same Property was given a variance as to impervious surface based in part on the fact that the road serving the Property is a private road in the form of an easement encumbering the Property. Apparently based on this, the City determined to calculate impervious surface without taking the road into account and did grant a variance. We would submit that the exclusion of the road was an error by the City and should not be repeated. In fact, due to the lack of surface water management infrastructure in the road (see above), the private road is a reason not to grant a variance, rather than a reason to grant a variance. The surface is just as impervious regardless of who owns it, and unlike most roads, this road has little to no ability to manage surface waters. Under the ordinances of the City, that road should be included. Hypothetically taking it away just to change the math is no better than hypothesizing that if only the lot was twice as big, the Applicants would not need a variance. The facts are the facts.

Perhaps even more fundamentally, this Property is not unique. Everyone would like to build the fanciest thing they can on limited lakeshore. The Applicants are not unique in this circumstance nor is the Property unique. Many people living on Metro lakes in Minnesota have substantial means and could afford to build taller and bigger structures than zoning will permit. The fact that a lot on a lake is smaller than the landowner would like is not unusual at all. In fact it may be the rule, rather than the exception.

Nearly every lake lot is smaller than the landowner would like. Lake lots were developed early and often for cabin purposes. When those lots are later used for building multimillion dollar homes, they are usually too small. The purpose of zoning is to protect communities, resources, and neighbors from exactly what's going on here. Just because someone can afford to put hard surface down everywhere on their property does not mean they should be allowed to. Just because someone is able to build into the double digits beyond height restrictions does not mean they should

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be able to. Just because the lot they own is smaller than their economic ability to fill it up is not a plight unique to the property.

It's worth looking closely at the request. The applicants want to add 2500 ft.² of impervious surface. Among the amenities they seek want to ameliorate their "plight," are a gathering area with two restrooms, a kitchen, a new outdoor level, a gas fireplace and a golf simulator. Does the City of Shoreview feel that lakeshore residents in multimillion dollar homes with a golf simulator are suffering from a 'plight'? Is that plight of such significance that it's acceptable to establish a precedent that each resident can cover an additional 2500 ft.² of infiltration ground with impervious surface all the way around the lake so as to ameliorate the plight? What will the city say to the next homeowner who wants to pave over 2500 ft.², or to put in another swimming pool, or out building in excess of impervious surface requirements? That first subsequent homeowner will have a very compelling argument if this variance is granted. The next homeowner after that one will feel absolutely entitled. Who in this story is looking out for the lake? Is it a reasonable use of property to sacrifice lake quality so a four bathroom home can have two more bathrooms near the golf simulator?

Character of Neighborhood. The variance, if granted, will not alter the essential character of the locality.

Granting the proposed variance will obviously alter the essential character of the neighborhood. Many of the neighbors don't agree that the changed character of the neighborhood would an improvement. This is plain from the many submissions and signatures.

Further, the real question isn't whether the character is improved or not. Statutorily, the question is whether the character is altered at all. Whether the change is for the better or worse is subjective and irrelevant. The statute only inquires as to whether there is a change. If there is a change, there should not be a variance.

The applicant not only admits, but asserts there will be a change in the character of the neighborhood when they state that "this addition's impressive structure to this unique home will add beauty and character as viewed from the Lake." Under those circumstances, the variance can't be granted¹.

The character of the neighborhood is obviously a subjective thing. Who has the best feel for the character of the neighborhood? Certainly it's the neighbors. The Planning Commission can see from the submissions of the neighbors that they feel strongly that their quiet, private street will suffer a significant change in character if the behemoth proposed by Hendel is approved.

¹ inconsistently, after claiming that the character will be changed, Hendel states at the bottom of the application that the character of the property will not be changed.

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Conclusion

The Planning Commission should deny both variances requested by Hendel. The underlying data supplied in support of them is inconsistent and inconclusive. That alone should be reason for denial. Beyond that, the three requirements for granting a variance are clearly not met. What's going on here is that some wealthy homeowners want to put an enormous structure in a place where it doesn't belong. The request is unreasonable, they are hardly suffering from any plight, and it will change the character of the neighborhood. Based on the facts available, we are hard-pressed to see how the grant of any permit could survive an arbitrary and capricious standard by a reviewing court. On behalf of our clients, we would request the variances be denied.

Sincerely,



Peter B. Tiede
Tiede Grabarski PLLC
4770 White Bear Parkway, LL20
White Bear Lake, MN 55110

Exhibit A

TO: Planning Commission

FROM: Kathleen Castle, City Planner

DATE: August 22, 2019

SUBJECT: File No. 2728-19-15, Residential Design Review/Variance – Outdoor Innovations Landscaping, 985 Oakridge Avenue

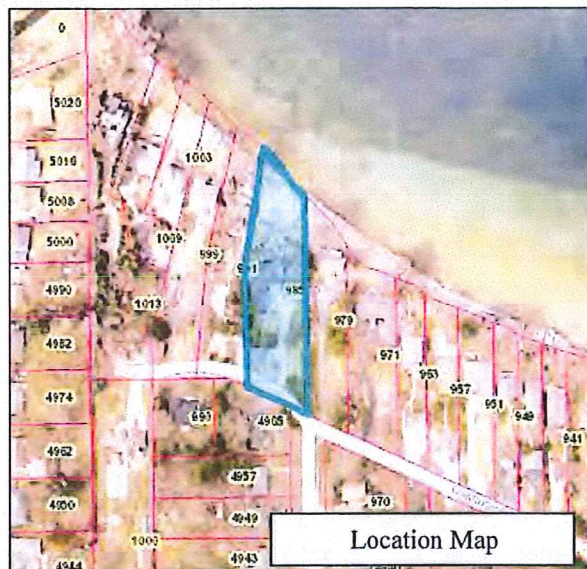
INTRODUCTION

A Residential Design Review and Variance request has been submitted by Outdoor Innovations Landscaping on behalf of Cory and Amanda Olson, the homeowners of 985 Oakridge Avenue, to expand the patio area and install a swimming pool. This improvement requires residential design review because the property is a substandard riparian lot. A variance to exceed the maximum 30.5% impervious surface coverage is also required as 34.9% is proposed

SITE CHARACTERISTICS

The property is located on the south side of Turtle Lake off the Oakridge Avenue private roadway. It is zoned R1 – Detached Residential and is within the Turtle Lake Shoreland Overlay District. The surrounding properties have similar zoning and are developed with detached single family residential uses.

The lot has an area of 44,306 square feet. It is a substandard riparian lake parcel with a width of 106 ft, an average depth of 387 ft. The parcel exceeds required 15,000 square foot minimum lot size and 100 foot minimum lot width but is substandard because it does not have 100 feet of frontage on a public street.



The lot is developed with a one-story house with a walk-out lower level, attached and detached garage. Improvements on the lakeside of the home include a patio area, deck and putting green. The property does slope down approximately 21 feet from the house to the lakeshore.

Access to the property is gained off of a private roadway from Oakridge Avenue. This roadway encroaches over the southern 30' of the property and is located in a driveway easement. Other properties use the roadway for access.

PROJECT DESCRIPTION

The applicant is proposing to remove the putting green and patio and replace it with an expanded patio and in-ground swimming pool area. This improvement increases the impervious surface coverage from 30.5% (13,522 square feet) to 34.9% (15,461 square feet). While swimming pools

hold water, they are considered impervious surface since water cannot infiltrate into the ground and vegetation cannot grow.

One non-landmark tree may be removed as part of this project. The larger landmark trees will remain.

DEVELOPMENT CODE

Shoreland Standards

Section 209.080(L)(2)(c)(i) addresses impervious surface coverage on substandard riparian lots. A maximum impervious surface coverage of 30% is permitted if there are no water oriented structures in the required setback from the ordinary high water level. If the existing impervious surface coverage exceeds the allowable impervious surface coverage, the existing impervious surface coverage may remain but cannot be increased.

The Development Ordinance requires residential construction on substandard lots to comply with certain design standards, and the relevant standards are summarized in the table below.

STANDARD	ALLOWED	PROPOSED
Lot Coverage	13,291 sf. ft. (30%) Existing: 13522 sq. ft. (30.5%)	15,461 square feet (34.9%)*
Setbacks: Side (West) OHW	5 feet 55.35 – 75.35 feet	12.3 feet 102.9 feet

***Variance Required**

Variance Criteria

When considering a variance request, the Commission must determine whether the ordinance causes the property owner practical difficulty and find that granting the variances is in keeping with the spirit and intent of the ordinance. Practical difficulty is defined as:

- 1. Reasonable Manner. The property owner proposes to use the property in a reasonable manner not permitted by the Shoreview Development Regulations.*
- 2. Unique Circumstances. The plight of the property owner is due to circumstances unique to the property not created by the property owner.*
- 3. Character of Neighborhood. The variance, if granted, will not alter the essential character of the neighborhood.*

For a variance to be granted, all three of the criteria need to be met.

Memorandum

TO: Planning Commission
FROM: Kathleen Castle , City Planner
DATE: March 23, 2021
SUBJECT: File No. 2786-21-13; Variance, 229 N. Owasso Boulevard - Oslin
ITEM NUMBER: 7.C
SECTION: NEW BUSINESS

REQUESTED MOTION

Motion to deny

To deny the variance request submitted by Lela Sanchez Oslin, 229 N. Owasso Boulevard, as practical difficulty is not present. The request to increase the permitted height of a detached accessory structure and the interior height of the second level is based on personal preference rather than a unique circumstance. The three criteria required for practical difficulty is not met, therefore, the variances can not be approved.

Motion to approve

To adopt Resolution 21- 22 approving the variance request submitted by Lela Sanchez Oslin, 229 N. Owasso Boulevard, exceeding the permitted height for a detached accessory structure, including the interior height of the second level. Approval is subject to the following conditions.

1. The project must be completed in accordance with the plans submitted as part of the variance application. Any significant changes to these plans, as determined by the City Planner, will require review and approval by the Planning Commission.
2. A building permit must be obtained within 10 days after this approval.
3. The second storage level shall not be used as habitable space.
4. This approval is subject to a 5-day appeal period.

INTRODUCTION

Lela Sanchez Oslin has submitted a variance application for a detached accessory structure on her property at 229 N. Owasso Blvd. The proposal requires the following variances:

1. To exceed the maximum permitted height of 18 feet as the proposed garage would be 19 feet and 2 inches.
2. To exceed the maximum permitted interior height of 6 feet for the second level as 7 feet is proposed.

The application was complete March 5, 2021.

DISCUSSION

Site Characteristics

The property is located on the northern side of North Owasso Boulevard. The property has a lot area of approximately 12,175 square feet, a lot width of about 90 feet along North Owasso Boulevard and a lot depth of about 130 feet. It is developed with a two-story single family home constructed in 1947. The home is setback approximately 25 feet from North Owasso Boulevard.

A detached garage was constructed on the property in 2016. While a building permit was issued for this structure, a final inspection was not completed, therefore, it is not known if the garage was constructed in accordance with the approved plans. This garage was located in the rear yard approximately 10 feet from the rear lot line and adjacent to an alleyway. Access to the garage was from the alleyway.

The garage was damaged by tree and subsequently removed. It came to staff's attention that a new garage was being built on the property without the proper permits. The City issued a stop work order and notified the property owner of the permit requirements. A building permit application was submitted and upon review staff found that the proposed structure exceeded the height limits for the structure and the second story storage area. To remedy this, the property owner is seeking a variance to the height requirements.

Project Description

The applicants are proposing to rebuild the detached garage in the same location and are re-using the existing foundation. It appears that the garage is setback 10-feet from the alleyway and 20.8 feet from the west lot line. The height of the garage, 19'2" exceeds the maximum allowed 18-foot height by 14 inches. The proposed second level storage room would exceed the maximum allowed height by 1 foot. Please see the attached plans.

Development Code Requirements

Detached accessory structures on residential property are regulated in Section 208.082, Detached Residential District (R1), of the City Code. Subsection D5B, Height Requirements, set forth in this section state that maximum height permitted is 18 feet as measured from the highest roof peak to the lowest finished grade; however, in no case shall the height of the accessory building exceed the height of the dwelling unit. Storage areas are permitted above the main floor provided they do not exceed an interior height of 6 feet

Variance Criteria (Section 203.070)

When considering a variance request, the Commission must determine whether the ordinance causes the property owner practical difficulty and find that granting the variances is in keeping with the spirit and intent of the ordinance. Practical difficulty is defined as:

1. *Reasonable Manner.* The property owner proposes to use the property in a reasonable manner not permitted by the Shoreview Development Regulations.
2. *Unique Circumstances.* The plight of the property owner is due to circumstances unique to the property not created by the property owner.

3. *Character of Neighborhood.* The variance, if granted, will not alter the essential character of the neighborhood.

Applicant's Statement

The applicant has indicated that the added height will give them a “bonus room”. They do not intend to use this space for anything but additional storage.

Staff Review

The request was reviewed by Staff in accordance with the variance criteria. Upon review, Staff determined practical difficulty is not present, specifically, there is a lack of unique circumstances. While staff is empathetic to the applicant's situation as construction has started and the roof trusses delivered, this does not constitute practical difficulty. Economic circumstances are not a form of practical difficulty or unique circumstances.

1. *Reasonable Manner.* Garages are permitted in the R1, Detached Residential District as an accessory structure provided certain standards met. The applicant's desire to have a garage uses the property in a reasonable manner.
2. *Unique Circumstances.* There are no unique circumstances with this proposal. The applicant ordered materials and began construction without a permit. If a building permit application was submitted prior to construction, the applicant would have been informed that the structure does not meet the height requirements. The circumstance was created by the property owner.
3. *Neighborhood Character.* The proposed garage will not alter the character of the neighborhood.

Public Comment

Property owners within 150' were notified of the request. No comments have been received.

RECOMMENDATION

While staff is empathetic to the applicant's situation, it is hard to find that practical difficulty is present. Staff recommends denying the variances as the unique circumstances are not related to the property. The need for a variance could have been completely mitigated if the applicant applied for a permit before beginning construction. Staff recommends that the applicant look into altering the existing trusses to conform to the height requirements in code or purchasing new ones.

Two motions are being presented to the Commission. The first motion is to deny and the second is to approve. Resolution 21-22 is attached for the Commission's consideration if there is support for this request. Findings of fact will need to be added to the Resolution. The following conditions should be attached to an approval.

1. The project must be completed in accordance with the plans submitted as part of the variance application. Any significant changes to these plans, as determined by the City Planner, will require review and approval by the Planning Commission.
2. A building permit must be obtained within 10 days after this approval.

3. The second storage level shall not be used as habitable space.
4. This approval is subject to a 5-day appeal period.

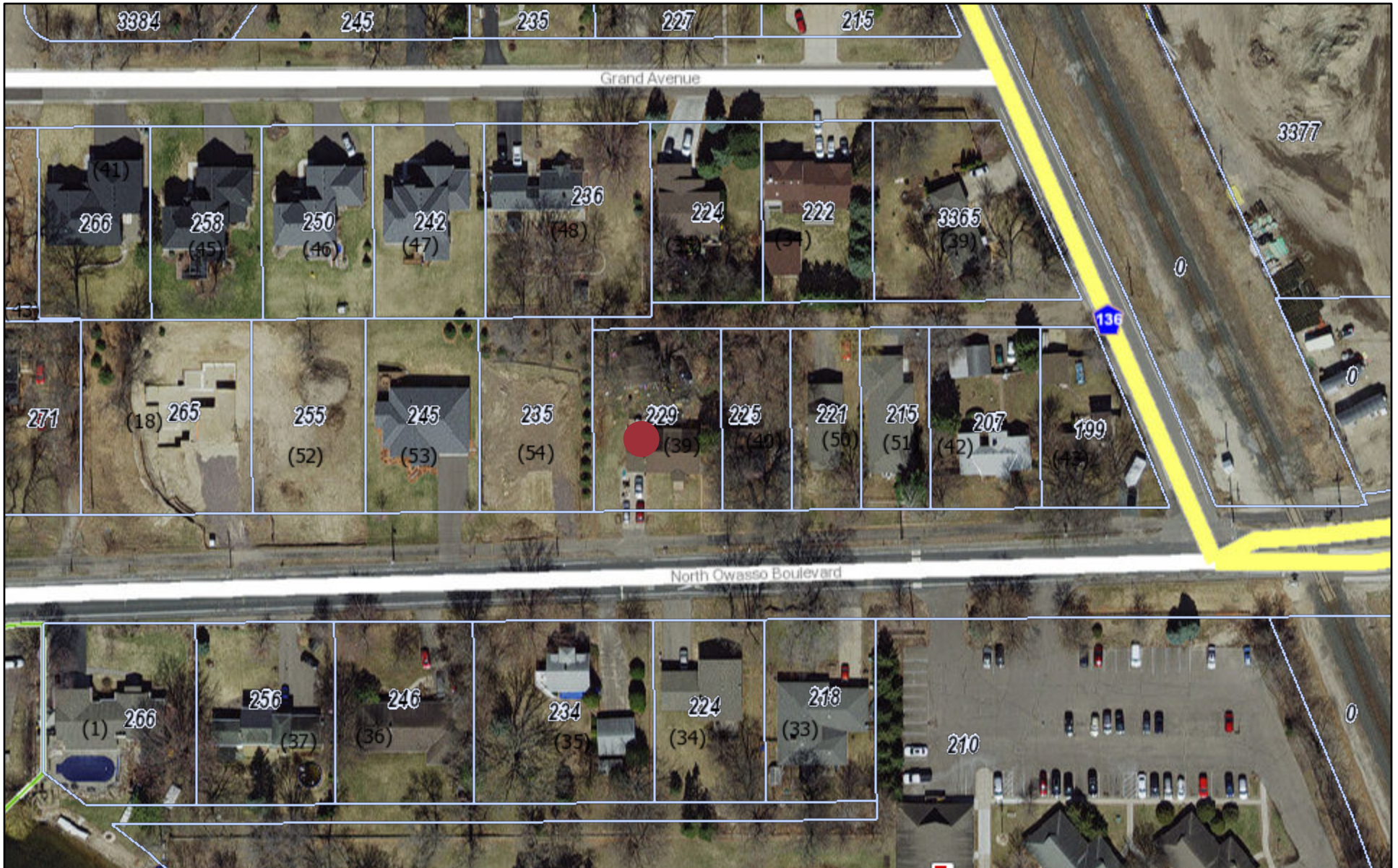
ATTACHMENTS

[Location Map](#)

[Application Materials](#)

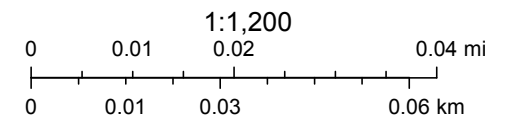
[Resolution 21-22](#)

Map Ramsey



3/18/2021, 12:40:17 PM

- Personal Property
- Cities
- Tax Parcels
- County Offices

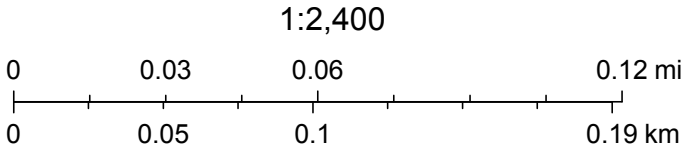


Map Ramsey



3/11/2021, 9:47:31 AM

- Tax Parcels _Query result
- Personal Property
- Tax Parcels
- Cities
- County Offices



To whom it may concern.

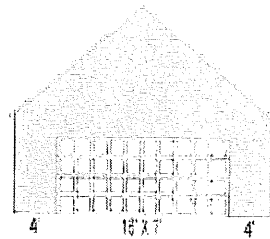
We are requesting a variance for the overall height of the rebuild of our existing detached garage. The garage will be built on the existing footprint. Currently the height restriction in the city of Shoreview is 18'. We are requesting a variance of 14" due to the use of bonus room trusses being added in the rebuild of our garage. We are also requesting a variance for the use of bonus room trusses which will give us a 7' ceiling in our bonus room above the garage. This will be a storage only room not a habitable space.

Estimate Id: 53564

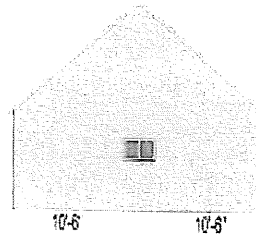


Page 2 of 4
10/20/2020

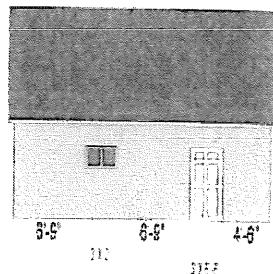
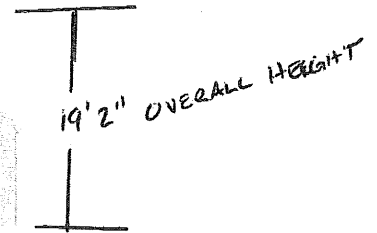
*** Here are the wall configurations for your design.
Illustration May Not Depict All Options Selected



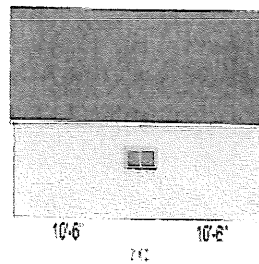
Gable Front View
(1) - GARAGE DOOR 16X7 WHITE INSUL RAISED PNL EZSETTCSN



Gable Back View
(1) - SLIDER (GOOD) 36X24



Eave Front View
(1) - SLIDER (GOOD) 36X24
(1) - E-1 6-PANEL STEEL DOOR PH 36X80 RH SN



Eave Back View
(1) - SLIDER (GOOD) 36X24

Building Size: 24 feet wide X 24 feet long X 8 feet high
Approximate Peak Height (includes 1 row of concrete blocks): 19 feet 6 inches (234 inches)
NOTE: Overhead doors may need to be "Wind Code Rated" depending on your building location.
Confirm the door requirements with your local zoning official before construction.

Menards provided material estimates are intended as a general construction aid and have been calculated using typical construction methods. Because of the wide variety of codes and site restrictions, all drawings and material lists must be verified with your local zoning office. Menards is a supplier of construction materials and does not assume liability for design, engineering or the completeness of any material lists provided. Underground electrical, phone and gas lines must be located and marked before your building plans are finalized. Responsibility is also safety equipment including eye masks and sign and hazard protection during construction to ensure a positive building experience.

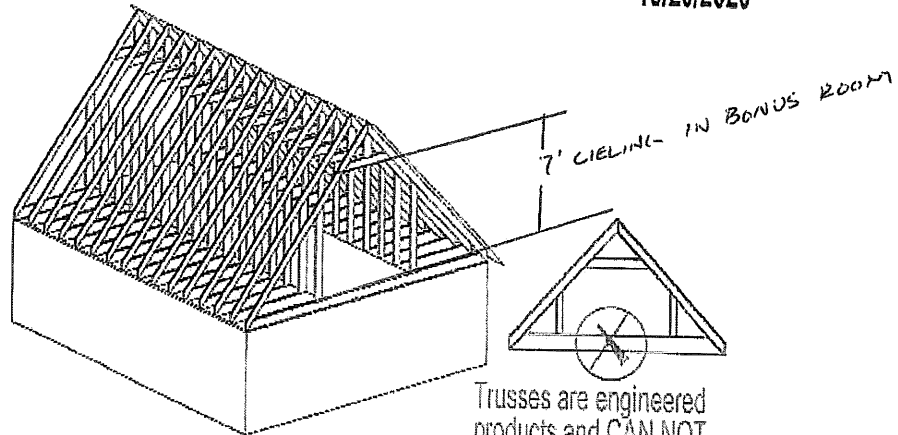


Illustration May Not Depict All Options Selected

Trusses are engineered products and CAN NOT be CUT, MODIFIED, or DRILLED

Helpful Hints for Room In Attic Garage Construction

- ~ Trusses can not be cut, modified, or drilled into.
- ~ Increased loading for the floor is in the attic room area only.
- ~ Trusses included in this estimate do not include overhangs.
Material to hand frame the overhang is included in the estimate.
Framing details for proper installation of overhangs is available.
Additional truss designs are also available, including trusses with eave overhangs, additional room sizes and more. See a building materials team member for more information about truss design and overhang framing details.
- ~ Stairs are not included in your estimate!
 1. The truss layout must be modified to add stairs and additional framing is needed.
 2. To add stairs restart the program, make sure to select a floor sheathing option then add the stairs.
 3. Room In Attic trusses are designed for 24" on center spacing.
- ~ Changing the end trusses to regular trusses may make it easier to install attic windows or to add insulation to your garage in the future. Switching to end trusses will require additional plate and stud materials.

* TRUSS SPECS WILL BE ONSITE @ ALL TIMES

Menards and Menards estimates are created as a general construction guide and have been created using typical construction methods. Because of the many variables in codes and the variations of local laws and materials, these estimates are not a substitute for a professional engineer's design. Menards is a supplier of construction materials and does not assume liability for design engineering or the consequences of any structural failure. Underground electrical, phone and gas lines should be located and marked before your building plans are finalized. Remember to use safety equipment including fall protection and sign and safety protection during construction to ensure a positive building experience.

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

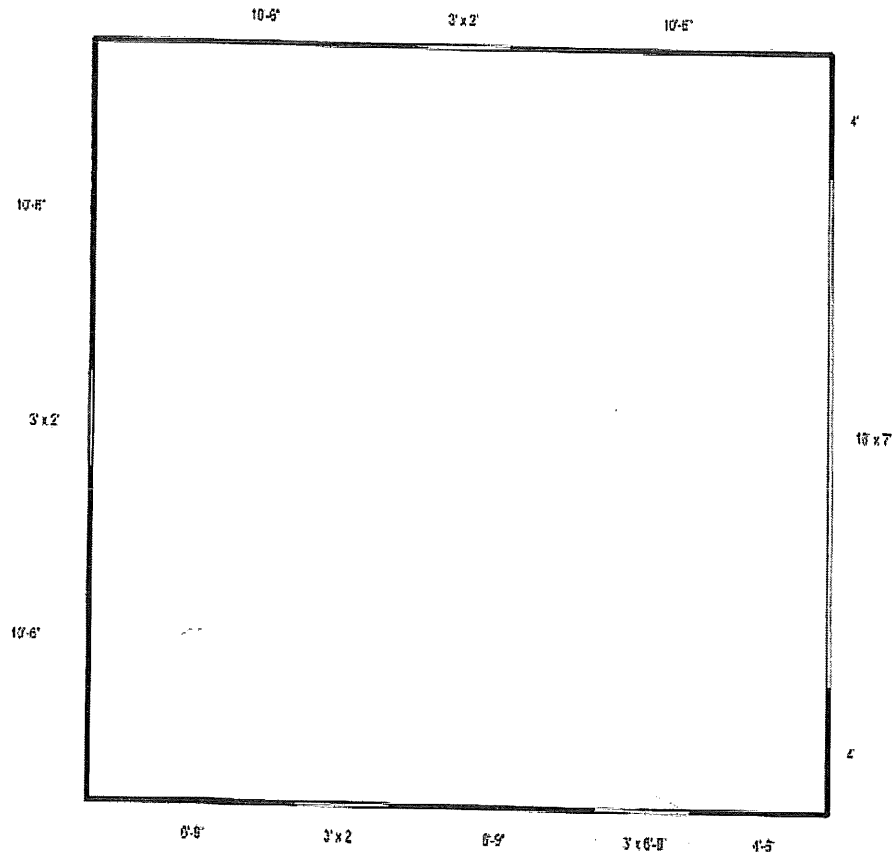
Estimate Id: 53564

*** Floor Plan.



Page 3 of 4
10/20/2020

Illustration May Not Depict All Options Selected



Building Size: 24 feet wide X 24 feet long X 8 feet high

Note: Wall construction is 2x4 @ 16" on center

**EXTRACT OF MINUTES OF MEETING OF THE
PLANNING COMMISSION OF SHOREVIEW, MINNESOTA
HELD MARCH 23, 2021**

* * * * *

Pursuant to due call and notice thereof, a meeting of the Planning Commission of the City of Shoreview, Minnesota was duly called and held at the Shoreview City Hall in said City at 7:00 P.M.

The following members were present:

And the following members were absent:

Member introduced the following resolution and moved its adoption.

RESOLUTION NO. 21-22 VARIANCE

WHEREAS, Lela Sanchez Oslin and Eric Oslin, a married couple, submitted a variance application for the following described property:

Lot 23 Block 7 of OWASSO, W 10 ft of Lot 25 and all of Lot 23 and Lot 24, Blk 7
(This property is commonly known as 229 N. Owasso Blvd.)

WHEREAS, the applicants removed a damaged detached garage on the property and is constructing a new detached garage in the same location as the previous garage; and

WHEREAS, the proposed garage height of 19'2" exceeds the maximum 18-foot height permitted for a detached garage in a R-1, Detached Residential District; and

WHEREAS, the interior 7-foot height of the second level storage area exceeds the maximum 6-feet permitted; and

WHEREAS, the Shoreview Planning Commission is authorized by State Law and the City of Shoreview Development Regulations to make final decisions on variance requests; and

WHEREAS, on March 23, 2021, the Shoreview Planning Commission approved the variances and adopted the following findings of fact:

1. Reasonable Manner.
2. Unique Circumstances.
3. Character of Neighborhood.

NOW, THEREFORE, BE IT RESOLVED BY THE SHOREVIEW PLANNING COMMISSION, that the variance requests for property described above, subject to the following conditions:

1. The project must be completed in accordance with the plans submitted as part of the variance application. Any significant changes to these plans, as determined by the City Planner, will require review and approval by the Planning Commission.
2. A building permit must be obtained within 10 days after this approval.
3. The second storage level shall not be used as habitable space.
4. This approval is subject to a 5-day appeal period.

The motion was duly seconded by Member and upon a vote being taken thereon, the following voted in favor thereof:

And the following voted against the same:

Adopted this 23rd day of March, 2021

Chris Anderson, Chair
Shoreview Planning Commission

ATTEST:

Kathleen Castle
City Planner

ACCEPTANCE OF CONDITIONS:

Lela Sanchez Oslin

Eric Oslin

STATE OF MINNESOTA)
)
COUNTY OF RAMSEY)
)
CITY OF SHOREVIEW)

I, the undersigned, being the duly qualified and acting Manager of the City of Shoreview of Ramsey County, Minnesota, do hereby certify that I have carefully compared the attached and foregoing extract of minutes of a meeting of said City of Shoreview Planning Commission held on the 23rd day of March, 2021 with the original thereof on file in my office and the same is a full, true and complete transcript therefrom insofar as the same relates to adopting Resolution No. 21-22.

WITNESS MY HAND officially as such Manager and the corporate seal of the City of Shoreview, Minnesota, this 23rd day of March, 2021.

Terry C. Schwerm
City Manager

SEAL

Drafted By: Kathleen Castle
City Planner
4600 Victoria Street

File No. 2786-21-13 Oslin
229 N. Owasso Blvd
Resolution 21-22
Page 4 of 4

Shoreview, MN 55126

Memorandum

TO: Planning Commission
FROM: Aaron Sedey , Associate Planner
DATE: March 23, 2021
SUBJECT: Public Hearing: File No. 2788-21-15; Conditional Use Permit/Variance, 5735 Turtle Lake Road - Hauer
ITEM NUMBER: 7.D
SECTION: NEW BUSINESS

REQUESTED MOTION

Motion to deny

To deny the requested variance for a detached accessory structure and therefore the conditional use permit cannot go forward to the city council.

Denial is based on the following findings:

1. The variance requested is the personal preference and still a decent sized detached garage could be built.
2. Person preference is the cause of the unique circumstance, 568 sqft detached garage could still be built or an addition to the home would allow for a larger structure as well.
3. Only one neighbor has a detached structure of this size in the rear yard.

Motion to approve

To adopt a Resolution approving the Variance for a Detached Accessory Structure and recommend the City Council approve the Conditional Use Permit submitted by Tim Hauer, 5735 Turtle Lake Road, subject to the following conditions:

1. The project must be completed in accordance with the plans submitted as part of the variance and conditional use permit applications. Any significant changes to these plans, as determined by the City Planner, will require review by the Planning Commission and City Council.
2. This approval will expire after one year if a building permit has not been issued and construction commenced.
3. The detached accessory structure shall not exceed 768 sf in size.
4. The structure shall be used for storage of personal property only.
5. The structure shall not be used in any way for commercial purposes.
6. The structure shall not be used for livable or habitable space.
7. The applicant shall obtain permits as required from the Rice Creek Watershed District.
8. A building permit must be obtained before any construction activity begins.
9. This approval is subject to a 5-day appeal period.

Approval is based on the findings of fact specified in the Resolution.

INTRODUCTION

Tim Hauer submitted conditional use permit and variance applications for a proposed detached accessory structure on his property at 5735 Turtle Lake Rd. The proposed structure requires a conditional use permit because the size exceeds the maximum area permitted by right. A variance has been requested because the proposed total accessory structure square footage exceeds the maximum allowable of 100% of the foundation size.

DISCUSSION

Project description

The subject property is a standard residential lot located in the R1 – Detached Residential District. The property is located on the west side of Turtle Lake Road, south of Sherwood Road. It has a lot area of 53,460 square feet (1.23 acres). It is developed with a 1,144 square foot foundation single family home, 576 square foot attached garage. Access to the property is gained off of Turtle Lake Road.

The applicant proposes a 768 square foot detached accessory structure/garage that will be used to store equipment, outdoor equipment, storage and other personal items.

Development Code Requirements

The single family residential accessory building regulations (205.082(C) and 205.082(D)) have tiered standards based on parcel size to allow more flexibility for those property owners with larger parcels. For this property (1 acre to less than 2 acres in size), the maximum area permitted for a detached accessory structure is 440 square feet. This area, however, can be exceeded provided a conditional use permit is granted. The combined area of all accessory structures cannot exceed the 1,500 square feet of 100% of the dwelling unit foundation area whichever is more restrictive.

Detached accessory buildings that require a conditional use permit must be setback a minimum of 10 feet from a side lot line and 10 feet from a rear lot line. The maximum height permitted for detached accessory building is 18 feet as measured from the roof peak to the lowest finished grade; however in no case shall the height of the building exceed the height of the dwelling unit. In addition, sidewalls cannot exceed 10 feet and interior storage areas above the main floor cannot exceed an interior height of 6 feet.

The exterior design of the structure must be compatible with the dwelling and be similar in appearance from an aesthetic, building material and architectural standpoint. The proposed design, scale, height and other aspects related to the accessory structure are evaluated to determine the impact on the surrounding area. Building permits may be issued upon the finding that the appearance of the structure is compatible with the structures and properties in the surrounding area and does not detract from the area. The intent of these regulations and the City's Comprehensive Plan's policies is to ensure that the residential character of the property and neighborhood is maintained and that dwelling unit remains the primary feature and use of the property.

The following table summarizes the proposal in terms of the Development Code standards:

	PROPOSAL	DEVELOPMENT CODE STANDARD
Area		
Attached Accessory Buildings	576 square feet (Existing)	1,000 square feet / 80% of the dwelling unit foundation (768 square feet)
Detached Accessory Buildings	768 square feet (Proposed)	Up to 440 square feet* Structures over 440 square feet require a Conditional Use Permit
All Accessory Buildings	1,344 square feet**	1,500 square feet or 100% of the dwelling unit foundation area (1,144 square feet) – whichever is more restrictive.
Setback		
Side lot line	10 feet (Southern)	10 feet
Rear lot line	Over 150'	10 feet
Height		
Roof Peak	18 feet	18 feet
Sidewall	10 feet	10 feet
Second Story Storage Height	n/a	6 feet
Exterior Design	Siding and shingles to match home	Compatible with the residence
Screening	Retain existing vegetation along the north property line	Screened from view of adjacent properties and public streets through the use of landscaping, berming, fencing or a combination thereof.

*Standard may be exceeded with a Conditional Use Permit

**Exceeds the total allowable accessory structure square footage. A variance has been requested.

Conditional Use Permits (Section 203.032)

The intent of the conditional use permit is to address the suitability of the proposed use in the zoning district and insure harmony with the Comprehensive Plan. For a conditional use permit to be granted, the use must be allowed as a conditional use in the zoning district in which it is located and upon showing that the standards and criteria are satisfied in addition to the following:

- The use is in harmony with the general purpose and intent of the Development Ordinance.
- The use is in harmony with the policies of the Comprehensive Plan.
- Certain conditions as detailed in the Development Ordinance exist.
- The structure and/or land use conform to the Land Use Chapter of the Comprehensive Plan and are compatible with the existing neighborhood.

Applicant's Statement

The applicant states that storage for his family is the reason a larger structure is being requested. It would be much needed space for storage that the house lacks, with no attic space. Additionally the space behind the home is a 200 year old oak. The larger structure is also requested because of property maintenance and the equipment needed to maintain the larger yard. Please see attachment for full statement.

Staff Review

Conditional Use Permit

Staff has reviewed the proposal in accordance with the standards and criteria specified in the Development Code for the conditional use permit. The proposed detached accessory structure does not comply with all the conditional use permit standards specifically for total accessory structure square footage and screening from adjacent properties.

Regarding the conditional use permit criteria, it is difficult to make the finding that the proposed use is in harmony with the general purpose and intent of the Development Code. The total square footage of all accessory structures on the property can not exceed the foundation area of the home. The intent of this requirement is to ensure that the home remains the dominant use of the property. Further, when the size and scale of accessory structures exceed that of the principal residential use, the residential character of the neighborhood can be impacted. To preserve the integrity of the neighborhood and residential properties, the ordinance places limits on accessory structure size.

The structure will not be visible from Turtle Lake Road due to its location in the rear yard and there is sufficient vegetation to the west but not to the south of the structure.

Variance

A variance has been requested to exceed the total allowed accessory structure square footage of 1,144 square feet. Staff has reviewed the plans in accordance with the variance criteria. Staff is unable to make findings that practical difficulty is present and not all three criteria are met.

1. *Reasonable Manner. The property owner proposes to use the property in a reasonable*

manner not permitted by the Shoreview Development Regulations. In Staff's opinion, the variance request to build that size of structure is a personal preference of the homeowners.

2. *Unique Circumstances. The plight of the property owner is due to circumstances unique to the property not created by the property owner.* Unique circumstances stem from the personal preference of the homeowners. There are options for a larger structure while keeping in conformance with the code. The homeowner could have a detached accessory structure up to 568 square feet and still be within code. Additionally, if the foundation size of the home was increased, then the total allowable structure square footage would increase allowing a larger structure. The attached garage could also be expanded towards the front lot line.
3. *Character of Neighborhood. The variance, if granted, will not alter the essential character of the neighborhood.* The current character of the existing neighborhood would change. Only the north home which was recently approved for a CUP, otherwise others do not have larger structures in the rear yard as proposed.

Staff empathizes with the applicant on the want to have a larger structure, but it does not meet code and staff is unable to find practical difficulties not created by the property owner.

Public Comment

Property owners within 350 feet were notified of the applicant's request. No comments. The watershed district needs more information to make sure the proposed garage was compliant with their regulations.

RECOMMENDATION

In staff's opinion, the variance and conditional use permit criteria are not met. Staff is unable to find that unique circumstances are present that justify the variance proposed. Additional accessory structure space can be added provided the area requirements are met. The proposed accessory structure is not compatible with the residential use of the property and the adjoining neighborhood due to the size. Staff recommends the Planning Commission deny the variance application and recommends to the City Council the denial of the conditional use permit.

If the Planning Commission were to find practical difficulties to support the variance, and subsequently the approval of the conditional use permit, staff recommends the following:

Variance

The approval of the variance would have the following conditions:

1. The project must be completed in accordance with the submitted as part of the Variance application. Any significant changes to these plans, as determined by the City Planner, will require review and approval by the Planning Commission.
2. This approval is contingent on the approval of the conditional use permit by the City Council.
3. All approvals from the watershed must be received prior to a building permit.
4. This approval will expire after one year if a building permit has not been issued and work has not begun on the project.
5. This approval is subject to a 5-day appeal period.
6. A building permit must be obtained before any construction activity begins.

Conditional Use Permit

The recommended approval of the conditional use permit would be subject to the following:

1. The project must be completed in accordance with the plans submitted as part of the Conditional Use Permit application. Any significant changes to these plans, as determined by the City Planner, will require review by the Planning Commission and City Council.
2. Screening and/or vegetation must be installed between the structure and the south property line. Plans must be approved by City Staff.
3. This approval will expire after one year if a building permit has not been issued and construction commenced.
4. The applicant shall obtain permits as required from the Rice Creek Watershed District.
5. The structure shall be used for storage of personal property only.
6. The structure shall not be used in any way for commercial purposes.
7. The structure shall not be used for livable or habitable space.
8. A building permit must be obtained before any construction activity begins.
9. This approval is subject to a 5-day appeal period.

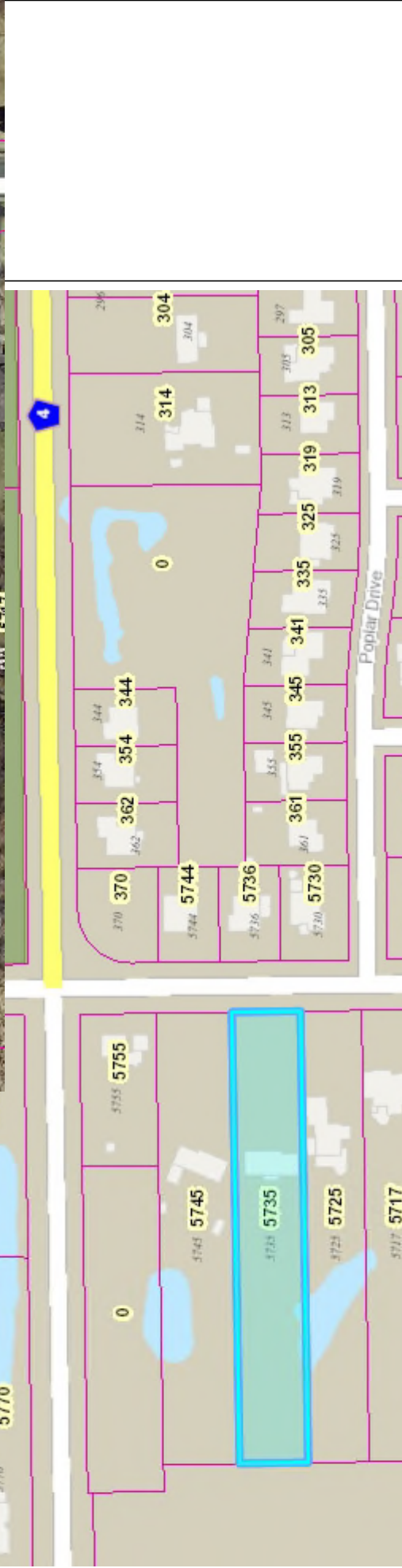
ATTACHMENTS

[Location Maps](#)

[Applicant Materials](#)

[Watershed District comment](#)

[Resolution 21-23](#)



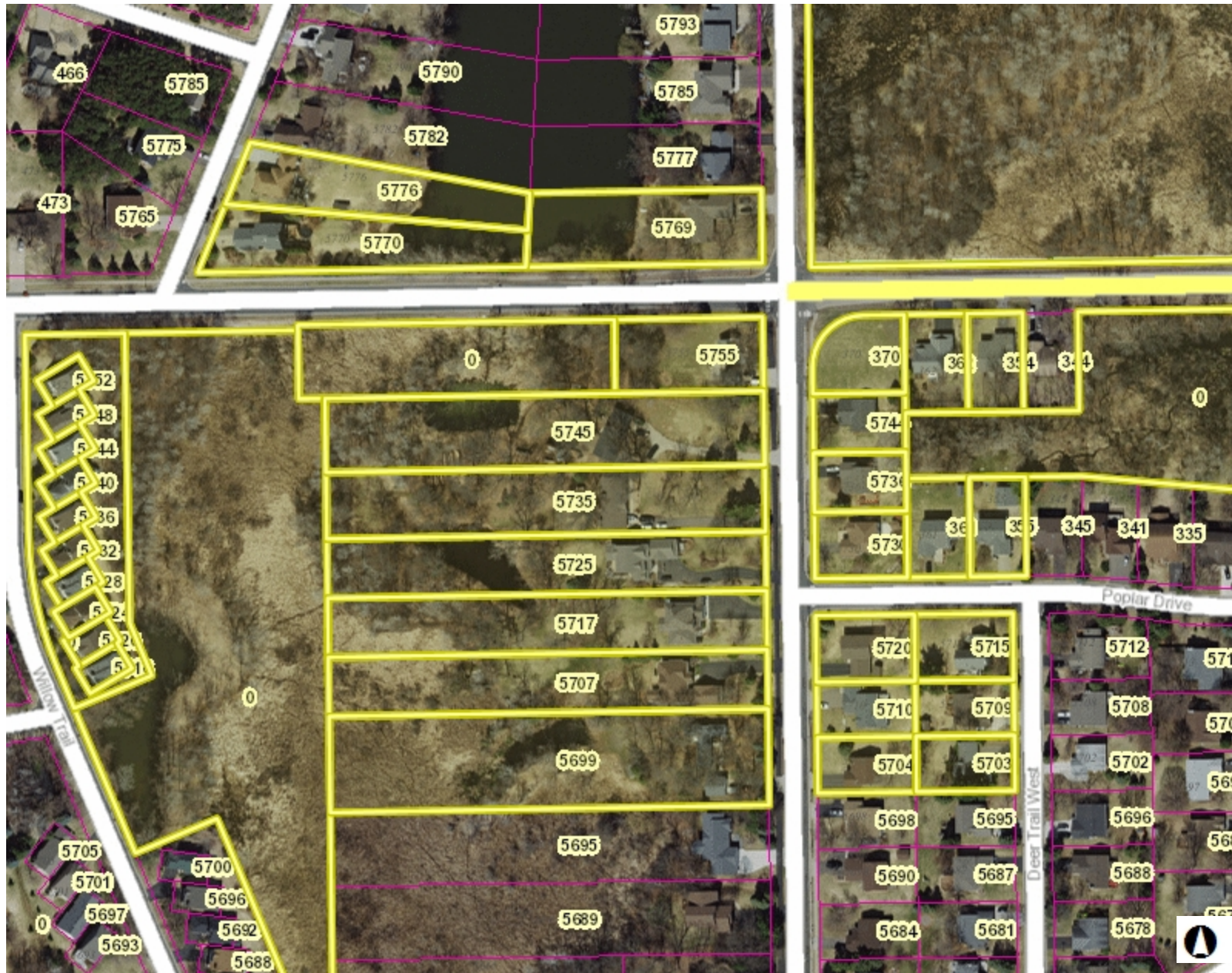
Notes

Enter Map Description

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.
THIS MAP IS NOT TO BE USED FOR NAVIGATION










400.0 0 200.0 400.0 Feet

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Ramsey County Enterprise GIS Division



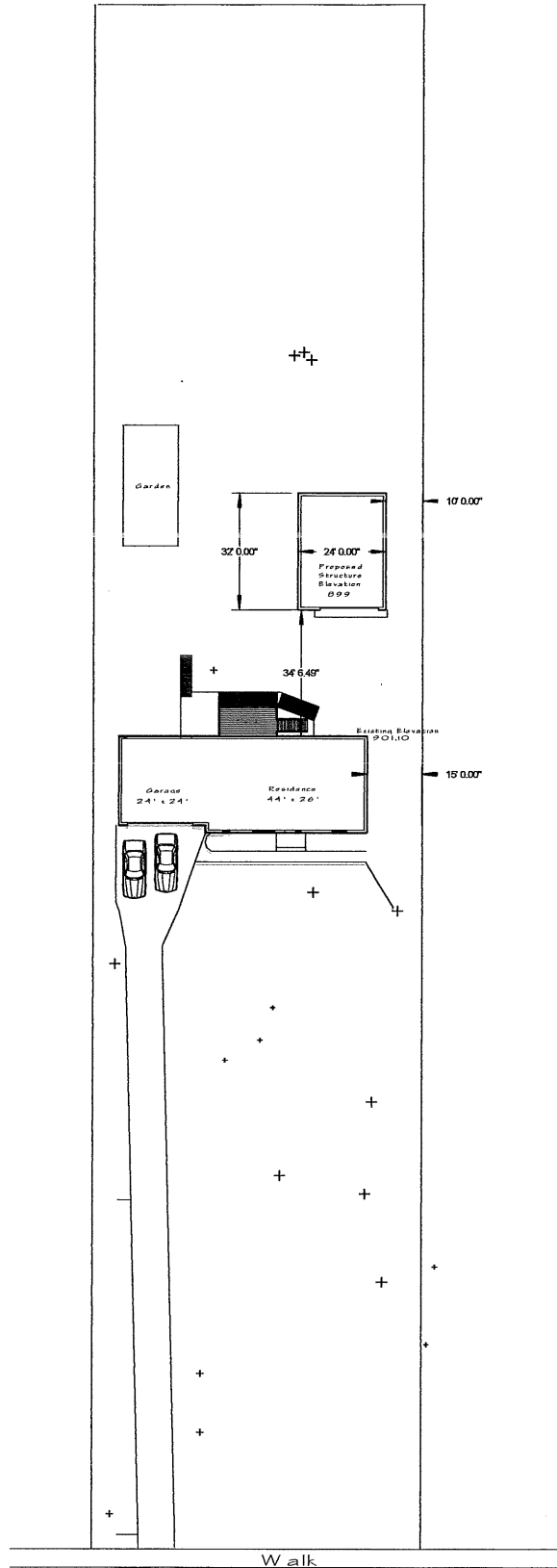
Legend



-  City Halls
-  Schools
-  Hospitals
-  Fire Stations
-  Police Stations
-  Recreational Centers
-  Parcel Points
-  Parcel Boundaries
-  Personal Properties

Notes

Enter Map Description



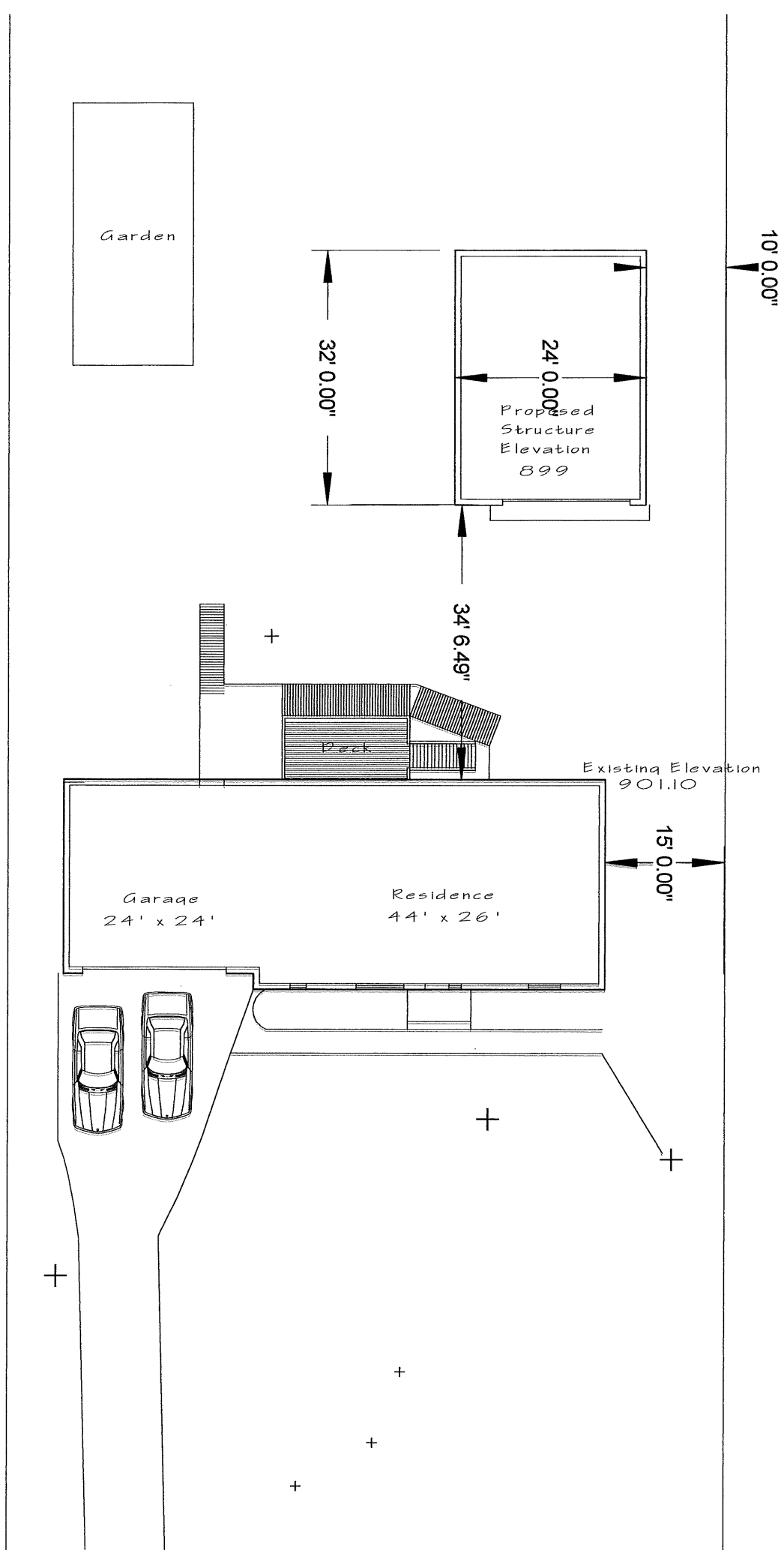
THOSE RESIDUALS COVERED BY AND SUBJECT TO PROTECTION UNDER THE TERMS OF THE LANDSCAPE ARCHITECTURE AGREEMENT. THE CLIENT AGREES THAT THIS PLAN SHALL REMAIN THE PROPERTY OF HAUER BY DES CN, AND NO PART OF THIS PLAN, INCLUDING ANY INFORMATION CONTAINED HEREIN, SHALL BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF HAUER BY DES CN. ANY VIOLATION OF THIS AGREEMENT SHALL BE SUBJECT TO THE FULL AND EXCLUSIVE JURISDICTION OF THE COURTS OF THE STATE OF MINNESOTA. HAUER BY DES CN SHALL NOT BE LIABLE FOR ANY DAMAGE, LOSS, INJURY, OR DEATH, INCLUDING REASONABLE ATTORNEY'S FEES, ARISING OUT OF OR FROM THE USE OF THIS PLAN.

CLIENT SIGNATURE _____
DESIGNER SIGNATURE _____



Designed For	HAUER Tim		
Address	5735 Turtle Lake Road Shoreview		
Designed By	Jeffrey Hauer	Plan No.	
Designer's Phone	(651) 489-3694	Drawing Scale	1/16" = 1'-0"
		Date	February 2021
		Client's Phone	(651) 208-3428





To whom it may concern,

We are requesting a variance to build a 768 square foot accessory structure instead of the allowed 568 square feet. We plan to keep the proposed structure under 18 feet and in compliance with all set back limits and city codes.

We are proposing to use this structure for storage of seasonal items, storage totes, outdoor power equipment, children's toys, bikes, and other items used by our growing family. The structure is for personal use only and will never be used commercially. Our split level home has very limited storage, compounded by vaulted ceilings, eliminating attic storage. We have a beautiful, 200+ year old oak tree behind our garage which eliminates the option to add an addition to the back, and it is not economically feasible to add an addition to the front of the garage due to the large expense associated with this. Furthermore, adding an addition to our home is not feasible due to the well located on the west (back) side of our home, and another large oak tree in front of our home. Due to the size of our property, property maintenance requires larger equipment to ensure we are upholding the image of the neighborhood and city of Shoreview.

We believe the intent of the code is to maintain residential character of the property. The size of our proposed structure will be much smaller than our home and the location will prevent the majority of the structure from being visible from the street. We do not believe our requested variance will alter the character of our property or neighborhood. There are several properties on Turtle Lake Road with larger accessory structures.

We believe we are an exception with the need for more storage not only due to the limited storage located within our home, but also due to the maintenance associated with our large property. We look forward to the opportunity to discuss our unique circumstances of restricted storage due to having a smaller house on a large lot.

Thank you for your consideration.

Respectfully submitted,

Timothy & Jennifer Hauer



Aaron Sedey <asedey@shoreviewmn.gov>

RCWD Review Variance Application 5735 Turtle Lake Road

3 messages

Anna Grace <AGrace@ricecreek.org>
To: Aaron Sedey <asedey@shoreviewmn.gov>

Mon, Mar 15, 2021 at 4:40 PM

Aaron,

Thank you for sharing the City of Shoreview's variance application at 5735 Turtle Lake Road for RCWD review.

-

The property [5735 Turtle Lake Road](#) is located within the RCWD regulatory floodplain elevation of 897.2 NAVD 88. Further information is needed to ensure the detached garage is compliant with Rule E.3(g), structures to be built within the 100-year floodplain will have two feet of freeboard between the lowest floor and the 100-year profile. Further information is also needed to confirm if plans propose to fill, excavate or alter within the RCWD regulatory floodplain, which would then require a Rule E, Floodplain Alteration and Rule D, Erosion and Sediment Control Plan application.

Please send applicant(s) to Rice Creek to further discuss - by email agrace@ricecreek.org or cellphone 612-710-9814.

Thank you,

Anna Grace

Regulatory Technician

Rice Creek Watershed District

[4325 Pheasant Ridge Dr. NE, #611](#)

[Blaine, MN 55449-4539](#)

Direct: (763) 398-3071

agrace@ricecreek.org



Aaron Sedey <asedey@shoreviewmn.gov>
To: Tim Hauer <trxtimmy@gmail.com>

Tue, Mar 16, 2021 at 9:27 AM

**EXTRACT OF MINUTES OF MEETING OF THE
PLANNING COMMISSION OF SHOREVIEW, MINNESOTA
HELD MARCH 23, 2021**

* * * * *

Pursuant to due call and notice thereof, a meeting of the Planning Commission of the City of Shoreview, Minnesota was duly called and held at the Shoreview City Hall in said City at 7:00 P.M.

The following members were present:

And the following members were absent:

Member _____ introduced the following resolution and moved its adoption.

**RESOLUTION NO. 21-23
VARIANCE**

WHEREAS, Timothy J Hauer and Jennifer L Hauer, married to eachother submitted variance applications for the following described property:

The South 115 feet of the North 348 feet of the East 627 feet of the SW ¼ of Section 1, Town 30, Range 23, Except the South 25 feet, Ramsey County, Minnesota; subject to Turtle Lake Road.

(This property is commonly known as 5735 Turtle Lake Road)

WHEREAS, pursuant to the Development Code Sections 205.082(C) and 205.082(D), Detached Residential Zoning, the maximum combined area of all accessory buildings cannot exceed 1,500 square feet or 100% of the dwelling unit foundation area, whichever is more restrictive.

WHEREAS, the applicants have requested a variance to exceed that maximum in order to construct a 768 square foot detached accessory structure on the property; and

WHEREAS, the Shoreview Planning Commission is authorized by State Law and the City of Shoreview Development Regulations to make final decisions on variance requests; and

WHEREAS, on March 23, 2021, the Shoreview Planning Commission approved the variance and adopted the following findings of fact:

1. *Reasonable Manner. The property owner proposes to use the property in a reasonable manner not permitted by the Shoreview Development Regulations.*
2. *Unique Circumstances. The plight of the property owner is due to circumstances unique to the property not created by the property owner.*
3. *Character of Neighborhood. The variance, if granted, will not alter the essential character of the neighborhood.*

NOW, THEREFORE, BE IT RESOLVED BY THE SHOREVIEW PLANNING COMMISSION, that the variance request for property described above, subject to the following conditions:

1. The project must be completed in accordance with the plans submitted as part of the variance and conditional use permit applications. Any significant changes to these plans, as determined by the City Planner, will require review by the Planning Commission and City Council.
2. This approval will expire after one year if a building permit has not been issued and construction commenced.
3. The detached accessory structure shall not exceed 768 sf in size.
4. The structure shall be used for storage of personal property only.
5. The structure shall not be used in any way for commercial purposes.
6. The structure shall not be used for livable or habitable space.
7. The applicant shall obtain permits as required from the Rice Creek Watershed District.
8. A building permit must be obtained before any construction activity begins.
9. This approval is subject to a 5-day appeal period.

The motion was duly seconded by Member _____ and upon a vote being taken thereon, the following voted in favor thereof:

And the following voted against the same:

Adopted this 23rd day of March, 2021

Chris Anderson, Chair
Shoreview Planning Commission

ATTEST:

Aaron Sedey
Associate Planner

ACCEPTANCE OF CONDITIONS:

Timothy J Hauer

Jennifer L Hauer

STATE OF MINNESOTA)
)
COUNTY OF RAMSEY)
)
CITY OF SHOREVIEW)

I, the undersigned, being the duly qualified and acting Manager of the City of Shoreview of Ramsey County, Minnesota, do hereby certify that I have carefully compared the attached and foregoing extract of minutes of a meeting of said City of Shoreview Planning Commission held on the 23rd day of March, 2021 with the original thereof on file in my office and the same is a full, true and complete transcript there from insofar as the same relates to adopting Resolution No. 21-23.

WITNESS MY HAND officially as such Manager and the corporate seal of the City of Shoreview, Minnesota, this 23rd day of March, 2021.

Terry C. Schwerm
City Manager

SEAL

Drafted By: Aaron Sedey
4600 Victoria St N
Shoreview, MN 55126

Memorandum

TO: Planning Commission
FROM: Kathleen Castle , City Planner
DATE: March 23, 2021
SUBJECT: Public Hearing: File No. 2789-21-16; Conditional Use Permit, 3744 Rustic Place - Jordan (Enrich, Inc.)

**ITEM
NUMBER:** 7.E
SECTION: NEW BUSINESS

REQUESTED MOTION

To recommend the City Council approve the conditional use permit for Jeannie Jordan (Enrich, Inc.), 3744 Rustic Place, subject to the following conditions:

1. The conditional use permit allows the establishment of an adult day care facility that will serve 22 individuals, Monday through Friday, between 9 am and 4 pm.
2. The facility shall be licensed in accordance with the requirements of the State of Minnesota.
3. Inspections shall be completed by the Building Official and the Fire Marshall as required by the State.
4. Transportation for clients shall be provided to the site by Enrich.
5. No more than 4 employees shall work on the premises at any one time.
6. Any changes to these conditions will require an amendment to the conditional use permit.
- 7.

Recommendation for approval is based on the following findings of fact:

1. The property is zoned R1, Detached Residential which permits residential day care facilities in excess of densities permitted by the State with a conditional use permit.
2. The proposed use is consistent with the Comprehensive Plan land use designation of low density residential.
3. The proposed use is compatible with the surrounding residential neighborhood.
4. The proposed use is in harmony with the policies of the Comprehensive Plan and intent of the Development Code.

INTRODUCTION

A conditional use permit request by Jeanne Jordan of Enrich, Inc. has been received for the operation of an adult daycare facility at 3744 Rustic Place. The home is currently licensed by the State of Minnesota for an adult day care facility that serves 12 individuals. The applicant is proposing to expand the number of clients served to 22. Since this proposal exceeds the number of clients served permitted by right in a residential zoning district, a conditional use

permit is required.

DISCUSSION

Site Characteristics

The site characteristics are summarized as follows:

Lot Area: 27,000 square feet

Lot Width: 100'

Zoning: R-1, Detached Residential

Comprehensive Plan Land Use Designation: Low Density Residential

Street Frontage: Public - access off Rustic Place, Rice Street abuts the rear lot line

Site Use: Existing single family home with an adult day care use that serves 12 clients

Surrounding Uses:

- North/South: Low density Residential
- West: Public/Railroad
- East: Rice Street/Open Space

Project Description

The proposal is for a conditional use permit to expand the clients served in an adult daycare facility from 12 to 22. The property is improved with a single-family home that has a foundation area of 1,960 square feet and finished area of 2,941 square feet. Hours of operation for the day care facility are Monday through Friday from 9:00 a.m. to 3:00 p.m. Four employees will be present at the site to provide support for the program services. Transportation for clients is arranged by Enrich. Enrich has two vans that transport the clients to and from the facility. Employees are responsible for their own transportation.

No exterior site changes are proposed.

The applicant has provided a written description that explains the program in more detail.

Development Code

The zoning for this site is R-1, Detached Residential. Per Section 205.080, Residential District Overview, a conditional use permit is required for residential facilities, day care facilities, group family day care facilities and similar facilities in excess of the densities allowed as permitted uses in residential zones by State Statute 462.357, Subd. 7. A residential day care facility serving more than 12 individuals requires a conditional use permit.

Section 203.033 addresses conditional use permits. A conditional use permit may be granted provided the following criteria are met:

1. The use is in harmony with the general purposes and intent of the Development Ordinance.
2. The use is in harmony with the policies of the Comprehensive Plan.
3. Certain conditions as detailed in the Development Ordinance exist.
4. The structure and/or land use conform to the Land Use Chapter of the Comprehensive Plan and are compatible with the existing neighborhood.

The Planning Commission is required to hold a public hearing and consider the request. The

Commission makes a recommendation to the City Council and it is the City Council who has the authority to approve or deny a Conditional Use Permit. If the Council issues a CUP, the CUP may be reviewed in the future and additional conditions could be imposed, should there be complaints or negative impacts on the surrounding uses.

Comprehensive Plan

The Comprehensive Plan land use designation for this property is Low Density Residential. The proposed use of the property for a residential day care facility is consistent with this designation.

Staff Review

The proposal has been reviewed by staff. The following addresses key elements related to the adult day care facility use.

Licensing

Adult day care facilities are licensed by the State of Minnesota. As part of the licensing program, the facility is inspected by the Fire Marshall and the Building Official to determine compliance to the fire and building codes. The Fire Marshall inspected the property and found the home to be in compliance with the fire code. The home has a fire suppression system.

The Building Official will inspect the home upon issuance of the conditional use permit by the City Council.

Conditions attached to the permit address the State licensing requirement.

Traffic

Clients served by the facility are transported to the property by Enrich. Enrich has two vans that transport clients to and from the property. These vans are also used for special events or trips that may be planned for their clients. Employees are responsible for their own transportation. Single family residential uses generate approximately 9 to 10 trips per weekday according to the ITE Trip Generation manual. This use will generate approximately 12 trips per day during the week. While this is slightly more than a traditional single-family residential use, the difference is not large enough to have a negative impact on the neighborhood.

Parking

Section 206.020 (B1e) requires community based residential facilities and licensed day care facilities to provide one off-street parking space per staff member. Four (4) parking spaces are required for the facility. There is an attached two car garage that provides two (2) enclosed spaces. In the driveway, there is parking space for approximately six (6) vehicles. There is adequate parking provided on-site for the facility.

Conditional Use Permit Criteria

For a conditional use permit to be granted, the use has to be allowed in the zoning district and the specified criteria and standards met. In addition, the use has to be consistent with the comprehensive plan. In staff's opinion, the criteria are met. The residential day care facility is compatible with the adjoining single-family residential uses. The proposed adult daycare facility will fill a specific need in the community.

Public Comment

The Planning Commission is required to hold a public hearing, receive public input and make a recommendation to the City Council. Property owners within 350' were notified of the conditional use permit application. Legal notice was also published in the City's legal newspaper. No comments have been received.

RECOMMENDATION

The proposed use has been reviewed in accordance with the Development Code requirements and Comprehensive Plan. In staff's opinion, the proposed use meets the conditional use permit criteria, therefore, staff is recommending the Planning Commission recommend the City Council approve the permit subject to the following conditions:

1. The conditional use permit allows the establishment of an adult day care facility that will serve 22 individuals, Monday through Friday, between 9 am and 4 pm.
2. The facility shall be licensed in accordance with the requirements of the State of Minnesota.
3. Inspections shall be completed by the Building Official and the Fire Marshall as required by the State.
4. Transportation for clients shall be provided to the site by Enrich.
5. No more than 4 employees shall work on the premises at any one time.
6. Any changes to these conditions will require an amendment to the conditional use permit.

ATTACHMENTS

[Maps](#)

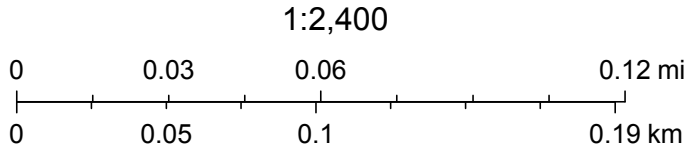
[Application Submittal](#)

Map Ramsey



3/19/2021, 10:16:03 AM

- Personal Property
- Tax Parcels
- Cities
- County Offices

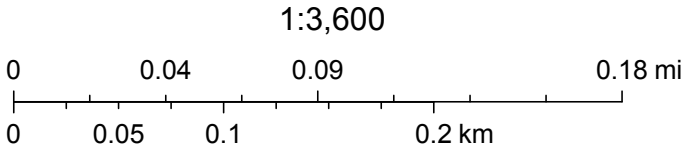


Map Ramsey



3/11/2021, 1:02:24 PM

- Tax Parcels _Query result
- Personal Property
- Tax Parcels
- Cities
- County Offices



City of Shoreview,

We are writing to ask for a variance on the capacity of our day program that serves adults with special needs. This program, also known as the "Fun House" to our participants, is located in a friendly neighborhood just west of Rice Street.

The Fun House is part of Enrich inc., which is a small, family owned and operated company. Enrich has been providing services to adults with disabilities in the Shoreview and surrounding communities since 1990. Our company is small by design, which has allowed us to maintain a family lifestyle with our residents and staff. Included in our Enrich family are seven homes, 23 residents, and our incredible support staff and management team. We are proud to say that many of our full-time staff have been with us for over 20 years!

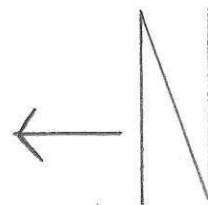
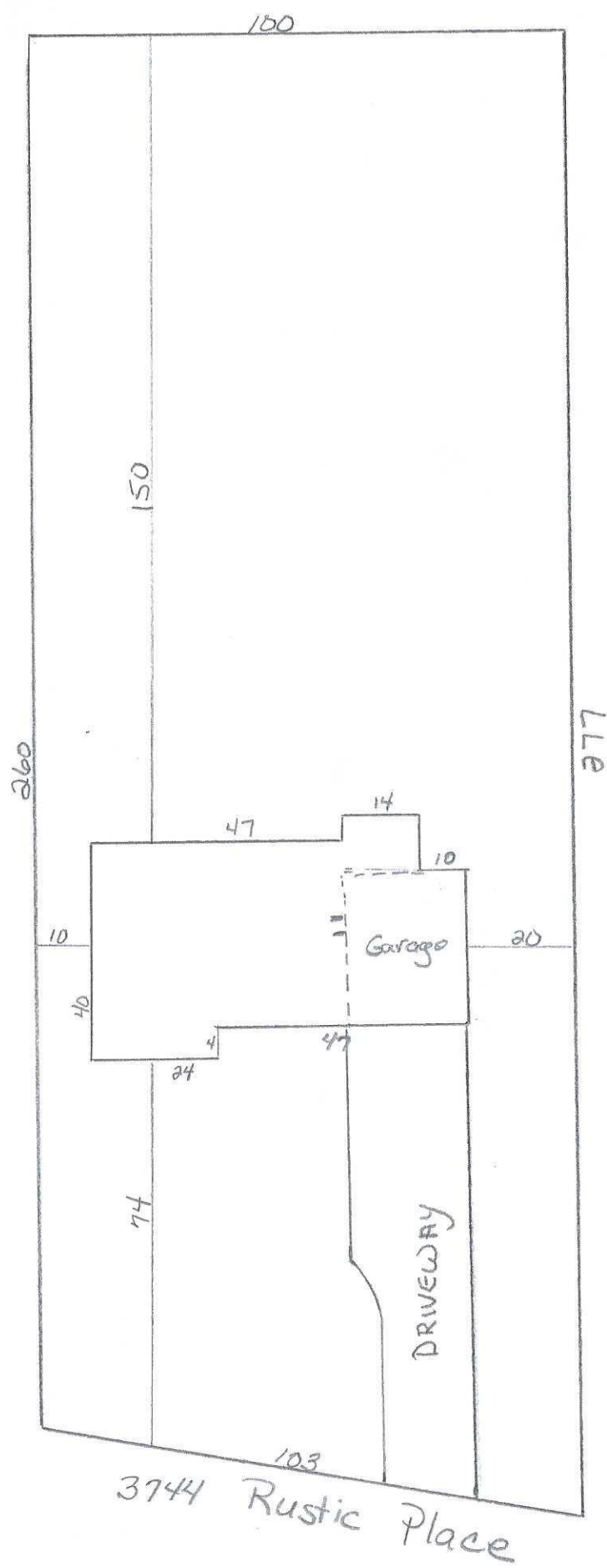
The day program (Fun House) opened its doors in 2006 as a response to residents at Enrich whose needs were not being met in the large day centers. This program is a wonderful place that provides a welcoming person-centered environment where the participants can enjoy socializing with their friends, growing in their personal development, and succeeding in their own independence. Our primary goal with the Fun House program is to provide community inclusion; we structure it in a creative way, allowing them as much time as possible in the community. Some of our frequent outings include visiting local coffee shops, libraries, community centers, movie theaters, bowling alleys, parks, restaurants, volunteering and more. The program also includes walks in the neighborhood which has facilitated wonderful relationships with neighbors over the years. Due to COVID-19, many of our residents have lost their jobs, some permanently, and unfortunately had to remain home. Sadly, many have been disconnected from friends, family, and the community, which is a huge part of their well-being. Because of these circumstances, it has sparked the desire for us to open our Fun House doors a little bit wider to our Enrich family. We would like to increase our capacity so our residents can have a place to go where they feel connected to a community of friends, as well as an active part in society once things open up.

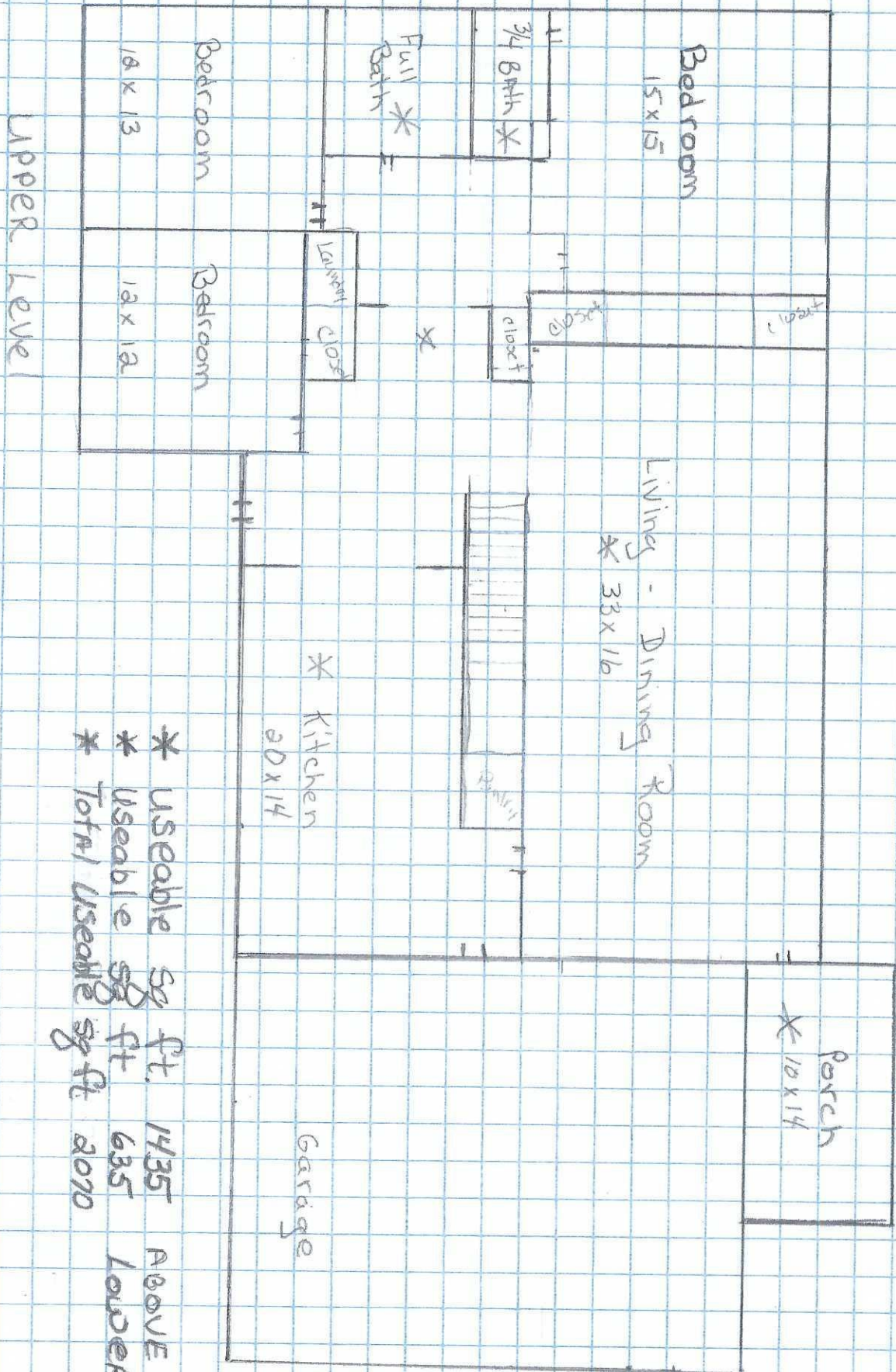
If approved, this variance would allow more of our Enrich residents to attend this program and maintain a sense of purpose in living their best life possible. Currently the program is licensed for 12 participants and we are requesting it be increased to 22. The Department of Human Services has stated they will recognize the license number Shoreview sets. DHS also recognizes staff in their total numbers, which is why we are requesting 22. (18 residents & 4 staff). Although the DHS licenser who reviewed our floor plan stated that based on usable square footage, the Fun House could have up to 33 total individuals. We are only requesting an increase so the capacity meets the needs of the individuals who have been affected by Covid. We anticipate the original number of 12 would remain inside the home; however, this increase would allow us to extend our services out in the community.

As a longtime resident of Shoreview, I am extremely grateful for the opportunity this community has given Enrich over the last 30 years.

Thank you for your consideration,

Jeannie Jordan
Owner/CEO of Enrich
jeannie@enrichinc.com
612-670-6573 (Direct)
651-482-8610 (Fax)
www.enrichinc.com

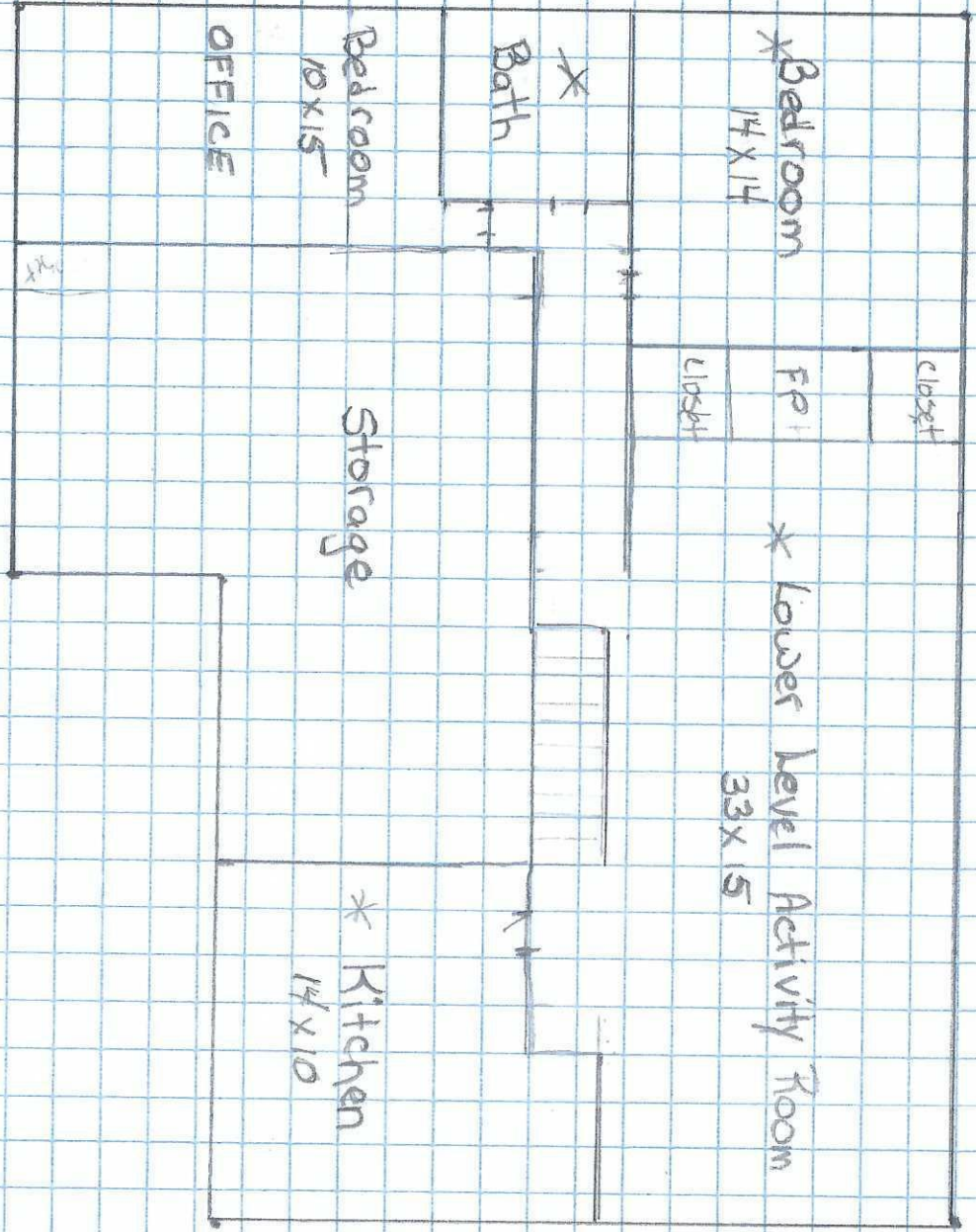




* Useable sq. ft. 1435 ABOVE
 * Useable sq. ft. 635 LOWER
 * Total Useable sq. ft. 2070

FOUNDATION 1960
 Total Finish sq. ft. 2941

Lower Level



Memorandum

TO: Planning Commission
FROM: Kathleen Castle , City Planner
DATE: March 23, 2021
SUBJECT: City Council Meeting Assignments
ITEM 8.A
NUMBER:
SECTION: MISCELLANEOUS

REQUESTED MOTION

INTRODUCTION

April 5 - Riechers
April 19 - Peterson

DISCUSSION

RECOMMENDATION

ATTACHMENTS

Memorandum

TO: Planning Commission
FROM: Kathleen Castle , City Planner
DATE: March 23, 2021
SUBJECT: Development Code Update and Workshops
**ITEM
NUMBER:** 8.B
SECTION: MISCELLANEOUS

REQUESTED MOTION

INTRODUCTION

The staff, along with our consultant, continue to complete final edits to the Development Code document. As the document is near completion, the workshop schedule will need to be modified. Staff will review a new schedule with the Commission at the meeting.

DISCUSSION

RECOMMENDATION

ATTACHMENTS

Memorandum

TO: Planning Commission
FROM: Kathleen Castle , City Planner
DATE: March 23, 2021
SUBJECT: Land Use Training
ITEM 8.D
NUMBER:
SECTION: MISCELLANEOUS

REQUESTED MOTION

INTRODUCTION

Fusion Learning Partners now offers classes that were previously offered to Planning Commission members through the Government Training Service. Classess offered are available on their website at <https://fusionlp.org/landuse/>. These sessions are virtual in an on-demand format. There is also an all-access pass that provides access to the 6 training sessions. If Commission members are interested, staff can register you for these training sessions.

DISCUSSION

RECOMMENDATION

ATTACHMENTS