



WHITE BEAR TOWNSHIP

1858
RAMSEY COUNTY
MINNESOTA

1281 HAMMOND ROAD
WHITE BEAR TOWNSHIP, MN 55110

651-747-2750

FAX 651-426-2258

Email: wbt@whitebeartownship.org

Board of Supervisors

ROBERT J. KERMES, Chair

ED M. PRUDHON

STEVEN A. RUZEK

AGENDA VARIANCE BOARD MEETING APRIL 17, 2018

1. **7:30 a.m.** Call Meeting to Order at Township Office Conference Room, 1281 Hammond Road.
2. Approve Agenda (Additions/Deletions).
3. Approve Minutes of March 13, 2018.
4. **Adam & Nicole Moore, 5707 Birch Road** – Request for 8.4% Green Area Variance to Allow a Driveway Addition
5. Added Agenda Items.
6. Adjournment.



**Variance Board Meeting
April 17, 2018**

Agenda Number: 1 - 2 - 3

Subject: Call to Order – 7:30 a.m.
Administrative Conference Room
1281 Hammond Road

Approval of April 17, 2018 Agenda
Approval of March 13, 2018 Minutes

Documentation: April 17, 2018 Agenda
March 13, 2018 Minutes

Action / Motion for Consideration:

| | |
|------------------------|--------------------------------------|
| Call meeting to order: | 7:30 a.m. |
| Approval of Agenda: | April 17, 2018 (additions/deletions) |
| Approval of Minutes: | March 13, 2018 |

**MINUTES
VARIANCE BOARD MEETING
MARCH 13, 2018**

The meeting was called to order at 7:50 a.m.

Present: Members: Short, Johnson, Planner: Riedesel; Applicant: Eric Hargesheimer.

Absent: Denn with notice.

APPROVE AGENDA: The agenda was approved as submitted.

APPROVE MINUTES: Short moved approval of the February 14, 2018 Minutes. Johnson seconded. Ayes all.

Eric and Bonnie Hargesheimer – 5226 E Bald Eagle Blvd. – Request for a Minor Subdivision and 5.7' Lot Width Variance to Allow Construction of a New Home on a Newly Created Lot. Riedesel summarized the proposal to split the lot into two parcels. Parcel A is proposed to be 41,553 sq. ft. in area and 135.7' wide. Parcel B is proposed to be 24,849 sq. ft. in area and 74.3' wide. An 80' lot width is required for a new lot. A 5.7' lot width variance must be approved.

The Hargesheimer's are planning to build a new one level home on Parcel B and sell Parcel A to their daughter.

The Variance Board discussed the configuration of the T-turnaround which encroaches into the side setback area on lot B.

Mr. Hargesheimer noted that the T-turnaround may be relocated or it will be constructed of a non-permanent surface as defined by the Town.

The Variance Board discussed the location of the deck on the east side of the existing home. The deck encroaches into the side yard setback area. Mr. Hargesheimer explained that the "deck" is not a deck but is a handicapped accessible ramp. Ramps, like front steps, are allowed to encroach into the setback area. He also noted that the ramp is much smaller than the area shown as "deck" on the site plan.

The Variance Board consensus was that this request is consistent with similar proposals in the neighborhood which have been approved by the Town.

Short moved to recommend to the Planning Commission to recommend to the Town Board to approve the lot width variance as requested for Parcel B since the lot area for each lot far exceeds minimum lot requirements. All setback requirements for the new home will be met. Johnson seconded. Ayes all.

The meeting adjourned at 8:05 a.m.



**Variance Board Meeting
April 17, 2018**

Agenda Number: 4

Subject: Adam & Nicole Moore, 5707 Birch Road – Request for
8.4% Green Area Variance to Allow a Driveway Addition

Documentation: Staff Memo
Variance Application
Plans

Action / Motion for Consideration:

Receive Information / Discuss

MEMORANDUM

TO: TOWN BOARD
FROM: TOM RIEDESEL
DATE: APRIL 13, 2018

SUBJECT: DRIVEWAY ADDITION
REQUEST: 8.4% GREEN AREA VARIANCE

LOCATION: 5707 BIRCH ROAD
APPLICANTS: ADAM & NICOLE MOORE

The Moore's are requesting approval of a 8.4% green area variance which would allow them to add to their driveway.

The Moore's are completing an addition which includes a garage with living space above it, on the Birch Road side of the home. The lot area is 9,583 square feet. It is a long, narrow lot with 40' of frontage on the Birch Road right-of-way.

The Moore's have found that the existing driveway will not allow them to access and exit the garage without damaging the yard. They would like to expand the driveway.

The Town requires lakeshore lots to not exceed 25% coverage. The Moore's would like to cover 33.4% of the lot requiring a 8.4% green area variance.

The Town has reviewed and permitted green area variances in this neighborhood. They include:

- A 7% green area variance was approved at 5735 Birch Road in 2002, a 9,148 square foot lot
- A 13% green area variance was approved at 5717 Birch Road in 2010, a 10,880 square foot lot
- A 9.9% green area variance was approved at 5711 Birch Road in 2005, a 9,583 square foot lot

The Moore's request appears to be consistent with others approved in the neighborhood.

When considering a variance request, Section 9-6.1 of the Zoning Ordinance must be reviewed. In addition, Section 9-6.4 of the Ordinance must be considered. These sections state:

9-6.1. GENERAL. The Town Board shall have the exclusive power to order the issuance of variances from the terms of this Ordinance including restrictions placed on non-conformities. Variances 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. Variances 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. Variances 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.

9-6.4. STANDARDS. In considering all requests for variance and in taking subsequent action, the Town Board shall approve the variance only if the following facts are established:

- (1). Without issuance of a variance, the provisions of this Ordinance would deprive the applicant of a reasonable use of property under the terms of this Ordinance.
- (2). That the special conditions and circumstances do not result from the actions of the applicant.
- (3). That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures, or buildings in the same district.
- (4). That the proposed action will not unreasonably increase the congestion on public streets.
- (5). That the proposed action will not increase the danger of fire or endanger the public safety.
- (6). That the proposed action will not unreasonably diminish or impair established property values within the neighborhood or in any other way be contrary to the intent of this Ordinance.

TR/psw
cc:asadmin/add.file
b:Moore



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

RECEIVED

APR 05 2018

TOWN OF WHITE BEAR

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.

 X Fee \$225

APPLICANT(S) Adam and Nicole Moore PHONE (Home) _____
 _____ (Business) _____
 (Cell) 651.261.8648

ADDRESS 5707 Birch Road
 White Bear Township, MN 55110

PROPERTY OWNER Adam and Nicole Moore

ADDRESS OF SITE 5707 Birch Road ZONING RES

EXISTING USE OF SITE Residential

DESCRIPTION OF VARIANCE REQUEST Green Space Variance for Driveway

| SETBACKS: | <u>Required</u> | <u>Existing</u> | <u>Requested</u> |
|-----------------|-----------------|-----------------|------------------|
| Front Yard | <u>MH</u> | _____ | <u>NO CHANGE</u> |
| Side Yard | _____ | _____ | _____ |
| Side Yard | _____ | _____ | _____ |
| Rear Yard | <u>✓</u> | _____ | _____ |
| Other (Specify) | _____ | _____ | _____ |

CHECKLIST:

- _____ Site Plan (with dimensions and to scale)
- _____ Building locations (dwelling, garage, accessory building).
- _____ Site improvements (fences, walks, lighting, decks, etc.).
- _____ Yard (front, side, rear, delineating setbacks).
- _____ Wetlands, lakes, streams, ditches including 100 year storm elevation.
- _____ Schedule (when does applicant intend to construct).
- _____ Additional information, if required.
- _____ Certificate of Survey, or full legal description.
- _____ Statements from affected (abutting) property owners. (If not provided, a public hearing will be scheduled with all property owners within 350' of your property being notified.)

REVIEW PROCESS:

1. Submit 1 copy of application and supporting information to the Township. Also submit 15 copies of all plans which exceed 11" x 17" in size. Any application must be received by the 1st Thursday of the month in which the applicant would like the Variance Board to review the proposal.
2. Variance Board _____ (Approximately one week prior to the Planning Commission Meeting, as necessary. Applicant will be notified of the time of the meeting.)
3. Planning Commission _____ (4th Thursday of the month @ 7:00 p.m. at the Town Hall).
4. Town Board _____ (3rd Monday of the following month @ 7:00 p.m. at the Town Hall).

STANDARDS:

The Town Board will approve a variance only if it satisfies the description in the INTRODUCTION on Page 1 of this form, and the following facts are established:

- 1. Without a variance, applicant would be deprived of rights commonly enjoyed by others in the same district.
- 2. The special circumstances do not result from actions of applicant.
- 3. Granting variance will not confer on applicant any special privileges.
- 4. Will not increase traffic congestion on public streets.
- 5. Will not endanger public safety.
- 6. Will not diminish established property value.

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.


*Signature of Applicant(s)

4/5/18
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 4/5/18

By Karen
(Staff Member)

\$225.00 Fee Received

Yes
 No

Date Application Complete _____

STATEMENT OF AFFECTED PROPERTY OWNERS

If a signed statement is not provided by the applicant for a variance, the Town Board shall order a public information meeting which will include printed notice to all property owners within 350' of the property where the variance is requested. Public Notice publication costs will be the responsibility of the applicant.

I am the owner of the property at: 5707 Birch Road. I am requesting that the Town of White Bear grant me a variance from Ordinance No. 35. for the following purpose:

I'd like to be allowed to have a reasonable driveway so I can get in and out of my garage without driving on the grass and be able to have guests over without them having to park in the street. My proposed driveway brings me to 66.6% green space, so im asking for another 3.4%, this will allow me to have a proper driveway.

My request will be reviewed by the Variance Board and the Planning Commission, with a final decision being made by the Town Board. I must provide the Board with a statement signed by the adjacent property owners, recording their comments relative to my request. Please feel free to write below any comments you may have regarding this issue. This statement must be signed and dated.

PROPERTY OWNERS

1. Name: Steve Erte Address: 5723 Birch Rd
Molly Erte Phone: (Home) _____
(Bus.) _____
(Cell) 612-386-7933

Comments: driveway to narrow prior to remodel. Plans look good to me

Date: 4/4/18 Signatures: [Signature], [Signature]

2. Name: Andy Cornwell Address: 5711 Birch Rd
LYAN CORNWELL Phone: (Home) _____
(Bus.) _____
(Cell) 651-231-7921

Comments: Drive is way to narrow plans are fine with us

Date: 4-4-18 Signatures: [Signature], [Signature]

3. Name: DAVE BOSSARO Address: 3717 BIRCH RD
Phone: (Home) _____
(Bus.) _____
(Cell) 612-363-3053

Comments: NEEDS TO BE WIDEN FOR SAFETY-

Date: 4-4-18 Signatures: [Signature]

4. Name: Joe Baeser Address: 5803 Lake Avenue
Phone: (Home) _____
(Bus.) _____
(Cell) 651-428-0219

Comments: Plans look good to me. Doesn't seem to be
an issue.

Date: 4/4/2018 Signatures: [Signature]

5. Name: Dale Deters Address: 5761 Lake
Phone: (Home) 651-653-5157
(Bus.) _____
(Cell) _____

Comments: I have no issues with plans

Date: 4/4/18 Signatures: [Signature]

6. Name: Mike Wippler Address: 5785 Lake Ave
Phone: (Home) 651-398-2868
(Bus.) _____
(Cell) 651-398-2868

Comments: I have no issues with plan.

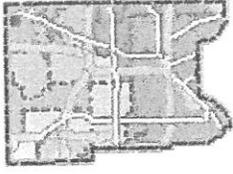
Date: 4/4/18 Signatures: [Signature]

7. NAME Thomas W Patrick ADDRESS: 5701 Birch Rd
PHONE: 651-729-3409

COMMENTS: no problems

DATE: 4-5-18 SIGNATURE: [Signature]

Legend



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



Notes

Enter Map Description

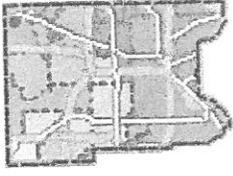
100.0 Feet



0 50.00 100.00 Feet

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

Legend



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

Notes

Enter Map Description



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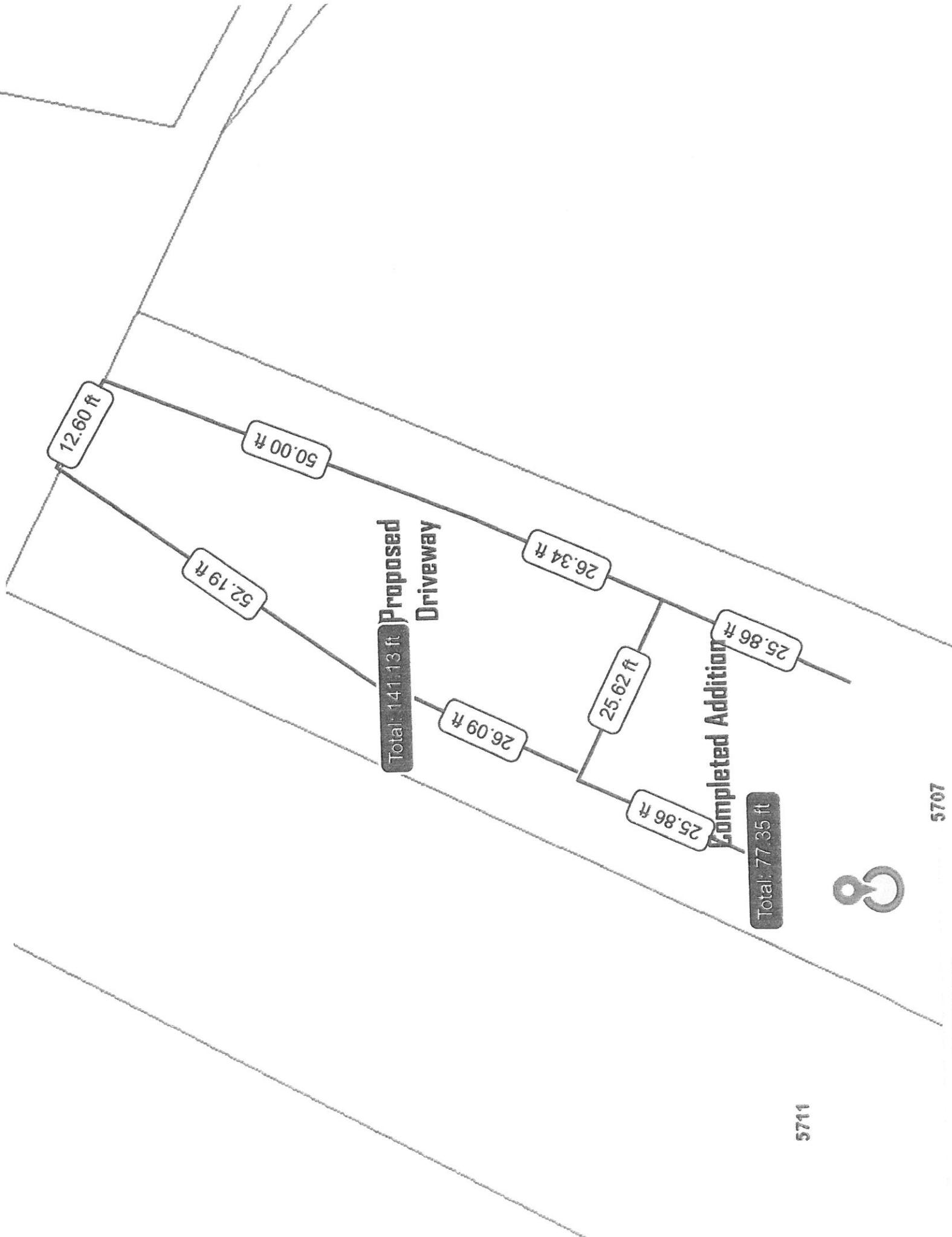
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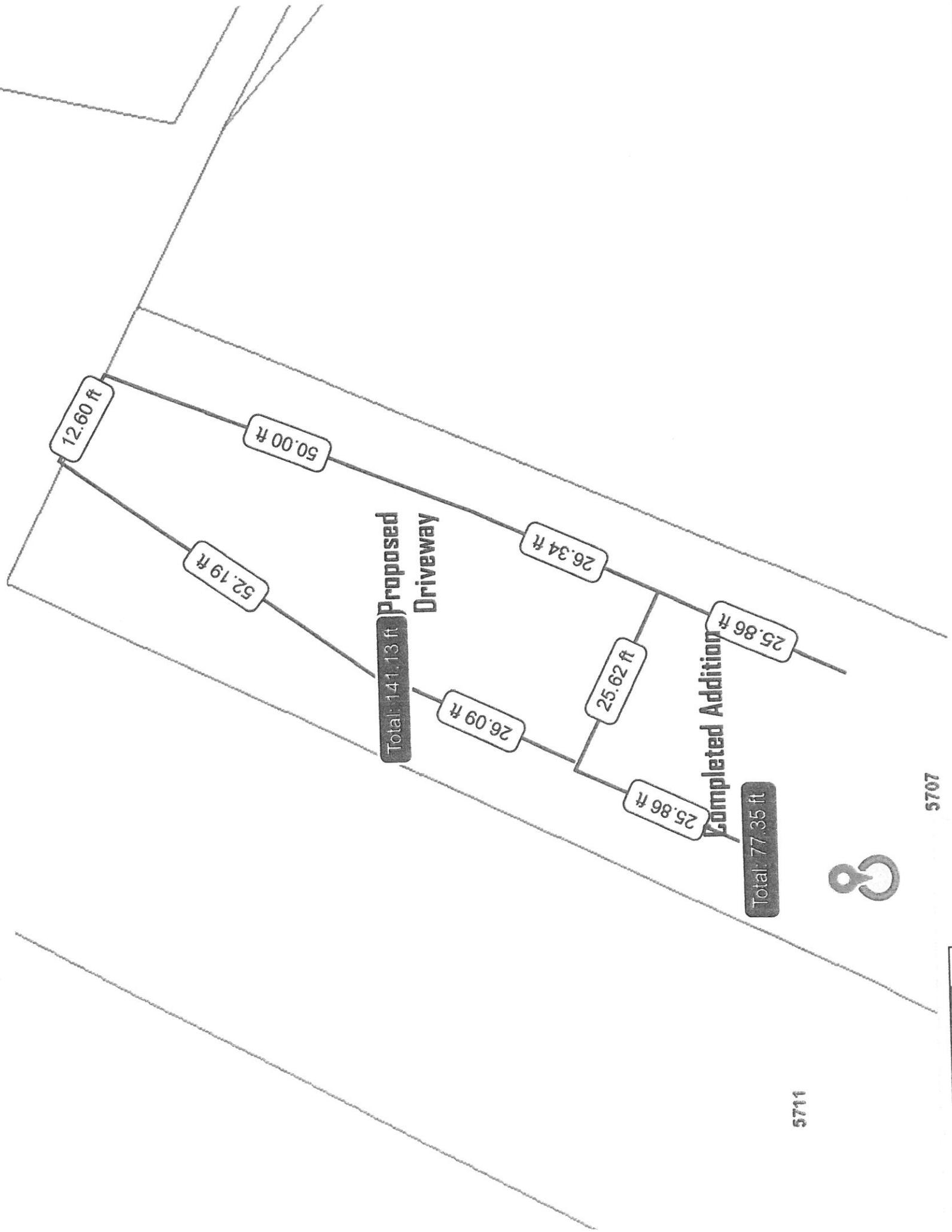
Total: 141.13 ft Proposed Driveway

Total: 77.35 ft Completed Addition

5711



5707



5711

5707

5707 Birch Road Driveway Construction Schedule

Start Date intended to be shortly after road restrictions are lifted, planning on week of May 14th.

Legal Description of 5707 Birch Road

Lot 12 Subdivision Cd 05039 Subdivision Name OVERLAKE, RAMSEY COUNTY,
MINNESOTA



**Variance Board Meeting
April 17, 2018**

Agenda Number: 5 - 6

Subject: Added Agenda Items
Adjournment

Documentation:

Action / Motion for Consideration:

Added Agenda Items

Adjourn Meeting