



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

AGENDA VARIANCE BOARD MEETING JANUARY 16, 2019

1. **8:00 a.m.** Call Meeting to Order at Township Office Conference Room, 1281 Hammond Road.
2. Approve Agenda (Additions/Deletions).
3. Approve Minutes of October 16, 2018.
4. **Mike & Katherine Fleming, 5518 & 5520 Shadyside Lane** – Request for 25' Right-of-Way Setback Variance & a 1' Side Yard Setback Variance to Allow a Minor Subdivision / Lot Line Rearrangement.
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.



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**Variance Board Meeting
January 16, 201**

Agenda Number: 1 - 2 - 3

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

Approval of January 16, 2019 Agenda
Approval of October 16, 2018 Minutes

Documentation: January 16, 2019 Agenda
October 16, 2018 Minutes

Action / Motion for Consideration:

Call meeting to order:	8:00 a.m.
Approval of Agenda:	January 16, 2019 (additions/deletions)
Approval of Minutes:	October 16, 2018

**MINUTES
VARIANCE BOARD MEETING
OCTOBER 16, 2018**

The meeting was called to order at 2:30 p.m.

Present: Members: Short, Johnson; Planning Commission Chair: Denn; Planner: Riedesel; Applicant's Engineer: Chuck Plowe, Plowe Engineering.

APPROVE AGENDA: The Agenda was approved as submitted.

APPROVE MINUTES: Denn moved approval of the Minutes of August 15, 2018 and August 22, 2018. Johnson seconded. Ayes all.

J & J PROPERTIES, LLC, D/B/A WHITE BEAR LAKE DENTAL – Request for 14.2' Side Setback Variance: Riedesel summarized the request as an after-the-fact request. The White Bear Lake Dental Office has been going through an extensive remodel which was inspected by the Town Building Inspector. During construction, the applicants decided to improve the parking lot with repaving and adding concrete curbing. In addition, the back parking lot which was gravel was paved and expanded.

The expansion of the lot and other exterior improvements should have been reviewed by the Town per the Permitted Use Standards Permit procedure. This step was missed by the applicants. An application for a Permitted Use Standards Permit and side setback variance has been submitted and is currently being reviewed by the Town.

A side setback variance is requested to extend the parking lot to the east behind the dental office. The lot and curb were constructed 5.8' from the side lot line at its closest point. A 20' side setback is required since the abutting property is residential. A 14.2' side setback variance is requested.

There was discussion regarding drainage on the property which has changed due to the site modifications. The drainage situation is being reviewed by Ramsey County, the Town Engineer, the Town Public Works Department, and Chuck Plowe Engineering.

**MINUTES
VARIANCE BOARD MEETING
OCTOBER 16, 2018**

Short noted that the parking lot expansion along the side lot line is slightly closer to the lot line due to the installation of a curb. This amounts to a deviation of less than one foot. He also noted that with the installation of the curb, the drainage is improved by being directed to the east rather than street flowing to the north and east.

Johnson noted that the pond to the east will need cleaning and is proposed to be increasing in capacity as part of the improvements.

Denn noted that the addition of the curb will control drainage from the parking lot so that it does not flow on to the property to the north.

Short moved to recommend to the Planning Commission to recommend approval of the variance as requested since the change in setback is considered de minimus (less than 1 foot) and the addition of the curb will provide better control of the runoff and the parking lot addition is along the same line as the existing parking lot. Denn seconded. Ayes all.

The meeting adjourned at 3:25 p.m.

Respectfully Submitted,

Tom Riedesel
Planner



**Variance Board Meeting
January 16, 2019**

Agenda Number: 4

Subject: **Mike & Katherine Fleming, 5518 & 5520 Shadyside Lane** – Request for 25' Right-of-Way Setback Variance & a 1' Side Yard Setback Variance to Allow a Minor Subdivision / Lot Line Rearrangement

Documentation: Staff Memo w/attachments
Variance Application

Action / Motion for Consideration:

Receive Information / Discuss

MEMORANDUM

TO: VARIANCE BOARD / PLANNING COMMISSION
FROM: TOM RIEDESEL
DATE: DECEMBER 24, 2018

SUBJECT: LOT LINE REARRANGEMENT, CONSTRUCTION OF A NEW HOME WITH DETACHED GARAGE

REQUEST: MINOR SUBDIVISION / LOT LINE REARRANGEMENT
25' RIGHT-OF-WAY SETBACK VARIANCE
1' SIDE YARD SETBACK VARIANCE

LOCATION: 5518 & 5520 SHADYSIDE LANE
APPLICANTS: MIKE & KATHERINE FLEMING
ZONING: R-1, SUBURBAN RESIDENTIAL
PUBLIC HEARING: REQUIRED

The Fleming's are requesting approval of a minor subdivision/lot line rearrangement which would permit them to reconfigure a common lot line between their two properties. The Fleming's own the homes at both 5518 & 5520 Shadyside Lane. They are planning to demolish the home at 5518 Shady Side down to the foundation, and the existing garage at 5518 Shady Side. A shed located on the 5520 Shadyside Lane property will also be demolished.

The foundation of the home is proposed to be reused and a new home constructed on it. All but an 11.88' square foot portion of the foundation meets setback requirements. This portion of the foundation is 5' from the side lot line. A 6' minimum setback is required.

There is an existing detached garage on the property which is only a few feet from the Shadyside Lane right-of-way. This garage is proposed to be demolished in favor of a new garage. The new garage is proposed to be set further back from the right-of-way than the existing garage. A portion of the new garage is proposed to be on additional property acquired from the lot at 5520 Shadyside Lane. A minor subdivision is required to add the additional property to 5518 Shadyside Lane.

A triangular portion of the lot at 5520 Shadyside Lane is proposed to be detached and added to 5518. This 1,618 square foot parcel is proposed to have approximately half of the new garage located on it. The angle of the Shadyside Lane right-of-way shifts between the two lots. The right-of-way shift leaves a limited area to construct a garage on the right-of-way side of the home. A 25' right-of-way setback variance is requested to construct the new garage. The existing garage which is proposed to be removed is 6' from the Shadyside Lane right-of-way. An existing shed located on the triangular parcel being added to 5518 is 4' from the right-of-way. This structure is proposed to be removed also.

Minor Subdivision

A minor subdivision / lot line rearrangement is requested to separate 1,618 square feet of land from 5520 Shadyside Lane and attached it to 5518. The lot at 5520 Shadyside Lane is 33,541 square feet in area, and with the subdivision, the lot size will be reduced to 31,923 square feet. The lot at 5518 is 7,860 square feet in area and will increase in size to 9,478 square feet with the additional property.

Variances

Two setback variances are being requested:

- a one-foot side yard setback variance to construct a new home on the existing foundation 5’ from the side lot line
- a 25’ foot right-of-way setback variance to allow construction of a new garage 10’ from the road right-of-way

Section 9-6.4 of Ordinance No. 35 sets the standards which must be met in order to approve variances. It states:

- (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.

The Fleming’s are proposing a lot line rearrangement which will increase the size of an undersized lot of record and will remove two non-conforming structures. A new detached garage will replace the two structures being removed. The new garage will be set back further from the right-of-way than the two existing non-conforming structures.

Reconstruction of the home is proposed on the existing foundation. A small area of the foundation encroaches into the side setback one foot, less than 12 square feet of the home would encroach into the setback area.

The lot is being increased in area to accommodate a new garage and to meet the Town's Green Area requirements. The driveway, patio and sidewalk will be constructed of impervious surfacing. the impervious area proposed for 5518 Shadyside Lane is proposed to be 22.4%. The Town allows 25% coverage.

Two actions are required to approve the Fleming's request:

1. Minor Subdivision / Lot Line Rearrangement.
2. 1' Side Yard Setback Variance
25' Right-of-Way Setback Variance

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



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 © Ramsey County Enterprise GIS Division

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



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

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.

Pd Fee \$225

APPLICANT(S) Michael C. Fleming PHONE (Home) 651-429-3610
Katherine D. Fleming (Business) _____
 ADDRESS 5520 Shadyside Lane WBT (Cell) 612-839-1945

PROPERTY OWNER Michael C Fleming and Katherine D. Fleming

ADDRESS OF SITE 5518 Shadyside Lane ZONING Single Family (with Sewer)

EXISTING USE OF SITE Single Family home with detached garage

DESCRIPTION OF VARIANCE REQUEST Variations requested to allow demolition of home, garage and shed and construct new home using existing foundation

SETBACKS:	Required	Existing	Requested
Front Yard	<u>35'</u>	<u>0</u>	<u>25'</u>
South Side Yard	<u>6'</u>	<u>5'</u>	<u>5'</u>
Side Yard	_____	_____	_____
Rear Yard	_____	_____	_____
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 1/15th (Approximately one week prior to the Planning Commission Meeting, as necessary. Applicant will be notified of the time of the meeting.)
3. Planning Commission 1/21 (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.

Wendy Clark

Kathleen D Fleming
*Signature of Applicant(s)

November 30 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>	
Date Request Received _____	
By _____ (Staff Member)	\$225.00 Fee Received
Date Application Complete _____	<input type="checkbox"/> Yes <input type="checkbox"/> No

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: 5518 Shady Side Lane. I am requesting that the Town of White Bear grant me a variance from Ordinance No. 25, for the following purpose: To build a new home Sec. 11

- 1) One (1) Foot variance for side yard on south side yard (6' per ordinance).
- 2) Twenty-Five (25) Foot set back variance from street (35' per ordinance).

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: Chris Hawley Address: 2363 Taylor Avenue
Amy Hawley Phone: (Home) 651-238-6105
 (Bus.) _____
 (Cell) 651-587-3671

Comments: We support the proposed variances, and continued improvement to Shady Side Lane.

Date: 12/23/18 Signatures: Amy Hawley, Chris Hawley

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

Comments: _____

Date: _____ Signatures: _____ / _____

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

Comments: _____

Date: _____ Signatures: _____ / _____

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PROPERTY OWNERS

1. Name: BYRON SUGAHARA Address: 5515 Shadyside Lane
NANCY SUGAHARA Phone: (Home) 651-340-2955
 (Bus.) _____
 (Cell) 772-321-4435

Comments: Looks fine. We have no objections

Date: 1/7/19 Signatures: [Signature] Nancy Sugahara

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

Comments: _____

Date: _____ Signatures: _____ / _____

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

Comments: _____

Date: _____ Signatures: _____ / _____



**Variance Board Meeting
January 16, 2019**

Agenda Number: 5 - 6

Subject: Added Agenda Items
Adjournment

Documentation:

Action / Motion for Consideration:

Added Agenda Items

Adjourn Meeting

