



1858  
RAMSEY COUNTY  
MINNESOTA

1281 HAMMOND ROAD  
WHITE BEAR TOWNSHIP, MN 55110

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Board of Supervisors  
**ROBERT J. KERMES, Chair**  
**ED M. PRUDHON**  
**STEVEN A. RUZEK**

**AGENDA**  
**VARIANCE BOARD MEETING**  
**FEBRUARY 14, 2018**

1. **8:00 a.m.** Call Meeting to Order at Township Office Conference Room, 1281 Hammond Road.
2. Approve Agenda (Additions/Deletions).
3. Approve Minutes of January 17, 2018.
4. **Vickie Baker, 5428 East Bald Eagle Boulevard** – Request for a 16.6' Right-of-Way Setback Variance; a 9.7% Green Area Variance; a 364' Garage Area Variance to Allow Construction of a New Home.
5. Added Agenda Items.
6. Adjournment.



**Variance Board Meeting  
February 14, 2018**

**Agenda Number:** 1 - 2 - 3

**Subject:** Call to Order – 8:00 a.m.  
Administrative Conference Room  
1281 Hammond Road

Approval of February 14, 2018 Agenda  
Approval of January 17, 2018 Minutes

**Documentation:** February 14, 2018 Agenda  
January 17, 2018 Minutes

**Action / Motion for Consideration:**

Call meeting to order:	7:30 a.m.
Approval of Agenda:	February 14, 2018 (additions/deletions)
Approval of Minutes:	January 17, 2018

**MINUTES  
VARIANCE BOARD MEETING  
JANUARY 17, 2018**

The meeting was called to order at 7:30 a.m.

Present: Members: Short, Johnson; Planning Commission Chair: Denn; Planner: Riedesel; Applicant: Nathan Landucci.

**APPROVE AGENDA:** The agenda was approved as submitted.

**APPROVE MINUTES:** Johnson moved approval of the November 30, 2017 Minutes. Denn seconded. Ayes all.

**NATHAN LANDUCCI, 5508 West Bald Eagle Boulevard – Request for: 35’ Right-of-Way Setback Variance; 17’ Lakeshore Setback Variance; 6’ Height Variance; .75’ side Setback Variance; 5.5% Green Area Variance; 100 Square Foot Guest Cottage Size Variance:** Riedesel summarized the proposal to replace the West Bald Eagle Boulevard garage, which is the garage lot for Bald Eagle Island, with a new structure. The new structure is proposed to include a guest cottage on the second story. The existing garage is 26’ wide x 24’ deep. A Conditional Use Permit is required to construct a guest cottage.

The Variance Board met with Mr. Landucci in November. At that meeting, the Variance Board recommended that the proposed guest cottage be reduced in area and the kitchen be eliminated from the proposal.

The garage lot is 2,613 square feet in area. The island is over an acre in area but cannot be tied to the island for tax purposes since it is located several hundred feet from the garage. The County will not tie the two together due to the distance between the structures which are in different sections. As a result, a 5.5% green area variance must be approved for the new structure.

The Variance Board discussed the requests and it was the consensus that the two properties should be tied together for zoning purposes. Since the County will not tie the

**MINUTES  
VARIANCE BOARD MEETING  
JANUARY 17, 2018**

properties together, the Variance Board would like to see a deed restriction on the properties which will keep the two properties together and cannot be separated.

Johnson noted that he has been doing research with regards to accessory buildings and state code. The State Building Code requires a building permit for any structure over 200 square feet in area. The Town requires a building permit for an accessory structure over 150 square feet currently. Johnson feels that a Zoning Permit should be issued for any accessory structure less than 200 square feet in area.

Johnson also feels that the maximum allowable height of accessory structures should be limited to less than it is now. There was discussion regarding Mr. Landucci's proposed building. It was noted that the proposed structure is considered a guest cottage.

The Variance Board discussed the details of Landucci's proposal. The size of the guest quarters was discussed, it was calculated by Nate Landucci as 672 square feet in area on the second story. The footprint of the garage is approximately 800 square feet.

The existing garage has a 0' setback from the right-of-way. The new structure is proposed to have the same setback (0'). The Variance Board discussed extending the driveway so the garage has a setback from the road. It was noted that adding to the driveway will increase the impervious area on the lot.

Johnson noted that an accessory structure cannot be used for sleeping. The plan revisions as presented by Mr. Landucci meet the recommendations of the Variance Board discussed at the November meeting.

Short asked Landucci – What the purpose of the guest cottage is proposed to be and how will it be marketed when the home is put up for sale?

Landucci plans to define the building as a refuge area when the weather makes crossing the lake dangerous.

Short noted that the Bald Eagle Island zoning district could be amended so the proposed accessory structure is defined as a "place of refuge" vs. a guest cottage.

Landucci prefers to call the proposed living quarters a "guest cottage" since it is currently permitted and regulated by the Ordinance. He noted that he has followed the direction given to him by the Variance Board, the size of the guest cottage is less than 400 square feet in area and improvements were eliminated from the cottage such as the kitchen.

Short suggested that due to the small size of the lot, the purpose of the structure should be limited to a "place of temporary refuge" vs. a guest cottage.

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VARIANCE BOARD MEETING  
JANUARY 17, 2018**

Landucci noted that the unit will see very little use and will not be used for rental purposes or living quarters, etc.

Short noted he supports the concept for the “temporary refuge”. He would like to see the garage lot tied to the island with added restrictions. He would also like to see the Town amend the Zoning Ordinance, eliminating the “commercial/residential recording and film post production studio” from the list of uses permitted in the BEI District.

Landucci can support the elimination of the “studio” from the list of Conditional Uses in the BEI District.

Short recommended the island and garage lot zoning be consistent as BEI. Short felt he could support a 31% coverage on the lot since the overall impervious area when the island is included in the calculation is much less than 25%. He also proposed the following additional requirements:

- The “temporary refuge” cannot be used more than 30 days per year.
- The “refuge area” cannot be used for more than 2 consecutive days.
- The garage lot shall be rezoned to BEI.
- Recording studio shall be eliminated from the list of Conditional Uses in the BEI District.
- Refuge area must be defined and included in the amendment to the BEI District.
- The Town will allow the use of a portion of the garage as a temporary refuge only so long as there is a house located on Bald Eagle Island.
- This is considered a unique and necessary connection to the island and is considered part of the island property.

The Variance Board requested Mr. Landucci submit a survey for the property.

Short recommended approval of the requested variances subject to the conditions described above. Johnson seconded. Ayes all.

The meeting adjourned at 9:15 a.m.

Respectfully Submitted,

Tom Riedesel  
Planner



**Variance Board Meeting  
February 14, 2018**

**Agenda Number:** 4

**Subject:** Vickie Baker, 5428 East Bald Eagle Boulevard – Request for a 16.6' Right-of-Way Setback Variance; a 9.7% Green Area Variance; a 364' Garage Area Variance to Allow Construction of a New Home

**Documentation:** Staff Memo  
Variance Application  
Plans

**Action / Motion for Consideration:**

Receive Information / Discuss

## MEMORANDUM

**TO: VARIANCE BOARD**  
**FROM: TOM RIEDESEL**  
**DATE: FEBRUARY 12, 2018**

**SUBJECT: NEW HOME CONSTRUCTION**

**REQUEST: 16.6' RIGHT-OF-WAY SETBACK VARIANCE**  
**9.7% GREEN AREA VARIANCE**  
**364' GARAGE AREA VARIANCE**

**LOCATION: 5428 EAST BALD EAGLE BOULEVARD**  
**APPLICANT: VICKIE BAKER**

Ms. Baker is requesting approving of a 16.7' right-of-way setback variance and a 9.7% green area variance to allow construction of a new home at 5428 East Bald Eagle Boulevard. The home is proposed to be a 2 story structure with a footprint of 1,693 square feet, which includes a 572 square foot attached garage. The existing home has a slightly larger footprint than the proposed home.

The lot area is 9,402 square feet, including both the home lot and the lakeshore lot between East Bald Eagle Boulevard and Bald Eagle Lake. The lot is 68.45' wide. The lot is considered an undersized lot of record.

The home is proposed to be set back 18.4' from the East Bald Eagle Boulevard right-of-way to a second story deck, 10' from the south side lot line, 22.7' from the north side lot line and 38' from the alley at the rear of the lot.

The existing garage on the property which is 733 square feet in area is planned to be retained. The coverage over the lot is proposed to be 3,264 square feet or 34.7% of the lot. The following variances are requested:

- A. 16.6' right-of-way setback variance from the East Bald Eagle Boulevard right-of-way.
- B. A 9.7% green area variance.
- C. A 364 square foot garage area variance.

### **Right-of-Way Variance:**

The existing home is proposed to be demolished and replaced with the proposed home. The existing home is located 26.2' from the right-of-way. The new home is proposed to be set back 29.1' from the right-of-way measured from the front face of the building. A

second story 9' deck is proposed on the lake side of the home, above an at grade patio. Existing homes on either side of the Baker lot are 24' from the right-of-way on the north side and 12.7' from the right-of-way on the south side. The proposed home location was designed to stay in line with the building setback in the neighborhood. East Bald Eagle Boulevard (the roadway pavement) is located 37' from the front property line of the Baker lot. A typical boulevard is approximately 15' in width (between the actual street and property line). Several years ago Ramsey County Public Works Staff provided a map to the Town which shows east and west Bald Eagle Boulevards being centered within a 66' right-of-way. Since the roads meander in and out of the right-of-way currently, the County has been releasing areas of the right-of-way beyond 33' from the center of the road to a property line. The purpose of this is to center the road within a right-of-way. The County map also shows areas along East and West Bald Eagle Boulevard which are to be acquired.

Since East Bald Eagle Boulevard is 37' from the front lot line, between 21-25' of right-of-way could be vacated in front of the Baker property. This area is greater than 1,455 square feet in area. If the excess right-of-way were to be released to the property owner, the proposed setback to the home would exceed 35', meeting right-of-way setback requirements.

#### **Green Area Variance:**

The proposed coverage on the lot is 3,264 square feet or 34.7% of the lot. This is slightly less than 3,319 square feet, which is the existing lot coverage. A 9.7% green area variance is requested. If the County (Township) were to release the excess right-of-way as described above, approximately 1,455 square feet of lot area would be added to the property. Applying this square footage to the green area formula creates a coverage area of approximately 30% of the lot meaning a 5% green area variance is still necessary.

Note: The applicant is considering using pervious pavers instead of concrete for the driveway in order to reduce the impervious area on the lot. If pavers are used, the impervious area would be reduced by 410 square feet. Creating a proposed impervious area of 26.2% requiring a variance of 1.2%. This percentage assumes vacation of a portion of East Bald Eagle Boulevard.

#### **Garage/Accessory Structure Square Footage:**

The final variance being requested is a 364 square foot garage/accessory building variance. A residential property in the Town may have up to 10% of a lot area covered by a garage and an accessory structure. Based on a 9,407 square foot lot, 941 square feet of garage/accessory structure is permitted. The applicant is proposing to keep a 731 square foot accessory structure on the property. This allows a garage to be constructed, provided that it is no larger than 210 square feet, without a square footage variance. The

proposed garage is 572 square feet in area. A 362 square foot garage area variance is requested.

If the additional right-of-way is released to this property, approximately 1,455 square feet could be added to the lot area. This would create a lot approximately 10,860 square feet in area which would permit 1,086 square feet of garage and accessory structure. With a total of 1,305 square feet of garage and accessory structure being proposed, a 219 square foot variance must be approved.

Vacation of a portion of East Bald Eagle Boulevard as shown on the Ramsey County right-of-way map has been approved for several properties along East and West Bald Eagle Boulevards and would create a larger lot and a greater setback from the East Bald Eagle Boulevard right-of-way. This would create a right-of-way setback which exceeds the 35' right-of-way setback requirement.

**Right-of-Way Setback Variance:**

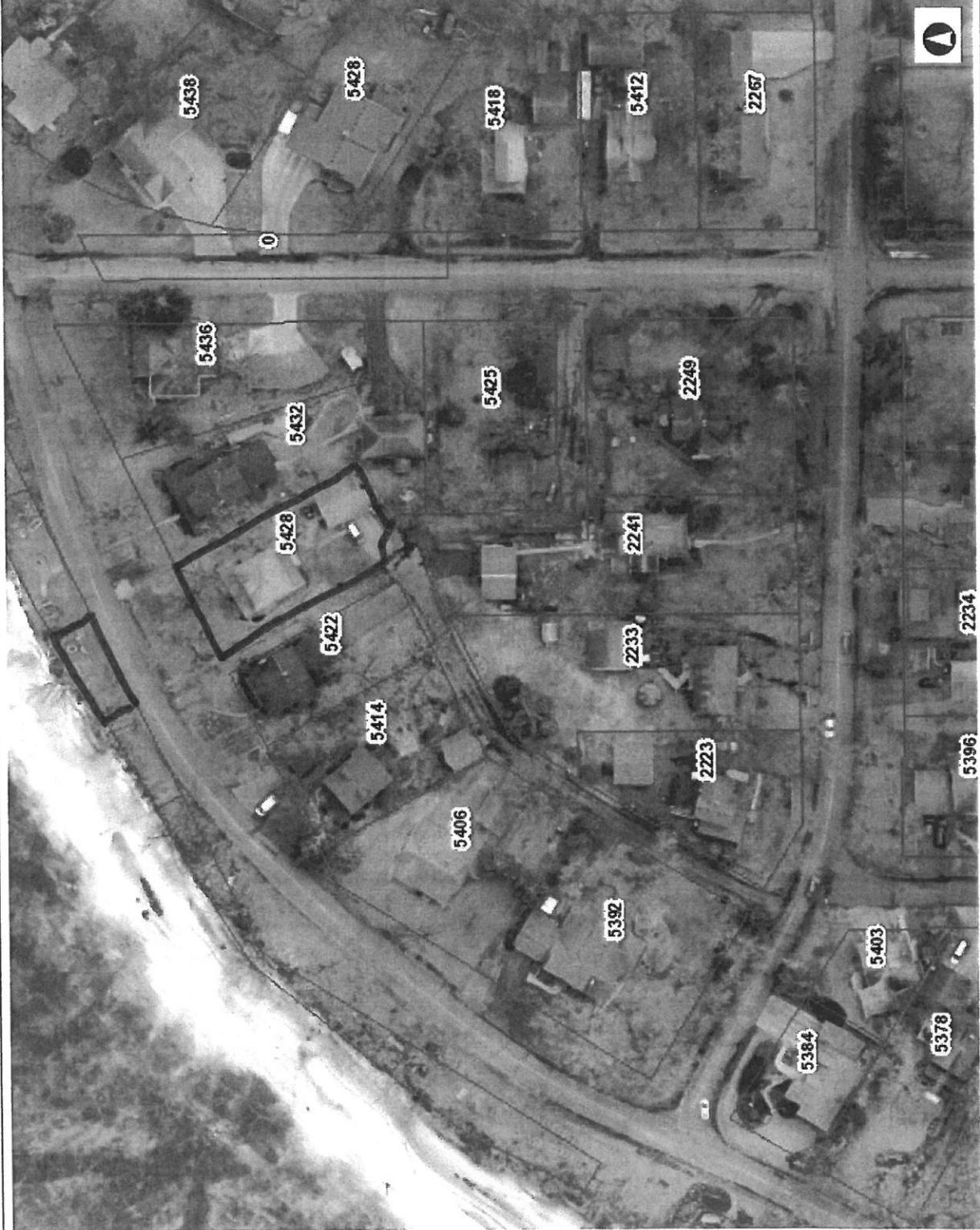
Staff recommends that the applicant apply for a vacation of the excess right-of-way along East Bald Eagle Boulevard, in order to eliminate the need for a right-of-way setback variance. The requested setback variance may be approved, subject to this requirement.

**Green Area Variance:**

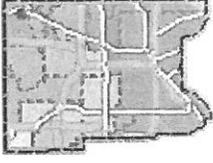
Staff recommends approval of a 1.2% green area variance requiring the applicant to request vacation of excess right-of-way and that the newly proposed driveway will utilize pavers which will reduce the green area variance requested so it is consistent with other green area variances approved by the Town.

**Garage/Accessory Building Square Footage Variance:** With vacation of a portion of the East Bald Eagle Boulevard right-of-way, a 219 square foot garage area variance must be approved. It is recommended that the Variance Board discuss reduction of the garage area to reduce the green area variance.

TR/psw  
cc:admin/add.file  
b:baker



**Legend**



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

**Notes**

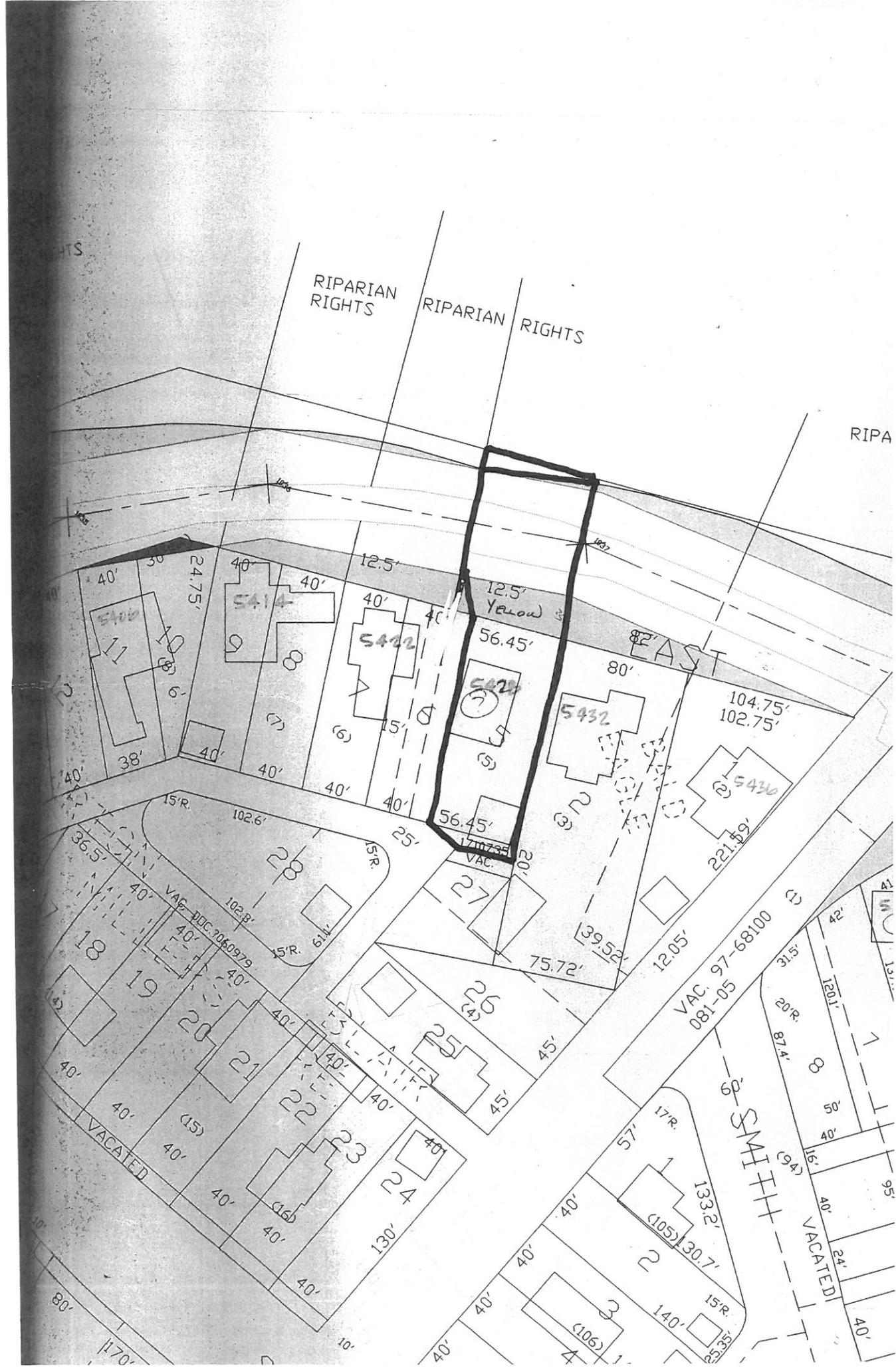
Enter Map Description

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**

200.0 0 100.00 200.0 Feet

NAD\_1983\_HARN\_Adj\_MN\_Ramsey\_Feet  
 © Ramsey County Enterprise GIS Division



RIPARIAN RIGHTS

RIPARIAN RIGHTS

RIPA

EAST

104.75'  
102.75'

VAC. 97-68100  
081-05

SMITH

VACATED

5400  
11  
38'  
40'  
24.75'

5414  
9  
40'  
40'

5422  
6  
40'  
40'  
12.5'

5427  
7  
56.45'  
40'  
12.5' Yellow

5432  
8  
80'  
56.45'

5436  
9  
221.59'

15'R. 102.6'

28  
102.8'

27  
25'  
170.735'

26  
20'  
75.72'

25  
45'

12.05'

36.5'

VAC. DEC 2060979

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1170'

130'

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40'  
40'

40'  
40'

17'R. 133.2'

57'  
130.7'

15'R. 55.35'

31.5'  
20'R. 87.4'

120.1'

42'  
50'  
40'  
95'

24'  
40'



# VARIANCE APPLICATION FORM

White Bear Township  
 1281 Hammond Road  
 White Bear Township, MN 55110  
 Phone 651-747-2750 Fax 651-426-2258  
[www.ci.white-bear-township.mn.us](http://www.ci.white-bear-township.mn.us)

## INTRODUCTION

Variations from the literal provisions of this Ordinance shall only be permitted when they are in harmony with the general purposes and intent of this Ordinance, and when the terms of the variance are consistent with the Comprehensive Plan. Variations may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the provisions of this Ordinance. "Practical Difficulties", as used in connection with the granting of a variance, means that the property owner proposes to use the property in a reasonable manner not permitted by this Ordinance; the plight of the landowner is due to circumstances unique to the property not created by the landowner; and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems. Variations shall be granted for earth sheltered construction as defined in Minnesota Statutes, when in harmony with this Ordinance. No variance may be granted that would allow any use that is not allowed in the zoning district in which the subject property is located. The Town Board may impose conditions in granting a variance that are directly related to and in rough proportion to an impact created by the variance. Conditions may be imposed in the granting of variations to insure compliance and to protect adjacent properties.

\_\_\_\_\_ Fee \$225

APPLICANT(S) Vickie Baker PHONE (Home) \_\_\_\_\_  
 (Business) \_\_\_\_\_  
 (Cell) 651-271-7248

ADDRESS 5428 Bald eagle  
Blud. East

PROPERTY OWNER Vickie Baker

ADDRESS OF SITE 5428 Bald eagle Blud East ZONING Single family

EXISTING USE OF SITE Home

DESCRIPTION OF VARIANCE REQUEST Setback

SETBACKS:	<u>Required</u>	<u>Existing</u>	<u>Requested</u>
<u>Lake-Front Yard</u>	<u>35</u>	_____	<u>18.4 to Deck</u>
Side Yard	_____	_____	_____
Side Yard	_____	_____	_____
Rear Yard	_____	_____	_____
Other (Specify)	_____	_____	_____

Applicant understands that the Variance Application fee will not be refunded if, after being submitted, the application is denied or the applicant chooses to withdraw.

It is the policy of White Bear Township that all identifiable costs associated with a Variance Application within the Township shall be the sole responsibility of the owner of said property. The costs shall include, but are not limited to the following: Township planning review costs (reports, meetings, site review); engineering review costs; legal costs (preparation of hearing notices, legal research, certification costs); publication costs (notice of hearing); reapportionment of assessments (engineers report); mailings and Ownership Reports (ownership/encumbrance).

Prior to the final approval by the Town Board, all Township expenses to date shall be paid by the owner. Subsequent expenses not paid at the time of final approval (due to billings by consultants, etc.) shall be due upon receipt of a billing from the Township.

Vickie M. Bates

2/8/18

\*Signature of Applicant(s)

Date

\*Prior to applying for a variance it is recommended that the applicant contact Town staff in order to discuss the proposal.

To Be Completed By Office:

Date Request Received \_\_\_\_\_

By \_\_\_\_\_  
(Staff Member)

\$225.00 Fee Received

Yes  
No

Date Application Complete \_\_\_\_\_



**Variance Board Meeting  
February 14, 2018**

**Agenda Number:** 5 - 6

**Subject:** Added Agenda Items  
Adjournment

**Documentation:**

**Action / Motion for Consideration:**

Added Agenda Items

Adjourn Meeting