



# WHITE BEAR TOWNSHIP

1858  
RAMSEY COUNTY  
MINNESOTA

1281 HAMMOND ROAD  
WHITE BEAR TOWNSHIP, MN 55110

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FAX 651-426-2258  
Email: [wbt@whitebeartownship.org](mailto:wbt@whitebeartownship.org)

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

## AGENDA VARIANCE BOARD MEETING OCTOBER 16, 2018

1. **2:30 p.m.** Call Meeting to Order at Township Office Conference Room, 1281 Hammond Road.
2. Approve Agenda (Additions/Deletions).
3. Approve Minutes of August 15, 2018 & August 22, 2018.
4. **J & J Properties, LLC d/b/a White Bear Lake Dental** – Request for 14.2' Side Setback Variance to Allow Site Improvements.
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 October 16, 2018

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

**Subject:** Call to Order – 2:30 p.m.  
Administrative Conference Room  
1281 Hammond Road

Approval of October 16, 2018 Agenda  
Approval of August 15, 2018 & August 22, 2018  
Minutes

**Documentation:** October 16, 2018 Agenda  
August 15, 2018 & August 22, 2018 Minutes

### **Action / Motion for Consideration:**

Call meeting to order:	8:30 a.m.
Approval of Agenda:	October 16, 2018 (additions/deletions)
Approval of Minutes:	August 15, 2018 & August 22, 2018

**AGENDA  
VARIANCE BOARD MEETING  
AUGUST 15, 2018**

The meeting was called to order at 7:32 a.m.

Present: Members: Short, Johnson, Kotilinek; Planner: Riedesel; Applicant: John Schwartz, Dave Sorenson.

**APPROVE AGENDA:** Johnson moved approval of the Agenda as submitted. Kotilinek seconded. Ayes all.

**APPROVE MINUTES:** Short moved approval of the July 17, 2018 Minutes. Johnson seconded. Ayes all.

**JOHN & KATHRYN SCHWARTZ, 5605 HUGO ROAD – Request for 18.4' Right-of-Way Setback Variance, 28 Square Foot Garage Area Variance & 18% Green Area Variance To Allow Construction of a Garage Addition With Living Quarters Above:** Riedesel summarized the updated request from the Schwartz's to add an attached garage to the existing home with living quarters above. The Variance Board reviewed a proposal from the Schwartz's in July. The Variance Board had several recommendations at that time and continued review of the request until August.

A new plan was submitted which flipped the proposed garage to the southeast side of the home. The breezeway was eliminated and the garage downsized and attached directly to the home. A right-of-way setback of 16.6' is requested requiring an 18.4' setback variance (reduced from 35' variance requested in July). A 28 square foot garage area variance and an 18% green area variance is also requested.

The Variance Board discussed the revised proposal.

Mr. Schwartz noted that the driveway will have a hard surface and will be lined with pavers or Class V.

Short asked if Mr. Schwartz could reduce the width of the driveway near the right-of-way to create more green area.

Mr. Schwartz agreed to reduce the width of the driveway.

Kotilinek felt that the plan as proposed is consistent with variances previously approved by the Town Board along Hugo Road.

Johnson noted that he supports the updated plan.

**MINUTES  
VARIANCE BOARD MEETING  
AUGUST 15, 2018**

Short moved to recommend to the Planning Commission to recommend to the Town Board to approve the three requested variances as requested subject to reducing the width of the driveway which would result in less impervious surface than exists today. Johnson seconded. Ayes all.

Riedesel noted that a minor subdivision proposal was received last week which will require approval of several variances. He will schedule a meeting early next week to discuss.

The meeting was adjourned at 8: 25 a.m.

Respectfully Submitted,

Tom Riedesel  
Planner

DRAFT

**MINUTES  
VARIANCE BOARD MEETING  
AUGUST 22, 2018**

The meeting was called to order at 8:36 a.m.

Present: Members: Short, Johnson, Planning Commission Chair Denn; Planner: Riedesel;  
Applicant's: Ken, Travis and Tattiana Visser.

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

**KEN & DEBORAH VISSER, 5513 & 5515 WEST BALD EAGLE BOULEVARD – Request for a Minor Subdivision & Two Lot Width Variances and a 530 Square Foot Lot Size Variance & a 28 Square Foot Guest Cottage Size Variance:** Ken Visser withdrew the request for a guest cottage and related 28 square foot building size variance.

Riedesel summarized the proposal from the Visser's to subdivide their lot into two parcels. The property is 28,203 square feet in area with two homes and three garages on the lot. They would like to split the lot into two parcels. Ken & Deborah Visser currently live in the northerly home and their son and wife, Travis and Tattiana live in the southerly home.

They would like to split the property into two lots. Parcel A is proposed to be 47.22' wide and 11,470 square feet in area which includes a lakeshore parcel. Parcel B is proposed to be 49.51' wide and 16,733 square feet in area also including a lakeshore parcel.

A 32.78' lot width variance and a 530 square foot lot size variance is required for Parcel A. Parcel B requires a 30.49' lot width variance as proposed.

Staff asked Mr. Visser to consider adding 12' to the rear of Parcel A as proposed in order to eliminate the need for a lot square footage variance. He agreed to rearrange the rear lot line per the staff recommendation.

There was considerable discussion regarding the history of the property including how two homes ended up on one lot. The address file revealed some of the history including a letter from staff which recommended to the Visser's in 2009 that their lot should be subdivided into two parcels.

Short noted that both lots were assessed for utilities and the majority of the subdivision line is consistent with the way the lots were previously separated.

Denn was concerned that this proposal is consistent with a previously considered variance/subdivision in the White Bear Beach neighborhood which the Variance Board recommended for denial of.

Johnson and Short felt the proposed subdivision can be recommended for approval.

**MINUTES  
VARIANCE BOARD MEETING  
AUGUST 22, 2018**

Short moved to recommend to the Planning Commission to recommend to the Town Board to approve the lot width variances as requested noting that the Parcel A lot will be enlarged to meet minimum lot square footage requirements since the proposed lot line is consistent with the previous lot line, the homes are currently in place, the lots will exceed square footage requirements, both homes were assessed for sewer and water and a staff report in the address file recommended the lot split. Johnson seconded. Ayes Short and Johnson. Denn abstained.

The meeting adjourned at 9:25 a.m.

Respectfully Submitted,

Tom Riedesel  
Planner

DRAFT



**Variance Board Meeting  
October 16, 2018**

**Agenda Number:** 4

**Subject:** J & J Properties, LLC d/b/a White Bear Lake Dental -  
Request for 14.2' Side Setback Variance to Allow Site  
Improvements

**Documentation:** Staff Memo w/attachments  
Variance Application

**Action / Motion for Consideration:**

Receive Information / Discuss

## MEMORANDUM

**TO: PLANNING COMMISSION**  
**FROM: TOM RIEDESEL**  
**DATE: OCTOBER 15, 2018**

**SUBJECT: SITE IMPROVEMENTS**

**REQUESTS: 14.2' SIDE YARD SETBACK VARIANCE / PERMITTED USE STANDARDS PERMIT TO ALLOW SITE IMPROVEMENTS**  
**LOCATION: 4100 BELLAIRE AVENUE**  
**APPLICANTS: J & J PROPERTIES, LLC – JOY & JOE JOHNSON**  
**ZONING: B-1, LIMITED BUSINESS**

J & J Properties, LLC, is requesting Town approval of a Permitted Use Standards Permit which would allow site improvements at White Bear Lake Dental, 4100 Bellaire Avenue. The Johnson's are relatively new owners of the dental clinic and recently finished a remodel of the building. As part of their remodel, they also added concrete curbing to the parking lot and drive lane. A portion of the parking lot behind the building was Class V gravel. This area of the lot was also curbed and paved. Expansion of a parking lot requires approval of Permitted Use Standards Permit and also a side yard setback variance. No Permitted Use Standards Permit or variance application were processed prior to the construction taking place. After the fact permits have been requested by the applicants.

A Permitted Use Standards Permit is required to permit the requested site improvements including: curbing and paving of the parking lot, construction of a trash enclosure and modifications to the stormwater treatment pond.

### **Variance:**

A 14.2' side yard setback variance is requested to allow the expanded parking lot. A side yard setback of 20' is required for off-street parking spaces and drive lanes when abutting a residential property. The dentist office abuts residential homes on the north and east sides. The paved parking lot was located as close as 6.4' from the property to the north. With the addition of the curbing and paving and expansion of the rear parking area, the side setback was reduced to 5.8' at its closest part to the northerly lot, expanding to 6.5' at the east end of the parking lot.

The rear portion of the dental office property contains a stormwater treatment pond which collects water for the parking lot, and surrounding properties. Some stormwater from Bellaire Avenue also makes it way to the site. A stormwater culvert was added to Bellaire Avenue between County Road F and Bellaire Beach to help alleviate stormwater concerns along Bellaire Avenue. It appears that the Bellaire Avenue storm pipe overflows

onto the dental clinic property during heavy storm events. The overflow also impacts the abutting property at 4112 Bellaire Avenue, with standing water due to the grade. With the rain this past summer and fall, a lot of water was flowing onto the abutting property.

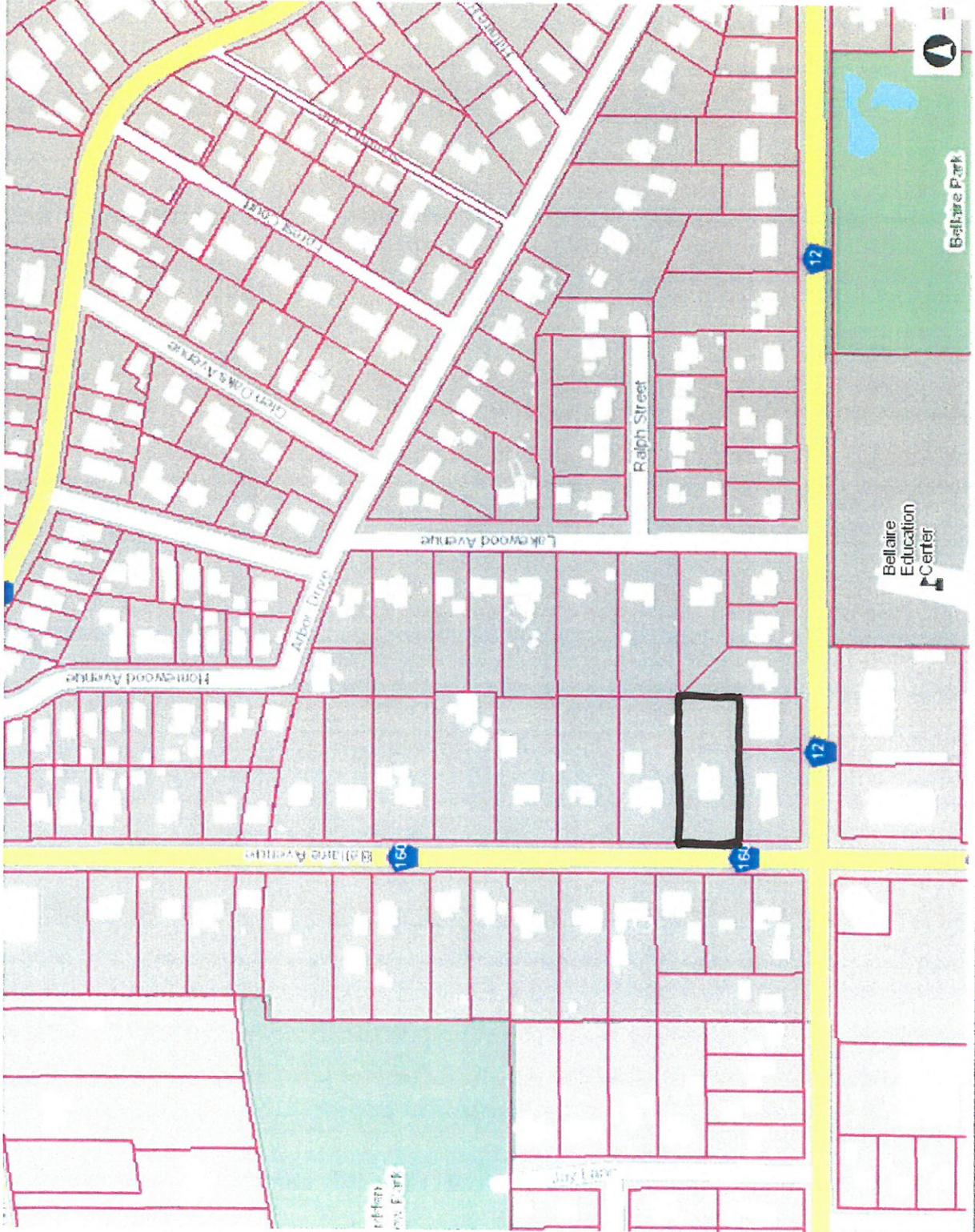
The Town Engineer, applicants engineer and representatives from Ramsey County are working together to improve drainage.

The side setback variance is requested to allow the clinic to pave the rear portion of their parking lot. The lot was previously gravel. Concrete curbing was also added to delineate the edge of the parking lot and drive lane as well as to direct stormwater. The parking area in the rear is approximately 30% larger now than previously. With the addition of the concrete curb, the north side of the parking and drive lane are 6" closer to the north lot line.

When reviewing a request for variance, Section 9-6.4 of the Zoning Ordinance must be reviewed. The following standards must be considered when reviewing variances. It states:

**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.



**Legend**



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

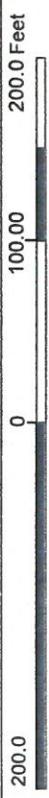
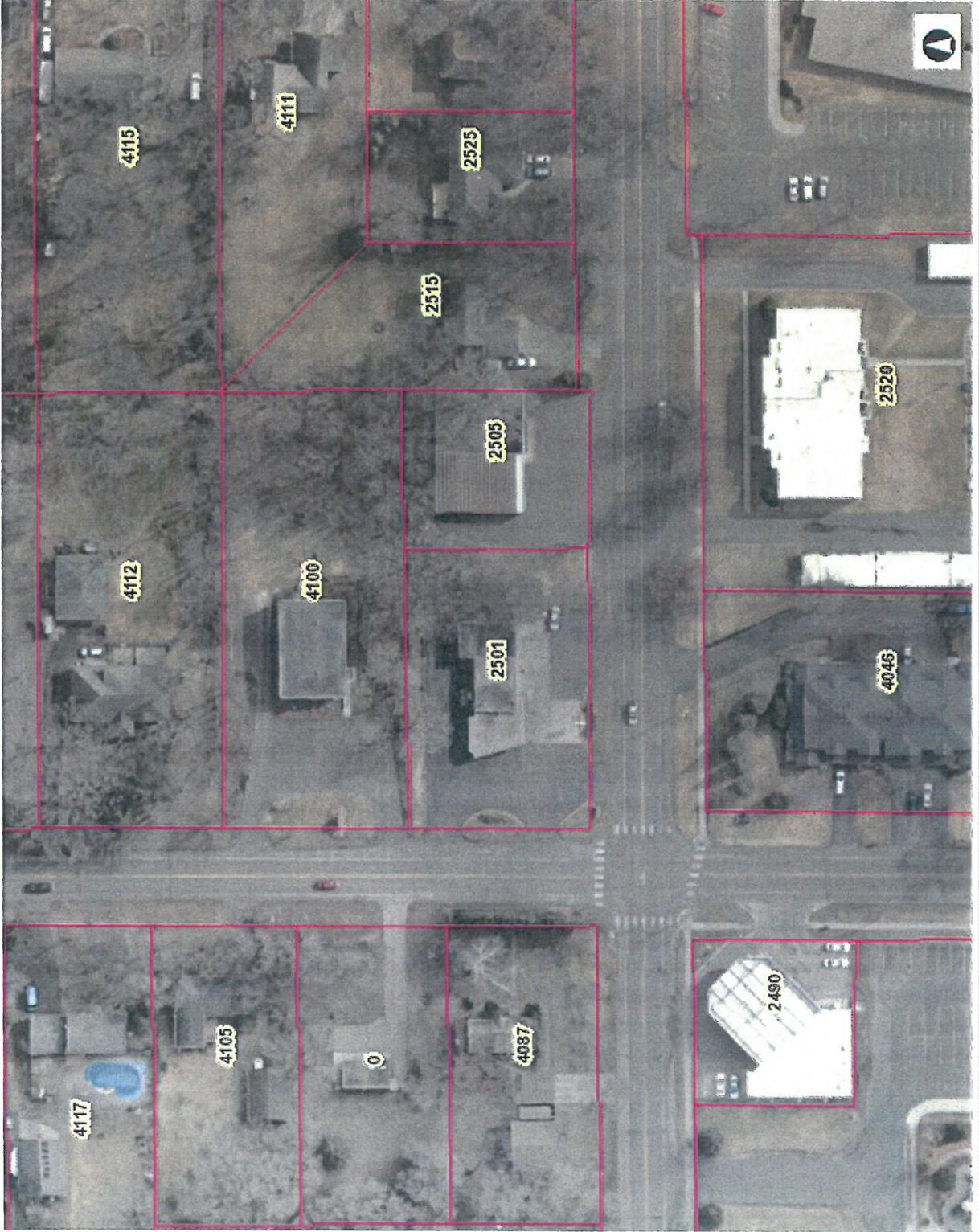
**Notes**

Enter Map Description



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THIS MAP IS NOT TO BE USED FOR NAVIGATION



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**Legend**



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

**Notes**

Enter Map Description





**HULT &  
HBBEISEN, P.A.**

PO Box 37  
Forest Lake, MN 56028  
ph: (651) 464-3130  
fax: (651) 464-3322  
www.hultmn.com

Surveyors + Engineers + Wetland Specialists

**Client**  
**J & J Properties  
LLC**

**Project**  
**Boundary Survey**

**Location**  
Part of Government Lot 3,  
Sec. 24, T. 30, R. 22,  
Ramsey Co., MN

**Certification**  
I, the undersigned, being a duly qualified and licensed Surveyor in the State of Minnesota, do hereby certify that the foregoing is a true and correct copy of the original survey as shown to me by the client.

David F. Hult  
Registration No. 13360 Date: 07/26/2013

**Summary**  
Approved: PH  
**Revision History**  
No. Date By  
1 10/17/13 SLD BLDG & PARKING

**Sheet Title**  
**Certificate of  
Survey**

Sheet Number **1** Revision

Project No. **12165**

RECEIVED

AUG 17 2018

**TOWN OF WHITE BEAR  
DESCRIPTION**

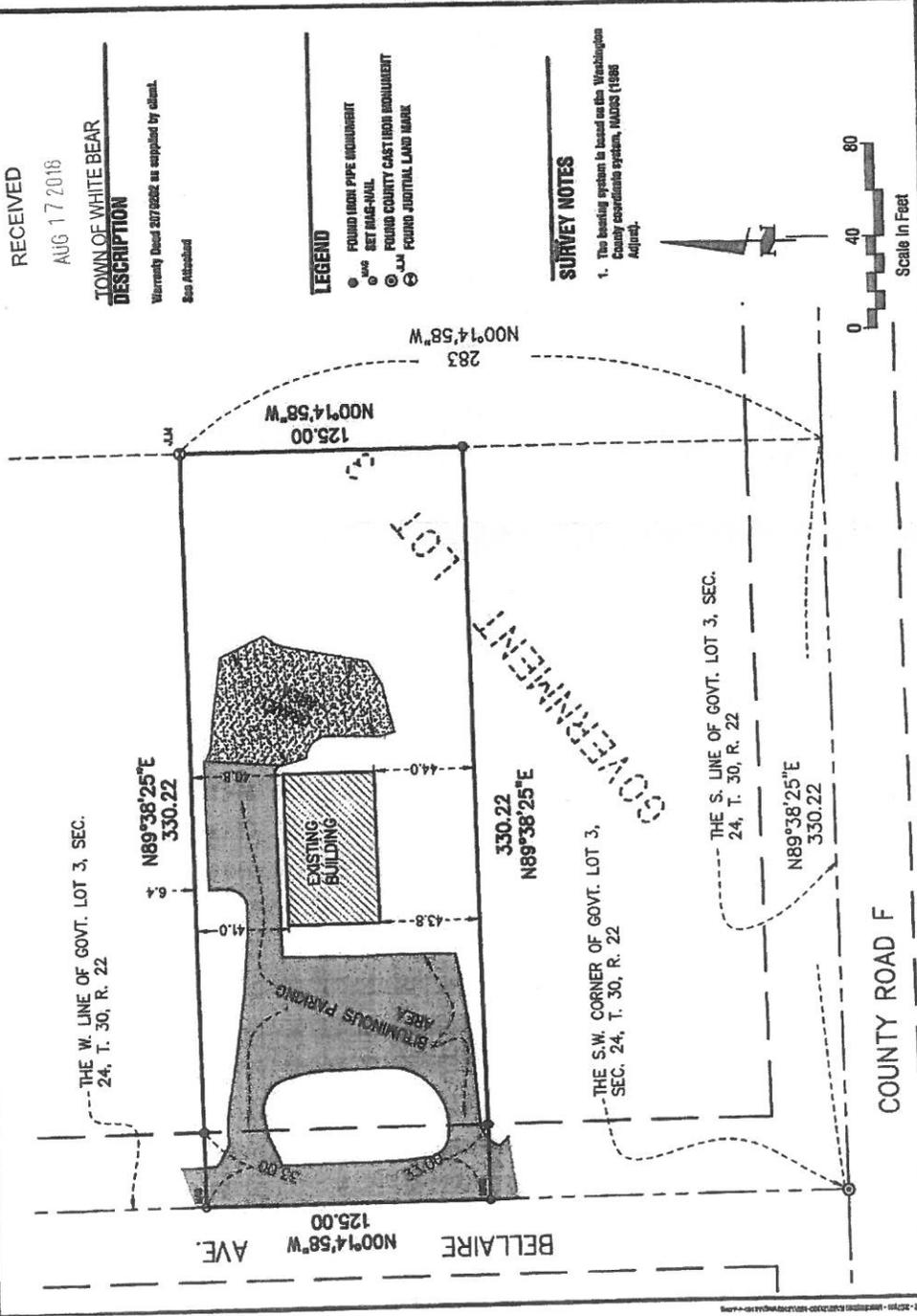
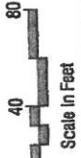
Warranty does not extend as supplied by client.  
See Attached

**LEGEND**

- FOUND IRON PIPE MONUMENT
- SET IRON-NAIL
- ⊙ FOUND COUNTY CAST IRON MONUMENT
- ⊕ FOUND JUDICIAL LAND MARK

**SURVEY NOTES**

1. This bearing system is based on the Washington County coordinate system, NAD83 (1986 Adjust).





# 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) Joy Johnson PHONE (Home) 651-429-1437  
Joe Johnson (Business) 651-653-3802  
 (Cell) 612-834-4700

ADDRESS 4100 Bellaire Ave  
White Bear Lake, MN 55110

PROPERTY OWNER J & J Properties, LLC

ADDRESS OF SITE 4100 Bellaire Ave, WBL, MN 55110 ZONING \_\_\_\_\_

EXISTING USE OF SITE DENTAL OFFICE

DESCRIPTION OF VARIANCE REQUEST REDUCED SIDE YARD SETBACK FOR PARKING

SETBACKS:	<u>Required</u>	<u>Existing</u>	<u>Requested</u>
Front Yard	_____	_____	_____
Side Yard	<u>20'</u>	<u>6'</u>	<u>6'</u>
Side Yard	_____	_____	_____
Rear Yard	_____	_____	_____
Other (Specify)	_____	_____	_____



**Variance Board Meeting  
October 16, 2018**

**Agenda Number:** 5 - 6

**Subject:** Added Agenda Items  
Adjournment

**Documentation:**

**Action / Motion for Consideration:**

Added Agenda Items

Adjourn Meeting