



WHITE BEAR TOWNSHIP

1858
RAMSEY COUNTY
MINNESOTA

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

1281 HAMMOND ROAD
WHITE BEAR TOWNSHIP, MN 55110

651-747-2750
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AGENDA VARIANCE BOARD MEETING AUGUST 15, 2019

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 June 19, 2019.
4. **Christopher & Stephanie Ward, 1548 Hennessy Vista** – Request for 22' Right-of-Way Setback Variance to Allow a 10' x 12' Shed (after-the-fact).
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
August 15, 2019**

Agenda Number: 1 - 2 - 3

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

Approval of August 15, 2019 Agenda
Approval of June 19, 2019 Minutes

Documentation: August 15, 2019 Agenda
June 19, 2019 Minutes

Action / Motion for Consideration:

Call meeting to order:	7:30 a.m.
Approval of Agenda:	August 15, 2019 (additions/deletions)
Approval of Minutes:	June 19, 2019

**MINUTES
VARIANCE BOARD MEETING
JUNE 19, 2019**

The meeting was called to order at 7:34 a.m.

Present: Members: Christopherson, Denn, Johnson; Planner: Riedesel; Applicants: Anthony Morgan, Andrew Nelson, Matt Menior, and Patrick & Rheanna O'Brien.

APPROVE AGENDA: Johnson moved approval of the Agenda as submitted. Christopherson seconded.

APPROVE MINUTES: Johnson moved approval of the Minutes of May 15, 2019. Christopherson seconded.

ANTHONY & MORGAN ABBOTT, 5216 Grand Avenue – Request for a 13.5' Right-of-Way Setback Variance to Construct a 3 Season Porch: Riedesel summarized the request to add a 3 season porch onto the existing deck. Riedesel noted that a variance was requested and received by the previous owner in 1997 allowing construction of the deck. This lot is considered an undersized lot of record at the corner of Grand and Stillwater Street.

In 1997 it was noted that 6 of the 8 homes on this block did not meet right-of-way setback requirements and it was found that the average setback of the homes on this block was consistent with the setback of the proposed deck. The average setback along this block is currently 24' +/-.

The Variance Board discussed the request and no issues were noted.

Johnson moved to recommend to the Planning Commission to recommend to the Town Board to approve the 13.5' right-of-way setback which will allow construction of a 3 season porch based on the previous variance approval of the deck in 1997. Christopherson seconded. Ayes all.

ANDREW NELSON, 3940 Lakewood Avenue – Request for a 6.375' Side Yard Setback Variance to Pave Driveway 3' From the Side Lot Line: Riedesel summarized the request for a 6.375' side yard setback variance and an 8.7% green area variance to allow him to pave his driveway up to 3' from the side lot line. The driveway is currently gravel and is constructed up to the lot line.

The paved driveway width is proposed to be 12'4", and the driveway will serve a detached garage located behind the home. There is also an existing parking area which adjoins Lakewood Avenue. This was once a driveway that extended up to the home. A portion of this driveway has been removed and the remainder is used for parking.

**MINUTES
VARIANCE BOARD MEETING
JUNE 19, 2019**

The majority of the homes in the Eastwood Manor neighborhood were built in the 50's and 60's, many with single car garages. As these garages are replaced with two car garages it is common for the Town to review variances proposing a 5' side yard setback.

Johnson inquired about calculations of green space for neighboring properties. He also stated that he met with Nelson and found that no other options are really available to him for the driveway.

The Variance Board discussed the parking pad located on the property. Nelson stated that he would like to keep the parking pad as he uses it to park his work vehicle. He also noted that the parking pad is supported on one side by a retaining wall and that would have to be removed and fill brought in to make it look acceptable.

Christopherson moved to recommend to the Planning Commission to recommend to the Town Board to approve the 6.375' side yard setback variance and 8.7% green area variance to allow paving of the driveway. Johnson seconded. Ayes all.

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

**MINUTES
VARIANCE BOARD MEETING
JUNE 19, 2019**

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.

PATRICK O'BRIEN, 1382 Top Lane – Request for Minor Subdivision Requiring Approval of a Lot Size & Lot Width Variance: Riedesel summarized the request for approval of a minor subdivision which requires approval of a lot size and lot width variance. The property is located at the corner of Top Lane and South Birch Lake Boulevard. The home fronts on Top Lane and the driveway accesses Top Lane. The property is "L" shaped with 89.05' of frontage on South Birch Lake Boulevard and 200' of frontage on Top Lane.

O'Brien would like to split the property into two lots. One lot approximately 90' wide by 207.56' deep fronting on Top Lane. This lot has the O'Brien home on it. The second lot would be a vacant corner lot 89.05' wide by 110' deep.

The lot containing the O'Brien home would be approximately 18,000 square feet in area meeting lot size and width requirements.

The corner lot is proposed to be approximately 9,790 square feet in area. The Town's minimum lot size is 12,000 square feet in area with a minimum of 105' width along each right-of-way. Therefore, the applicant is requesting a 15.95' lot width variance and a 2,210 lot square footage variance for the newly created lot.

The configuration of the O'Brien property seems as though it should be split; however, no stub was constructed and the property was only assessed for one unit.

Denn stated that he is not in favor of creating undersized lots which will may require variances in the future to construct houses.

O'Brien stated that any home constructed on the new lot would not be a two story dwelling but a single story home that would fit on the lot.

Johnson proposed an option whereby O'Brien could increase the size of the newly created lot by downsizing the size of his lot to 80' wide thereby adding an additional 900 square feet onto the new lot which will decrease the size of the lot size variance needed.

Denn stated he could support Johnson's proposal as it would get the new lot closer to the minimum lot requirement and that no variances be allowed on either parcel in the future.

**MINUTES
VARIANCE BOARD MEETING
JUNE 19, 2019**

Johnson moved to recommend to the Planning Commission to recommend to the Town Board to approve the minor subdivision subject to the applicant downsizing the size of the lot on which the house is located to be 80' wide which would add approximately 900 square feet onto the new lot thereby getting it closer to the minimum lot requirement and decreasing the amount of the lot size variance, and noting that no variances will be permitted for the newly created corner lot. Christopherson seconded. Ayes all.

The Variance Board stated that a revised sketch plan should be presented prior to or at the Planning Commission meeting.

The meeting was adjourned at 8:18 a.m.

Respectfully Submitted,

Patti Walstad

DRAFT



**Variance Board Meeting
August 15, 2019**

Agenda Number: 4

Subject: Christopher & Stephanie Ward, 1548 Hennessy Vista –
Request for 22' Right-of-Way Setback Variance to Allow a
10' x 12' Shed (after-the-fact)

Documentation: Staff Memo w/attachments /
Variance Application /
Code Enforcement Officer Correspondence

Action / Motion for Consideration:

Receive Information / Discuss

MEMORANDUM

TO: PLANNING COMMISSION
FROM: TOM RIEDESEL
DATE: AUGUST 13, 2019

SUBJECT: PLACEMENT OF A SHED

REQUEST: 22' RIGHT-OF-WAY SETBACK VARIANCE (After-the-Fact)
LOCATION: 1548 HENNESSY VISTA
APPLICANT: CHRISTOPHER WARD

Mr. Ward is requesting approval of a 22' right-of-way setback variance which would permit him to keep a 10' x 12' shed 13' from the Otter Lake Road right-of-way. The shed was constructed on the property earlier this year without a permit. The Town's Code Enforcement Officer has red tagged the sheds location.

Mr. Ward has met with Staff regarding placement of the shed. Staff informed Mr. Ward that he could apply for an "after-the-fact" variance or relocate the shed in his yard to meet setback requirements. The shed is set on grade with a wood floor. The shed is not on a slab.

Mr. Ward has applied for the variance in hopes that the shed will be approved in the current location.

It appears that the shed could be relocated on the property in the rear yard meeting setback requirements. Mr. Ward notes that the drainage which flows through the backyard towards Otter Lake Road may be negatively impacted if the shed is relocated to the rear yard.

Section 9-6.1 of the Zoning Ordinance states:

9-6.1. GENERAL. The Town Board shall have the exclusive power to order the issuance of variances from the terms of this Ordinance including restrictions placed on non-conformities. Variances 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. Variances 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. Variances 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.

Section 9-6.4 of the Town Zoning Ordinance sets the standards which must be met in order to approve a variance. The standards are:

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.

It appears that the Ward variance request meets some of the standards, but not all of them. In addition, it is hard to define a practical difficulty for a small shed which could be placed elsewhere in the yard meeting setback requirements. The drainage must be considered when locating the shed. The drainage flows along the southerly portion of the lot and flows towards Otter Lake Road.

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



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.

_____ Fee \$225

APPLICANT(S) Christopher Ward PHONE (Home) -
 (Business) -
 (Cell) 651-587-2545

ADDRESS 1548 Hennessy Vista
White Bear Township, MN

PROPERTY OWNER Christopher & Stephanie Ward

ADDRESS OF SITE 1548 Hennessy Vista ZONING _____

EXISTING USE OF SITE yard

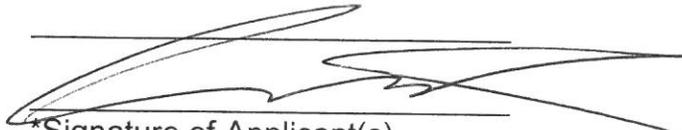
DESCRIPTION OF VARIANCE REQUEST Addition of accessory building (shed)
on side of home

SETBACKS:	<u>Required</u>	<u>Existing</u>	<u>Requested</u>
Front Yard	_____	_____	_____
West Side Yard	_____	<u>35'</u>	<u>15'</u>
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.


*Signature of Applicant(s) _____ Date 8/5/19

*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>		<u>CR #1225</u>
Date Request Received	<u>8/5/19</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: 1548 Hennessy Vista. I am requesting that the Town of White Bear grant me a variance from Ordinance No. _____, for the following purpose:

To place a utility shed on the west side of my home.

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: Vince Carrigan Address: 1558 Hennessy Vista Ct
 Phone: (Home) _____
 (Bus.) _____
 (Cell) 651-389-2420

Comments: I have no difficulty with the shed remaining where it now sits; My adjacent lot has been landscaped to enhance water flow. To move shed would disrupt that.

Date: 8-1-19 Signatures: [Signature]

2. Name: Nathan Dieterich Address: 5084 Otter Lake Rd
 Phone: (Home) _____
 (Bus.) _____
 (Cell) _____

Comments: I don't have any issue with the sheds being where it is. It's a good place where it's at.

Date: 8-1-19 Signatures: [Signature]

3. Name: Todd Rihem Address: 5084 Otter Lake Rd
 Phone: (Home) _____
 (Bus.) _____
 (Cell) 612-200-0595

Comments: I don't care where it is

Date: 8/5/19 Signatures: [Signature]

HENNESSY

NW cor. of Outlet A

156 35

RD. 43

35 00

OUTLOT

43 00
18' to road edge

33 00

33

Fence 36'

10 00

48'

House/garage

Deck

TRACT A

Shed 10x12'

9'9"

42'

Rock landscape

Patio 8'x10'

Rock 4'x8' 6'x8'

13'

100.17

172 56

100.00

LAKE

33 00

Retaining wall

80 00

10'

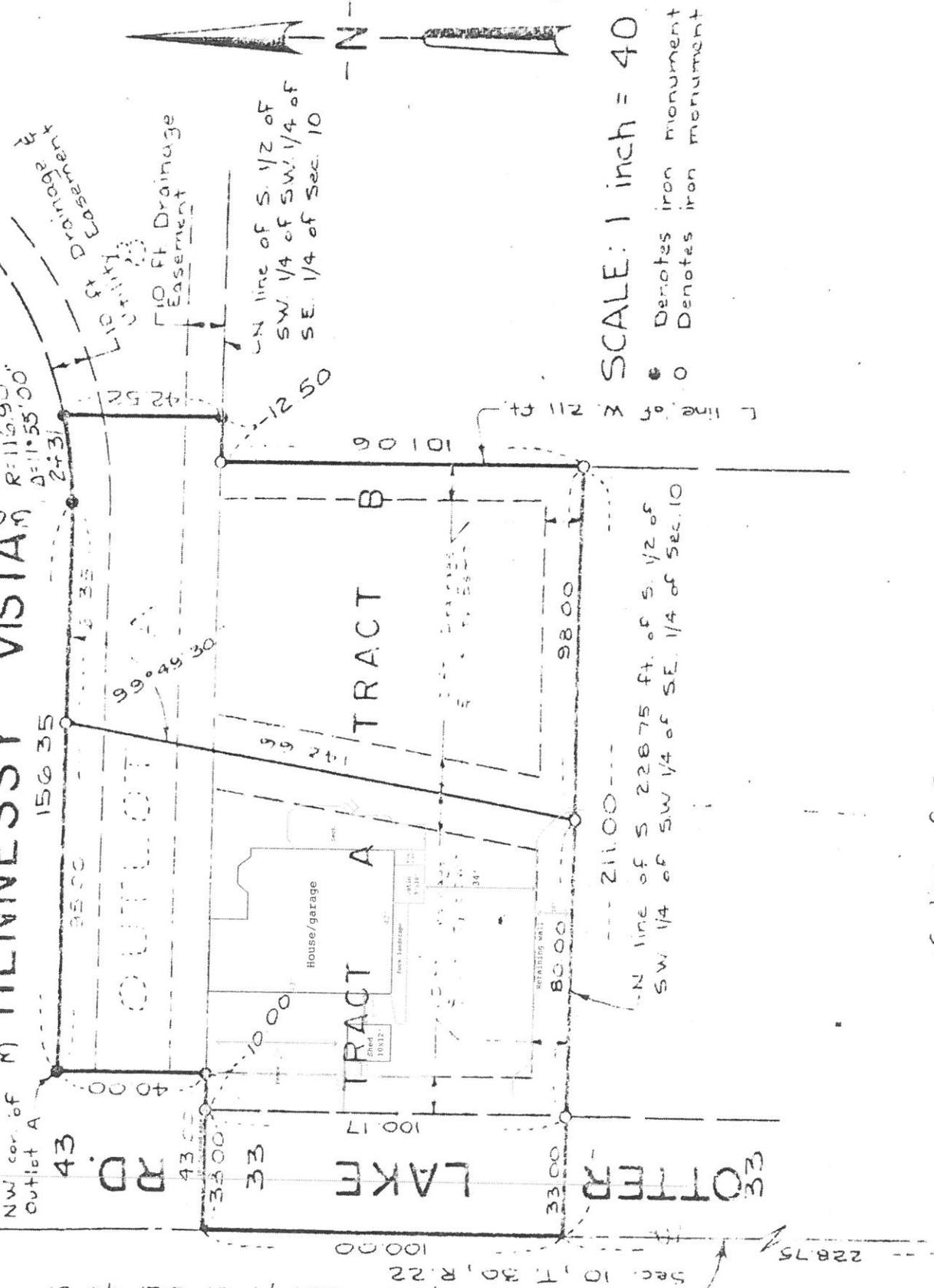
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N line of S. 2287
S.W 1/4 of S.W 1/4 of

OTTER

W. line of S.W. 1/4 of S.W. 1/4 of S.E. 1/4 of Sec. 10, T. 30, R. 22

HENNESSY VISTA



SCALE: 1 inch = 40 feet

- Denotes iron monument found
- Denotes iron monument set

W line of SW 1/4 of SE 1/4 of Sec. 10, T. 30, R. 22

TRACT A

NW cor. of Outlet A 43

156.35

43

43

12.35

99°45'30"

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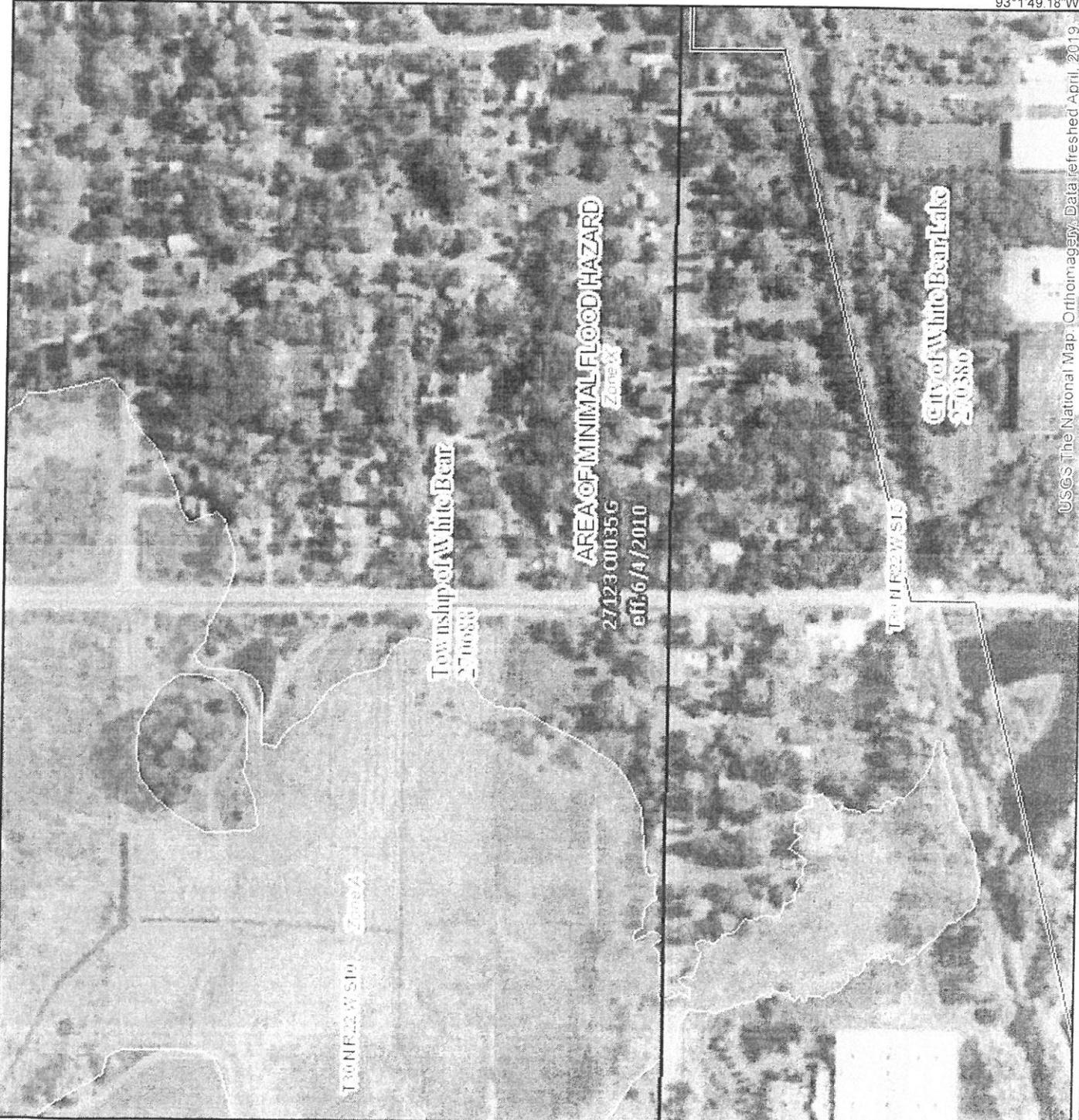
98.00

80.00

33.00

National Flood Hazard Layer FIRMette

45°5'53.53"N



Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

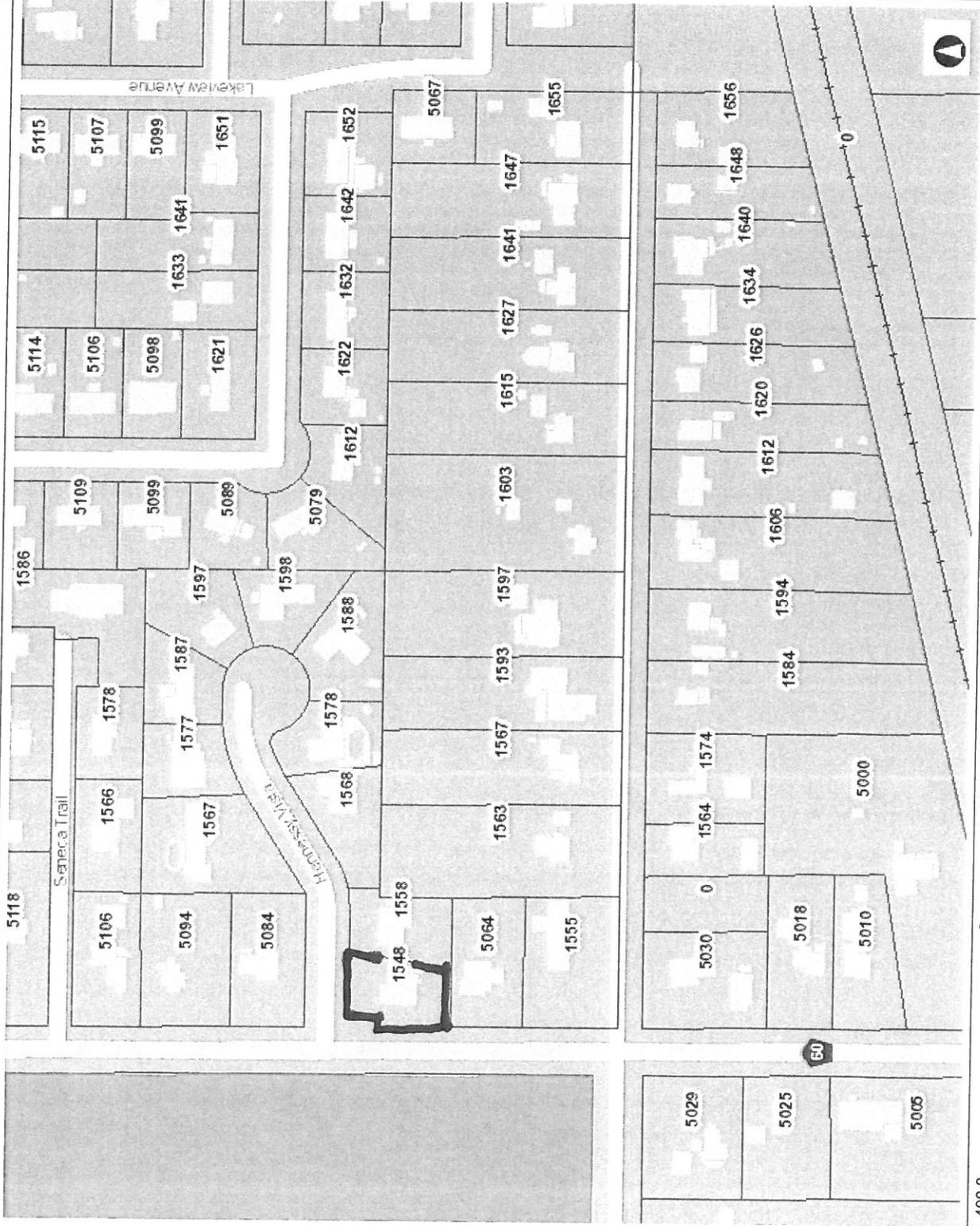
	Without Base Flood Elevation (BFE) <i>Zone A, V, AE, AH, VE, AR</i>
	With BFE or Depth <i>Zone AE, AD, AH, VE, AR</i>
	Regulatory Floodway
	0.2% Annual Chance Flood Hazard. Area of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile <i>Zone X</i>
	Future Conditions 1% Annual Chance Flood Hazard <i>Zone X</i>
	Area with Reduced Flood Risk due to Levee. See Notes. <i>Zone X</i>
	Area with Flood Risk due to Levee <i>Zone D</i>
	Area of Minimal Flood Hazard <i>Zone X</i>
	Effective LOMRS
	Area of Undetermined Flood Hazard <i>Zone X</i>
	Channel, Culvert, or Storm Sewer
	Levee, Dike, or Floodwall
	Cross Sections with 1% Annual Chance Water Surface Elevation
	Coastal Transect
	Base Flood Elevation Line (BFE)
	Limit of Study
	Jurisdiction Boundary
	Coastal Transect Baseline
	Profile Baseline
	Hydrographic Feature
	Digital Data Available
	No Digital Data Available
	Unmapped

The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards.

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 8/2/2013 at 10:30:48 AM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.



400.0 Feet

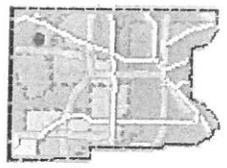
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This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.
 THIS MAP IS NOT TO BE USED FOR NAVIGATION

Legend



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

Notes

Enter Map Description



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

June 27, 2019

Christopher and Stephanie Ward
1548 Hennessy Vista
White Bear Township, MN 55110

Dear Mr. and Ms. Ward:

The recently placed accessory building constructed on the west side of your property is in violation of the Towns setback requirements. A permit for the accessory building construction is required. The Town has no record of permit issuance. Please submit a zoning permit application form along with a site plan depicting the new code compliant placement of the accessory building on your property.

Respectfully,

Mike Johnson
Building Official



**Variance Board Meeting
August 15, 2019**

Agenda Number: 5 - 6

Subject: Added Agenda Items
Adjournment

Documentation:

Action / Motion for Consideration:

Added Agenda Items

Adjourn Meeting