

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

**Wednesday, August 5, 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:** June 3, 2020
5. **Public Hearing**
  - a. Consider a **variance** to City Code §1004.08 (Residential Setbacks) to allow a home addition that would encroach into the required reverse-corner side yard setback at 1972 Prior Avenue North. (PF20-017)
6. **Adjourn**



**Variance Board Regular Meeting  
City Council Chambers, 2660 Civic Center Drive  
Draft Minutes – Wednesday, June 3, 2020 – 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 Karen Schaffhausen.  
10
- 11 **Members Absent:** None.  
12
- 13 **Staff Present:** City Planner Thomas Paschke, Senior Planner Bryan Lloyd,  
14 Community Development Director Janice Gundlach and  
15 Community Development Department Assistant Staci Johnson.  
16
- 17 **3. Approval of Agenda**  
18  
19 City Planner Paschke requested Item A be switched with Item B on the Agenda.  
20
- 21 **MOTION**  
22 **Member Pribyl moved, seconded by Member Kruzel to approve the agenda as**  
23 **amended.**  
24
- 25 **Ayes: 4**  
26 **Nays: 0**  
27 **Motion carried.**  
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- 29 **4. Organizational Business**  
30 **a. Elect Variance Board Chair and Vice-Chair**  
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- 32 Chair Sparby indicated he would be willing to serve as Chair again this year.  
33
- 34 Member Pribyl nominated Member Sparby to remain as Chair of the Variance Board.  
35
- 36 **MOTION**  
37 **Member Pribyl moved, seconded by Member Kruzel to elect Member Sparby as**  
38 **Chair.**  
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- 40 **Ayes: 4**  
41 **Nays: 0**  
42 **Motion carried.**

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Chair Sparby nominated Member Pribyl as Vice-Chair.

**MOTION**

**Member Sparby moved, seconded by Member Kruzel to elect Member as Vice-Chair of the Variance Board.**

**Ayes: 4**

**Nays: 0**

**Motion carried.**

**5. Review of Minutes: May 6, 2020**

**MOTION**

**Member Kruzel moved, seconded by Member Pribyl to approve the May 6, 2020 meeting minutes.**

**Ayes: 3**

**Nays: 0**

**Abstain: 1 (Schaffhausen)**

**Motion carried.**

**6. Public Hearing**

**a. PLANNING FILE 20-011**

**Consider variances to City Code Sections §1011.03.A.3.c.ii, pertaining to multi-family residential tree requirements to reduce the number of required trees from 60 to 45, and §1004.11, pertaining to front yard setbacks to reduce the required setback adjacent to Rice Street from 30 feet to 20 feet, at 165 S Owasso Blvd; 3011, 3029 and 3033 Rice Street.**

Member Pribyl recused herself from this item due to a former work relationship with Commonbond.

Chair Sparby reviewed protocol for Public Hearings and public comment and opened the Public Hearing at approximately 5:45 p.m.

Member Schaffhausen stepped in for consideration of the variance.

Senior Planner Lloyd reviewed the variance request for this property, as detailed in the staff report dated June 3, 2020.

Member Kruzel asked regarding the tree line and shrubs if that will buffer the parking lot some. Will it take away from that area. She wanted to make sure that area stayed aesthetically enhanced for the neighborhood.

Mr. Lloyd showed the landscape plan and explained the plantings are both lining the building as well as the western and northern side of the site. There has been talk

90 about adding a berm as well on the western side to further buffer and screen those  
91 properties from the residential parking lot and building. He pointed out that there is  
92 enough of a setback on the east and south along the street frontages to include some  
93 of the landscaping and trees.

94  
95 Member Schaffhausen asked in terms of the setback being requested and looking at  
96 the space, one of the requirements is emergency vehicle access into the parking lot.  
97 She imagined there is not any capacity to make any adjustments to this road inwards  
98 to ensure emergency vehicle access.

99  
100 Mr. Lloyd explained if this building were shifted further toward the west that would  
101 then force the drive lane further west as well but does not necessarily mean it will be  
102 diminished in any way. The drive entrance presented does meet the minimum width  
103 requirements for adequate circulation by visitors and residents as well as by  
104 emergency vehicles.

105  
106 Member Schaffhausen indicated she always looked for a general rule of thumb to use  
107 for the variances as far as a thumbs up and a thumbs down and she wondered if there  
108 is some sort of a rubric used based on the type of multi-family property like this. She  
109 understood there is no easy answer to this but does the city have some sort of  
110 mechanism to assess what is fair above and beyond 365 shrubs, 60 trees or one tree  
111 per unit because she would imagine just based on today alone that a rubric may be  
112 helpful so that there is an easier tool for the city as well as the properties in the city to  
113 use. She asked if something like that existed.

114  
115 Mr. Lloyd thought the rubric, as it exists today, is the reason for this discussion. The  
116 hope and intention for the near future would be to set a standard and the ability to  
117 retool the standard.

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119 Chair Sparby indicated it appeared that this was going ten feet into the setback and  
120 was this to create a bigger buffer on the western side.

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122 Mr. Lloyd indicated that was correct.

123  
124 Chair Sparby asked if the applicant would like to comment.

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126 Community Development Director Gundlach noted several comments have been  
127 received in the Zoom platform and there will be an opportunity for the public to  
128 speak.

129  
130 Ms. Leah Stockstrom of Commonbond Communities addressed the Board.

131  
132 Chair Sparby invited public input.

133  
134 Mr. Charles Lemaire indicated the plan that is shown today shows a bunch of small  
135 trees that will replace the ninety-nine trees that are on the four lots. The plan that Mr.  
136 Stockstrom sent to him stated they were going to save four trees on the north quarter,

137 next to his lot which are forty-inch maple trees and a pine and spruce tree. Those four  
138 trees are not shown on the north plat of that drawing and he wanted to know if those  
139 are saved. He also noted when he talked to the Planning Department a few weeks ago  
140 he was told that three-inch trees would be put in. The trees that are currently there are  
141 forty-inch circumference trees and the trees going in have a three-inch circumference,  
142 less than one-inch diameter and are considered saplings. The east border on the  
143 drawing shown, there were six or eight trees along Rice Street and those trees are  
144 directly underneath the five-thousand-volt power lines that go along Rice Street. The  
145 four or five trees on the south border are directly under five-thousand-volt power  
146 lines, high voltage power lines. Those trees will be able to grow up to provide this  
147 supposed canopy so unless the power lines will be buried there that needs to be  
148 considered. The other thing is that the building on the lot shows a twenty-foot  
149 setback from the east property line and it also looks like there is a twenty-foot setback  
150 from the parking lot and he does not see why that building cannot be moved thirty  
151 feet from the east line and ten feet from the parking lot or at least move it five foot  
152 back from Rice Street.

153  
154 Chair Sparby noted on the setback piece part of the balance that the city is trying to  
155 strike here is having the building as far away from the adjacent property owners as  
156 possible and that would be going into that setback a little bit to try to move the  
157 building away from those adjacent property owners the city has heard from. He  
158 asked for staff to address the tree concern that was brought up.

159  
160 Mr. Lemaire explained there are ninety-nine trees listed on the cut down schedule  
161 along with their size and four of those trees are along the boundary.

162  
163 Mr. Lloyd indicated he has not looked in detail at the tree removal plan yet, but he  
164 would clarify that typically the dimensions does refer to the diameter of the tree rather  
165 than the circumference in the tree replacement calculations as well as the tree  
166 removal. The trees that would be planted would have a minimum requirement of a  
167 three-inch diameter trunk and not a three-inch circumference or a one-inch trunk as  
168 was mentioned by Mr. Lemaire. With respect to specific trees being proposed for  
169 saving or for removing, he cannot comment on that at this time.

170  
171 Ms. Stockstrom explained Commonbond is planning on undergrounding the  
172 powerlines so the trees will have room to grow along that border.

173  
174 Ms. Kelsey Bednar, Landscape Designer for Commonbond explained the four  
175 existing trees on the north will be saved. She thought on the landscape plan those  
176 trees showed as a light grey and was hard to see. She noted for the trees on the west  
177 edge of the property those are currently being shown as removed until the site is  
178 graded because there is worry about destroying half of the tree roots and having it die  
179 after the project is completed and developed.

180  
181 Mr. Lemaire thought if the graders come in those trees should still be able to be saved  
182 on the west side and does not concern him as much because those trees are not on his  
183 property boundary. It would seem that if the parking lot is raised a little bit rather

184 than bulldozing it down and hitting the tree roots and putting in pea gravel to bury the  
185 understory of those trees then he would not think there would be the danger of them  
186 dying. He asked Commonbond to please consider that.

187

188 Mr. Bednar indicated Commonbond will do that.

189

190 Ms. Priscilla Morton indicated as a person who does not know a lot about this project,  
191 she was trying to log into the Planning Commission but wondered whether the  
192 difference in the number of trees would be planted elsewhere in order to not lose the  
193 tree canopy altogether. She also asked if there is a need to make this adjustment in  
194 this plan she wondered for low income housing whether the number of car slots is  
195 actually required because the median low income does imply that there may not be a  
196 need for a parking space for each unit if public transportation is what is going to be  
197 used by the people who live there.

198

199 Mr. Lloyd indicated there is a difference between the regulations in the dummy code  
200 that apply to removing trees in the service of new development and then replacing  
201 some amount. This particular variance that is being requested is to the kind of  
202 landscape standards. He noted in regard to the number of parking stalls, he did not  
203 know which of these might apply most but in the city parking standards there are  
204 minimum amounts for different kind of things but the city also allows administrative  
205 ability to allow for fewer than minimum numbers to be installed. He indicated there  
206 is no regulation that this must or will be affordable housing in the future but if it does  
207 sometime in the future become market rate or not strictly affordable the rate of car  
208 ownership might go up and would require the parking.

209

210 Ms. Morton explained it could be thought of either way and parking spots could be  
211 made later if needed. It is not that the city has to prepare for an event that may or  
212 may not happen.

213

214 Ms. Gundlach believed the project is already including less parking stalls than what is  
215 required by city code. A parking study was commissioned to look at the parking that  
216 the other Commonbond buildings demand and planned this site accordingly.

217

218 Mr. Alexander Lemaire heard that there has been a proposed sidewalk along Rice  
219 Street in the future going through the neighborhood if the current planning has taken  
220 that into account.

221

222 Mr. Lloyd explained in conversation with the city Public Works staff the  
223 reconstruction of Rice Street and the addition of sidewalks is some way out in the  
224 future, so he thought the design is yet to be determined on that. There is a proposed  
225 sidewalk to be built in the right-of-way. He showed the site plan and showed where  
226 there would be a sidewalk built.

227

228 Ms. Tammy McGehee, as a resident, indicated she wanted to speak as a resident and  
229 appreciated all of these comments. She was interested when doing this and the  
230 tradeoffs on tree diversity so that we in fact keep a healthy canopy and she

231 appreciated Mr. Lloyd’s comments about the tree being allowed to grow to maturity  
232 because she thought many times the trees are too crowded and do not have enough  
233 space to grow. When looking at these trees and the sidewalk as well, if the city is  
234 going to think of these shaded pathways it depends on the building and where the sun  
235 rises and sets and how it casts a shadow to provide some shade for the building or  
236 pathway. She noted if the canopy of the tree is in the pathway and the pathway is not  
237 there, yet the roots can be disturbed. She thought in full recognition of Mr. Lloyd’s  
238 comment, there are significant factors that are not easily managed in a cookie cutter  
239 way when the city comes to some of these developments and she appreciated the  
240 planning and back and forth between the developers and neighbors and she thought  
241 when looking at this and saw the same thing, there are three different things going on  
242 and have not been addressed in the city policies. She indicated she was extremely  
243 happy that Commonbond has decided to underground those powerlines because she  
244 thought there is hardly anything more pathetic then a nice mature tree planted under a  
245 power line and then sheared off on one side or cut down the middle to accommodate  
246 the powerline.

247  
248 Mr. Charles Lemaire indicated as far as the sidewalk terminating on the north edge of  
249 Commonbond, he did not expect them to pay for a sidewalk out to the end of the  
250 block but there are probably fifty people a day that walk down Rice Street in the  
251 street and traffic is not always nice to them so he wondered when the city would plan  
252 on putting a sidewalk up to the end of Roseville.

253  
254 Mr. Lloyd explained for better or worse it is not within Roseville’s purview to do that  
255 simply because that is Ramsey County’s right-of-way and certainly while staff can  
256 work with County staff to maybe accelerate the timeline for installation of a sidewalk  
257 there he did not know if the city can change whatever the County’s timeline is for  
258 rebuilding this part of Rice Street.

259  
260 Chair Sparby closed the public hearing at 6:10 p.m.

261  
262 **MOTION**  
263 **Member Schaffhausen moved, seconded by Member Kruzel, adoption of**  
264 **Variance Board Resolution No. 146 (Attachment D), entitled “A Resolution**  
265 **Approving Variances to the Landscape Requirements of §1011.03.A.3.E.II and**  
266 **§1011.03.A.3.E.V at 3011-3033 Rice Street and 165 South Owasso Boulevard.”**

267  
268 **Ayes: 3**  
269 **Nays: 0**  
270 **Motion carried.**

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272 **MOTION**  
273 **Member Schaffhausen moved, seconded by Member Kruzel, adoption of**  
274 **Variance Board Resolution No. 147 (Attachment E), entitled “A Resolution**  
275 **Approving A Variance to the Setback Requirement of §1004.11 at 3011 – 3033**  
276 **Rice Street and 165 South Owasso Boulevard.”**

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

Member Pribyl returned to the meeting at 6:13 p.m. and Member Schaffhausen returned to alternate position and left the meeting.

**b. PLANNING FILE 20-008**

**Consider a variance to City Code §1011.03.A.3.c.ii, pertaining to multi-family residential tree installation requirements, and §1011.03.A.3.c.v, pertaining to shrub installation requirements at 1755, 1743 and 1717 County Road C West.** Chair Sparby reviewed protocol for Public Hearings and public comment and opened the Public Hearing at approximately 6:14 p.m.

City Planner Thomas Paschke reviewed the variance request for this property, as detailed in the staff report dated June 3, 2020.

Member Pribyl wondered how long this quantity requirement has been in the zoning code and is this the first time that this issue has appeared or is there a pattern of this kind of issue coming up.

Mr. Paschke explained this requirement has been in city code since it was adopted in 2010 and this is being seen because these are the first apartment projects that the city is running into issues with.

Member Pribyl asked how the Roseville Tree and Shrub requirement compares to other nearby communities with similar levels of residential density development going on.

Mr. Paschke indicated he did not know specifically as it relates to family residential development. This would be something the city would look into and research for modifying the code. He noted the Roseville code is a little robust compared to some cities.

Member Kruzel wanted to make sure that by having less of the shrubs and trees there will still be a buffer from the parking and the street side for the patrons of the housing complex.

Mr. Paschke showed a drawing and indicated there will be a senior housing project of similar unit count that will occur next year next door and both will have their challenges with landscaping unless the Ordinance is changed but from that perspective the two will be complimentary residential projects that share the road into the site and what surrounds the property to the north is a drainage ditch as well as to the west.

Chair Sparby asked if the applicant would like to comment.

325 Mr. Logan Schmidt and Mr. Ryan Lunderby, Dominion, Mr. Mike Krych of BKVR  
326 Architect and Engineer Mr. Mike St. Martin were available for additional questions.

327  
328 Chair Sparby asked if Dominion tried to maximize every available tree and shrub on  
329 the property or what was the analysis that was gone through to determine the 132  
330 versus what was required.

331  
332 Mr. Schmidt indicated Dominion went through a pretty extensive design process and  
333 strategically spaced the trees out with varying heights and sizing in order to grow.  
334 When fully matured, it is a nice cohesive landscaping plan where trees are not  
335 growing into each other or creating an overburden for maintenance or blocking out  
336 any sort of light. It really compliments the trail that is in there today and potentially  
337 will compliment a future connection with the trail if that ditch gets turned into a pipe  
338 ultimately. He thought Dominion designed the project to account for either one of  
339 those scenarios.

340  
341 Chair Sparby invited public input.

342  
343 Ms. Priscilla Morton indicated this was the project she was looking at and understood  
344 both of the units are going to be affordable housing for seniors and for families. She  
345 was glad to see there was some greenspace. She thought it seemed to her that a huge  
346 amount of the land is used again for parking rather than family geared greenspace.  
347 Since she read it was nine hundred to one thousand parking spaces for around six  
348 hundred living spaces, there are various leverage that can be made here in terms of  
349 not requiring a variance and one is to have fewer units, one is to have fewer parking  
350 spaces and the third is to have a variance. She wondered if this project is so far along  
351 that this is set in stone on the number of living units and the number of parking spaces  
352 or whether some adequate solution could be made.

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354 Mr. Paschke explained this project area is only required to provide fifteen percent  
355 green area and the project has more than satisfied that requirement with the proposal  
356 that is in place today. Based on the site design and with most residential projects it  
357 tries to maximize the number of units that can be constructed on a given parcel of  
358 land meeting all of the standard requirements. From his perspective, he thought there  
359 was a little disconnect in the amount of landscaping required.

360  
361 Ms. Morton asked whether the amount of parking area is realistic when talking about  
362 people looking for affordable housing. That means that everyone who lives there, if  
363 public transportation is not available adds more to their living costs with having to  
364 own a car and this development is allowing for about one and half cars per living unit  
365 and she wondered if that is realistic and needed.

366  
367 Mr. Schmidt explained the buildings are designed to provide a very specific amount  
368 of parking that gets utilized by the tenants. A parking study was done which reduced  
369 the parking on the site pretty significantly from what would have been required per  
370 city code. Dominion has been working a fine balance on what the tenants will utilize  
371 and what will be provided.

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Commissioner McGehee explained one of the issues she has had previously in previous years is greenspace for multi-family and she would like to ask that the Council or Planning Commission perhaps change the amount of impervious surface allowed onto these sites perhaps back to seventy percent, which is what it was before 2010 and perhaps keep it on the commercial sites and that would allow for, in this case, the appropriate or properly sized parking according to the developer and still provide some opportunity for greenspace on these multi-family structures.

Chair Sparby closed the public hearing at 6:55 p.m.

**MOTION**

**Member Kruzel moved, seconded by Member Pribyl, adoption of Variance Board Resolution No. 145 (Attachment F), entitled “A Resolution Approving a Variance to Roseville City Code §1011.03.A.3.e.ii, Pertaining to Multi-Family Tree Installation Requirements and §1011.03.A.3.e.v Pertaining to Shrub Installation for the Oasis at Twin Lakes Station.”**

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

- c. PLANNING FILE 20-012**  
**Consider a variance to City Code section §1011.03.A.3.c.ii, pertaining to multi-family residential tree installation requirements, to permit a reduction in the number of required trees planted from 167 to 63 on the development site at 2740 Fairview Avenue.**

Chair Sparby reviewed protocol for Public Hearings and public comment and opened the Public Hearing at approximately 6:56 p.m.

City Planner Thomas Paschke reviewed the variance request for this property, as detailed in the staff report dated June 3, 2020.

Chair Sparby asked if the applicant would like to comment.

Mr. Paul Keenan made a presentation to the Variance Board.

Chair Sparby asked for further information on how this development tried to maximize the number of trees on this space.

Mr. Keenan explained they went through and considered when the trees would be at maturity and tried to have a cohesive site plan that accommodated both the outdoor amenities and also the number of surface parking required. He noted Rob from Civil Site Group was in attendance to comment as well.

Member Pribyl asked what the ratio of parking being provided per unit.

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Mr. Keenan indicated there were 205 parking stalls for 127 units. He indicated his company did work with the property owner to the south and 21 of the stalls are in a shared parking agreement with the medical office building to the south which is one way to limit parking on site.

Chair Sparby invited the public to comment.

Ms. Priscilla Morton indicated she did not have a problem with the design or variance. She indicated it would make sense for more parking to be needed for market rate apartments and of course there is a choice whether the parking is on the surface or underground. She noted obviously underground is more expensive but is another alternative of how to create enough parking for the units. She explained that since all of these projects are requiring a variance, the code really needs to be discussed and changed at a higher level than one project at a time. She would like to ask the Board to request a change of code.

Ms. Gundlach noted in July there will be discussion at the Planning Commission in preparation for the joint meeting with the city Council. At that time, it might be an opportunity for the Commission to bring something forward to the Council. She also noted in relation to Ms. Morton’s comment, this project does have underground parking under the full footprint of the building so that is being utilized.

Chair Sparby closed the public hearing at 7:20 p.m.

**MOTION**

**Member Pribyl moved, seconded by Member Kruzel, adoption of Variance Board Resolution No. 148 (Attachment D), entitled “A Resolution Approving a Variance to §1011.03.A.3.e.ii, Multifamily Tree Requirements of the Roseville Zoning Code to allow The Isaac Apartment Complex at 2720 Fairview to install 63 when 136 Trees is Normally Required, Resulting in a Variance of 73 Trees, Subject to the condition outlined in the staff report.”**

**Ayes: 3**

**Nays: 0**

**Motion carried.**

**7. Adjourn**

**MOTION**

**Member Pribyl, seconded by Member Kruzel, to adjourn the meeting at 7:23 p.m.**

**Ayes: 3**

**Nays: 0**

**Motion carried.**

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

Date: August 5, 2020  
Item No. 5a

Department Approval

**Agenda Section**  
Public Hearings

*Janice Gundlach*

Item Description: Request for variances to City Code §1004.08 (Residential Setbacks) to allow a home addition that would encroach into the required reverse-corner side yard setback (PF20-017)

**APPLICATION INFORMATION**

Applicant: Studio Kay Design LLC  
Location: 1972 Prior Avenue  
Property Owner: Eric Schwartz & Amanda Webster  
Open House Meeting: N/A  
Application Submittal: Submitted and Considered complete July 6, 2020  
City Action Deadline: September 4, 2020, per Minn. Stat. 15.99

**GENERAL SITE INFORMATION**

Land Use Context

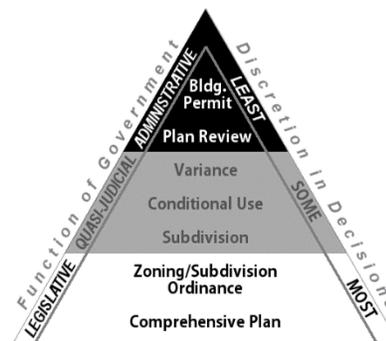
	Existing Land Use	Guiding	Zoning
<b>Site</b>	One-family residence, detached	LR	LDR-1
<b>North</b>	One-family residence, detached	LR	LDR-1
<b>West</b>	One-family residence, detached	LR	LDR-1
<b>East</b>	One-family residence, detached	LR	LDR-1
<b>South</b>	One-family residence, detached	LR	LDR-1

Notable Natural Features: none

Planning File History: none

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

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



1 **BACKGROUND**

2 According to Ramsey County’s property data, the home was originally built in 1960, and City records  
3 indicate that the lot was likely subdivided in that same year. The adoption of the subdivision code in  
4 1956 and the zoning code in 1959 established the minimum lot size for a corner parcel, but the subject  
5 property was somehow approved to be smaller than some of the minimum standards. The table below  
6 shows the minimum requirements and approximate actual values of the width, depth, and area of the  
7 subject property.

	Width	Depth	Area
Minimum Requirement	100 ft.	100 ft.	12,500 sq. ft.
Approx. Actual Size	90 ft.	111 ft.	9,990 sq. ft.

8 The property would need to be at least 10 feet wider to conform to the minimum width requirement and,  
9 at its 111-foot depth, the property would need to be 22 feet wider than its current width to conform to  
10 the minimum area requirement. Further, because of how the subject property relates to its neighbor to  
11 the east, the front of which faces Ryan Avenue, the subject property is determined to be a “reverse  
12 corner” parcel. Such reverse corner parcels are required to have a setback of at least 30 feet from the  
13 side street (i.e., Ryan Avenue, in this case) property line. The existing home appears to stand 29 feet  
14 from the northern property line, so the proposed 12-foot addition would place the home 17 feet from that  
15 side street property line. The proposed home addition is illustrated in Attachment C. If this particular  
16 reverse corner parcel were wide enough to meet the minimum width and area requirements, there likely  
17 would be more than enough room to accommodate the proposed addition on the north side of the home  
18 without a variance.

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

22 **VARIANCE ANALYSIS**

23 Many residential neighborhoods in suburban communities are characterized by streets abutting the front  
24 yards of most of the houses they serve. This is in contrast to more urban neighborhoods where the streets  
25 are divided into what can be called “front streets”, which coincide with the front yards of the houses in  
26 the neighborhood, and shorter, side street blocks that connect the front streets and provide access to  
27 alleys. City Code §1004.08.B (Residential Setbacks) requires structures on reverse corner properties in  
28 the LDR-1 zoning district to be set back at least 30 feet from the street side property lines in order to  
29 preserve—at street corners—the uniformity of the 30-foot front yard setbacks throughout the interior of  
30 the blocks.

31 Nevertheless, this particular section of Ryan Avenue, near Prior Avenue and Tatum Street, is not quite  
32 the typical suburban block as described above. The house at 1975 Prior Avenue was granted a variance  
33 in 1967 to allow an encroachment of about 10 feet into the required setback from Ryan Avenue. There’s  
34 only one parcel in the interior of the short block between Prior Avenue and Tatum Street, which contains  
35 a house with an unusually large setback of nearly 60 feet from the Ryan Avenue property line. The next  
36 parcel to the east is the corner lot at 1973 Tatum Street, which received a variance in 1964 to allow a  
37 home addition to encroach 12 feet into the required setback from Ryan Avenue. Moreover, the next  
38 parcel to the east, 1974 Tatum Street, appears to have been built about 15 feet from the Ryan Avenue  
39 right-of-way, but Planning Division staff could not find evidence of special approvals granted to allow

40 this substandard setback. In spite of the zoning regulations intended to preserve uniformity of setbacks  
41 along a street frontage, there is no such uniformity among the setbacks of the houses on this particular  
42 block. Paradoxically, a variance allowing the proposed home addition to encroach into the reverse  
43 corner setback would represent a considerable step toward achieving greater uniformity of these  
44 setbacks.

45 The proposal illustrated in Attachment C also includes an optional screen porch on the rear of the home.  
46 As shown, this porch would encroach about six feet into the setback from Ryan Avenue, which is about  
47 half as much as the primary addition. If the variance for the encroachment of the primary addition is  
48 supported for approval, Planning Division staff believes that the encroachment of the proposed screen  
49 porch could also be approved.

50 REVIEW OF VARIANCE APPROVAL REQUIREMENTS

51 Section 1009.04 (Variances) of the City Code explains that the purpose of a variance is “to permit  
52 adjustment to the zoning regulations where there are practical difficulties applying to a parcel of land or  
53 building that prevent the property from being used to the extent intended by the zoning.” State statute  
54 further clarifies that “economic considerations alone do not constitute practical difficulties.” The fact  
55 that the subject parcel in this request is substantially smaller than it should be based on the pertinent City  
56 Code provisions in effect when the parcel was created represents a practical difficulty which the  
57 variance process is intended to relieve.

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

- 61 **a.** *The proposal is consistent with the Comprehensive Plan.* Planning Division staff believes that  
62 the proposal is generally consistent with the Comprehensive Plan because it represents the sort of  
63 continued investment promoted by the Comprehensive Plan’s goals and policies for residential  
64 neighborhoods.
- 65 **b.** *The proposal is in harmony with the purposes and intent of the zoning ordinance.* Planning  
66 Division staff finds the proposal to be consistent with the intent of the zoning ordinances because  
67 the proposed home addition would improve (rather than compromise) the uniformity of the  
68 building setbacks on this block of Ryan Avenue.
- 69 **c.** *The proposal puts the subject property to use in a reasonable manner.* Planning Division staff  
70 believes that the proposal makes reasonable use of the subject property because the proposed  
71 addition represents an improvement that could be permitted by right if the parcel conformed to  
72 the minimum width and area standards of City Code.
- 73 **d.** *There are unique circumstances to the property which were not created by the landowner.*  
74 Planning Division staff finds that the existing, nonconforming size of the parcel—and its greatly  
75 reduced buildable area—was established decades ago, resulting in unique circumstances that  
76 were not created by the landowner.
- 77 **e.** *The variance, if granted, will not alter the essential character of the locality.* Because the  
78 proposed addition would be other nearby properties, the variance, if approved, would not  
79 negatively alter the character of the surrounding residential neighborhood.

80 PUBLIC COMMENT

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

83 **RECOMMENDED ACTION**

84 **Adopt a resolution approving the requested variance the required minimum reverse corner side**  
85 **yard setback at 1972 Prior Avenue**, based on the content of this RVBA, public input, and Variance  
86 Board deliberation.

87 **ALTERNATIVE ACTIONS**

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

92 **B) Adopt a resolution denying the proposed encroachment into the required minimum reverse**  
93 **corner side yard setback at 1972 Prior Avenue** A denial should be supported by specific  
94 findings of fact based on the Variance Board's review of the application, applicable zoning  
95 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 20-017

RVBA Attachment A



Prepared by:  
Community Development Department  
Printed: July 28, 2020



**Data Sources**  
 \* Ramsey County GIS Base Map (7/2/2020)  
 For further information regarding the contents of this map contact:  
 City of Roseville, Community Development Department,  
 2660 Civic Center Drive, Roseville MN

**Disclaimer**  
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0 100 200 Feet





**Variance Request for the property at 1972 Prior Avenue N in Roseville, MN**

Property Owners: Amanda Webster & Eric Schwartz

Applicant: Amanda Kay- Studio Kay Design LLC

**Property ID:** 162923240110

**Legal Description:** Plat #110; Section 16 Town 29 Range 23

Subj to Ryan and Prior Aves then N 120 ft. of E 2/3 of W 3/5 of W 1/2 of SW 1/4 of SE 1/4 of NW 1/4 of Sec 16 TN 29 RN 23

**Project Narrative:**

The proposed project is an addition to the North end of the existing home at 1972 Prior Avenue N. The lot is designated as a "Reverse Corner Lot", which is unique in the surrounding area. Because of this reverse corner lot designation, the required side yard setback is 30', rather than the typical 15' setback for a standard corner lot.

There are several unique conditions that make the reverse corner lot designation challenging for this project. The existing lot is 90' wide, which is less than the 100' width that this designation is typically intended for. If the 30' setback is applied, then no addition would be possible along the North side of the home. The home is also uniquely positioned upon the lot. The setback on the interior side yard (South property line) would have been 10' at the time when the home was built. However, the home was built 14' from the south property line, pushing the home further into the center of the lot than typical. Because of this placement, even through the Administrative Deviation process, a 9' addition would have been possible, which is not large enough for the homeowners' requirements for the new space. A large chimney on the north end of the home would take up a considerable amount of that 9' addition at some areas, making the remainder of the space too narrow to be usable.

The homeowners propose a 12'x 25' addition to the North side of the home, towards Ryan Avenue. The proposed addition includes a home office/art studio, a ¾ bath and a laundry room. The homeowners are committed to the staying in the neighborhood and would like the ability to age-in place, turning the addition into a main level master suite when that time comes. We feel that the 12' addition is needed to be able to fulfil the space needed to accommodate that desire.

The reverse corner lot is unique in the area, but especially along Ryan Avenue, where most homes are much closer to the curb than the subject property at 1972 Prior. Please see the attached map showing the current surrounding area. Homes along Ryan Avenue on the surrounding block (1975 Prior and 1973 Tatum) were measured from exterior wall to curb and found to be 32-33' from the curb line. The subject property at 1972 Prior is 44' back from the curb line, which is significantly further back than surrounding neighbors on similar lots. Because of this, we feel that the proposed addition does not alter the essential character of the neighborhood. Based on surrounding properties, we are asking to be allowed a 17' setback, which aligns with the neighbors along this section of Ryan Avenue, and allows for a 12' wide addition to the North side of the home.

Please see the accompanying plans, elevations, maps and photos for more information.

Subject Property at 1972 Prior Avenue N (corner of Prior and Ryan Avenue)

Note: Property sits back 44' (as measured from exterior wall to curb of Ryan Avenue)



Additional Views of Subject Property:



West Elevation



North Elevation

Neighboring Property at 1975 Prior Avenue N (corner of Prior and Ryan Avenue)

Note: Property sits back 33' (as measured from exterior wall to curb of Ryan Avenue)



Neighboring Property at 1973 Tatum Avenue (corner of Tatum & Ryan Avenue)

Note: Property sits back 32' (as measured from exterior wall to curb of Ryan Avenue)

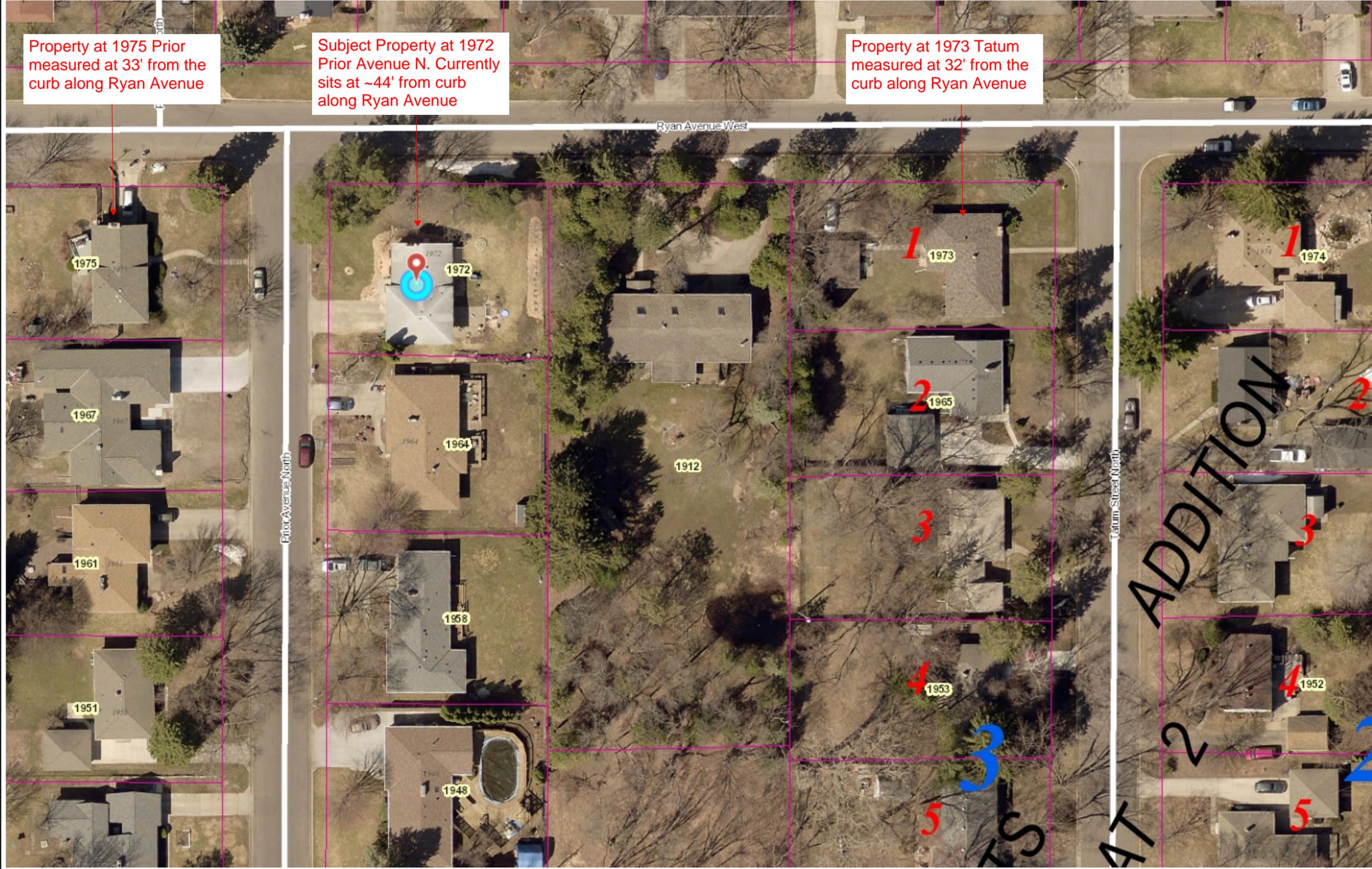




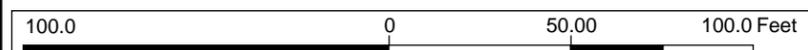
Property at 1975 Prior measured at 33' from the curb along Ryan Avenue

Subject Property at 1972 Prior Avenue N. Currently sits at ~44' from curb along Ryan Avenue

Property at 1973 Tatum measured at 32' from the curb along Ryan Avenue



- Legend**
- Streets (<=16K)
- Other Local Road
  - Interstate
  - US or MN Highway
  - Ramp
  - County Road
  - Local Street
  - Local Park Road
  - Frontage Raod
  - Privately Maintained Pubic Road
  - Transit Way
  - - Alleyway



NAD\_1983\_HARN\_Adj\_MN\_Ramsey\_Feet  
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Notes  
Enter Map Description  
**Page 4 of 9**



The Webster-Schwartz Residence  
1972 Prior Avenue N  
Roseville, MN 55113

PROJECT NUMBER

20-006

PROJECT PHASE

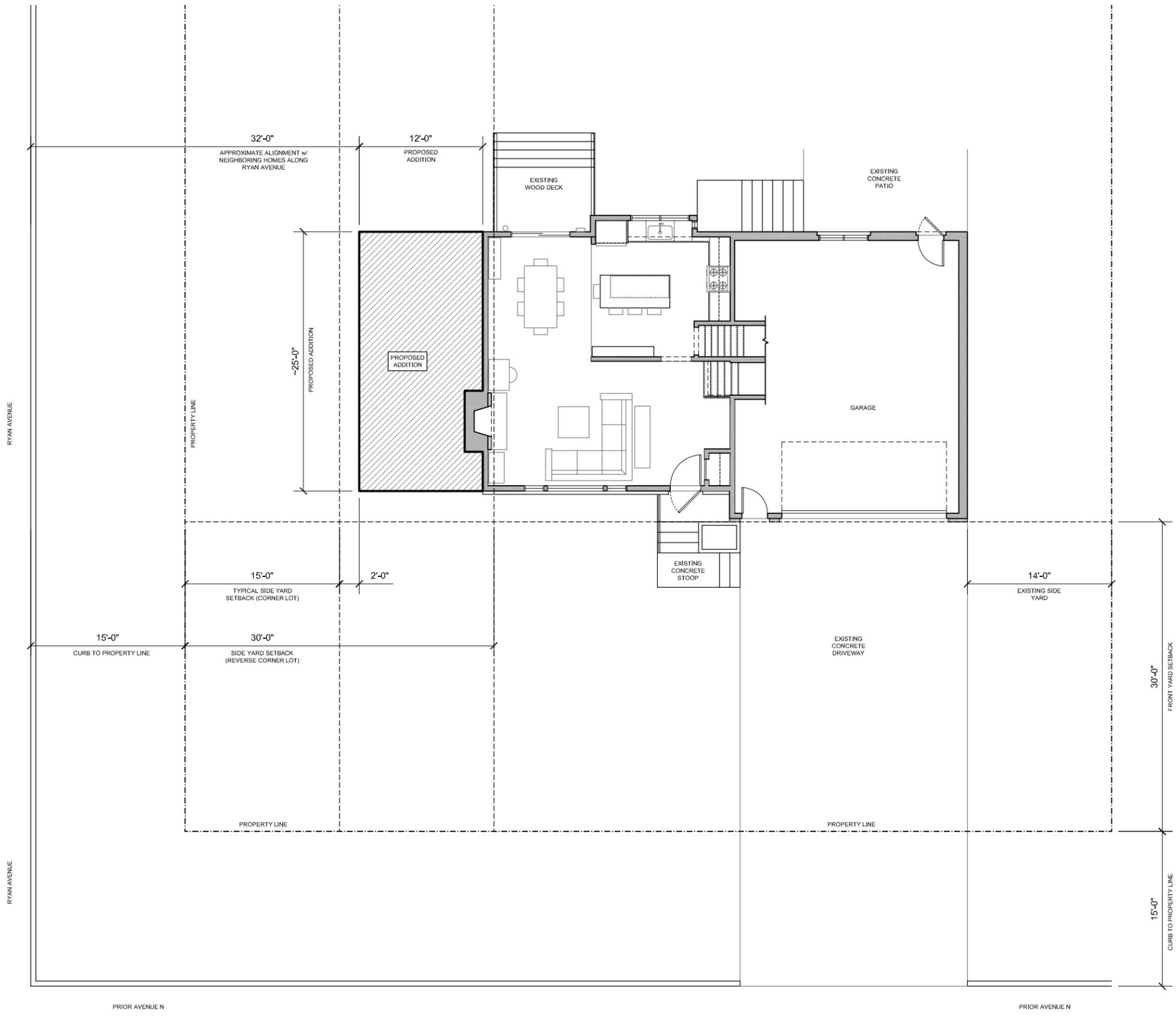
Variance  
Application

ISSUE DATE

July 3, 2020

A01

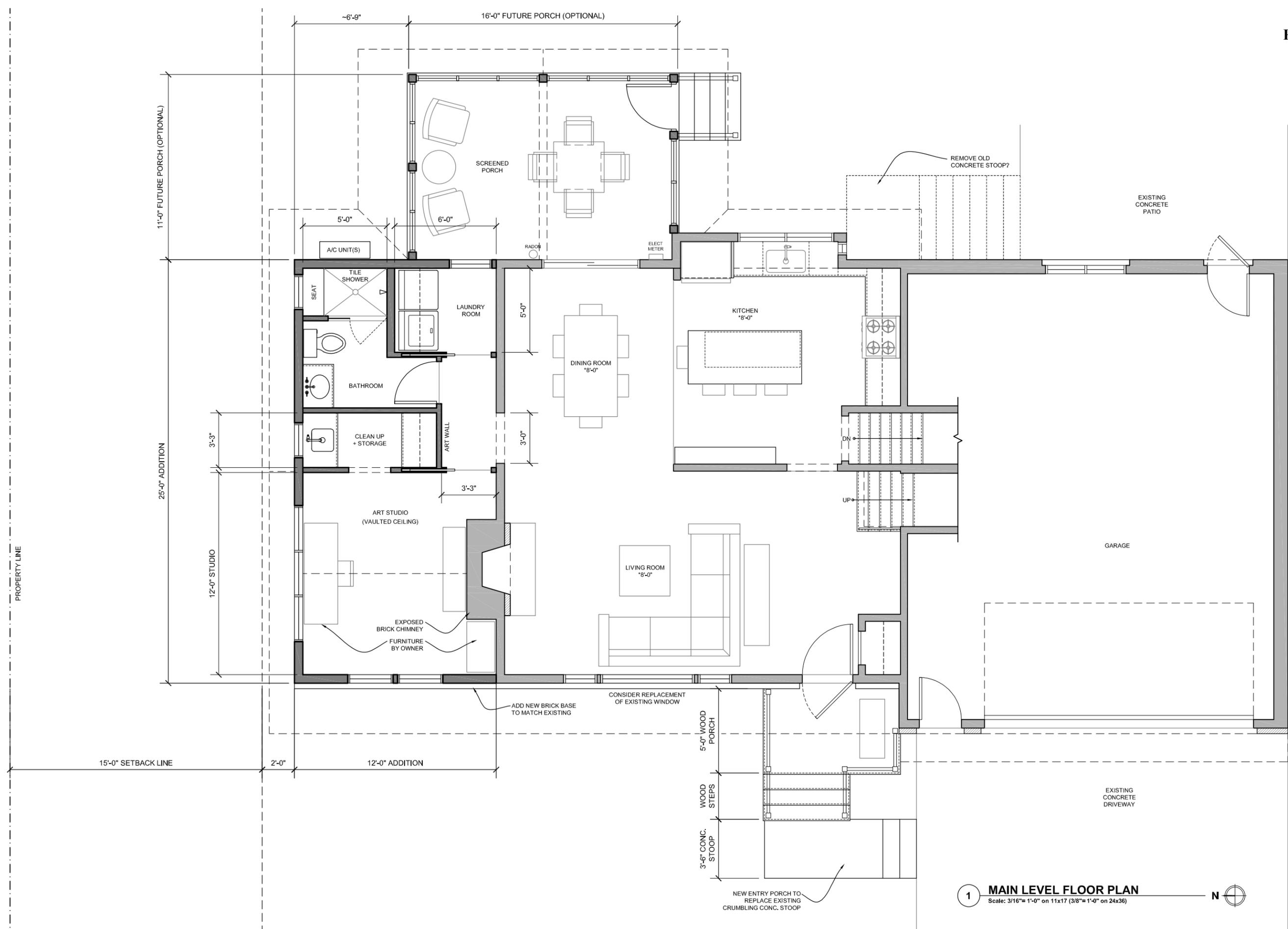
PROPOSED  
SITE DIAGRAM



1 PROPOSED SITE DIAGRAM  
Scale: 3/32" = 1'-0" on 11x17 (3/16" = 1'-0" on 24x36)



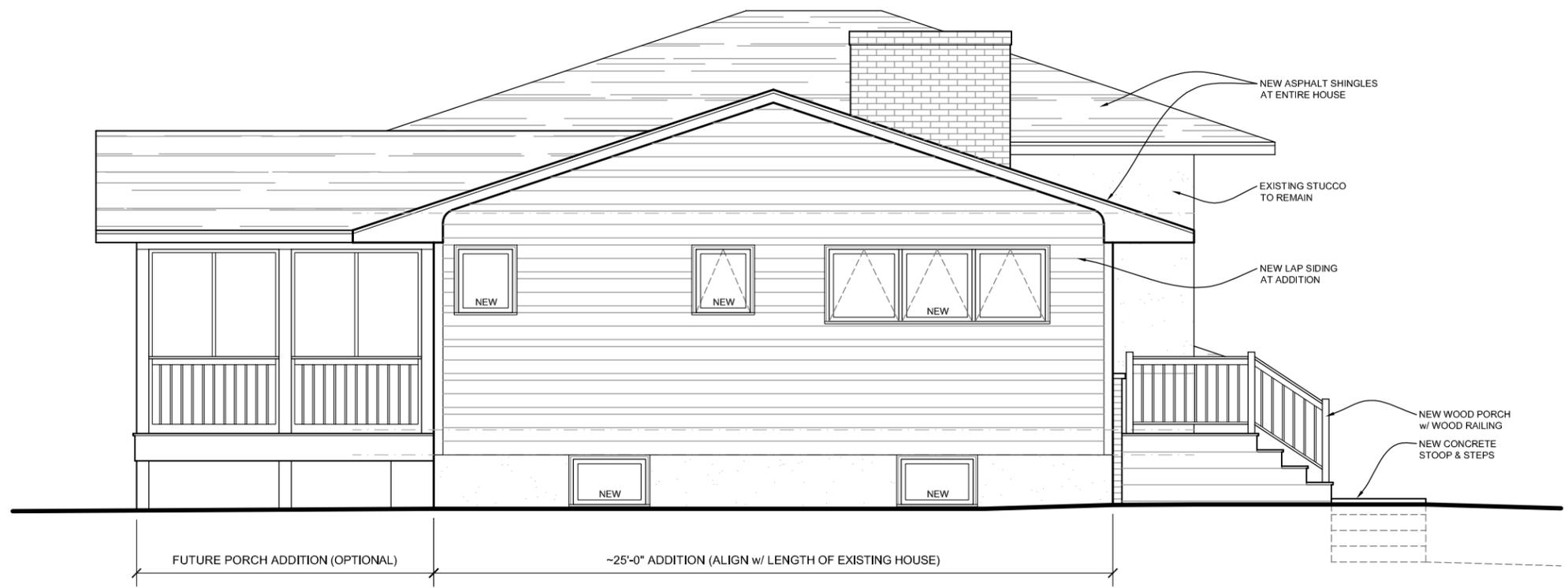
PROJECT NUMBER	20-006
PROJECT PHASE	Variance Application
ISSUE DATE	July 3, 2020



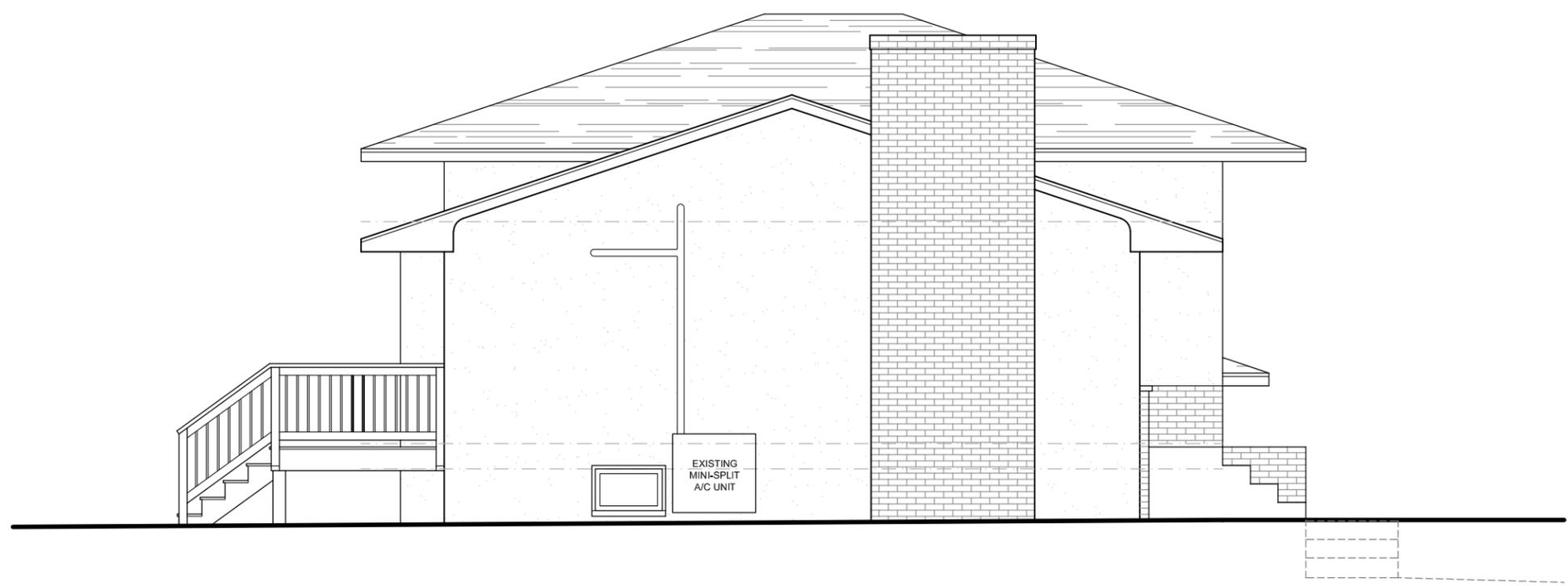
1 MAIN LEVEL FLOOR PLAN  
Scale: 3/16" = 1'-0" on 11x17 (3/8" = 1'-0" on 24x36)







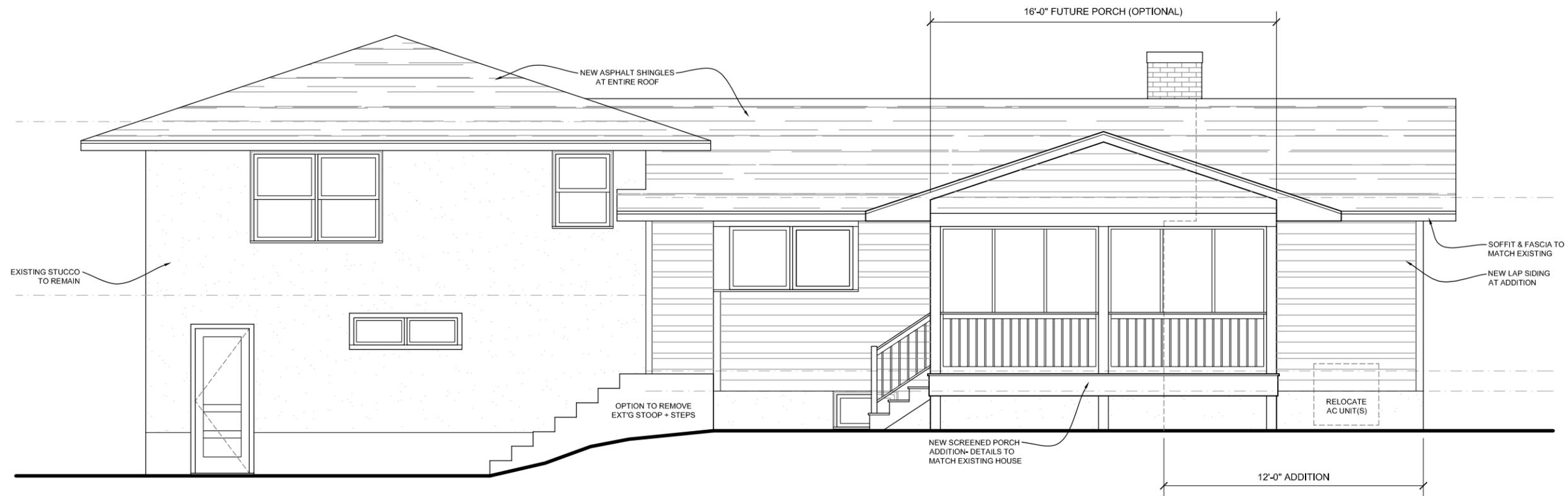
**1 PROPOSED SIDE ELEVATION**  
Scale: 3/16" = 1'-0" on 11x17 (3/8" = 1'-0" on 24x36)



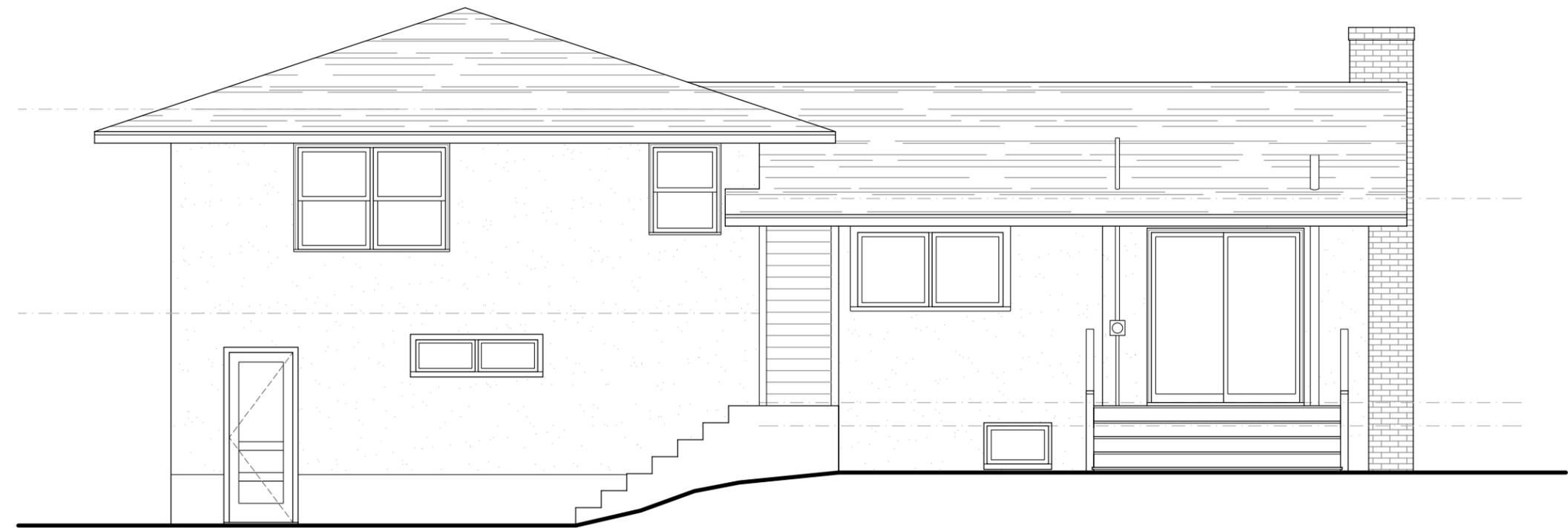
**2 EXISTING SIDE ELEVATION**  
Scale: 3/16" = 1'-0" on 11x17 (3/8" = 1'-0" on 24x36)

PROJECT NUMBER	20-006
PROJECT PHASE	Variance Application
ISSUE DATE	July 3, 2020

A21



**1 PROPOSED REAR ELEVATION**  
Scale: 3/16"= 1'-0" on 11x17 (3/8"= 1'-0" on 24x36)



**2 EXISTING REAR ELEVATION**  
Scale: 3/16"= 1'-0" on 11x17 (3/8"= 1'-0" on 24x36)

PROJECT NUMBER	20-006
PROJECT PHASE	Variance Application
ISSUE DATE	July 3, 2020

A22

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

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

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

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

**A RESOLUTION APPROVING A VARIANCE TO ROSEVILLE CITY CODE §1004.08.B,  
RESIDENTIAL SETBACKS, AT 1972 PRIOR AVENUE (PF20-017)**

WHEREAS, the subject property is assigned Ramsey County Property Identification Number 16-29-23-24-0110, and is legally described as:

[Need Legal Description]

WHEREAS, City Code §1004.08.B (Residential Setbacks) requires principal structures to be set back a minimum of 30 feet from reverse corner side property lines; and

WHEREAS, Eric Schwartz and Amanda Webster, owners of the property at 1972 Prior Avenue, requested a variance to §1004.08.B to allow a proposed 12-foot home addition to encroach as much as 13 feet into the required reverse corner side yard setback and a possible porch addition on the rear of the home that would encroach about half as far into the required setback; and

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

WHEREAS, the Variance Board has made the following findings:

- a. The fact that the subject parcel in this request is substantially smaller than it should be based on the pertinent City Code provisions in effect when the parcel was created represents a practical difficulty which the variance process is intended to relieve.
- b. The proposal is generally consistent with the Comprehensive Plan because it because it represents the sort of continued investment promoted by the Comprehensive Plan's goals and policies for residential neighborhoods.
- c. The proposal is consistent with the intent of the zoning ordinances because the proposed home addition would improve (rather than compromise) the uniformity of the building setbacks on this block of Ryan Avenue.
- d. The proposal makes reasonable use of the subject property because the proposed addition represents an improvement that could be permitted by right if the parcel conformed to the minimum width and area standards of City Code.

38 e. The existing, nonconforming size of the parcel—and its greatly reduced buildable  
39 area—was established decades ago, resulting in unique circumstances that were not  
40 created by the landowner.

41 f. Because the proposed addition would be other nearby properties, the variance, if  
42 approved, would not negatively alter the character of the surrounding residential  
43 neighborhood.

44 NOW THEREFORE BE IT RESOLVED, by the Roseville Variance Board, to approve  
45 the requested variance to §1004.08.B of the City Code, based on the proposed plans for the  
46 porch and home additions, the testimony offered at the public hearing, and the above findings.

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

51 WHEREUPON said resolution was declared duly passed and adopted.

