



WHITE BEAR TOWNSHIP

1858
RAMSEY COUNTY
MINNESOTA

1281 HAMMOND ROAD
WHITE BEAR TOWNSHIP, MN 55110

651-747-2750

FAX 651-426-2258

Email: wbt@whitebeartownship.org

Board of Supervisors
ED M. PRUDHON, *Chair*
STEVEN A. RUZEK
SCOTT E. MCCUNE

AGENDA VARIANCE BOARD MEETING MARCH 20, 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 February 20, 2019.
4. **Tom Fiutak & Colet Lahoz, 5770 West Bald Eagle Boulevard** - Request for the Following Variances:
 - 8.25' Right-of-Way Setback Variance
 - 18.52' Lakeshore Setback Variance
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.



recycled paper



**Variance Board Meeting
March 20, 2019**

Agenda Number: 1 - 2 - 3

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

Approval of March 20, 2019 Agenda
Approval of February 20, 2019 Minutes

Documentation: March 20, 2019 Agenda
February 20, 2019 Minutes

Action / Motion for Consideration:

Call meeting to order: 8:00 a.m.
Approval of Agenda: March 20, 2019 (additions/deletions)
Approval of Minutes: February 20, 2019

**MINUTES
VARIANCE BOARD MEETING
FEBRUARY 20, 2019**

The meeting was called to order at 8:07 a.m.

Present: Members: Christopherson, Denn; Planner: Riedesel; Applicant Nathan Landucci.
Absent: Mike Johnson w/notice.

APPROVE AGENDA: The Agenda was approved as submitted.

APPROVE MINUTES: Denn moved approval of the Minutes of January 16, 2019. Christopherson seconded.

NATHAN LANDUCCI, 5508 WEST BALD EAGLE BOULEVARD – Request for the Following Variances: 17' Right-of-Way Setback Variance; 46.5' Lakeshore Setback Variance; 11.3' Height Variance; .5 Side Setback Variance; 15.1% Green Area Variance: Landucci summarized the proposal to tear down the existing garage and replace it with a new two story structure. The existing garage is 26' x 24'. The new garage is proposed to be 26' x 26' with an upper level 886 square feet in area which includes a stairway and balcony.

The garage is proposed to be:

- 3.5' from the lakeshore (elevation 913') requiring a 46.5' variance;
- 5.5' side setback requiring a .5' side setback variance;
- 18' right-of-way setback requiring a 17' right-of-way setback variance;
- 11.3' height variance;
- A green area variance was also discussed.

Landucci explained that the garage lot is owned by Mr. Hildebrandt who owns the house at 5505 West Bald Eagle Boulevard. A perpetual easement was signed in 1988 which gives the owner of Bald Eagle Island the right to use and build a garage on the West Bald Eagle Boulevard lot. Mr. Landucci has been working with Mr. Hildebrandt to correctly define the easement area as it is currently not described correctly.

Landucci also noted that the plans have changed to show the stairway located within the garage and the addition of the balcony plus the relocation of the garage so it is 5' further from the West Bald Eagle Boulevard right-of-way.

He noted that the exterior of the garage is proposed to compliment the island house.

There was discussion regarding the history of this request which began in 2017 but was withdrawn by the applicant.

Denn noted he thought Mr. Landucci was working on a plan to eliminate dormers and downsize the upper area of the garage. Denn recalled that the refuge area was considered as an alternative to the guest cottage since a guest cottage could not meet Zoning Ordinance requirements.

**MINUTES
VARIANCE BOARD MEETING
FEBRUARY 20, 2019**

Denn noted that a side setback variance could be eliminated if the garage were to be shifted half a foot. There was also discussion regarding the shifting of the garage closer to the lake and further from the right-of-way. Denn felt that the lakeshore setback should be increased.

Landucci agreed to modify the plan as recommended by Denn. Denn also felt that the building should be scaled down and the balcony should be eliminated.

There was discussion regarding a Zoning Ordinance amendment which could be adopted to address Mr. Landucci's garage plan.

Denn noted he would not support a Zoning Ordinance amendment.

Denn requested staff review the green area on the Hildebrandt property since the proposed garage is actually on the Hildebrandt property. (Staff calculated the green area of the Hildebrandt property with the Landucci garage. As proposed the green area would exceed 75%.)

Christopherson moved to recommend to the Planning Commission to review the proposal including the modifications discussed to the Planning Commission without a Variance Board recommendation. Denn seconded. Ayes Christopherson. Nay Denn.

The Planning Commission will review at their February 28th Meeting.

The meeting adjourned at 8:53 a.m.

Respectfully Submitted,

Tom Riedesel



**Variance Board Meeting
March 20, 2019**

Agenda Number: 4

Subject: Tom Fiutak & Colet Lahoz, 5770 West Bald Eagle Boulevard - Request for the Following Variances:

- 8.25' Right-of-Way Setback Variance
- 18.52' Lakeshore Setback Variance

Documentation: Staff Memo w/attachments
Variance Application

Action / Motion for Consideration:

Receive Information / Discuss

MEMORANDUM

TO: VARIANCE BOARD
FROM: TOM RIEDESEL
DATE: MARCH 15, 2019

SUBJECT: CONSTRUCTION OF SECOND STORY ADDITION

REQUEST: 8.25' RIGHT-OF-WAY SETBACK VARIANCE & 18.52' LAKESHORE SETBACK VARIANCE

LOCATION: 5770 WEST BALD EAGLE BOULEVARD
APPLICANTS: TOM FIUTAK & COLET LAHOZ

Mr. Fiutak & Ms. Lahoz are requesting approval of 2 variances which would permit them to construct a second story addition onto their existing home. The addition is proposed on the southwest corner of the home. The addition is proposed to be 25' x 19.' 8". The footprint of the addition is within the existing footprint of the home with the exception of a second story balcony. The balcony is proposed on the south side of the addition and would be located approximately 40' from the side lot line. The proposed setback from the lake is 31.48' requiring an 18.52' lakeshore setback variance and 26.75' setback from the West Bald Eagle Boulevard right-of-way requiring an 8.25' right-of-way setback variance. The height of the home within the addition is 22'.

The Fiutak home is located on a shallow odd shaped lakeshore lot. Based on the location of the home on the lot, almost any addition will require approval of setback variances. The home encroaches into the right-of-way and lakeshore setback areas. Because the second story addition is proposed for the part of the home which encroaches into the setback area, an addition to this legal non-conforming home will require variances.

The Town has reviewed several setback variance requirements which propose to increase the height of a home which encroaches into the setback areas. These types of variances have been approved provided that the height does not exceed ordinance requirements. This request is similar to other approved requests.

In order to approve setback variances, the following standards set forth by the Planning Commission must be considered, they include:

- (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 Fiutak home received approval of a lakeshore setback variance to construct a lakeside deck in 2010. A 29' lakeshore setback variance was approved since the property is considered an undersized lot of record and a hardship is created due to the unique configuration of the lot.

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

Tom Riedesel

From: Mike Johnson
Sent: Friday, March 15, 2019 3:20 PM
To: Tom Riedesel
Subject: RE: Variance Board

Yes, go ahead without me. Items for the variance board to consider: 1. Park property directly to the south and west of Fiutak's property no neighbors to block the view of the lake. 2. Construction should not encroach any farther into the setback than the existing structure (as indicated on the submittal). proposal complies with the height requirements.

From: Tom Riedesel <Tom.Riedesel@whitebeartownship.org>
Sent: Friday, March 15, 2019 9:07 AM
To: Mike Johnson <Mike.Johnson@whitebeartownship.org>
Cc: Pat Christopherson <Pat.Christopherson@whitebeartownship.org>
Subject: RE: Variance Board

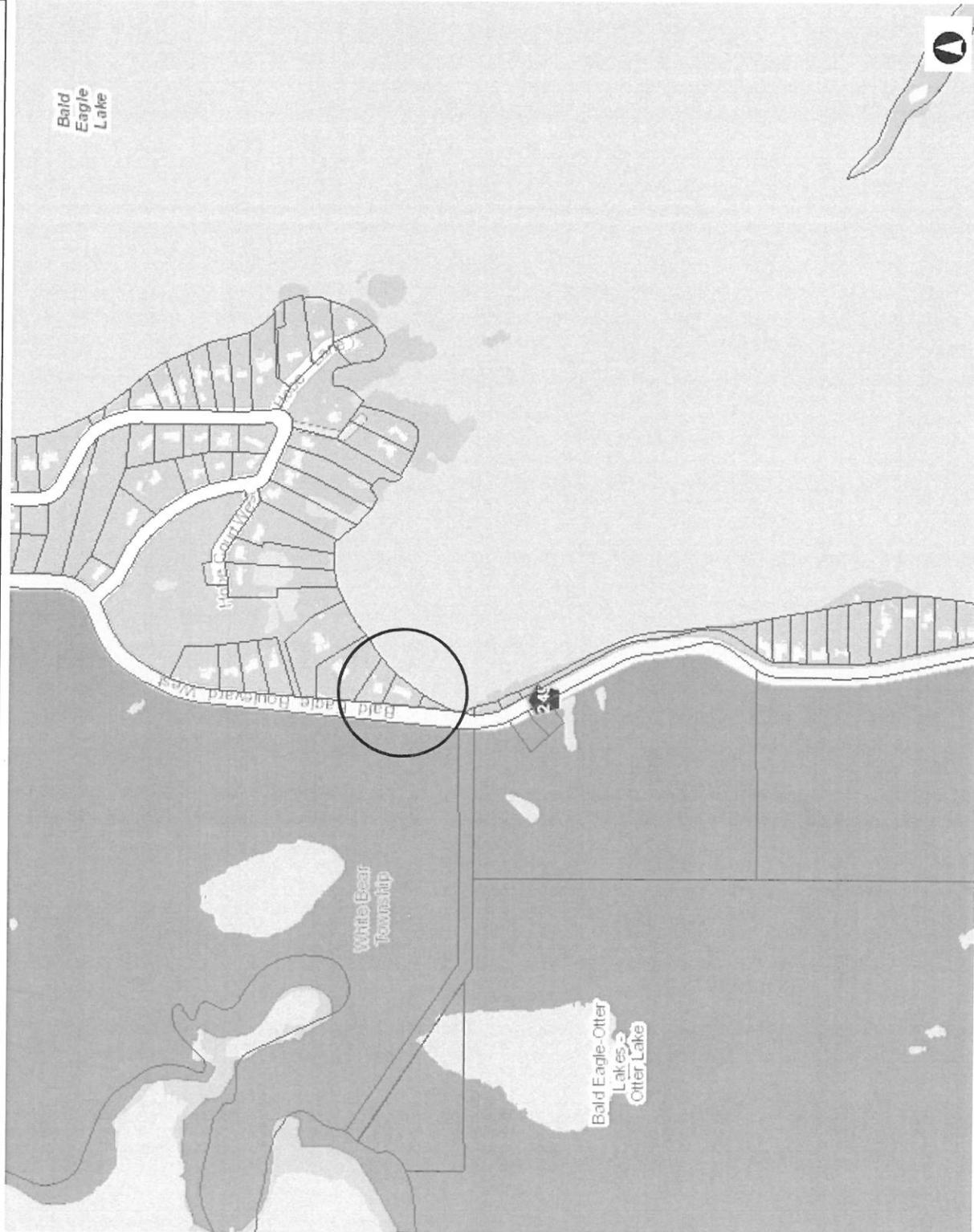
Whoa, You weighed in on this one (Fiutak). Are you ok with the V.B. meeting without you? Do you want to write up your comments?

From: Mike Johnson
Sent: Friday, March 15, 2019 9:02 AM
To: Tom Riedesel <Tom.Riedesel@whitebeartownship.org>
Subject: RE: Variance Board

I will be out all next week and possibly into the following week

From: Tom Riedesel <Tom.Riedesel@whitebeartownship.org>
Sent: Friday, March 15, 2019 8:27 AM
To: Pat Christopherson <Pat.Christopherson@whitebeartownship.org>; Mike Johnson <Mike.Johnson@whitebeartownship.org>; 'ron.solegiaelghunds@gmail.com' <ron.solegiaelghunds@gmail.com>; 'Denn, Ron (MNIT)' <ron.denn@state.mn.us>
Subject: Variance Board

Gents,
We have a variance request to review next week. How does Wed. morning at 8:00 work?
Tom



Legend



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

Notes

Enter Map Description



This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.
 THIS MAP IS NOT TO BE USED FOR NAVIGATION

W BALD EAGLE BLVD

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

5776

5770

Total: 26.75 ft

2ND FLOOR ADDITION

31.48 ft

Total: 31.48 ft

48.91 ft

Total: 48.91 ft

BALD EAGLE LAKE

100.0 0 50.00 100.0 Feet

NAD_1983_HARN_Adj_MN_Ramsey_Feet
© Ramsey County Enterprise GIS Division

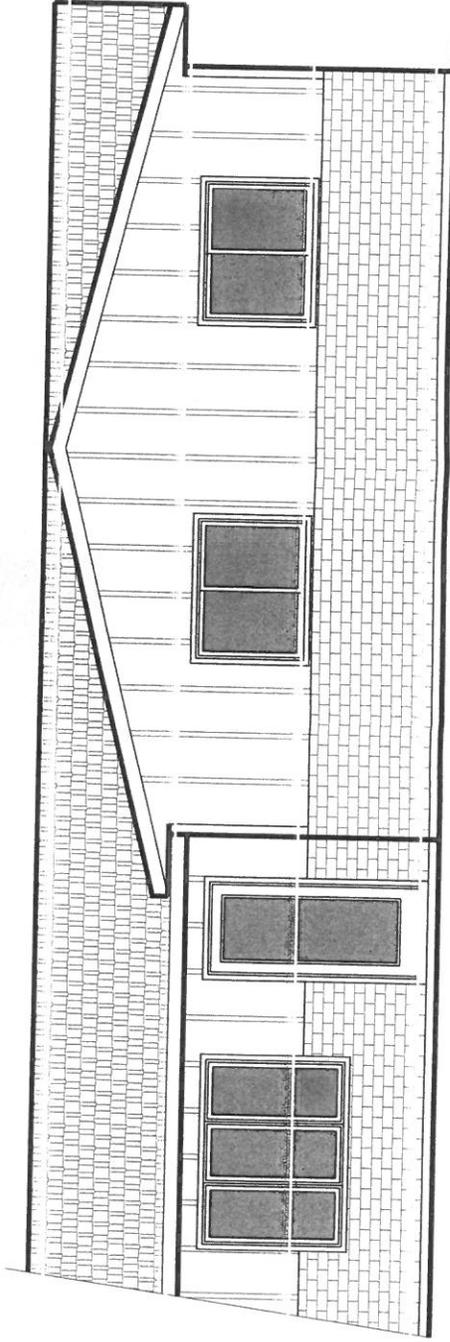
This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

Notes

ALL CONSTRUCTION WITHIN CURRENT HOUSE BORDERS.

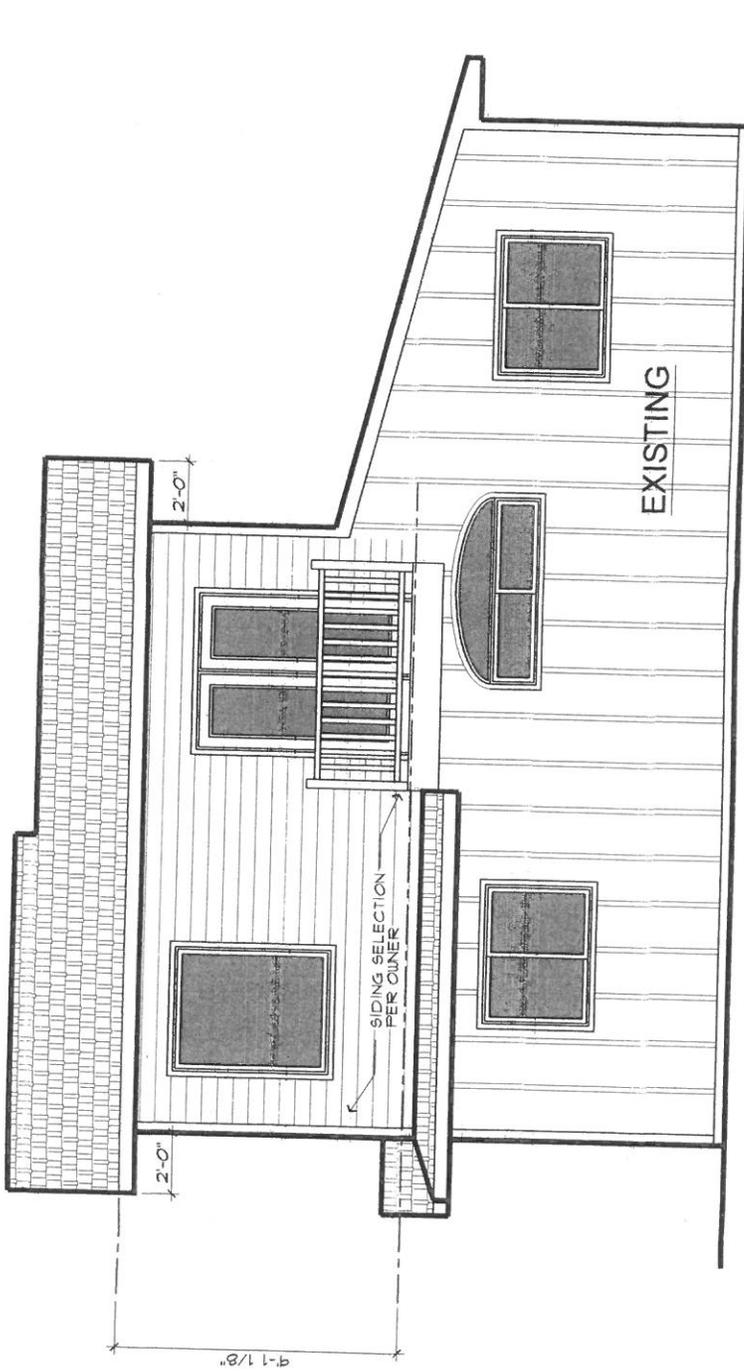




EXISTING
FRONT ELEVATION

GENERAL NOT

1. SMOKE DETECTORS SHALL BE INSTALLED IN EACH SLEEPING ROOM AND CENTRALLY LOCATED IN THE HALLWAY GIVING ACCESS TO EACH SLEEPING AREA. EACH STORY OF THE DWELLING AND BASEMENT MUST HAVE A SMOKE DETECTOR.
2. ALL WINDOWS LOCATED IN HALLWAYS (IE: MASTER BATH) SHALL BE INSTALLED WITHIN 18" ABOVE FINISHED FLOOR WITH IN 18" OF A DOOR ARE TEMPERED GLASS.
3. STRUCTURAL INFORMATION: ALL STRUCTURAL INFORMATION AS HEADER / BEAM TYPE, LOG SIZES AND LOADING ARE TO BE PROVIDED BY THEIR RESPECTIVE TRUSSES.
4. TRUSS SUPPLIER IS TO PROVIDE DRAWINGS THAT HAVE BEEN CHECKED BY A REGISTERED ENGINEER OF THE PROJECT'S LOCATION FOR INSTALLATION.
5. VERIFY FLOOR FINISHES W/ OWNER.
6. VERIFY ACTUAL GRADE CONDITIONS AND FOOTINGS AS REQUIRED. MINIMUM FROST DEPTH PER CODE.
7. "INTEGRITY" WINDOWS SPECIFIED BY OWNER.
8. ALL OPENINGS TO EXTERIOR TO BE FLASHED. FLASHING IS REQUIRED WHERE ALL ROOF AND VERTICAL MEET, OR WHERE SIDING MATERIAL MEET.
9. PROVIDE DRIP FLASHING AT ALL SIDING CHANGES AS REQUIRED.
10. PROVIDE ATTIC VENTILATION NETS TO BE EQUAL TO 1/50TH OF ATTIC AREA. PROVIDE 50% IN UPPER PORTION OF ROOF BALANCE IN SORT.
11. ICE DAM PROTECTION TO BE INSTALLED AT THE EAVES TO A LINE 24" INSIDE THE WALL WITH ALL LAPS CEMENTED.
12. INSTALL 1/2" OSB SHEATHING OVER SHAKE AND STONE LOCATIONS.



RIGHT ELEVATION

1/4" = 1'-0"



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

MAR 14 2019

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.

Fee \$225

APPLICANT(S) THOMAS FIUTAK PHONE (Home) _____
STELIA COLET LAHOZ (Business) 651-429-9595
 (Cell) 651-724-1822

ADDRESS 5770 W. PAID FACIA BLVD.
WHITE BEAR LAKE MN 55110

PROPERTY OWNER THOMAS FIUTAK/STELIA COLET LAHOZ

ADDRESS OF SITE 5770 W. PAID FACIA BLVD. WBL, MN 55110 ZONING _____

EXISTING USE OF SITE RESIDENCE / BUSINESS

DESCRIPTION OF VARIANCE REQUEST Set backs

SETBACKS:	Required	Existing	Requested
Front Yard	<u>35'</u>	<u>26.75</u>	<u>8.25'</u>
Side Yard	_____	_____	_____
Side Yard	_____	_____	_____
LAKE Rear Yard	<u>50'</u>	<u>31.48</u>	<u>20</u>
Other (Specify)	_____	_____	_____

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

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

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

Thom Fubel
A Colet Sahry
*Signature of Applicant(s)

March 13, 2019
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>		CC
Date Request Received	<u>3/14/19</u>	
By <u>Karen</u> (Staff Member)	\$225.00 Fee Received	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Date Application Complete	_____	

STATEMENT OF AFFECTED PROPERTY OWNERS

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

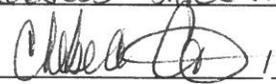
I am the owner of the property at: 5776 W. Bald Eagle Blvd.. I am requesting that the Town of White Bear grant me a variance from Ordinance No. _____, for the following purpose:

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: Chelsea Catkins Address: 5830 W. Bald Eagle Blvd
Phone: (Home) _____
(Bus.) _____
(Cell) 651-244-8786

Comments: Address above is mine, but I own the small property on south side of Tom. No address since not buildable

Date: 3/13/19 Signatures: 

2. Name: GARY PHILLIPS Address: 5776 W. BALD EAGLE
Phone: (Home) 651 426 0721
(Bus.) _____
(Cell) _____

Comments: _____

Date: 3/13/19 Signatures: 

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

Comments: _____

Date: _____ Signatures: _____ / _____



**Variance Board Meeting
March 20, 2019**

Agenda Number: 5 - 6

Subject: Added Agenda Items
Adjournment

Documentation:

Action / Motion for Consideration:

Added Agenda Items

Adjourn Meeting