

**ROSEVILLE**  
**VARIANCE BOARD**  
**REGULAR MEETING AGENDA**

**Wednesday, May 6, 2020 at 5:30 p.m.**

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

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

- 1. Call to Order**
- 2. Roll Call & Introductions**
- 3. Approval of Agenda**
- 4. Review of Minutes:** October 2, 2019
- 5. Public Hearing**
  - a.** Consider a Variance from City Code Section §1005.4 “Neighborhood Business District”, to allow a storage area addition that would encroach into the required side yard setback (PF20-004).
- 6. Adjourn**



**Variance Board Regular Meeting  
City Council Chambers, 2660 Civic Center Drive  
Draft Minutes – Wednesday, October 2, 2019 – 5:30 p.m.**

- 1 **1. Call to Order**  
2 Chair Sparby called to order the regular meeting of the Variance Board meeting at  
3 approximately 5:30 p.m. and reviewed the role and purpose of the Variance Board.  
4
- 5 **2. Roll Call & Introductions**  
6 At the request of Chair Sparby, City Planner Thomas Paschke called the Roll.  
7
- 8 **Members Present:** Chair Peter Sparby; Vice Chair Michelle Pribyl; and Member  
9 Michelle Kruzel and Alternate Member Chuck Gitzen.  
10
- 11 **Members Absent:** None  
12
- 13 **Staff Present:** City Planner Thomas Paschke Community Development Director  
14 Janice Gundlach and Senior Planner Bryan Lloyd  
15
- 16 **3. Approval of Agenda**  
17
- 18 **MOTION**  
19 **Member Pribyl moved, seconded by Member Kruzel to approve the agenda as**  
20 **presented.**  
21
- 22 **Ayes: 3**  
23 **Nays: 0**  
24 **Motion carried.**  
25
- 26 **4. Review of Minutes: July 10, 2019**  
27
- 28 **MOTION**  
29 **Member Kruzel moved, seconded by Member Pribyl to approve the July 10, 2019**  
30 **meeting minutes.**  
31
- 32 **Ayes: 3**  
33 **Nays: 0**  
34 **Motion carried.**  
35
- 36 **5. Public Hearing**  
37 Chair Sparby reviewed protocol for Public Hearings and public comment and opened the  
38 Public Hearing at approximately 5:33 p.m.  
39
- 40 **a. PLANNING FILE 19-020**  
41 **Request by Ian Redlin for a Variance from City Code §1017 (Shoreland**  
42 **Requirements), to allow a pre-existing patio to remain in its location less than 30**

43 **feet from the Ordinary High-Water Level and a home addition that would**  
44 **encroach into the required side yard setback at 3078 W Owasso Blvd.**

45 Senior Planner Lloyd reviewed the variance request for this property, as detailed in  
46 the staff report dated October 2, 2019. Staff does support the approval of the minor  
47 encroachment into the side property line and does compare well to the various  
48 findings that have been provided with the variance review. Staff is recommending a  
49 split action, not approving the variance for the patio down by the shoreline and  
50 approving the encroachment into the side property line for an addition by the house  
51 with the couple of conditions outlined in the staff report.

52  
53 Member Pribyl asked in regard to the ordinary high-water level with the elevation  
54 marked on the plan how often this particular lake goes beyond the ordinary high-  
55 water level with the changing climate.

56  
57 Mr. Lloyd indicated he did not know. The city has floodplain maps, but he was not  
58 even sure that this part of Lake Owasso is marked as one of the areas prone to  
59 flooding in FEMA’s maps. The lake can rise and fall over time. He thought the  
60 elevation must be updated periodically but he did not know what that frequency was.

61  
62 Member Kruzel explained the issue she has with the patio is that this was not brought  
63 forward to the city’s attention at the time when this first came through with the  
64 variance or was this stumbled across before that time. She wondered how this slid by  
65 and how it affects other homeowners in the neighborhood.

66  
67 Mr. Lloyd supposed neighbors or people boating nearby would have seen the  
68 construction of the patio or people sitting there enjoying the lake. The previous  
69 homeowners, not the current applicants seemed to have installed that without city  
70 approval. There would not have been anything prohibiting construction of a patio,  
71 generally speaking, but there are requirements prohibiting it from being in that  
72 location. A permit was not required when the patio was built but was built in a place  
73 that was not allowed and without approval of a variance at that time. He indicated it  
74 has shown up in Ramsey County aerial photos since 2011. There has not been any  
75 reason to look for this.

76  
77 Chair Sparby asked what the impervious coverage metric is currently for the property  
78 and what is it supposed to be.

79  
80 Mr. Lloyd explained there are three parts to impervious coverage. He reviewed the  
81 impervious coverage metric with the Board.

82  
83 Chair Sparby indicated under the conditions there is the condition “to reduce the size  
84 or remove impervious coverage elsewhere to not create a net increase” along with the  
85 second component being “shall certify the rain garden as functioning and implement  
86 best practices for the twenty-five percent impervious coverage.” He wondered if it  
87 would be sticking with the twenty-five percent and then the applicant might have to  
88 install another rain garden or reduce the size of the addition. It seems like a similar  
89 point there.

90  
91 Mr. Lloyd explained if the proposal had been limited to what is today the pavers  
92 underneath the deck and the proposal therefore did not increase the impervious  
93 coverage of the property, the city would not need to consider the impervious coverage  
94 of the paver patio/retainer wall and further the location of that patio or if the proposal  
95 of the deck were to remain then some impervious coverage at the front of the parcel  
96 should be removed to offset the increase. Those are both ways an addition could be  
97 built and not increase the impervious coverage on the property. He noted both of  
98 those options could eliminate the need to consider the patio down by the lake.  
99

100 Member Pribyl asked under Recommended Action A, the net increase of impervious  
101 coverage on the property, if that is including the current non-compliant patio.  
102

103 Mr. Lloyd indicated that is saying it does not matter whether it is there or not. There  
104 is an existing amount of impervious coverage and if the applicant can make an  
105 addition that does not increase that then that would satisfy condition A.  
106

107 Member Pribyl asked if both conditions A and B would be needed because it seems  
108 like the applicant could conceivably mitigate the property to the level to be twenty-  
109 five percent impervious coverage without reducing the addition and not removing the  
110 impervious. If another rain garden were created would it take it down to the twenty-  
111 five percent impervious without having Condition A under recommended Action B.  
112

113 Chair Sparby thought those two were kind of conflicting a bit and could be combined.  
114 He thought the applicant could reduce the size of the addition, remove impervious  
115 coverage elsewhere or the applicant could add a rain garden all in the effort to certify  
116 that it is to some percentage that is being worked toward.  
117

118 Member Pribyl asked if both conditions would be needed.  
119

120 Mr. Lloyd was not sure, but he would not be surprised if the Recommended  
121 Condition B under Action B about certifying that the raingarden still works and  
122 introducing another best practice of some sort, maybe another rain garden, to mitigate  
123 the impervious coverage in order to get down to the twenty-five percent equivalent.  
124

125 **Mr. Bobby Hyland, builder for the current homeowners**

126 Mr. Hyland explained he was helping the homeowners through the design process  
127 and the variance portion as well. He indicated he did not have much more to add. He  
128 has had multiple conversations with staff about this process and unknowingly the  
129 predicament the homeowners are in with what has been done and what can be done to  
130 mitigate the issue. There has been discussion about a second rain garden because  
131 there is a current rain garden near the detached garage. He would also like to get the  
132 Board's feedback on how it would work or what else could be done.  
133

134 Member Pribyl assumed based on Mr. Hyland's presentation the homeowners were  
135 not interested in any of the other options which are listed under Recommended

136 Actions such as reducing the size of the addition or reducing impervious surface  
137 elsewhere.

138  
139 Mr. Hyland indicated that was correct and kind of the intent of the design. The  
140 architectural feel of it and trying to get some bedrooms down below to have the full  
141 front which was the whole reason behind this and would like to keep that, if possible.  
142 If the deck were reduced it would defeat the purpose of it to keep the light out of the  
143 bedrooms. He thought if, at all possible, the rain garden would get them back to  
144 whole.

145  
146 Chair Sparby offered an opportunity for public comment, with no one coming  
147 forward.

148  
149 Chair Sparby closed the public hearing at 6:05 p.m.

150  
151 Chair Sparby thought one possible action would be to either combine the statements  
152 previously discussed or add the twenty-five percent threshold into the first part of the  
153 action. He suggested the wording “The applicant shall reduce the size of the  
154 proposed addition, remove impervious coverage or install a rain garden elsewhere on  
155 the site, such that the addition does not create a net increase of impervious coverage  
156 on the property above the twenty-five percent.” He thought adding the threshold into  
157 the first part might be more logical. The second part could still be kept stating “The  
158 applicant shall certify the proper functionality of any installed rain garden and work  
159 through the residential stormwater permit process to implement additional best  
160 management practices such as the stormwater on the property is properly mitigated.”

161  
162 Member Pribyl asked if Recommended Action A became three options.

163  
164 Chair Sparby indicated that was correct and then moving the threshold into Section A  
165 because he thought that is where the options come into play that have to be not  
166 exceeding the twenty-five percent threshold.

167  
168 Mr. Lloyd clarified with the Board the changes to the Resolution in Attachment F.

169  
170 **MOTION**  
171 **Member Pribyl moved, seconded by Member Kruzel, adoption of Variance**  
172 **Board Resolution No. 142 (Attachment E), entitled “A Resolution Denying the**  
173 **Requested Variance to the Nonconforming Location of the Patio Within the**  
174 **minimum Required Setback From OHWL at 3078 West Owasso Boulevard”**  
175 **and adoption of Variance Board Resolution No. 143 (Attachment F), entitled “A**  
176 **Resolution Approving a Variance to Roseville City Code §1004.08.B, Residential**  
177 **Setbacks, at 3087 W Owasso Boulevard with changes made to findings A and B**  
178 **as discussed (PF19-020).”**

179  
180 Member Pribyl felt for the homeowner due to previous issues she has had to deal with  
181 due to previous owners and sympathized with the condition the applicants are in but

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also did not like setting a precedent after the fact giving approval to something that is not allowed.

Member Kruzel agreed and felt this was discussed thoroughly.

Chair Sparby agreed and indicated the applicant, in this case, is not being required to remove it and a nice gesture on the part of the city. This was not the homeowners doing, which was part of the reasoning, but he thought the motion that was laid out made sense.

**Ayes: 3**  
**Nays: 0**  
**Motion carried.**

**6. Adjourn**

**MOTION**  
**Member Kruzel, seconded by Member Pribyl, to adjourn the meeting at 6:15 p.m.**

**Ayes: 3**  
**Nays: 0**  
**Motion carried.**

**ROSEVILLE**  
**REQUEST FOR VARIANCE BOARD ACTION**

Date: May 6, 2020  
 Item No. 5a

Department Approval

**Agenda Section**  
 Public Hearings

*Janice Gundlach*

Item Description: Request for variances to City Code §1005.04 (Neighborhood Business Setbacks) to allow a storage area addition that would encroach into the required side yard setback (PF20-004)

**APPLICATION INFORMATION**

Applicant: KK Design  
 Location: 1925 Lexington Avenue  
 Property Owner: Valvoline Instant Oil Change  
 Open House Meeting: N/A  
 Application Submittal: Submitted March 4, 2020; Considered complete March 10, 2020  
 City Action Deadline: May 9, 2020, per Minn. Stat. 15.99

**GENERAL SITE INFORMATION**

Land Use Context

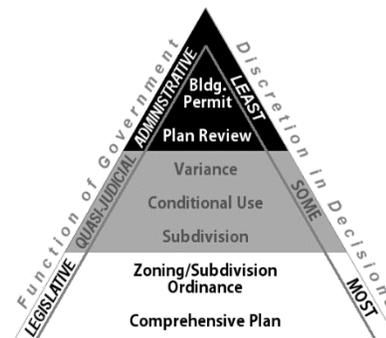
	Existing Land Use	Guiding	Zoning
<b>Site</b>	Motor vehicle repair	NB	NB
<b>North</b>	Multi-family dwelling	HR	HDR-1
<b>West</b>	Multi-family dwelling	HR	HDR-1
<b>East</b>	Hardware store	NB	NB
<b>South</b>	Restaurant, traditional	NB	NB

Notable Natural Features: none

Planning File History: (1984) PF1514: Approval of variance to the setback from the northern property line to allow for the construction of the third service bay  
 (1990) PF1990: Approval of variance to the setback from the northern property line to build a dumpster enclosure

**LEVEL OF CITY DISCRETION IN DECISION-MAKING**

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



1 **BACKGROUND**

2 According to Ramsey County’s property data, the original structure on the property was built in 1959,  
3 and City records indicate that it has been an oil change service station since at least 1975. A variance  
4 was approved in 1984 (Planning File 1514) to allow the third service bay to encroach into the required  
5 setback from the northern property line, and another variance was granted in 1990 (Planning File 1990)  
6 to allow another encroachment into the same setback for construction of a dumpster enclosure. Over  
7 time, however, that enclosure seems to have become a storage area, leaving the dumpster unenclosed in  
8 the northwest corner of the property. The proposed storage addition and trash enclosure are illustrated in  
9 Attachment C, along with other development information. Not reflected in the submitted plans is the fact  
10 that the property effectively grew smaller about 30 years ago. Ramsey County acquired about 16 feet of  
11 additional right-of-way for Lexington Avenue in 1990, and around that same time, a dispute over the  
12 location of the boundaries shared with the abutting apartment property resulted in the determination that  
13 some four feet of additional land along the northern and western property lines belonged to the  
14 apartment property. Finally, records comprising Planning File 1514 also indicate that, at least into the  
15 1980s, the northern side of the property was considered the “rear” for zoning purposes, rather than the  
16 western side being the “rear” according to current zoning policy.

17 The property was zoned B-3 (General Business) from the adoption of Roseville’s first zoning code in  
18 May 1959 until the major zoning update in December 2010, and motor vehicle service stations were  
19 permitted uses in that district. In 2010, however, the property was rezoned to the NB (Neighborhood  
20 Business) district, which still allows gas stations and oil change services, but broader automobile  
21 maintenance services have been redefined as “Motor Vehicle Repair” uses, which are not permitted in  
22 the NB district. Since the 2010 rezoning, then, the existing motor vehicle repair use on the property has  
23 been a legal, nonconforming use. But while the zoning code prohibits the expansion or intensification of  
24 nonconforming uses, the proposed trash enclosure and storage area addition are ancillary to the  
25 nonconforming activity. Improving the storage space on the property quite likely will allow the motor  
26 vehicle repair work to be done more efficiently, by decluttering the work space or increasing the  
27 availability of supplies, but the motor vehicle repair use itself is not being expanded or intensified.

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

31 **VARIANCE ANALYSIS**

32 City Code §1005.04.C(Neighborhood Business Setbacks) requires structures in the NB zoning district to  
33 be set back at least 10 feet from side property lines abutting a residential property and 25 feet from rear  
34 property lines abutting a residential property. The subject property for this application is surrounded by  
35 the Lexlawn Apartment property. Minimum side yard setback requirements from a residential district  
36 are primarily intended to preserve space to buffer the residents from the adjacent commercial activity. In  
37 this case, the proposed storage addition is not only slightly farther away from the northern property line  
38 than the existing storage structure (by virtue of the slight angle between the structure and the property  
39 line), but the storage area and trash enclosure are entirely behind the apartment’s garage building. The  
40 proposed trash enclosure would be scarcely more than one foot from the rear property line, which is  
41 considerably closer than the existing structure. But that northwestern corner of the site is the only  
42 sensible place for the dumpsters. And even though there is an existing screening fence along that  
43 property line, allowing the proposed trash enclosure to encroach further into the required setback will

44 enable the property to comply with the requirement (in Section 1011.11.B) to enclose waste and  
45 recycling storage areas in this way.

46 Roseville’s Development Review Committee (DRC) met on March 12 to review the proposal, and all of  
47 the comments and feedback based on the DRC’s review of the application are included in the analysis  
48 below.

49 REVIEW OF VARIANCE APPROVAL REQUIREMENTS

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

54 Representatives of the Valvoline facility have been communicating, off and on, with Planning Division  
55 staff for at least a few years as they have tried to resolve their storage needs, and that lack of storage  
56 space likely contributed to the dumpsters being kept outside of the 1990 addition that was originally  
57 built as the trash enclosure. This persistent need to find space for storage on a parcel that is substantially  
58 smaller than it was originally (or than it was originally understood to be) represents a practical difficulty  
59 which the variance process is intended to relieve.

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

- 63 **a.** *The proposal is consistent with the Comprehensive Plan.* Planning Division staff believes that  
64 the proposal is generally consistent with the Comprehensive Plan because it represents the sort of  
65 continued investment promoted by the Comprehensive Plan’s goals and policies for commercial  
66 areas while not compromising the policies intended to protect the sensitive residential properties  
67 adjacent to those commercial areas.
- 68 **b.** *The proposal is in harmony with the purposes and intent of the zoning ordinance.* Planning  
69 Division staff finds the proposal to be consistent with the intent of the zoning ordinances because  
70 the proposed additions will not negatively affect the adjacent residential property even though  
71 they will encroach into the required setbacks.
- 72 **c.** *The proposal puts the subject property to use in a reasonable manner.* Planning Division staff  
73 believes that the proposal makes reasonable use of the subject property because the proposed  
74 addition will create additional storage that is hidden by the existing fence and garage structure  
75 and enable the trash receptacle to be enclosed, pursuant to City Code Section 1011.11.B.
- 76 **d.** *There are unique circumstances to the property which were not created by the landowner.*  
77 Planning Division staff finds that some of the existing, nonconforming setbacks of the  
78 structure—and therefore the scale of the proposed encroachments—are products of changing  
79 zoning regulations over the life of the service station, resulting in unique circumstances that were  
80 not created by the landowner.
- 81 **e.** *The variance, if granted, will not alter the essential character of the locality.* Because the  
82 proposed addition would be basically invisible to the public, the variance, if approved, would not  
83 negatively alter the character of the surrounding residential neighborhood.

84 PUBLIC COMMENT

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

87 **RECOMMENDED ACTION**

88 **Adopt a resolution approving the requested variances the required minimum side and rear yard**  
89 **setbacks at 1925 Lexington Avenue**, based on the content of this RVBA, public input, and Variance  
90 Board deliberation.

91 **ALTERNATIVE ACTIONS**

92 **A) Pass a motion to table the item for future action.** An action to table consideration of one or  
93 both components of the variance request must be based on the need for additional information or  
94 further analysis to reach a decision on one or both requests. Tabling will require extension of the  
95 60-day action deadline established in Minn. Stat. 15.99 to avoid statutory approval.

96 **B) Adopt a resolution denying the proposed encroachments into the required minimum side**  
97 **and rear yard setbacks at 1925 Lexington Avenue** A recommendation of denial should be  
98 supported by specific findings of fact based on the Variance Board's review of the application,  
99 applicable zoning regulations, and the public record.

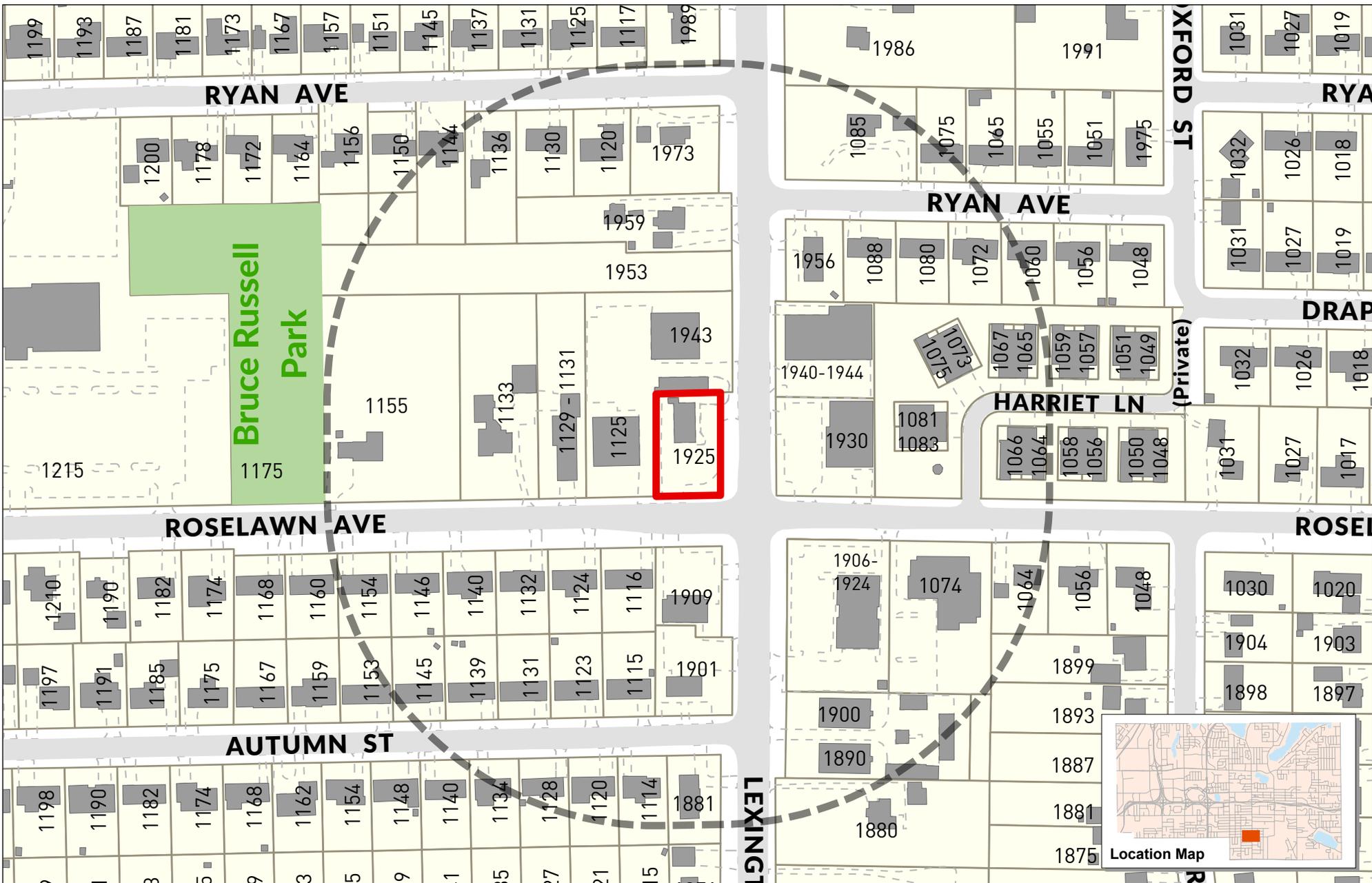
Attachments: A: Area map  
B: Aerial photo

C: Proposed plans and written narrative  
D: Draft resolution

Prepared by: Senior Planner Bryan Lloyd  
651-792-7073  
[bryan.lloyd@cityofroseville.com](mailto:bryan.lloyd@cityofroseville.com)



# Planning File 20-004



Prepared by:  
Community Development Department  
Printed: April 14, 2020



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

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

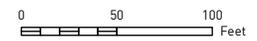


# Attachment B for Planning File 20-004



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

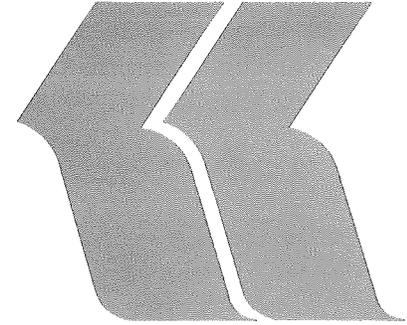
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Roseville Community Development  
2660 Civic Center Drive  
Roseville, MN 55113

Planning Department  
Attn: Bryan Lloyd, Senior Planner

Variance request for:  
Valvoline Instant Oil Change  
1925 Lexington Avenue North  
Roseville, MN



March 10, 2020

The request for the variance from 10'-0" setback to 5'-0" setback or greater along the north-side of the property is to allow the construction of a structure to provide additional storage area for the existing oil change facility. Due to the level of activity at this site additional storage of filters and specialty products are needed. The existing facility has a small storage area that is inadequate for the current needs.

The location was determined based on the followings items:

1. The East and West sides of the building are where the vehicles enter and exit the service bays.
2. The South portion of the building includes the customer waiting area, rest-room, office and very small storage / utility room. Also along the south-side of the building are the 8 parking stalls for use by customers and employees.
3. The use of the north side of the building for the addition works very well for access to the service bays and allows for growth.

By limiting the addition to 8'-6" the side yard setback will be a minimum of 5 feet or greater for the storage building setback. The adjacent apartment building has the back side of their garages along their south property line, our north property line. They do not have any doors or windows on the south side of the garages. The property north of the storage addition will be maintained and the dead tree will be removed and replaced with two (2) arborvitae pyramidal coniferous trees.

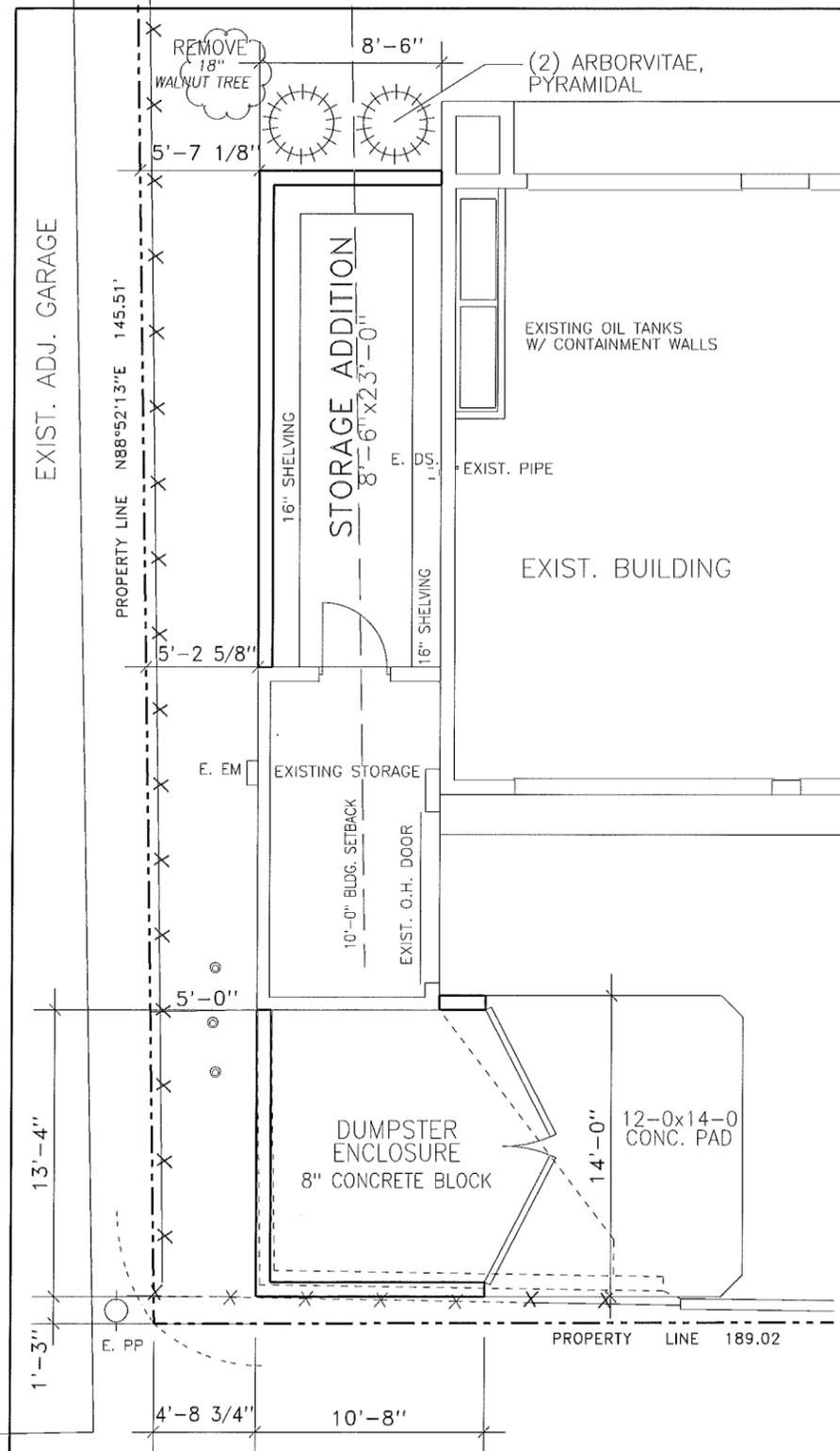
Please contact me if you have any questions,

*John P Kosmas*

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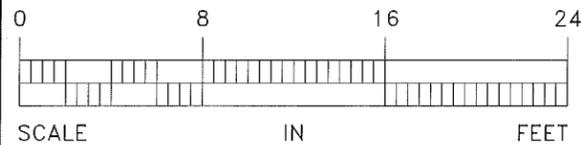
John P. Kosmas





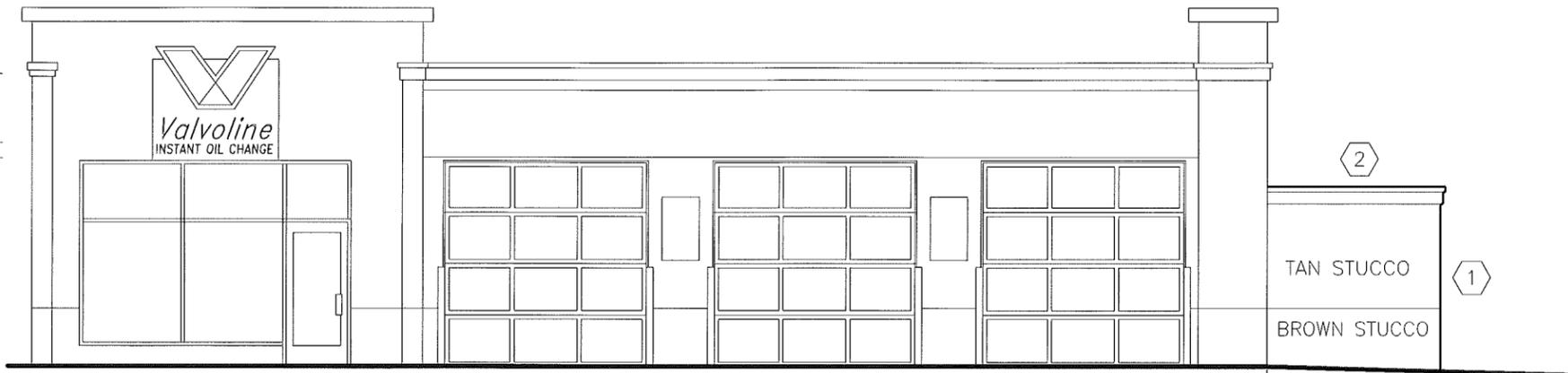
**FLOOR PLAN**

1/8" = 1'-0"



THE ELECTRONIC VERSION OF THIS DRAWING MAY NOT BE TO SCALE. VERIFY AND ADJUST DRAWING SIZE AS NECESSARY TO BE AT SCALE

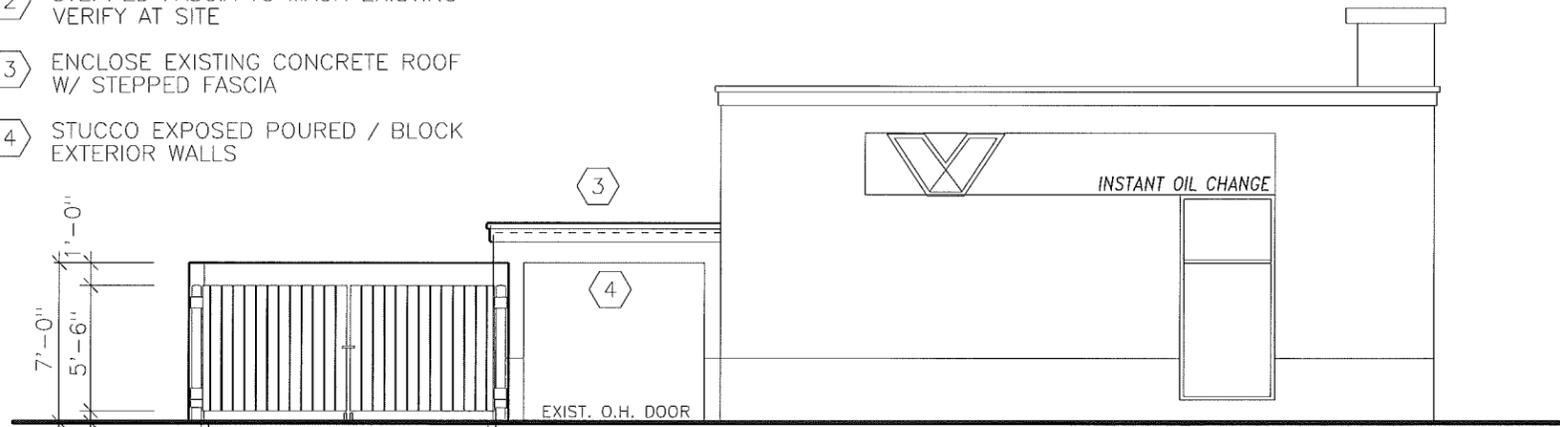
- NEW WALLS
- EXISTING WALLS  
VERIFY LOCATIONS PRIOR TO START OF CONSTRUCTION
- EXIST. CONC. SLAB, FENCE & TREE TO BE REMOVED



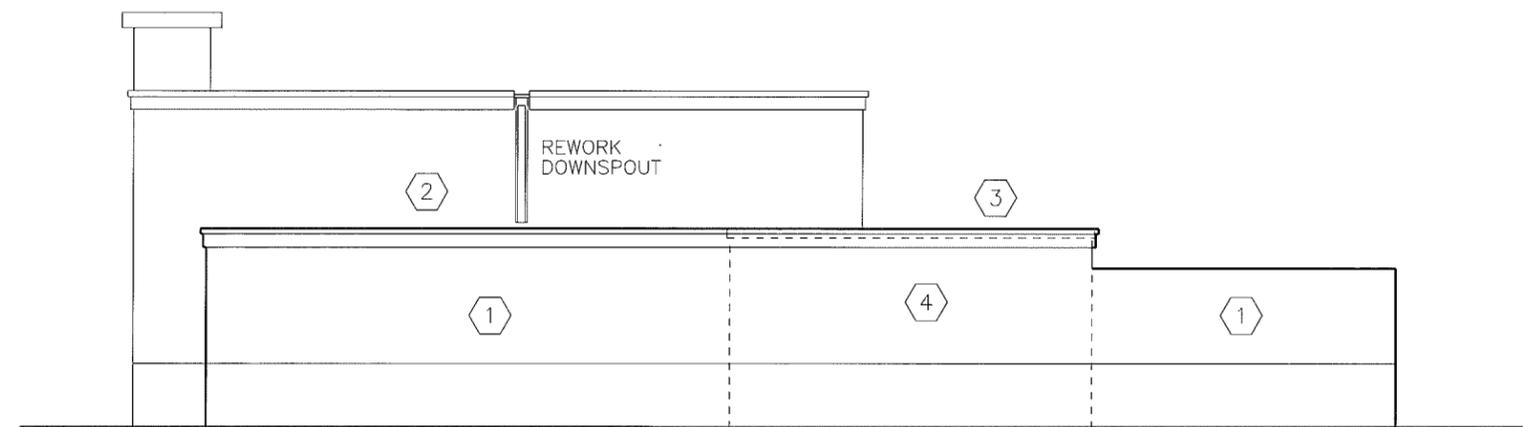
**EAST**

**NOTES:**

- ① MATCH EXISTING STUCCO COLORS AND TEXTURE
- ② STEPPED FASCIA TO MACH EXISTING VERIFY AT SITE
- ③ ENCLOSE EXISTING CONCRETE ROOF W/ STEPPED FASCIA
- ④ STUCCO EXPOSED POURED / BLOCK EXTERIOR WALLS



**SOUTH**



**NORTH**

**ELEVATIONS**

1/8" = 1'-0"

**K. K. DESIGN**  
ARCHITECTURE - PLANNING  
6112 EXCELSIOR BLVD. MPLS., MINN.  
952-922-3226

**VALVOLINE**  
INSTANT OIL CHANGE  
STORE NO. 010009 1925 LEXINGTON AVENUE NO.  
ROSEVILLE - MINNESOTA

PROJ. NO : 2001-29  
DESIGNED BY : JPK  
DRAWN BY : SPL  
DATE : 3/03/2020

SHEET **2** OF

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

Pursuant to due call and notice thereof, a regular meeting of the Variance Board of the City of Roseville, County of Ramsey, Minnesota, was held on the 6th day of May 2020, at 5:30 p.m.

The following Members were present: \_\_\_\_\_  
and \_\_\_\_\_ was absent.

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

**VARIANCE BOARD RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION APPROVING VARIANCES TO ROSEVILLE CITY CODE §1005.04.C, NEIGHBORHOOD BUSINESS SETBACKS, AT 1925 LEXINGTON AVENUE (PF20-004)**

WHEREAS, the subject property is assigned Ramsey County Property Identification Number 15-29-23-14-0092, and is legally described as:

The East 145.5 feet of the South 189 feet of the Northeast Quarter of Section 15, Township 29, Range 23, subject to roads and easements

WHEREAS, City Code §1005.04.C (Neighborhood Business Setbacks) requires principal structures to be set back a minimum of 10 feet from side property lines adjacent to residential properties; and

WHEREAS, City Code §1005.04.C (Neighborhood Business Setbacks) requires principal structures to be set back a minimum of 25 feet from rear property lines adjacent to residential properties; and

WHEREAS, Valvoline Instant Oil Change, owner of the property at 1925 Lexington Avenue, requested a variance to §1005.04.C to allow a proposed storage and trash enclosure addition to encroach up to 5 feet into the required side yard setback; and

WHEREAS, Valvoline Instant Oil Change, owner of the property at 1925 Lexington Avenue, requested a variance to §1005.04.C to allow a proposed trash enclosure addition to encroach up to 22 feet into the required rear yard setback; and

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

WHEREAS, the Variance Board has made the following findings:

- a. The persistent need to find space for storage on a parcel that is substantially smaller than it was originally understood to be represents a practical difficulty which the variance process is intended to relieve.
- b. The proposal is generally consistent with the Comprehensive Plan because it represents the sort of continued investment promoted by the Comprehensive Plan's goals and policies for commercial areas while not compromising the policies

38 intended to protect the sensitive residential properties adjacent to those commercial  
39 areas.

- 40 c. The proposal is consistent with the intent of the zoning ordinances because the  
41 proposed additions will not negatively affect the adjacent residential property even  
42 though they will encroach into the required setbacks.
- 43 d. The proposal makes reasonable use of the subject property because the proposed  
44 addition will create additional storage that is hidden by the existing fence and garage  
45 structure and enable the trash receptacle to be enclosed, pursuant to City Code  
46 §1011.11.B.
- 47 e. Some of the existing, nonconforming setbacks of the structure—and therefore the  
48 scale of the proposed encroachments—are products of changing zoning regulations  
49 over the life of the service station, resulting in unique circumstances that were not  
50 created by the landowner.
- 51 f. Because the proposed addition would be basically invisible to the public, the  
52 variance, if approved, would not negatively alter the character of the surrounding  
53 residential neighborhood.

54 NOW THEREFORE BE IT RESOLVED, by the Roseville Variance Board, to approve  
55 the requested variances to §1005.04.C of the City Code, based on the proposed plans, the  
56 testimony offered at the public hearing, and the above findings.

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

61 WHEREUPON said resolution was declared duly passed and adopted.