



**Town Board
Meeting Supplement
August 5, 2019**

Supplemental Information:

- 5.F. Administrative Driveway Variance** – In Accordance with Town Ordinance No. 35, Section 9-6.3(e) & Based on Staff Review & Recommendation & Approval, Ratify the Town Clerk's Issuance of an Administrative Driveway Variance at 2636 South Shore Boulevard

Signed Issuance of Administrative Driveway Variance

- 6.B. Patrick O'Brien, 1382 Top Lane** – Request for Minor Subdivision Requiring Approval of a Lot Size & Lot Width Variance

Revised Findings of Fact

- 7.B. Right-of-Way Variance Request @ 5216 Park Avenue** – To Allow Construction of a 3 Season Porch

Corrected Documentation / Revised Action

**Town Board
Meeting Supplement
August 5, 2019**

Supplemental Information:

Agenda Number: 5.F

Subject: **Administrative Driveway Variance** – In Accordance with Town Ordinance No. 35, Section 9-6.3(e) & Based on Staff Review & Recommendation & Approval, Ratify the Town Clerk's Issuance of an Administrative Driveway Variance at 2636 South Shore Boulevard

Documentation: Signed Issuance of Administrative Driveway Variance

Action / Motion for Consideration:

Report at Meeting / Discuss



**ADMINISTRATIVE VARIANCE
DRIVEWAY REPLACEMENT**

Property Address: 2636 S. Shore Blvd

Pursuant to Section 9-6.3(e).(3) of Ordinance No. 35, the Town Clerk has the authority to review and approve requests for replacement of existing driveways which have non-conforming side yard setbacks, provided the applicant has supplied the necessary signatures of adjacent property owners.

The Town Clerk hereby approves the replacement of the driveway at the above address, in accordance with Section 9-6.3(e).(3).

Date: 5-5-19

PATRICK CHRISTOPHERSON, Clerk-Treasurer

Ratified by the Town Board on _____.

**Town Board
Meeting Supplement
August 5, 2019**

Supplemental Information:

Agenda Number: 6.B

Subject: Patrick O'Brien, 1382 Top Lane – Request for Minor Subdivision Requiring Approval of a Lot Size & Lot Width Variance

Documentation: Revised Findings of Fact

Action / Motion for Consideration:

Report at Meeting / Discuss

FINDINGS OF FACT

In re: Minor Subdivision Application of
Patrick O'Brien 1382 Top Lane
White Bear Minnesota 55110

FINDINGS I

That the parcel presently owned by the Applicant has an existing use as a single family residence. That if Mr. O'Brien elected he could demolish the existing residence and construct a new residence on the property without obtaining any variances for lot size, side lot, or setback.

FINDINGS II

That the proposed minor subdivision would result in a lot which is approximately 9,790 square feet in area. The Town's present minimum lot size is 12,000 square feet. The proposed lot would face Birch Lake Blvd. South. Town ordinances require a minimum width of 105 feet along a right of way. The width of the proposed parcel is 89.05 feet which does not meet the minimum requirement of the Town ordinances.

FINDINGS III

The hardship claimed by the Applicant is one that the Applicant created. It did not preexist the applicant's purchase of the property. It is not unique to the Applicant's property.

**Town Board
Meeting Supplement
August 5, 2019**

Supplemental Information:

Agenda Number: 7.B

Subject: **Right-of Way Variance Request @ 5216 Park Avenue –
To Allow Construction of a 3 Season Porch**

Documentation: Corrected Documentation /Revised Action

Action / Motion for Consideration:

Report at Meeting / Discuss

Revise Agenda Item 7.B to read as follows:

**7.B. Side Yard Setback Variance Request @ 5216 Park Avenue –
To Allow Construction of a Two Car Garage**

Action:

Based on Variance Board, Planning Commission & Staff Review
& Recommendation Approve the 13.5' Right-of-Way Setback
Variance to Allow Construction of a Two Car Garage

Minutes
Planning Commission
June 27, 2019

**CONSENT AGENDA – MATT & ANN MENIOR, 5216 PARK AVENUE – Request for a 24'
Right-of-Way Setback & a 3% Green Area Variance to Construct a Two-Car Garage:**

Riedesel summarized the request for a 24' right-of-way setback variance and a 3% green area variance to allow for construction of a 24' by 24' detached garage. The garage would replace an existing single car garage which is constructed up to the Park Avenue right-of-way and a small shed located behind it. The new garage is in approximately the same location as the existing garage but would be set back 10' from the right-of-way.

This property is a corner lot, 49.98' wide 120' deep, 5,998 square feet in area and is considered an undersized lot of record. The Town requires a 35' right-of-way setback and a 10' side-rear setback for a standard sized corner lot. This undersized corner lot requires a 6' side setback. With these setback requirements applied to this lot a garage no greater than 9' deep can be constructed without approval of a setback variance.

The Town requires 70% green area for non-lakeshore residential properties. The proposed coverage for this lot with the newly proposed garage is 33%, requiring a 3% green area variance. It was noted that the Town has historically approved variances to permit construction of a two-car garage and this request is consistent with others which proposes a two-car garage with greater setbacks than an existing non-conforming garage.

There was minimal discussion and the Planning Commission didn't find any issues with this agenda item.

Artner moved to Approve the Consent Agenda as follows: 24' Right-of-Way Setback & a 3% Green Area Variance to Construct a Two Car Garage. Kotilinek seconded. Ayes all.

Minutes
Variance Board Meeting
June 19, 2019

MATT & ANN MENIOR, 5216 Park Avenue – Request for 24' Right-of-Way Setback & 3% Green Area Variance to Construct a Two Car Garage: Riedesel summarized the request for a 24' right-of-way setback variance and a 3% green area variance to allow for construction of a 24' x 24' detached garage. The garage would replace an existing single car garage which is constructed up to the Park Avenue right-of-way and a small shed located behind it. The new garage is in approximately the same located as the existing garage but would be set back 10' from the right-of-way line.

The Menior property is a corner lot, 49.98' wide and 120' deep, 5,998 square feet in area, and is considered an undersized lot of record. The Town requires a 35' right-of-way setback and a 10' side (rear) setback for a standard sized lot. This undersized corner lot requires a 6' side setback. With these setback requirements applied to this lot a garage on greater than 9' deep can be constructed without approval of a setback variance.

The Town requires 70% green area for non-lakeshore residential properties. The proposed coverage for this lot with the newly proposed garage is 33%, requiring a 3% green area variance.

The Town has historically approved variances to permit construction of a two car garage and this request is consistent with others which proposes a two car garage with greater setbacks than an existing non-conforming garage.

Riedesel stated that the garage could be shifted more to the north, however, this would create more driveway and a greater green area variance

Denn inquired as to whether there would be room to park a vehicle in front of the garage. Johnson stated that there would be room.

Denn moved to recommend to the Planning Commission to recommend to the Town Board to approve the 24' right-of-way setback variance and 3% green area variance to allow construction of a two car garage. Johnson seconded. Ayes all.

MEMORANDUM

TO: VARIANCE BOARD
FROM: TOM RIEDESEL
DATE: JUNE 11, 2019

SUBJECT: NEW GARAGE CONSTRUCTION

REQUEST: 24' RIGHT-OF-WAY WAY SETBACK VARIANCE, 3% GREEN
AREA VARIANCE

LOCATION: 5216 PARK AVENUE

APPLICANTS: MATT & ANN MENIER

ZONING: R-1

PUBLIC

HEARING: REQUIRED

The Meniers are requesting approval of a 25' right-of-way setback variance which would allow construction of a 24' x 24' detached garage at 5216 Park Avenue. The proposed garage would replace an existing single car garage which is constructed up to the Park Avenue right-of-way and a small shed located behind the garage. The new garage is proposed in approximately the same location as the existing garage but would be set back 10' from the right-of-way.

The Meniers property is a corner lot, 49.98' wide and 120' deep, 5,998 square feet in area. The property is considered an undersized lot of record. The Town requires a 35' right-of-way setback and a 10' side (rear) setback for a standard sized lot. This undersized corner lot requires a 6' side setback. With these setback requirements applied to this undersized lot, a garage no greater than 9' deep can be constructed without approval of a setback variance.

The garage is proposed to line up with the setback of the existing home, which has a 9.4' setback from Park Avenue.

The Town requires 70% green area for non-lakeshore residential properties. The proposed coverage for this lot with the newly proposed garage is 33%, requiring a 3% green area variance. The new garage is approximately 200 square feet larger than the existing shed and garage or 4% greater coverage on the lot.

The Town has historically approved variances to permit construction of a two car garage. This request is consistent with others which proposed a two car garage with greater setbacks than an existing garage. The garage could be shifted so it is further from the

right-of-way than proposed. Requiring this would create a longer driveway, creating less green space.

The garage as proposed appears to meet the standards set forth by the Zoning Ordinance to approve a variance. The proposal is also consistent with the Town's practice of allowing a variance for a new structure providing that the new structures is set back further from the lot line than an existing structure to be demolished.

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



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
 JUN 06 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) MATT MENIER PHONE (Home) _____
ANN MENIER (Business) 651-653-2709
 (Cell) 651-366-7886

ADDRESS 5216 PARK AVE
WBT. 55110

PROPERTY OWNER MATT & ANN MENIER

ADDRESS OF SITE 5216 PARK AVE. ZONING _____

EXISTING USE OF SITE _____

DESCRIPTION OF VARIANCE REQUEST REPLACE SINGLE CAR GARAGE
WITH A DOUBLE GARAGE

SETBACKS:	<u>Required</u>	<u>Existing</u>	<u>Requested</u>
Front Yard	_____	_____	_____
Side Yard	_____	_____	_____
Side Yard	_____	_____	_____
Rear Yard	_____	_____	_____
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.

Ann Marie
Ann Marie

*Signature of Applicant(s)

6-4-19
Date

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

To Be Completed By Office:

Date Request Received 6/6/19

Case# 4301

By Karen
(Staff Member)

\$225.00 Fee Received

Yes
 No

Date Application Complete _____

STATEMENT OF AFFECTED PROPERTY OWNERS

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

I am the owner of the property at: 5216 Park Ave. I am requesting that the Town of White Bear grant me a variance from Ordinance No. _____, for the following purpose:
to build a two stall garage on our property.

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: Ed Champion Address: 2701 Stillwater St
Phone: (Home) _____
(Bus.) _____
(Cell) 651-276-6715

Comments: _____

Date: June 17-18 Signatures: [Signature]

2. Name: Kevin & Amelia Hackl Address: _____
Phone: (Home) _____
(Bus.) _____
(Cell) _____

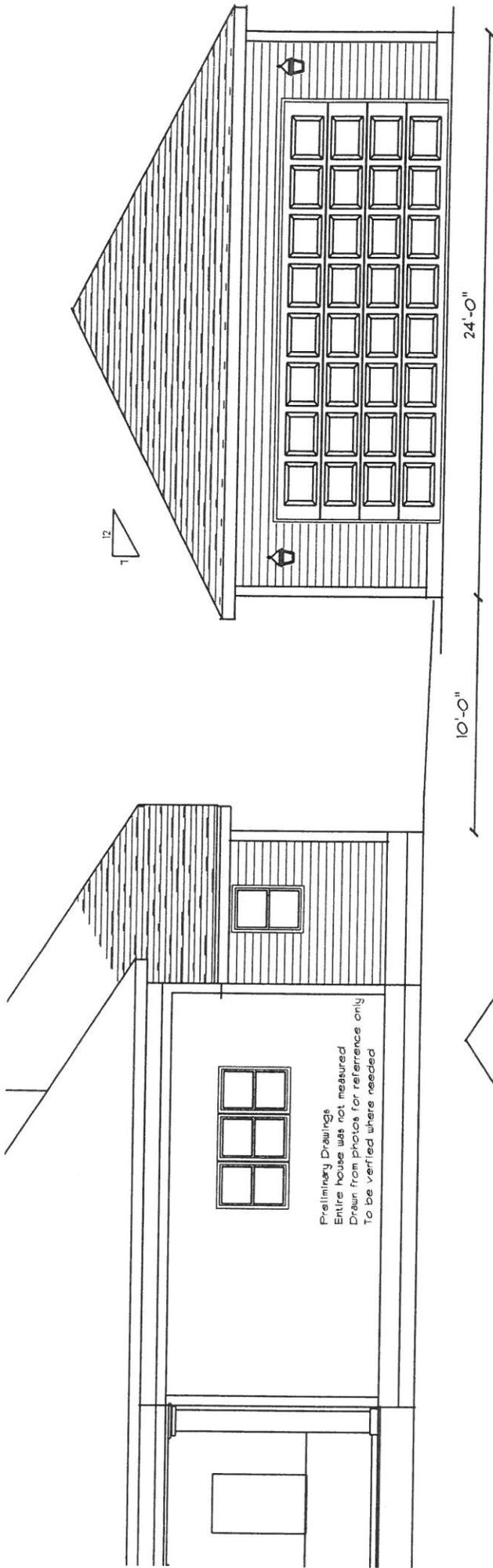
Comments: _____

Date: 6/18/19 Signatures: [Signature]

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

Comments: _____

Date: _____ Signatures: _____ / _____



Preliminary Drawings
 Entire house was not measured
 Drawn from photos for reference only
 To be verified where needed

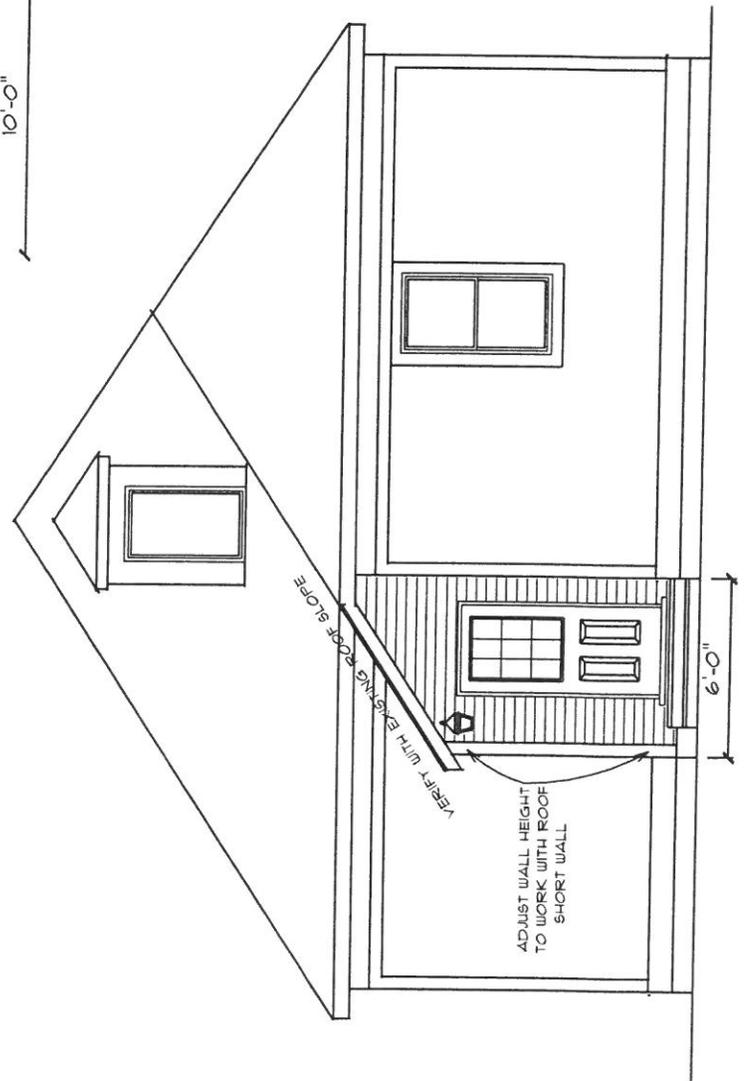
10'-0"

24'-0"

Preliminary Drawings
 March 7 2019

Dan Guidinger
 Guidinger Construction LLC
 651 325-6000

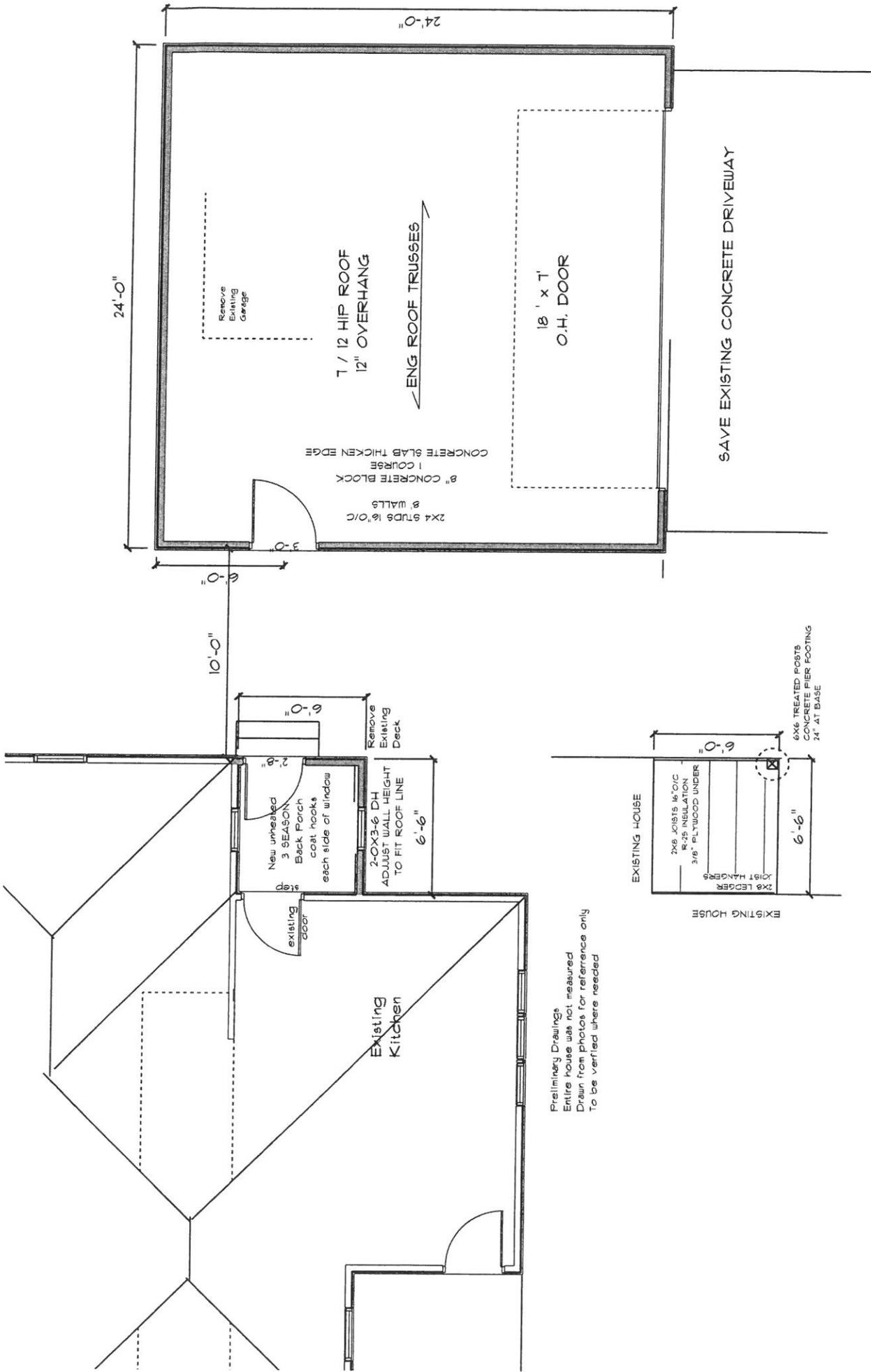
Proposed Drawings
 Matt & Ann Menier
 5216 Park Ave
 White Bear Lake MN



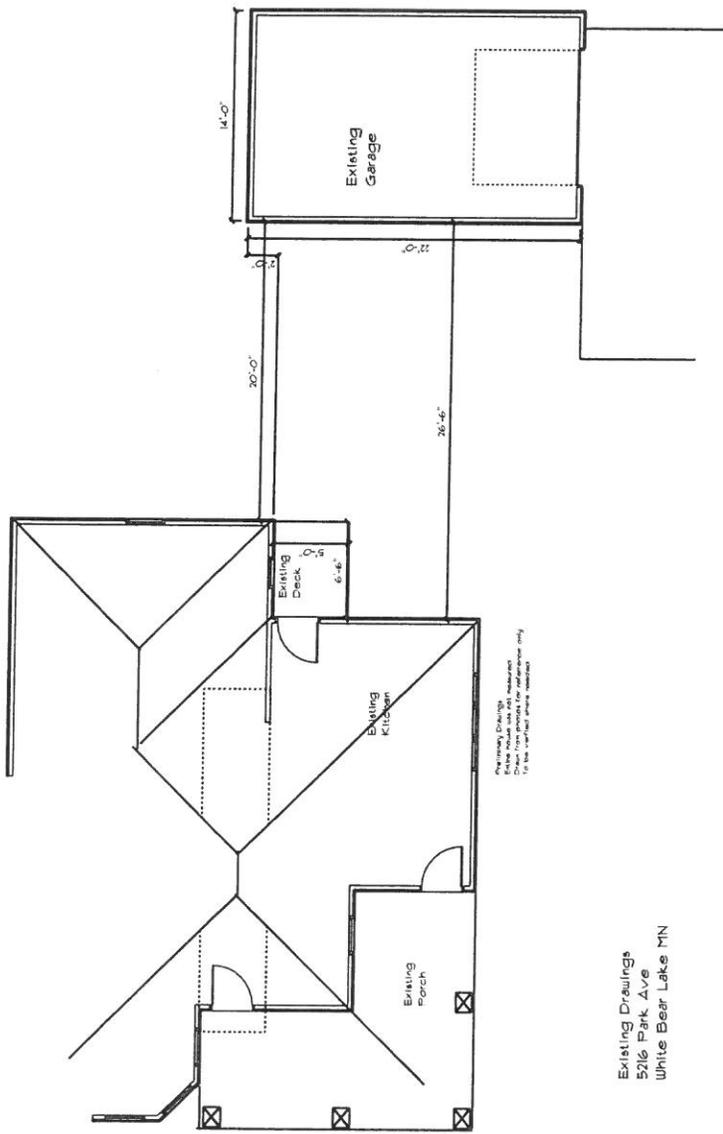
VERIFY WITH EXISTING ROOF SLOPE

ADJUST WALL HEIGHT
 TO WORK WITH ROOF
 SHORT WALL

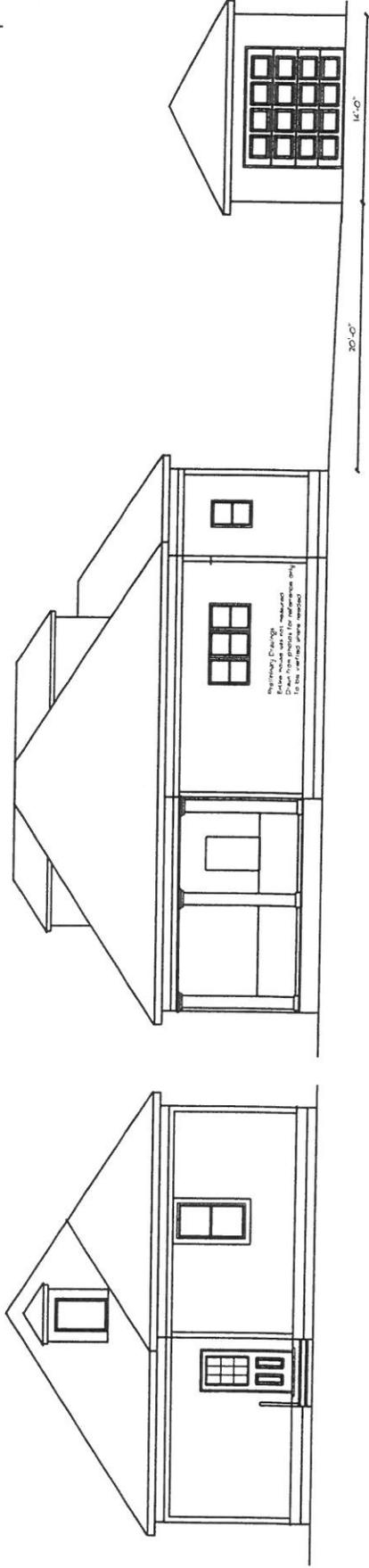
6'-0"



Preliminary Drawings
 Entire house was not measured
 Drawn from photos for reference only
 To be verified where needed



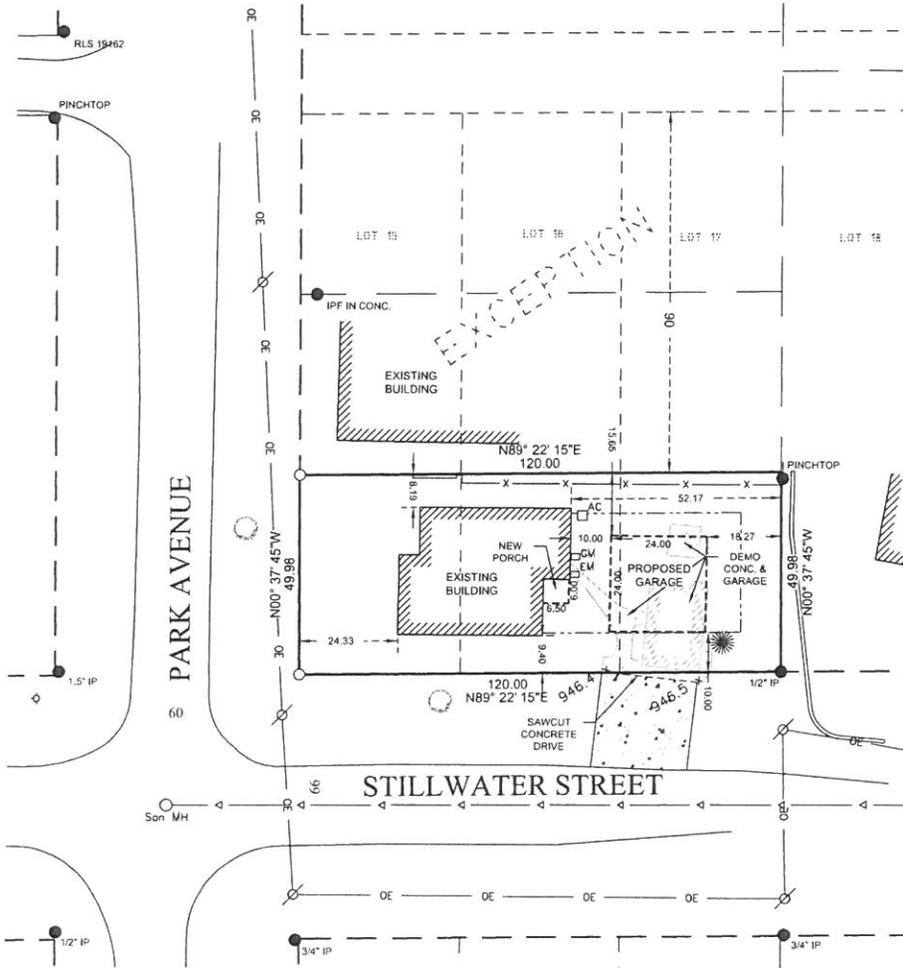
Existing Drawings
5216 Park Ave
White Bear Lake MN



SITE PLAN FOR:
Ann Menier

PROPERTY ADDRESS
5216 Park Avenue
White Bear Township 55110

DESCRIPTION:
Lots 15, 16 and 17, except the north
90 feet thereof, Block 24, WHITE BEAR
BEACH, Ramsey County, Minnesota.
Subject to easements of record, if any.



LEGEND

- Iron Monument Found
- Iron Monument Set
- ⊗ Power Pole
- ⊕ Hydrant

940.0 x Existing Spot Elev.

NOTES

Horizontal Datum: Ramsey County PLSS
Vertical Datum: Assumed

Garage Floor Elev.=946.6

Bench Mark: TNH@NW Cor. of
Park & Stillwater.
Elev=937.03

ZONING

R-1 Suburban Residential

Setbacks
Front: 35 ft.
Rear: 20 ft.*
Side: 10 ft.

Garage Size

Max. of 10% of Total Lot Size or
less than 1000 s.f.

*Rear setback for accessory bldg can
be reduced to 10 ft. for bldg under 15
ft. in height.

CALCULATIONS

Lot Area: 5998 s.f.
Proposed Garage Area: 576 s.f
Coverage: 576/5998=9.6%
Garage Height: 14 ft.

I hereby certify that this survey, plan
or report was prepared by me or
under my direct supervision and that
I am a duly Licensed Land Surveyor
under the laws of the State of
Minnesota.

Allen C. Schlipp
DATE _____ LIC. NO. MN 21292



1440 Arcade St. Suite 250
Saint Paul, MN 55106
Phone: 651-766-0112
Fax: 651-776-0205
E-mail: info@mpasso.com

THESE PLANS ARE PREPARED AS A DRAFTING SERVICE ONLY. GENERAL CONTRACTOR ASSUMES FULL RESPONSIBILITY FOR ALL DIMENSIONS, GRADES, ELEVATIONS, NOTES AND CONFORMITY TO LOCAL CODES. VERIFY THESE PLANS FOR ANY POSSIBLE CHANGES PRIOR TO CONSTRUCTION.

ASPHALT SHINGLES

7/12 ROOF TRUSSES

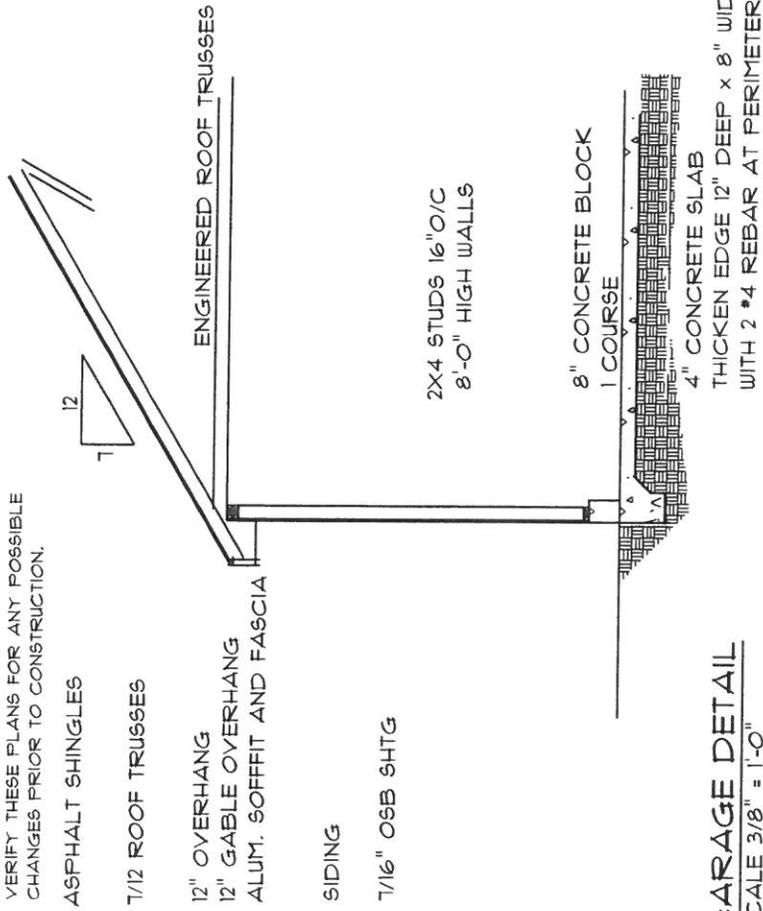
12" OVERHANG

12" GABLE OVERHANG

ALUM. SOFFIT AND FASCIA

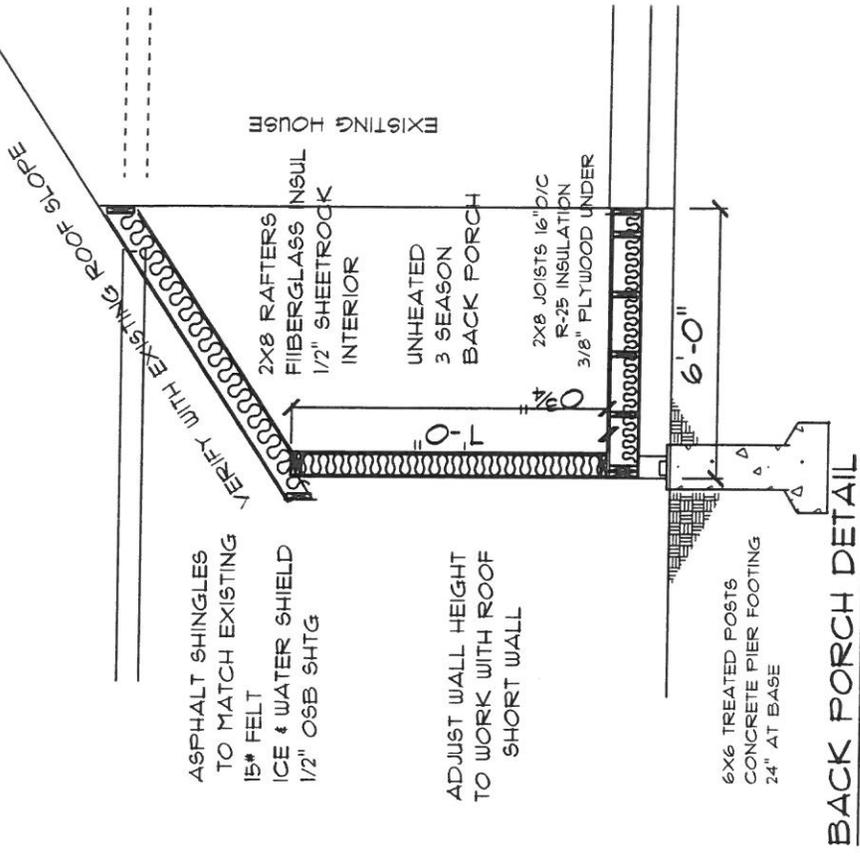
SIDING

1/16" OSB SHTG



GARAGE DETAIL

SCALE 3/8" = 1'-0"



ASPHALT SHINGLES TO MATCH EXISTING
15# FELT
ICE & WATER SHIELD
1/2" OSB SHTG

ADJUST WALL HEIGHT TO WORK WITH ROOF SHORT WALL

6X6 TREATED POSTS
CONCRETE PIER FOOTING
24" AT BASE

BACK PORCH DETAIL

SCALE 3/8" = 1'-0"