



WHITE BEAR TOWNSHIP

1858
RAMSEY COUNTY
MINNESOTA

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

1281 HAMMOND ROAD
WHITE BEAR TOWNSHIP, MN 55110

651-747-2750
FAX 651-426-2258
Email: wbt@whitebeartownship.org

AGENDA VARIANCE BOARD MEETING July 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 May 16, 2018.
4. **John & Kathryn Schwartz, 5605 Hugo Road** – Request for:
 - 35' Right-of-Way Setback Variance
 - 118 Square Foot Garage Area Variance
 - 16% Green Area Variance

to Allow the Addition of a Garage with Living Space.
5. Added Agenda Items.
6. Adjournment.

White Bear Township's Mission:

To provide White Bear Township residents, businesses and visitors with reliable, high quality municipal services while serving as open and responsible stewards of the public trust.





**Variance Board Meeting
July 17, 2018**

Agenda Number: 1 - 2 - 3

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

Approval of July 17, 2018 Agenda
Approval of June 20, 2018 Minutes

Documentation: July 17, 2018 Agenda
June 20, 2018 Minutes

Action / Motion for Consideration:

Call meeting to order:	7:30 a.m.
Approval of Agenda:	July 17, 2018 (additions/deletions)
Approval of Minutes:	June 20, 2018

**AGENDA
VARIANCE BOARD MEETING
JUNE 20, 2018**

The meeting was called to order at 7:35 a.m.

Present: Members: Short, Johnson, Denn; Planner: Riedesel; Applicant: Larkin Adey.
Absent: None.

APPROVE AGENDA: Denn moved approval of the agenda as submitted. Johnson seconded. Ayes all.

APPROVE MINUTES: Denn moved approval of the May 16, 2018 Minutes. Johnson seconded. Ayes all.

LARKIN & GINA ADEY, 5265 GRAND AVENUE – Request for a 16.4' Right-of-Way Setback Variance and a Minor Subdivision Requiring Lot Size & Width Variances to Allow Construction of a Front Entryway & Lot Subdivision: Riedesel summarized the proposal to construct a front entryway onto the home. The new entryway would replace an existing landing. The existing landing is located 18.6' from the Grand Avenue right-of-way. A 16.4" right-of-way setback variance is requested to add the entryway.

Riedesel also summarized the request to subdivide the lot into two parcels requiring an 18.03' lot width variance and a 3,002 square feet lot size variance for the proposed Parcel B. Parcel A, which has the Adey home and garage, exceeds the Town's lot size and square footage requirements.

The Adey property is located in the White Bear Beach neighborhood which has a variety of lot widths and sizes. Many of the lots platted in this neighborhood were 40'-50' wide. Many were combined to create larger lots. Several homes were constructed on smaller lots, however. On the Adey block there are 9 existing homes. Four of the homes are on 43' wide lots, one corner lot is 45' wide. The Adey lot is 171.88' wide. The remaining 3 lots are; 105 wide (corner lot), and two 86' wide lots one of which is a corner lot. Three of these lots are in the City of White Bear Lake.

The Variance Board reviewed other blocks in the White Bear Beach neighborhood surrounding the Adey block.

The Variance Board discussed the right-of-way variance for the porch addition. It was noted that the addition is not planned to be closer to the right-of-way than the existing landing. The Variance Board looked at the neighborhood and determined that the addition would be consistent in setback with other homes on the block and within the neighborhood.

**MINUTES
VARIANCE BOARD MEETING
JUNE 20, 2018**

Johnson moved to recommend to the Planning Commission to recommend to the Town Board to approve the 16.'4 right-of-way setback variance as requested as it would have the same setback as the existing landing structure, is consistent with other properties in the neighborhood, is similar to other variances issued in the neighborhood, and meets the standards set forth by the Zoning Ordinance to approve a variance. Denn seconded. Ayes all.

The Variance Board then discussed the subdivision and variance requests to create a new buildable lot.

There was considerable discussion on the variance process and creation of a lot which needs both square footage and lot width variances. It was noted that the Town has approved variances which require either a lot width or a minor square footage variance but not both. No similar subdivision and variance requirements have involved creating a lot this small or narrow.

The Variance Board consensus was that the requested variances would not meet the standards for approval but the Town could consider creating a new zoning district which could include the Bellaire, Bald Eagle and Beach neighborhoods. Smaller lot sizes and widths could be considered for the new zone.

Short moved to recommend to the Planning Commission to recommend to the Town Board to deny the variances to create a new lot due to the substandard area and lot width variances needed and the request does not meet the standards set forth by the Zoning Ordinance to approve the variances. Johnson seconded. Ayes all.

Short moved to recommend to the Planning Commission to consider a Zoning Ordinance amendment to create a new single family residential zoning district which would allow reduced lot sizes in older neighborhoods where there are already numerous small lots. Johnson seconded. Ayes: Short, Johnson. Nay: Denn.

Denn noted that he does not support the ordinance change since smaller lots and increased density will detract from the neighborhood.

The meeting adjourned at 8:45 a.m.

Respectfully Submitted,

Tom Riedesel
Planner



**Variance Board Meeting
July 17, 2018**

Agenda Number: 4

Subject: John & Kathryn Schwartz, 5605 Hugo Road – Request for:

- 35' Right-of-Way Setback Variance
- 118 Square Foot Garage Area Variance
- 16% Green Area Variance

to Allow the Addition of a Garage with Living Space.

Documentation: Staff Memo
Variance Application w/applicant Supporting Info /

Action / Motion for Consideration:

Receive Information / Discuss

MEMORANDUM

TO: VARIANCE BOARD
FROM: TOM RIEDESEL
DATE: JULY 13, 2018

SUBJECT: HOME ADDITION

REQUESTS: 35' RIGHT-OF-WAY SETBACK VARIANCE
118 SQUARE FOOT GARAGE AREA VARIANCE
16% GREEN AREA VARIANCE

LOCATION: 5605 HUGO ROAD
APPLICANTS: JOHN & KATHRYN SCHWARTZ
ZONING: R-1
PUBLIC HEARING: REQUIRED

Mr. & Mrs. Schwartz are requesting approval of 3 variances which would allow them to add a garage with living space to the home they recently purchased at 5605 Hugo Road. There currently is no garage on the property. The variances requested include:

- A 35' right-of-way setback variance which would allow construction of a garage with living quarters attached to the home and extending up to the Hugo Road lot line
- A 118 square foot garage area variance which would allow a 666 square foot garage on a 5,480 square foot lot
- A 16% green area variance which would allow the garage addition, a breezeway and front entry gable which is 884 square feet in area

Right-of-Way Setback: A 35' right-of-way setback variance is being requested to add the breezeway and garage which would connect to the home and extend towards Hugo Road up to the front lot line. A 0' setback is proposed. The breezeway is proposed between the home and garage with dimensions of 8' x 8'. The garage is proposed to be 24' x 33'. Approximately 126 square feet of the main level of the garage would have living area including a stairway which would lead to a second story bonus room.

Garage Area Variance: The proposed garage addition is 24' x 33' in area totaling 792 square feet. A portion of the garage is living area (126 square feet) leaving 666 square feet as garage area. The Schwartz lot is 5,480 square feet in area. A garage and/or accessory structure is permitted to cover up to 10% of the lot area, not to exceed 1,000

square feet per structure. The maximum garage area permitted, based on the lot square footage, is 548 square feet. A 118 square foot variance is requested.

Green Area Variance: The Schwartz lot is located in the Shoreland Management Zone which permits up to 25% lot coverage. Based on a 5,480 square foot lot, up to 1,370 square feet of the lot may be covered with impervious surfacing which includes the home, accessory structures, paved or concrete sidewalks or driveways. With an increase in impervious area planned, the Schwartz's are planning to remove the existing paved driveway and sidewalks in trade for the new addition. New sidewalks would be constructed of pavers or pervious surfacing. The total hard surface area within the lot to be eliminated is 1,112 square feet. The new construction which is the garage, breezeway and front entry gable equal 856 square feet or 256 square feet less hard surface on the property. This is a 4.7% decrease in overall impervious surfacing.

The Town has reviewed and approved several variances on Hugo Road. The following list summarizes the approved variances:

- 5543 Hugo Road A 13' lakeshore setback variance on a 12,197 square foot lot
- 5579 Hugo Road A 7% green area and 116 square foot variance for a garage in 1998 on a 6,970 square foot lot
- 5583 Hugo Road A 13' lakeshore setback variance on a 6,098 square foot lot
- 5593 Hugo Road A 15' right-of-way, 17' lakeshore and 1.167' side setback variance in 1998 on a 6,098 square foot lot
- 5599 Hugo Road A 25' right-of-way, 5' side and 43' lakeshore setback variances in 1988 on a 12,197 square foot lot
- 5611 Hugo Road A 9' side yard and 10' right-of-way setback variance in 1979 and a 2' side yard and 62' lakeshore setback variance in 1986 on a 5,227 square foot lot
- 5617 Hugo Road An 18' right-of-way setback variance for a new garage in 1995 on a 6,098 square foot lot
- 5641 Hugo Road A 3' side yard, 12' right-of-way setback variances in 1986 on a 5,227 square foot lot
- 5653 Hugo Road A 14' right-of-way, 33.5' lakeshore and 20% green area variance in 2003 on a 2,614 square foot lot
- 5657 Hugo Road A 1.8' side yard, 42' lakeshore, 15' right-of-way and 9% green area variances in 2003 on a 6,970 square foot lot
- 5661 Hugo Road A 21' right-of-way setback variance in 1981 and a 15' right-of-way setback and 10' lakeshore setback variance in 1989 on a 5,227 square foot lot
- 5669 Hugo Road A 40' lakeshore setback variance on a 2,614 square foot lot

Section 7-1.5 of Ordinance No. 35 states:

Front yard setback variances may be granted to conform to lesser setbacks of existing adjacent structures. For new structures, the minimum front yard setback shall not be less than 20'

It appears that this standard has been followed for the properties along Hugo Road with the following exceptions:

5661 Hugo Road (21' right-of-way setback variance)
5617 Hugo Road (18' right-of-way setback variance)
5599 Hugo Road (25' right-of-way setback variance)

The 10' setback for a garage at 5599, which abuts the Schwartz property, appears to have permitted the closest structure to Hugo Road. The Schwartz request would place their garage 10' closer to the right-of-way than the closest garage approved by the Town.

The following appears to be the greatest variances approved along Hugo Road:

- A 25' setback variance at 5599 for a garage. It should be noted that the garage at 5641 Hugo Road is 6.5' from the right-of-way. The Schwartz garage would have a 35' right-of-way setback variance as proposed
- A 215 square foot garage area variance at 5583 Hugo Road which permitted an 840 square foot garage. The Schwartz's are requesting a 118 square foot garage area variance.
- A 20% green area variance at 5653 Hugo Road. The Schwartz's are requesting approval of a 16% green area variance.

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



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
 JUL 09 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.

Check #12248 Fee \$225

APPLICANT(S) John D. Schwartz PHONE (Home) (651)770-8225
Kathryn K Schwartz (Business) _____
 ADDRESS 256 Windsor Lane (Cell) J(952)994-7250
Mahtomedi, MN 55115 K(651)271-0334

PROPERTY OWNER John & Kathy Schwartz
(Will purchase from the Strane's on 7/12/2018)

ADDRESS OF SITE 5605 Hugo Road, WB Township, MN ZONING R1

EXISTING USE OF SITE Lake home - year round

DESCRIPTION OF VARIANCE REQUEST See narrative provided in supporting materials.

SETBACKS: (in FT)	<u>Required</u>	<u>Existing</u>	<u>Requested</u>
Front Yard	<u>35</u>	<u>39 - 42</u>	<u>0 setback to northern property line</u>
Side Yard	<u>6.25</u>	<u>7.0</u>	<u>7.0</u>
Side Yard	<u>6.25</u>	<u>7.0</u>	<u>7.0</u>
Rear Yard/ Lake	<u>50</u>	<u>19 - 20</u>	<u>19 - 20</u>
Other (Specify)	<u>Max of 10% Lot Ft2</u>	<u>None-No Garage</u>	<u>13.5%</u> Max Size of Garage

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:

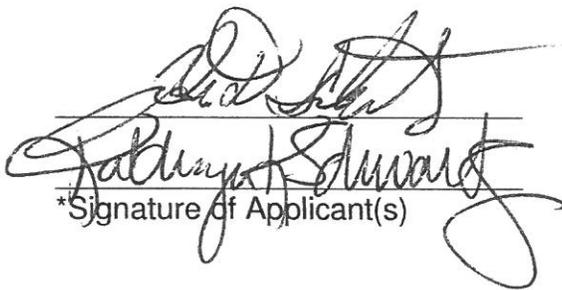
The Town Board will approve a variance only if it satisfies the description in the INTRODUCTION on Page 1 of this form, and the following facts are established:

- ___ 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)

7/9/2018
Date

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

<u>To Be Completed By Office:</u>		ck# 12248
Date Request Received	<u>7/9/18</u>	
By <u>Karen</u> (Staff Member)	\$225.00 Fee Received	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Date Application Complete	_____	

John & Kathi Schwartz
(J) 952-994-7250
(K) 651-271-0334

STATEMENT OF AFFECTED
PROPERTY OWNERS

SURVEY w/ PROPOSED
STRUCTURE AND
CHANGES TO INTERIOR
SURFACE ATTACHED

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: 5605 HUGO ROAD. I am requesting that the Town of White Bear grant me a variance from Ordinance No. 145014 for the following purpose:

BUILD A GARAGE W/ LIVING SPACE ABOVE IT
CONNECTED TO HOUSE W/ A BREEZE WAY

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: Janice Timmer Address: 5599 Hugo Rd
Phone: (Home) 651-6521-9566
(Bus.) _____
(Cell) _____

Comments: Concerned about garage-living space above
How high will this be? Blocking views of street when
pulling out of driveway
Date: 7-8-18 Signatures: Janice Timmer

2. Name: _____ Address: _____
Phone: (Home) _____
(Bus.) _____
(Cell) _____

Comments: _____
Date: _____ Signatures: _____ /

3. Name: _____ Address: _____
Phone: (Home) _____
(Bus.) _____
(Cell) _____

Comments: _____
Date: _____ Signatures: _____ /

John & Kateri Schwartz
(J) 952-994-7250
(K) 651-271-0334

**STATEMENT OF AFFECTED
PROPERTY OWNERS**

SURVEY w/ PROPOSED
STRUCTURE AND
CHANGES TO IMPERVIOUS
SURFACE ATTACHED

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: 5605 Hugo Road. I am requesting that the Town of White Bear grant me a variance from Ordinance No. VAS 000 for the following purpose:

BUILD A GARAGE W/ LINED SPACE BEHIND IT
CONNECTED TO HOUSE W/ A BRIDGE WAY

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: LeTourneau Address: 5611 Hugo Road
Phone: (Home) _____
(Bus.) _____
(Cell) _____
Comments: See attached

Date: _____ Signatures: 1

2. Name: _____ Address: _____
Phone: (Home) _____
(Bus.) _____
(Cell) _____
Comments: _____

Date: _____ Signatures: _____

3. Name: _____ Address: _____
Phone: (Home) _____
(Bus.) _____
(Cell) _____
Comments: _____

Date: _____ Signatures: _____

Greg and Jerre LeTourneau
5611 Hugo Road
White Bear Township, MN 55110

RE: Variance(s) requested by John and Kathy Schwartz for 5605 Hugo Road to construct a garage with second floor living space.

We are adjacent property owners to the north of 5605 Hugo Road and have concerns regarding the scope of this project.

Though we understand the Schwartz's desire to have a garage on this property we feel the aesthetics of the neighborhood were not totally considered in requesting this stand-alone structure.

Below are our comments in regards to the request for these variances:

1. Lacking an architectural drawing of the project, it is hard to visualize this 20' X 35' garage/living space being proportionate to the size of the lot. This structure as described is not only long but will require additional height to accommodate a second floor living space.
2. What are the actual variance(s) being requested? Ordinance No. is filled in as "various".
3. Parking and street set back – in 1979 we submitted blue prints to the planning committee for a remodel to our home with the exact footprint as the structure at 5605 Hugo Road. The adjustments we had to make on our project were mainly related to the garage setback for parking and backing out of our garage onto Hugo Road. We were required to downsize our garage to allow for four cars to be parked in our driveway and to allow proper exit from our garage to back onto the road. The drawing as it appears shows there is no room for parking on the driveway. In the winter where are any guests to this property going to park? The opposite side of Hugo Road is not useable in the winter due to the mounds of snow from the county snowplows.
4. The size of this structure near the property line will extremely limit the sight for us when backing out of our driveway to see vehicles and bikers coming from the south. This will also create a solid structure wall looking from our kitchen and yard. A structure with an eight foot breezeway, plus the 35 foot garage length, plus a two story height appears to be extremely oversized and feel this will decrease the value of our property.

The three homes at 5605, 5611, and 5617 Hugo Road were all originally built with identical footprints. The options for a garage addition to stay consistent with these surrounding homes are limited. We believe there is a more appropriate approach proportionate to the lot size as these three homes originally all had one stall garages as part of the structure.

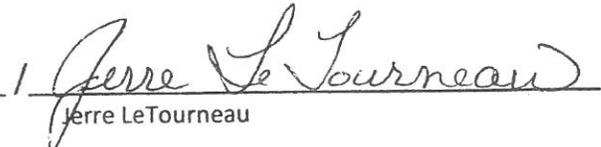
We live in close proximity to our neighbors residing on 50 foot lots. We want to encourage improvements to property but feel it needs to be a balance between making the property useable as well as being cohesive with the neighbors in close proximity.

Thank you,
Greg and Jerre LeTourneau
651.429.3251 home
612.272.2832 Jerre cell

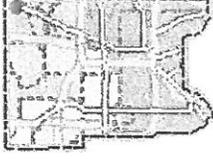
Date: July 8, 2018

Signatures:

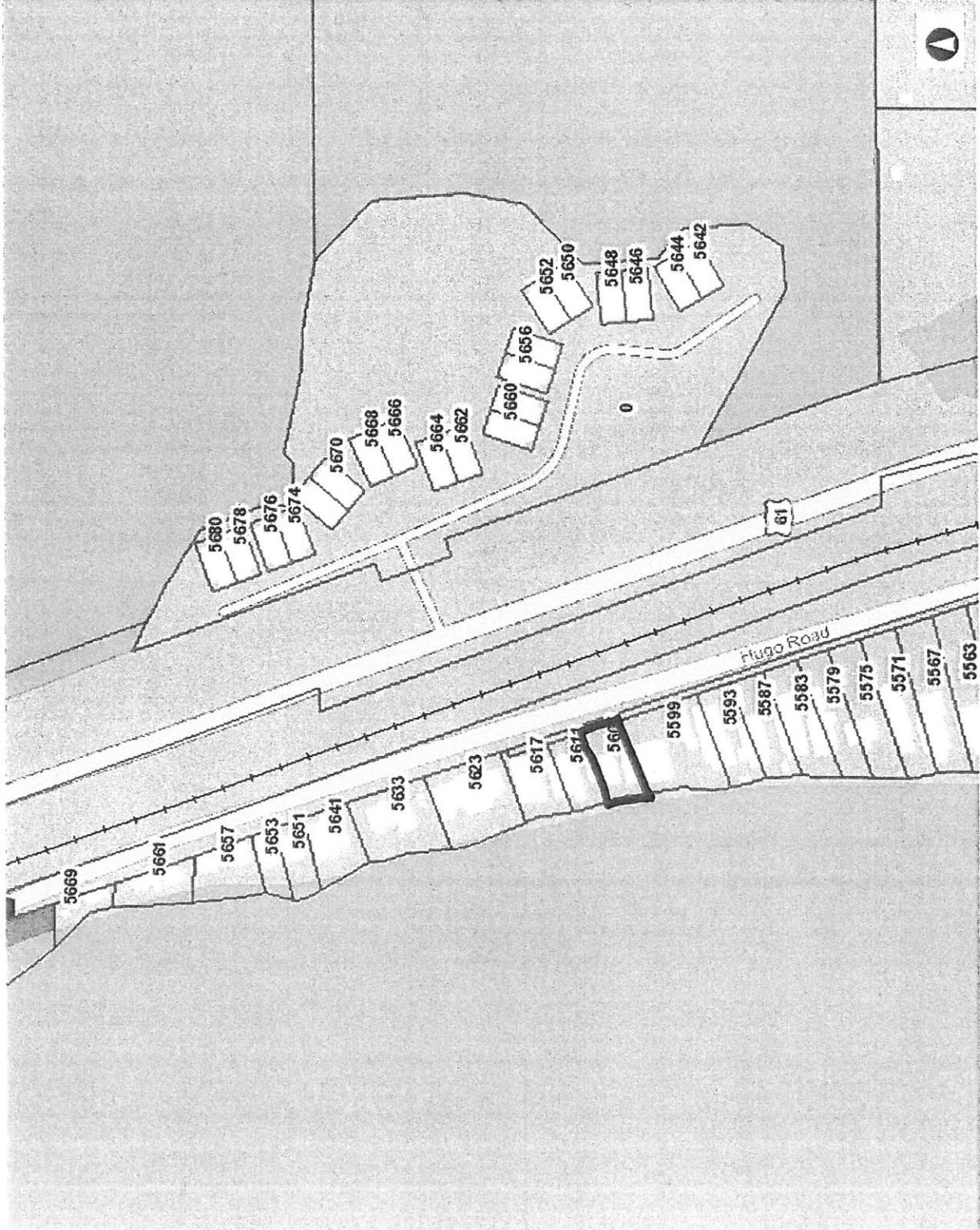

Greg LeTourneau


Jerre LeTourneau

Legend



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



400.0
200.00
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400.0 Feet

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THIS MAP IS NOT TO BE USED FOR NAVIGATION

Notes

Enter Map Description



200.0 100.00 200.0 Feet

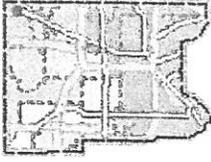


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THIS MAP IS NOT TO BE USED FOR NAVIGATION

NAD_1983_HARN_Adj_MIN_Ramsey_Feet
© Ramsey County Enterprise GIS Division

Legend



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

Notes

Enter Map Description

5605 Hugo Road, WB Township MN

***Variance Application Form and Supporting Materials
for Proposed Structure and Landscape Changes***

7/9/2018

Initial Submission

Table of Contents

- 1) **Proposed Structure and Landscape Changes**
- 2) **Precedence / Historical Variance Experience**
- 3) **Exhibit A:** Impervious Surface Calculation and Comparison: Existing Structure vs. Proposed Structure
- 4) **Exhibit B:** Hugo Road Comparison of Lot Size / Living Area / Garage Area
- 5) **Exhibit C:** Current Survey of 5605 Hugo Road (performed by Tim Kytoen)
- 6) **Exhibit D:** Current Survey of 5605 Hugo Road (performed by Tim Kytoen) including placement of new structures and removal of pervious surface
- 7) **Exhibit E:** To scale drawing of the layout of the internal space for proposed garage and breezeway
- 8) **Exhibit F:** Public Information and supporting materials for precedence
- 9) **Exhibit G:** White Bear Township Variance Application and Statement of Affected Property Owners

5605 Hugo Road, WB Township MN

Proposed Structure and Landscape Changes

Our Goals:

- Improve control of water flow via 1) reduction of current footprint of impervious surface and 2) add water management strategies to the dwelling
- Have the footprint of the existing house remain unchanged
- Retain as much of the existing front yard as possible
- Add garage and additional future living space to bring our living space more in line with others and to maintain/increase property value over time

Proposed Structure and Landscape Changes

Existing House:

- *NOTE: No expansion or change to footprint of existing foundation/house*
- Shift Entry to south end of dwelling and attache gable to front of house
- Connect to new proposed garage structure via 8' X 8' breezeway

Proposed New Addition of Garage, Bonus Room and Paver Driveway:

- *NOTE: the current dwelling and structure does NOT have a garage*
- Proposed additional garage structure:
 - 24' (north/south) X 33' (east/west) garage space
 - running towards the road and parallel with northern edge of existing house structure
 - set back 8' from eastern edge of the existing house structure
 - The proposed garage will be 2 stories to include "bonus room" future living space
 - The proposed garage will be external and free standing, but connected to the existing house structure via an 8' X 8', four-season breezeway
 - The proposed garage structure will end approximately 18' 7" from the existing road edge, even with the northern edge of the current lot line
- The existing > 1,000+ Ft² of impervious tar driveway surface will be replaced with a smaller footprint of a combination of:
 - Grass: running along the northern edge of the new proposed garage
 - Fully guttered and controlled water flow coming from the garage roof and breezeway roof surface
 - Approximate 16' 7" X 24' area of semi-permeable paver driveway surface, stretching from the end of the garage to the existing road edge

Other Proposed Enhancements:

- Eliminate all concrete sidewalk and tar surfaces
- Add semi-permeable sidewalk surfaces to front yard (from Garage to revised house front entry), from breezeway to deck on north yard and landing for lakeside frontage
- Eliminate the rock landscape on the north property line with grass and paver walkway

Precedence - Publically Available Information on Past Hugo Road (and Township) Variances

In preparation for the application submission, we performed research using the publically available information for the residences on Hugo Road:

- 1) The public files located at the White Bear Township
- 2) The online information, maps and tools\ available on the official Ramsey County, MN website

Note: Due to the inconsistent standards in play across the various Survey's done for Hugo Road lots, comparisons were often hampered by missing / incorrect measurements and renderings of anchor points (e.g., Hugo Road Centerline vs. lot drawn as beginning at edge of road). We have included them where found to be valid, but, other examples of Garage placement on property and set backs currently in place exist but could not be used with confidence.

Ordinance: Garage can be no larger than 10% of lot size as measured in FT²
(See copies of publically available information as support in **Exhibit F** and **Exhibit B**)

Exhibit B summarizes lot size to garage size ratio's:

- Nearly ~~10%~~ 10% of lots included in research (15...12 with garages currently) **exceed** the 10% of lot size ordinance for garage sizing limits.
- 42% of lots are within 5% of ordinance cap -- we are proposing: 12.6% of total lot size.
- **Exhibit F9.3** provides precedence for a variance granted for 840 Square Foot garage for 5583 Hugo Road -- 215 square foot variance

Ordinance: Setback from Right of Way (Hugo Road) must be 35 feet

(See copies of publically available information as support in **Exhibit F**)

- Two lots south of 5605 Hugo Road, **5587 and 5599 (directly adjacent on south property line)** have garages that are closer to the right of way than we are requesting; both are larger lots presumably with room to have had further setback
- Please see **Exhibits F3.2 and F4** (copy of a survey of the 5599 property
- **Exhibit F5** cites set back accommodations made for lot 5587 due to "undersized lot"; at 6,047 square feet the lot is larger than that of 5605
- **Exhibit F6** cites a variance precedence granted for lot 5617 due to other lots being "closer to the right of way than requested"
- **Exhibits F7, F8 and F11** cite the requested set back variances that have been granted for numerous lots (list their addresses) with attention paid to under-sized lots (like 5605)

Ordinance: Mandatory % of green space/pervious surface are

(See copies of publically available information as support in **Exhibit F** as well as the impervious surface summary in **Exhibit A** and layout of plans in **Exhibit D**)

- With proposed removal/reduction of all tar and concrete and replacement with pavers, our proposed plan:
- **Reduces** overall impervious surface area on the lot **by 23%**
- **Reduces** total Impervious Surface Area / Total Lot Square Footage from **53% down to 41%**
- **Exhibit F10.1** is an example of the many successful requests for variance to the expectations of this ordinance -- we chose to take this opportunity to make a dramatic impact on 5605

Exhibit A

Impervious Surface Calculation and Comparison: Existing Structure vs. Proposed Structure

SOURCE: Survey performed by Mathew T. Kytönen

	Existing Structure	Proposed Structure	(Reduction) Increase To Existing Structure
<u>Impervious Surfaces Footprint (Ft²):</u>			
House	1,367	1,367	-
Garage	-	792	792
Breezeway	-	64	64
Revised Front Entry Gable	-	28	28
Total Dwelling	1,367	2,223	856
<u>Water Control / Gutter System on Dwellings</u>			
	NO	YES	YES
Tar Driveway Within Lot Line	760	-	(760)
Tar Driveway From Lot Line to Road Edge	420	-	(420)
Total Driveway Surface	1,180	-	(1,180)
Total Sidewalk	352	-	(352)
Total Impervious Surface Ft² - Before Semi-Impervious Surfaces:	2,899	2,223	(676)
<u>Semi-Impervious Surfaces Footprint (Ft²):</u>			
Rocks (North Side of House)	195	-	-
Paver Driveway From Garage to Road Edge	-	400	400
Paver Walkways (Front Yard / North Yard)	-	294	294
3 Foot Paver landing across lake side of the house	-	73	73
Subtotal	195	767	572
Conversion Factor	0%	0%	-
Total Semi-Impervious Surface Footprint	-	-	-
Total Impervious + Semi-Impervious Surface FT²:	2,899	2,223	(676)
Current Lot Size To OHWL (Ft²):	5,480	5,480	-
Total Impervious + Semi-Impervious Surface FT² %:	53%	41%	-12%

Part in underlined
in calculation

5400 + 1070
540
960
960
2011
2011

Exhibit B

Hugo Road Comparison of Lot Size / Living Area / Garage Area

Source: Ramsey County MapRamsey Interactive Map

<https://maps.co.ramsey.mn.us/Html5Viewer/index.html?configBase=https://maps.co.ramsey.mn.us/Geocortex/Essentials/REST/sites/MapRamsey/viewers/MapRamsey/virtualdirectory/Resources/Config/Default>
 Comparison of 15 lots: from 5583 in the south to 5669 in the north

Address	Lot Sizes	Living Area Sizes	Garage Sizes	Living Area Percentage of Lot Size**	Garage FT ² / Lot Size FT ² (Counting Double Lots As 1 Lot In Calculation)	Garage FT ² / Lot Size FT ² (Counting Double Lots As 2 Lots In Calculation)	Average
1 5669	2,613.6	480.00	No Garage	18.37%			
2 5661	5,227.2	844.00	520.00	16.15%	9.95%	9.95%	9.95%
3 5657	3,049.2	2,542.00	616.00	83.37%	20.20%	20.20%	20.20%
4 5653	2,613.6	1,652.00	420.00	63.21%	16.07%	16.07%	16.07%
5 5651	3,920.4	704.00	No Garage	17.96%			
6 5641	5,227.2	1,466.00	528.00	28.05%	10.10%	10.10%	10.10%
7 5633	9,147.6	2,212.00	476.00	24.18%	5.20%	5.20%	5.20%
8 5623*	11,761.2	2,326.00	704.00	19.78%	5.99%	11.97%	8.98%
9 5617	6,098.4	2,828.00	768.00	46.37%	12.59%	12.59%	12.59%
10 5611	4,791.6	2,272.00	480.00	47.42%	10.02%	10.02%	10.02%
11 5605	5,270.8	1,776.00	No Garage	33.70%			
12 5599*	12,196.8	2,426.00	864.00	19.89%	7.08%	14.17%	10.63%
13 5593	6,098.4	2,604.00	730.00	42.70%	11.97%	11.97%	11.97%
14 5587	6,098.4	2,478.00	440.00	40.63%	7.22%	7.22%	7.22%
15 5583	6,098.4	4,448.00	840.00	72.94%	13.77%	13.77%	13.77%
Average	6,014.2	2,070.53	615.50	38.31%	10.85%	11.94%	11.39%
5605 Hugo Rd. w/ Proposed Garage	5,270.8	1,776.00	666.00 ***	33.70%	12.64%	12.64%	0.02%
Variance From Average	743.4	294.53	(50.50)	4.62%			

Summary of Above Findings Regarding 10% of Lot Size Max Garage Ordinance:

% of Lots that comply with the 10% of Lot Size Max Garage Ordinance (1)	42%
% of Lots within a 5% variance of the 10% of Lot Size Max Garage Ordinance (1)	42%
% of Lots greater than a 5% variance of the 10% of Lot Size Max Garage Ordinance (1)	17%

NOTE: At 33.70% of total lot size, the current living area square feet as a % of total lot size for 5605 ranks it in the middle of the 15 lots in the analysis -- 5% lower than the average.

With the planned additional living space above the garage, 5605 would have just 10% more living space than the average across the 15 lots included in the analysis.

*Denotes address with "double"/oversized lots

**Includes Foundation AND Multiple Levels If Applicable

*** FT² of Proposed Garage for 5605 uses entire foundation size less portion used as breezeway pushed into garage space: (24*33) - (9*14) = 714 (see attached Exhibit of scaled drawing of intended use of space)

(1) Calculation EXCLUDES lots that currently have no garage (i.e., total used for % denominator is 12)

Garage % of Lot Size

- 0.00% = Blue
- 0.01% - 10.00% = Green
- 10.00% - 15.00% = Yellow
- 15.00% & Over = Red



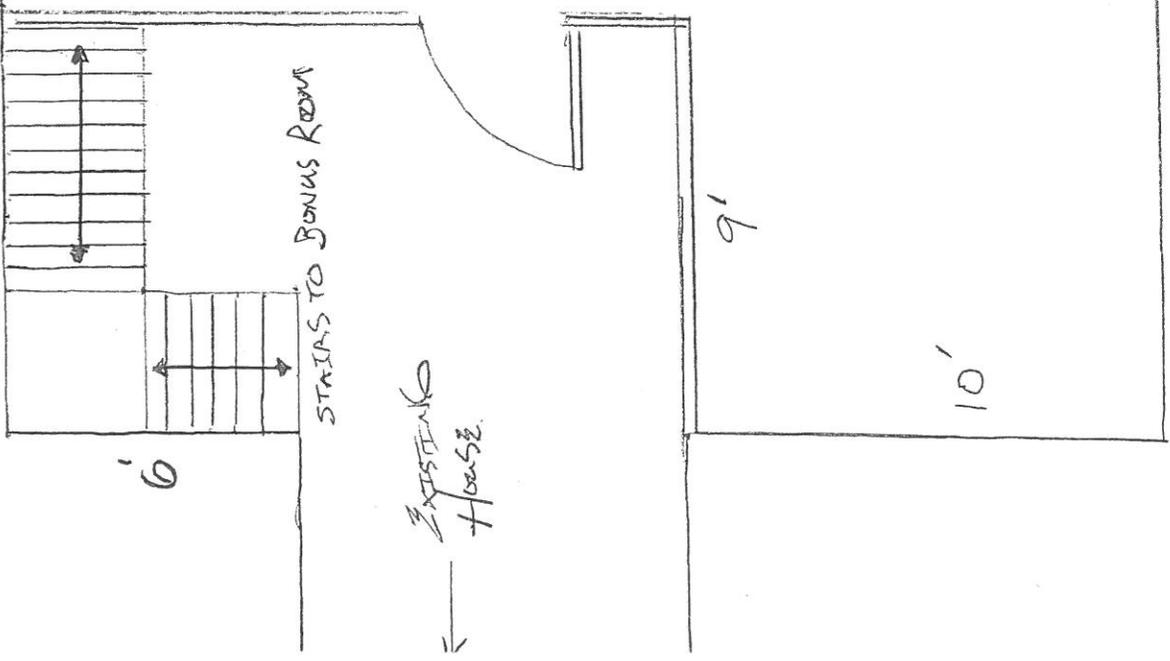
HUGO ROAD

21x12
576
40
160

EXHIBIT E

24'
GARAGE

33'



EXISTING HOUSE

PROPOSED LAYOUT OF GARAGE + BONUS ROOM
5605 HUGO ROAD
WHITE BEAR TOWNSHIP, MN

—=— DENOTES FINISH DOOR + WALL

SCALE 1/4" = 1 FOOT



**WHITE BEAR
TOWNSHIP**

1858
RAMSEY COUNTY
MINNESOTA

John
F-I

1281 HAMMOND ROAD
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Board of Supervisors

ROBERT J. WEISENBURGER, Chairman

RICHARD A. SAND

LINDA J. FORD

**MINUTES
PLANNING COMMISSION
MAY 28, 1998**

The meeting was called to order at 7:12 p.m.

Present: Metcalf; Marquardt, Moeller, Patrick and Terry; Town Board Liaison: Sand; Planner: Riedesel.

Absent: Prudhon, with prior notice.

APPROVAL OF APRIL 23, 1998 MINUTES: Metcalf moved to approve the Minutes of April 23, 1998, as submitted. Terry seconded. Ayes all.

APPROVAL OF AGENDA (Additions/Deletions): Moeller moved to approve the Agenda, with the following amendment: Table Consent Agenda Item 5D) Bellaire Dock Association - Request for Two 1 1/2' Side Yard Setback Variances to Install 3' Wide Dock - Approximately 2597 South Shore Blvd. (20' Easement). Metcalf seconded. Ayes all.

WELCOME AND OATH OF OFFICE: Patrick administered the Oath of Office to new Planning Commission member, Ron Marquardt. Introductions were made, and Marquardt was welcomed to the Commission.

Riedesel noted that M. Ann Buck, who was slated to take the Oath of Office, tendered her resignation verbally, citing a busy schedule, which would affect her meeting participation.

CONSENT AGENDA: Moeller moved to approve the Consent Agenda, as follows:
5A) Paul and Sherri Chapin Request to Exceed 1,000 Square Foot Garage Size Requirement - 5223 West Bald Eagle Boulevard; 5B) Bill Hartman - Request for 9' Front Yard Setback Variance and 1-1/2' Side Yard Setback Variance to Construct Second Story Addition - 5790 Lake Avenue; 5C) James and Donna Commander - Request for 16'- 6" Lakeshore Setback Variance and 24'- 6" Front Yard (right-of-way side) to Construct 4' Addition - 5623 Hugo Road; 5D) Table Bellaire Dock Association - Request for Two 1 1/2' Side Yard Setback Variances to Install 8' Wide Dock - Approximately 2597 South Shore Blvd. (20' Easement); 5E) Jason and Sarah Kramer - Request for 14' Front Yard Setback Variance to Construct Front

file
file
file
file + fut
file



CERTIFICATE OF SURVEY

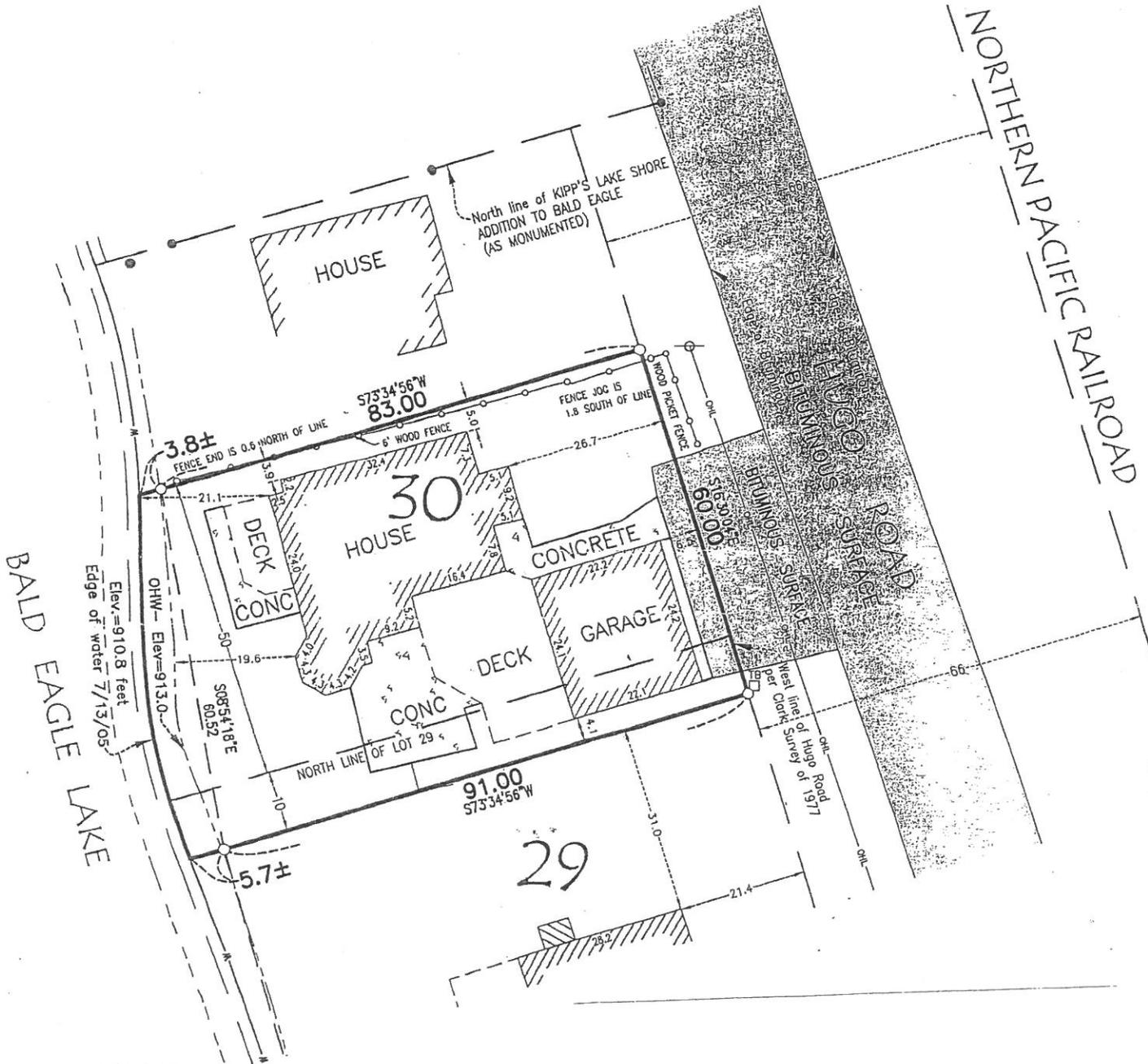


For: **MARIE MORTEK**
5641 HUGO ROAD
WHITE BEAR TOWNSHIP, MN 55110

F-2

DESCRIPTION:

The Northwesternly 10.00 feet of Lot 29 and the Southeasterly 50.00 feet of Lot 30, KIPP'S LAKE SHORE ADDITION TO BALD EAGLE, Ramsey County, Minnesota.



NOTES:

- Denotes iron monument found
 - Denotes iron monument set
 - ☒ Denotes Telephone Box
 - ⊕ Denotes Power pole
 - OHL— Denotes Overhead Line
- Elevations are on NGVD 1929

Minutes
Board of Supervisors Meeting
December 5, 1988

F-3.1

Jungkunz moved to receive the report of Planner Short relating to the December 1, 1988, Planning Commission meeting. Sand seconded. Ayes all.

Jungkunz moved to authorize the expenditure of \$440 to replace the carpet for the Town Planner's office. Sand seconded. Ayes all.

Sand moved to table agenda item 6.c.2. relating to the Town Commissions meeting to the end of the meeting. Jungkunz seconded. Ayes all.

Sand moved to table the request of Edwin Timmers to later in the meeting. Jungkunz seconded. Ayes all.

Sand moved to table the Permitted Use Standards request for Schwing-America to later in the meeting. Jungkunz seconded. Ayes all.

Robert Hamilton, 5837 Hobe Lane, appeared to report on the shed located at his property and stated it had been moved. The Board directed the Code Enforcement Officer to confirm same. *file*

Sand moved to table the Ness property drainage issue to later in the meeting. Jungkunz seconded. Ayes all.

Mary Ayde of Lake Sanitation appeared to discuss the Ramsey County Household Hazardous Waste Program and how White Bear Township could participate with an ongoing means for residents to dispose of household quantities of hazardous waste by establishing one semi-permanent collection site on a trial basis. Jungkunz moved the authorization of the Clerk-Treasurer to proceed with the proposal presented by Mary Ayde. Sand seconded. Ayes all.

Jungkunz moved to authorize the Attorney to draft an anti-scavenger ordinance relating to recycling. Sand seconded. Ayes all.

The Engineer submitted preliminary cost estimates for the Timber Hills Improvements project based on the plans and specifications and stated the plans and specs would be ready for review at the December 20th meeting. The Board felt the project needs further consideration by both the Town and Timber Hills residents and directed the Clerk to draft an agenda relating to the project for the December 20th meeting and to advise Timber Hills residents by letter. *Ba*

Sand moved to take off the table the request of Edwin Timmers. Jungkunz seconded. Ayes all. *file*

Planner Short reviewed the request of Edwin Timmers, 5599 Hugo Road, for three variances: a 25' front yard, a 5' side yard variance and a 45' lakeshore setback variance for a home addition. The Board discussed the objection made by Mr. Timmer's neighbor, Mr. Strain, and Planner Short stated Mr. Timmers had modified his plan and felt Mr. Timmers had met the needs of

F-3.2

satisfying the neighbor's concerns. The Board directed the Planner to contact Mr. Strain advising him of the Board's action. Sand moved, based upon Planning Commission recommendation, to grant a variance to Mr. Timmers at 5599 Hugo Road for the following: a 25' setback variance off of Hugo Road, a 5' setback variance on the south property line (both variances for the garage) and a 43' setback variance off of the lake, the reason being it is an existing lot of record on Hugo Road and that because of the lot configuration as it relates to the depth, it has a greater setback than the neighboring property owners and to direct the Planner to contact the neighbor to the North to verify his concurrence with the proposal and that the proposal appears to satisfy the neighbor to the North and that the Board will discuss this matter further if there is a conflict with the neighbor. Jungkunz seconded. Ayes all.

fel
&
PC

Sand moved to take the Ness property drainage issue off the table. Jungkunz seconded. Ayes all.

Elizabeth Ness, 5395 Eagle Street, appeared to discuss the drainage problem on her property and adjoining properties and her request for a solution due to her property being sold. The Board discussed the problems and possible solutions to the drainage problem with Ms. Ness, Mr. Lindbloom and Mr. Chapin and other neighbors present at the meeting. The Engineer reviewed his report of December 2, 1988, submitted at the meeting. The Board directed the Engineer and Planner to review the properties in question relating to drainage improvements and to submit reports at the December 20 meeting.

fel

Sand moved to take off the table the Schwing-America matter. Jungkunz seconded. Ayes all.

Clayton Anderson of Steel Structures, contractor for Schwing-America, appeared to request approval of the Permitted Use Standards for the construction of a new building north of Schwing-America's site and submitted a parking layout and master parking plan of the site as requested by the Planning Commission at their December 1st meeting. Planner Short reviewed the recommendations of the Planning Commission. Sand moved to grant concept approval to the Schwing-America improvement and grant a building permit for construction of a 20,440 sq. foot building on the property. Jungkunz seconded. Ayes all. Sand moved to direct the Planner to report back in 30 days relating to the agreement as to landscaping and parking and development of the overall site. Weisenburger seconded. Ayes all.

PC
&
F

Sand moved to approve the installation of street lights on Pioneer Lane pursuant to the request set out in the petition. Jungkunz seconded. Ayes all.

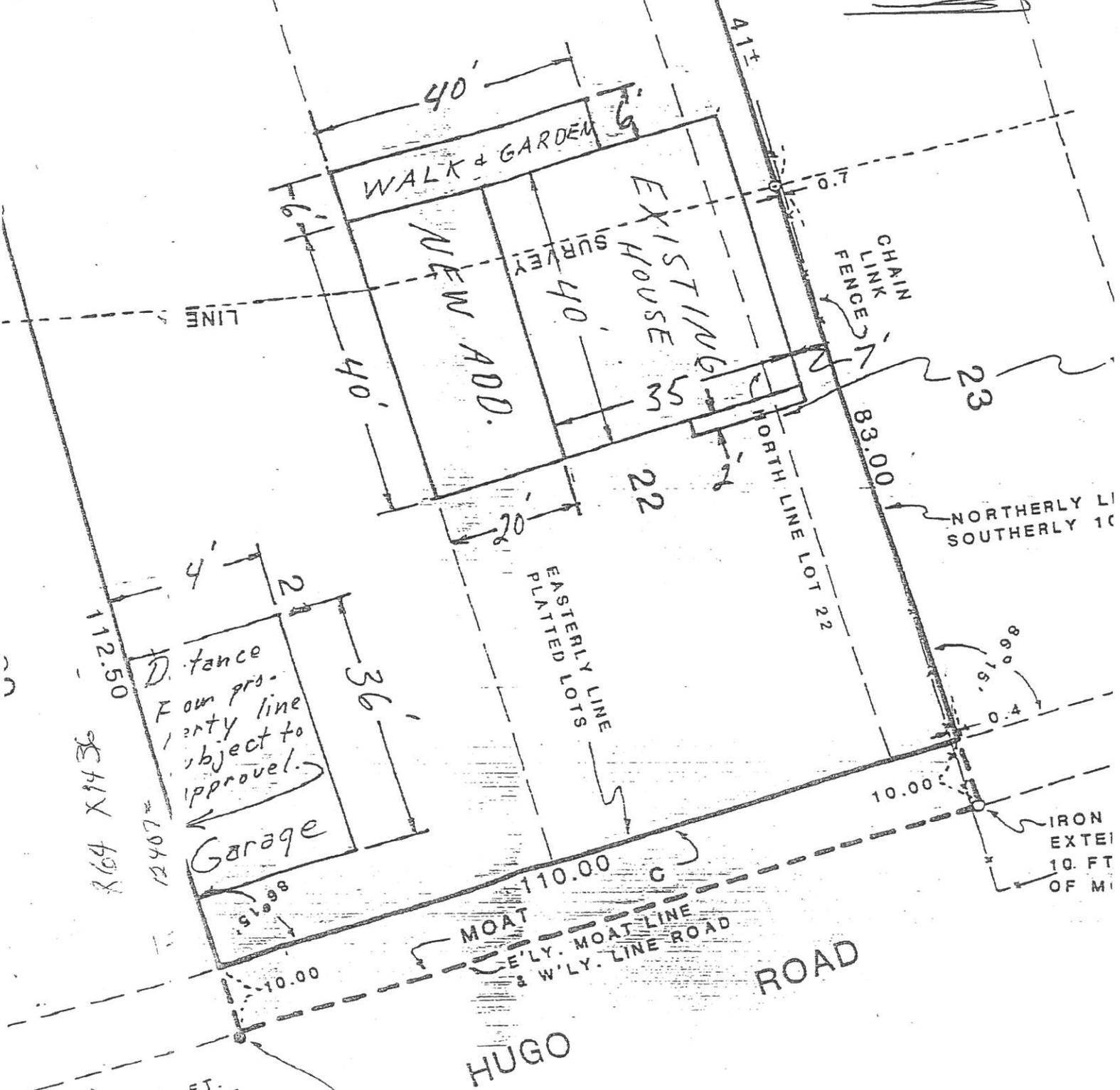
Sand moved to approve the variance extension request of Jeff Johnson, 1969 Stillwater Street, to June 1, 1989, based upon the agreement with Mr. Johnson that the exterior of his home will be totally completed by June 1, 1989. Jungkunz seconded. Ayes all.

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SUSP

OLD EAGLE LAKE
ORE LINE THIA TE

F4



ON FOUND 0.4 FT.
 LY. OF E'LY. MOAT
 LINE & E'LY. BY TENSION
 OF S'LY. LINE OF LOT 22

NORTHERLY LI
 SOUTHERLY 10

IRON
 EXTEI
 10. FT
 OF M



5587 HUGO
ROAD

F-5

NEW BUSINESS CONT:

Wm. Lipschultz - Mample was concerned with accessibility for fire fighting equipment. Mr. Lipschultz stated he will remove the existing fence and shrubs to allow access as far as the garage.

Weber moved, (using the 60% factor for undersized lots), to recommend to the Planning Commission to grant a 2' side yard variance for construction of a garage at 2525 South Shore Blvd., based on an undersized lot, consistency with the neighborhood and the existing garage foundation. Mample seconded. Ayes all.

JUDY CARNEY: Ms. Carney is requesting a side yard variance for a garage addition for storage purposes at 5587 Hugo Road. The lot is 50' wide and the current garage is located 2 feet from the property line.

Mample moved to recommend to the Planning Commission to approve the 4' side lot variance request (using the 60% factor), for a garage addition at 5587 Hugo Road, based on an undersized lot, neighborhood consistency and the existing garage. Weber seconded. Ayes all. It was noted that Ms. Carney should also obtain a letter of acknowledgement from the south neighbor.

RICH & JACKIE DUTCHER: The Dutchers are requesting a side lot variance for construction of a garage at 1725 E. County Road H2. The lot is 50' wide. The adjacent lot is unbuildable and owned by W.B. Township.

Weber moved to recommend to the Town Board to grant a 4½' side lot variance, (using the 60% factor), to within 1½ feet of the side property line, for construction of a garage at 1725 E. County Road H2, based on an undersized lot and noting this is the only area on the lot to place the garage, and the adjacent lot is unbuildable. Mample seconded. Ayes all.

DONALD HUEMOELLER: Mr. Huemoeller is requesting a 5' frontage variance to split the lot at 1607 Whitaker to create a 75' lot. He feels the existing house is located too far over and for future purposes, it would work out better to have more property between the houses.

Mample moved to recommend to the Planning Commission to allow the lot split at 1607 Whitaker to divide an 80' parcel off his property and to grant a 2½' side yard variance for the existing house and the owner will retain a 2½' easement to the east of his property on lot "B" so as to maintain distance between the buildings. Weber seconded. Ayes all.

JUDITH A. MILTON: Ms. Milton is requesting a variance to split Lot C from Lot A to create an 87' corner lot at East County Line and South Shore Boulevard (4101 E. County Line Rd). (The minimum lot width for corner lots is 105'.)

Weber questioned the buildability of the lot, noting it was 18' - 20' lower than the street. He also questioned the drainage effect on the neighbor to the west. A grading and drainage plan should be submitted.

It was noted that sewer and water is not available to the lot in question and the sewer for 4101 E. County Line is provided through an easement on the property at 2732 So. Shore Blvd.

The Variance Board discussed the Town's liability if they allowed the lot split and the lot was not buildable. Would the Town be "putting their stamp of approval" on the lot by allowing the split?

Mample moved to table the Milton request for a variance and lot split at



**WHITE BEAR
TOWNSHIP**

1858
RAMSEY COUNTY
MINNESOTA

F-6.1

Board of Supervisors

ROBERT J. WEISENBURGER, *Chairman*
RICHARD A. SAND
LINDA J. FORD

1281 HAMMOND ROAD
WHITE BEAR TOWNSHIP, MN 55110

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5617

**MINUTES
VARIANCE BOARD MEETING
MAY 17, 1995**

The meeting was called to order at 3:07 p.m.

Present: Members: Short, Weber, Mample; Planner: Riedesel.

The Minutes of April 19, 1995, were approved as submitted.

The Agenda was approved as submitted.

5617 Hugo Road

LINDA CHABOT/BRYAN PETERSON - REQUEST FOR 18' FRONT YARD SETBACK
VARIANCE FOR GARAGE ADDITION AT 5627 HUGO ROAD: Riedesel summarized the request to add a two car garage on to the east side of the home. As requested, it will encroach 17' into the minimum front yard setback (35'). It was also noted during the presentation that a second story will be added to the home. It will not encroach any closer to the lot lines or lake, however the existing home encroaches into the minimum lakeshore setback (50') and therefore requires approval of a variance.

*file
7
TB*

Short noted that the property adjacent to the north has a concrete block accessory building which encroaches into the minimum front yard setback area and is more of a non-conformity than the structure which is proposed. In addition, structures located 3 lots to the north and 3 lots to the south are located closer to the right-of-way than the proposed structure.

Mample noted that the garage, as proposed, is a basic two car garage and not extraordinarily large.

Mample moved to recommend to the Planning Commission to approve an 18' front yard setback variance and a 26' lakeshore setback variance to allow construction of a new garage and a second story addition which will not encroach any closer to the lake than the existing structure, and that the setback requested for the garage will result in a setback which is greater than the setback of the adjacent concrete block accessory building, and that three of the closest six properties have structures which are located closer to the right-of-way than the garage which the applicants are requesting and noting the history for approving variances along Hugo Road. Short seconded. Ayes all.



F-7.2

Since there has been a precedent set for granting of variances along this portion of Hugo Road due to the shallow nature of the lots and the fact that the applicants are not requesting an extraordinary deep garage and that there will be 17' to the edge of the R.O.W. (31+ feet to the road surface), staff feels that approval of the variance as requested is in keeping with past practice of approving variances for this portion of the Township.

Section 7-1.5 of Ordinance No. 35 states: Front Yard Setback Variances may be granted to conform to lesser setbacks of existing adjacent structures. For new structures, the minimum front yard setback shall not be less than 20 feet.

Since this variance, as requested, would bring the garage to within 17' of the R.O.W. a variance from this section of Ordinance No. 35 is also required. Staff recommends approval of a variance from this section of the ordinance also, due to the precedent set by several other variance approvals for structures in the area near the applicants.

b:hugo
cc:add/admin.

F-8

MEMORANDUM

TO: PLANNING COMMISSION
FROM: TOM RIEDESEL
DATED: MAY 18, 1998

SUBJECT: HOME ADDITIONS
REQUEST: 16'6" LAKESHORE & 24'6" FRONT YARD SETBACK
VARIANCES

LOCATION: 5623 HUGO ROAD

APPLICANTS: JAMES & DONNA COMMANDER

The Commanders are requesting approval of front yard and lakeshore setback variances to construct two additions onto the existing home. The lakeshore addition is proposed to be 4' deep by 40' in length. The home is currently 37'6" from the lake. The addition, as proposed, will decrease the setback to 33'6" from the lake. A 50' lakeshore setback is required by the Zoning Ordinance. A 16'6" lakeshore setback variance is requested.

The front of the home appears to be 16'5" from the Hugo Road right-of-way as measured to the front foundation. A 6' wide porch is proposed for the front of the home which would be approximately 10'5" from the right-of-way. The porch will replace an existing ramp which is 7 1/2' in width. Therefore, the porch, as proposed, will be setback further from the right-of-way than the existing ramp. A 24'6" front yard setback is required.

The lots along this portion of Hugo Road are very shallow as compared to most lots within the Township. The depth of the lot varies from 95' to 110'. Due to the minimal depth of the lots and the 50' lakeshore and 35' front yard setback requirements, several variances have been approved for homes along Hugo Road. They include the following:

- 6K FT² LOT → 5617 Hugo Road – 18' front yard setback variance for a new garage (existing setback from the right-of-way is 8')
(approved 1995)
- 6088 FT² LOT → 5887 Hugo Road – 4' side yard setback variance
(approved 1988)
- 12,196 FT² LOT → 5599 Hugo Road – 25' front yard variance
5' side yard variance
43' lakeshore variance
(approved 1988)



5583
6098.4 10T F-9.1

WHITE BEAR TOWNSHIP

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Board of Supervisors
ROBERT J. WEISENBURGER, *Chairman*
RICHARD A. SAND
LINDA J. FORD

MINUTES PLANNING COMMISSION MEETING MAY 27, 1999

The meeting was called to order at 7:02 p.m.

Present: Artner, Bernhardt, Marquardt, Metcalf, Moeller, Patrick and Prudhon; Town Board Liaison: Sand; Planner: Riedesel.

APPROVAL OF MINUTES OF APRIL 22, 1999: Marquardt moved to approve the Minutes of April 22, 1999 as submitted. Artner seconded. Ayes: Marquardt, Artner, Bernhardt, Metcalf, Moeller and Patrick. Abstain: Prudhon.

APPROVAL OF AGENDA (Additions/Deletions): Bernhardt moved to approve the Agenda as submitted. Metcalf seconded. Ayes all.

CONSENT AGENDA: Moeller moved to approve the Consent Agenda as follows: 4A) Approve Jim Joslyn Request for 2' Rear Yard Setback Variance to allow Garage Addition - 1736 Stillwater Street; 4B) Approve Thomas Burke Request for 3-1/2' Side Yard Setback Variance to Allow Deck Construction - 2126 Park Avenue; 4D) Approve Matt and Debbie Walczak Request for 16'11" Wetland Setback Variance to Allow 3-Season Porch and Deck Construction - 5937 Polar Bear Lane. Bernhardt seconded. Ayes: Moeller, Bernhardt, Metcalf, Artner, Patrick and Prudhon. Naye: Marquardt.

APPROVE SCOTT FUCHS REQUEST FOR 215 SQUARE FOOT VARIANCE FOR OVERSIZED GARAGE AND 3'3" SIDE YARD AND 26' LAKESHORE SETBACK VARIANCES TO ALLOW WALKWAY AND DECK CONSTRUCTION - 5583 HUGO ROAD: Riedesel reviewed the request for a 3'3" side yard setback variance to allow reconstruction of an existing deck and sidewalk 3' from the side lot line. The applicant is also requesting approval of a 26' lakeshore setback variance to allow construction of a deck 24' from Bald Eagle Lake.

The side yard setback variance for the walkway is requested to replace an existing deck and walkway which is 1' from the side lot line. The new walkway is proposed to be 3' from the lot line, 2' further from the lot line than the current

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recycled paper

MINUTES
PLANNING COMMISSION MEETING
MAY 27, 1999

F9.2

file
TB

structure. The new structure is proposed to increase the setback, decreasing the non-conformity. Approving this variance is in keeping with the Town's practice of approving variances when a non-conformity is decreased.

The lakeshore setback variance is requested to allow construction of a new deck 24' from the 100 year high water elevation of Bald Eagle Lake.

Several lakeshore setback variances have been approved for properties along Hugo Road, including a 24' lakeshore setback variance for the adjacent property. Other lakeshore setback variances include:

- 5543 Hugo Road - 13' lakeshore setback variance;
- 5599 Hugo Road - 43' lakeshore setback variance (approved 1988 a 75' setback requirement at that time);
- 5611 Hugo Road - 62' lakeshore setback variance (approved 1986 a 75' setback requirement at that time);
- 5661 Hugo Road - 12' lakeshore setback variance (approved in 1986); and
- 5669 Hugo Road - 40' lakeshore setback variance (75' setback requirement).

The setback of the proposed deck will be in line with decks on either side of the applicant's property. The Town has used this rationale in the past to approve lakeshore setback variances. This makes sense as it creates a consistent setback for structures on the lake.

Patrick expressed concern regarding reduced setbacks from the lake. Other comments included:

- It would reduce the non-conformity
- The deck alignment will be the same as other decks
- Staff and Building Inspector/Code Enforcement Office did a site visit and determined that the setback request conformed to Town policy.

Riedesel noted that the Variance Board reviewed the requests and recommends approval.

Based on Variance Board and staff recommendation, Marquardt moved to recommend to the Town Board to approve the 3'3" side yard setback variance as requested, at 5583 Hugo Road, since the proposed deck and walkway will be narrower than the existing deck to allow access to the lake without encroaching on neighbor's property, will be set back further from the lot line than the existing structure and is in keeping with the Town's practice of approving variances when a new structure replaces a non-conforming structure, and provided that the new structure is set back further from the lot line than the non-conforming structure.

MINUTES
PLANNING COMMISSION MEETING
MAY 27, 1999

F-9.3 - TB

Artner seconded. Ayes: Marquardt, Artner, Metcalf, Bernhardt and Prudhon.
Naves: Patrick and Moeller.

Based on Variance Board and staff recommendation, Marquardt moved to recommend to the Town Board to approve the 26' lakeshore setback variance at 5583 Hugo Road, since the proposed deck setback is consistent with structures on adjacent properties, will be further from the lake than the setback of decks on either side, is consistent with other variances approved, and meets the standards set forth by Ordinance No. 35 for approving a variance. Artner seconded. Ayes: Marquardt, Artner, Metcalf, Bernhardt, Moeller and Prudhon. Naye: Patrick.

Based on Variance Board and staff recommendation, Marquardt moved to recommend to the Town Board to approve the 215 sq. ft. variance, at 5583 Hugo Road, to allow the applicant to construct an 840 sq. ft garage since the ordinance is overly restrictive for small lots, recognizing that it is a tuck-under garage which makes the depth of the garage indistinguishable from the rest of the house from the exterior. Artner seconded. Ayes all.

LINDA CHABOT - REQUEST FOR NON-CONFORMING USE PERMIT FOR RESIDENTIAL DWELLING UNIT IN B-2 ZONE - 5960 NORTH HIGHWAY 61 (BALD EAGLE STATION): Riedesel noted that the Planning Commission recently reviewed a request for a Zoning Ordinance amendment to permit a dwelling unit in combination with a business use in the B-2 Zoning District.

file TB

The Planning Commission and Town Board feel that the dwelling unit should be considered a non-conforming use rather than a Conditional Use in the B-2 District. The Planning Commission did not take formal action on the Non-Conforming Use, however.

A Public Hearing for the Non-Conforming Use Permit is scheduled for June 7, 1999. The Town Board also directed the Planning Commission to review the Non-Conforming Use Permit and make a recommendation.

Patrick moved to recommend to the Town Board to approve a Non-Conforming Use Permit in the B-2 Zone, for the residential portion of the Bald Eagle Station for a period of five years. Subsequent renewal of the permit shall meet the standards set forth by Section 7-13.1 of Ordinance No. 35. Bernhardt seconded. Ayes all.

RICHARD MATNER - REQUEST FOR SPECIAL HOME OCCUPATION PERMIT - 5932 HOBE LANE: Riedesel reviewed the request for a Special Home Occupation Permit, noting that the applicant wants to operate a part of his

file

TB

F.10-1

MEMORANDUM

TO: VARIANCE BOARD
FROM: TOM RIEDESEL
DATE: MARCH 10, 2000 – UPDATED 3/22/00

SUBJECT: NEW HOME CONSTRUCTION

REQUESTS: 1.8' SIDE SETBACK VARIANCE; 42' LAKESHORE SETBACK AND 15' RIGHT-OF-WAY SETBACK VARIANCE, 9% GREEN AREA VARIANCE

APPLICANTS: MICHELLE L'ABBE & DAVID BERG
LOCATION: 5657 HUGO ROAD

The applicants are requesting approval of variances to allow reconstruction of their home at 5657 Hugo Road. The property is 5,977 square feet in area and is 80' wide at the right-of-way. The existing home and garage are 7.7' from the side lot line on the north side, 19.6' from the road right-of-way on the east side, 13.5' on the south side and 3.7' from the 100 year high water elevation of the lake. The new home and garage is proposed to be 9.5' from the north lot line, 19' from the right-of-way, 10' from the south lot line and 8' from the 100 year high water elevation of the lake.

The approvals requested include a 1.8' side yard setback variance, a 42' lakeshore setback variance, 15' right-of-way setback variance and 9% green area variance.

The applicants home is proposed to have more square footage than the existing home, but has been placed on the lot so it will be further from the lake and the north (side) lot line than the existing home. The front of the home facing the Hugo Road right-of-way is proposed to be set back between 20' and 25.4' from the right-of-way. This is further from the right-of-way than the closest point of the existing home which is 19.6'. The garage is at an angle and the garage door is proposed to be 21.7' from the right-of-way at its closest point.

The home and garage has been designed so that non-conforming setbacks have been reduced.

Historically, the Town has approved setback variances for new structures which replace existing structures as long as the new structure is setback further from the lot line than the existing structure. The applicants proposal is consistent with this practice. The garage has been shifted so it will be 20' from the right-of-way as requested by the Variance Board.

K-10.2

This portion of Hugo Road has many lots similar to this one which do not meet minimum lot size requirements. Variances for several of these lots have been approved by the Town.

Updated Recommendation

The applicants have revised their plan based on the Variance Board recommendation to show a 20' setback from the right-of-way and an 8.2' setback from the north lot line. The variances requested as a result of those modifications are:

1. A 15' right-of-way setback variance.
2. A 1.8' side yard setback variance (north side only).
3. A 42' lakeshore setback variance.
4. 9% green area variance.

Staff recommends approval of the variances as requested.

TR/psw
cc:admin/add.file
b:berg-1