



WHITE BEAR TOWNSHIP

1858
RAMSEY COUNTY
MINNESOTA

1281 HAMMOND ROAD
WHITE BEAR TOWNSHIP, MN 55110

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Email: wbt@whitebeartownship.org

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

AGENDA VARIANCE BOARD JULY 15, 2020

1. **8:00 a.m.** Call Virtual Meeting to Order at the Township Administrative Office, 1281 Hammond Road.
2. Approve Agenda (Additions/Deletions).
3. Approve Minutes of May 19, 2020.
4. **Scott & Sandy Maggart, 1467 Jonquil** – Request for a Variance from Section 5-29 of Ordinance No. 8 to Allow a 10' x 12' Limited Accessory Structure.
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.



To All Commission Members, please follow the below instructions for calling into your meeting:

Call 763.717.4037

When prompted for the meeting number enter **72760**.

Ignore the meeting host prompt if asked.

When prompted for the **Attendees Code** enter **1281**.

You are now placed in the conference call.

Please wait until the start time of your meeting before dialing in to allow for Pat to dial in first.

Thank you!



Variance Board Meeting July 15, 2020

Agenda Number: 1 - 2 - 3

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

Approval of July 15, 2020 Agenda
Approval of May 19, 2020 Minutes

Documentation: July 15, 2020 Agenda
May 19, 2020 Minutes

Action / Motion for Consideration:

Call meeting to order:	8:00 a.m.
Approval of Agenda:	July 15, 2020 (additions/deletions)
Approval of Minutes:	May 19, 2020

**MINUTES
VARIANCE BOARD MEETING
MAY 19, 2020**

The meeting was called to order at 9:02 a.m.

Present: Members: Christopherson, Johnson, Denn; Planner: Riedesel.

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

APPROVE MINUTES: Johnson moved approval of the Minutes of September 23, 2019. Denn seconded. Ayes all.

GENTRI JORDAN, 2317 Hoxie – Request for a 25’ Right-of-Way Setback & a 1.5’ Side Yard Setback Variance to Allow Construction of a Garage: Riedesel summarized the request of Mr. Jordan to construct a new garage on his property. Mr. Jordan would like to construct the new 32’ wide by 26’ deep garage 6’ from the south side property line and 22’ from the north property line. The right-of-way setback variance is requested to keep the garage in line with neighboring garages.

Denn inquired as to why the side yard setback was requested as there is 22’ on the other side. Jordan stated that fence costs and removal of a tree played a role in the location.

Johnson asked the applicant if he had located the property corner and he stated he had. Johnson verified with the applicant that the new structure will line up with the neighboring structure at 2315 Hoxie, and it was noted that there would be an approximate 9’ separation between the two.

Johnson moved to recommend to the Planning Commission to recommend to the Town Board approve the 25’ right-of-way setback variance and 1.5’ side yard setback variances as requested to allow construction of a new garage. Denn seconded. Ayes all.

MICHAEL & BRENNIA SCHAFFER 5731 Birch Road – Request for a 15.8% Green Area Variance to Allow Construction of a Home Addition, Driveway and Sidewalk: Riedesel summarized the green area request of Michael & Breanna Schaffer. Lakeshore lots are required to maintain no more than 25% coverage. Originally a 15.8% green area variance was requested but by the applicants changing to using pavers, the coverage was reduced to 38%, thereby requiring a 13% green area variance.

Johnson expressed his concerns with the property to the south consistently flooding from run-off generated by this property. He stated that he would like to see gutters put on the building or some type of piping directly the run-off to the lake or street.

The applicant stated that he spoke at length with the owner of the property at 5727 Birch Road, and that he was fine with the Schaffer’s plans for the drainage.

Johnson moved to recommend to the Planning Commission to recommend to the Town Board to approve the 13% green area variance noting the applicant will either add gutters to the home or install some type of drainage piping to direct the stormwater run-off away from the adjacent property at 5727 Birch Road. Denn seconded. Ayes all.

ABBI JO WITTMAN, 2731 Stillwater Street – Request for a 35' Right-of-Way Setback Variance to Allow Construction of a Shed. Request to Install a Fence 10' into the East County Line Road Right-of-Way: Riedesel summarized the request of Abbi Jo Wittman which would allow them to construct a shed and a fence on their property. The property is a corner lot and placement of the shed is difficult so as not to block the view of the lake from other neighbors.

Other properties in the neighborhood have structures which appear to encroach into the right-of-way-setback. Many of these properties were constructed prior to adoption of the Township's Zoning Ordinance thereby any alterations/additions require a variance of some kind.

Johnson and Denn were fine with the placement of the shed as long as it was consistent with other properties in the neighborhood.

Johnson moved to recommend to the Planning Commission to recommend to the Town Board to approve the 35' right-of-way setback variance to allow construction of a shed as this property is located on a bluff and has limited areas to place a shed and as long as the placement is consistent with other properties. Denn seconded. Ayes all.

Ms. Wittman is also requesting approval to extend her chain link fence along East County Line Road, 10' into the right-of-way. The fence would be at the top of the slope approximately 14' from the edge of the East County line Road pavement.

Ms. Wittman stated that they realize the fence would be in the road right-of-way and would be willing to sign a License Agreement with the Township stating that if for any reason work was need to be done in the right-of-way necessitating removal of the fence that the Township would not be liable either the fence or it's replacement.

Johnson moved to recommend to the Planning Commission to recommend to the Town Board approval of the fence placement 10' within the East County Line road right-of-way subject to the property owner signed a License Agreement with the Township. Denn seconded. Ayes all.

The meeting adjourned at 9:32 a.m.

Respectfully Submitted,

Patti Walstad
Deputy Clerk



**Variance Board Meeting
July 15, 2020**

Agenda Number: 4

Subject: **Scott & Sandy Maggart, 1467 Jonquil** – Request for a Variance from Section 5-29 of Ordinance No. 8 to Allow a 10' x 12' Limited Accessory Structure

Documentation: Staff Memo w/attachments
Variance Application

Action / Motion for Consideration:

Receive Information / Discuss

MEMORANDUM

TO: VARIANCE BOARD
FROM: TOM RIEDESEL
DATE: JULY 13, 2020

SUBJECT: CONSTRUCTION OF A 10' X 12' LIMITED ACCESSORY STRUCTURE

REQUEST: VARIANCE FROM SECTION 5-29 OF ORDINANCE NO. 8

LOCATION: 1467 JONQUIL LANE

APPLICANTS: SCOTT & SANDY MAGGART

Mr. & Mrs. Maggart are requesting approval of a variance from Section 5-29 of Ordinance No. 8 which would allow them to construct an 10' x 12' accessory shed, defined by the Town as a limited accessory structure. This shed is proposed to replace a shed which was torn down. The old shed was 10' x 14'.

Section 5-29 of Ordinance No. 8 permits every single family dwelling to have one garage and one accessory structure, not to exceed a total of 10% of the lot square footage. The Maggart property consists of two lots which are a total of 27,878 square feet in area. One of the Maggart lots has their home and is where the accessory structure is proposed. The other lot has a garage/accessory structure which is 988 square feet in area. The Maggart's attached garage is 616 square feet in area. Based on ordinance requirements, the Maggart's are permitted to have 2,000 square feet of garage and accessory structure.

Since the Maggart's currently have a garage and accessory structure, a third limited accessory structure is not permitted without issuance of a variance from Section 5-29 of the Ordinance.

The impervious area on the lot is 16%. With the addition of the shed, the impervious area increases to 17.30% up to 30% coverage of a lot is permitted.

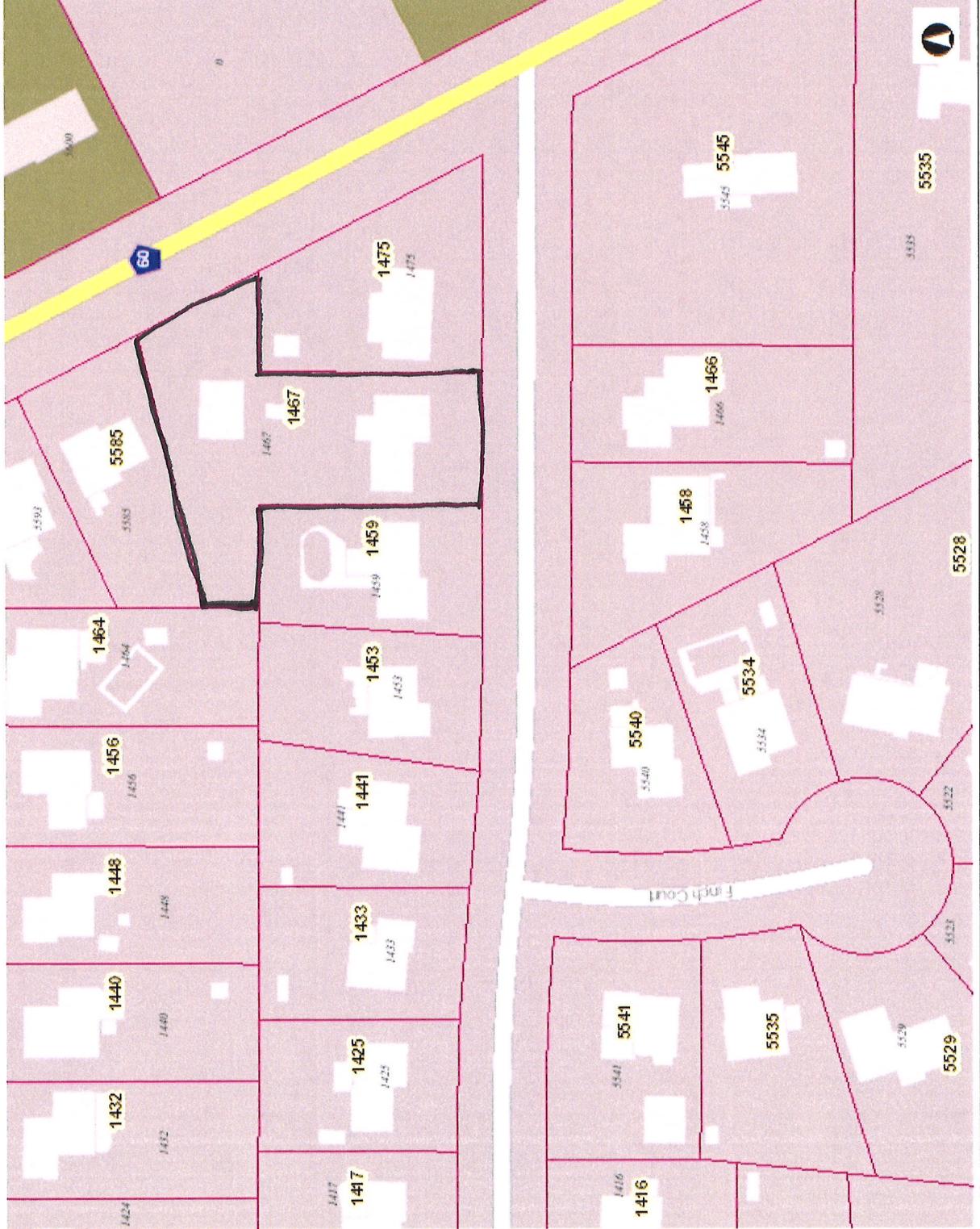
The Town has reviewed very few requests for a second accessory structure on a property.

In this case, the property consists of two lots and the proposed shed will replace a structure which was slightly larger in area.

The Town could process an exception to Section 5-29 of Ordinance No. 8.

The Variance Board and Planning Commission may want to consider excluding "limited accessory structures" from the quantity of garage and accessory buildings permitted on residential property. A minimum square footage requirement should be discussed if an ordinance amendment is recommended for consideration.

TR/psw
cc:admin/admin.file
b:jonquil



200.0 0 100.00 200.0 Feet

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

NAD_1983_HARN_Adj_MN_Ramsey_Feet
© Ramsey County Enterprise GIS Division

Legend

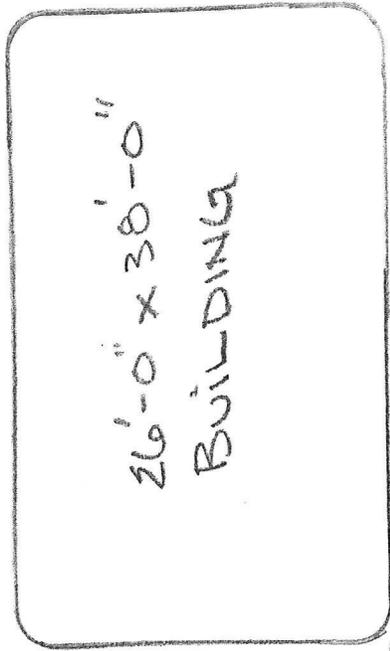


- City Halls
- Schools
- Hospitals
- Fire Stations
- Police Stations
- Recreational Centers
- Parcel Points
- Parcel Boundaries
- Personal Properties

Notes

Enter Map Description

FENCE



OLD SHED
(REMOVED)

FENCE

10'-0"

14'-0"



24'-0"

10'-0"

11'-6"

FENCE

GATE

13'-0"

12'-0"

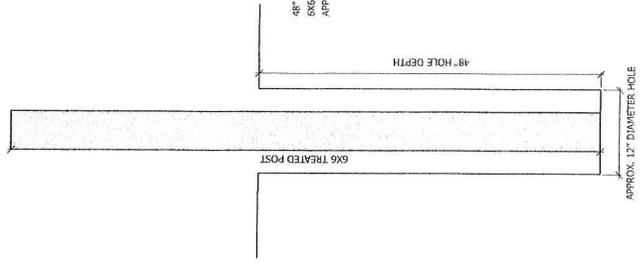
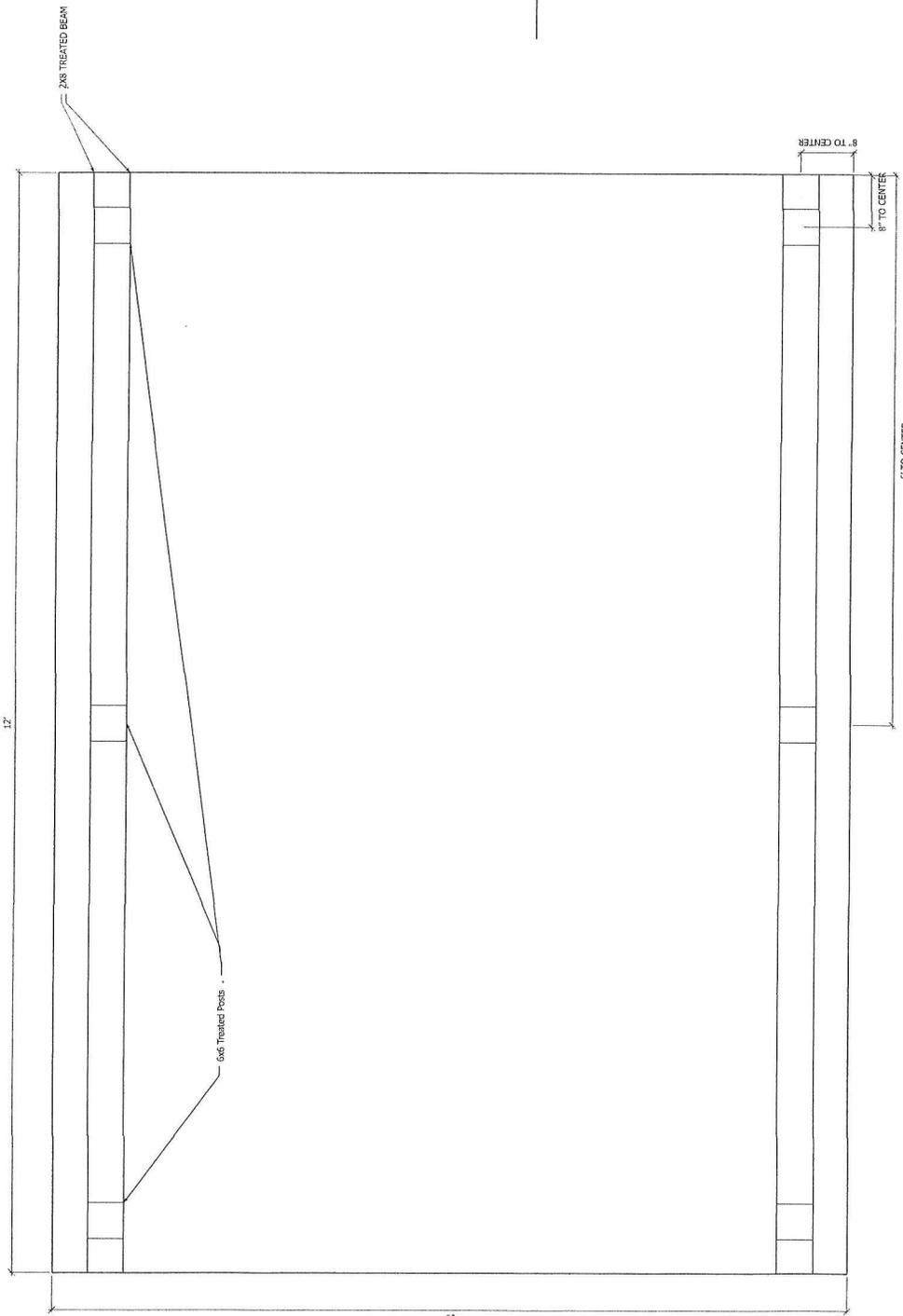
43'-0"



FENCE

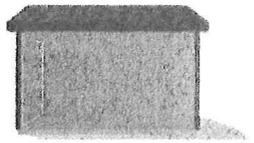
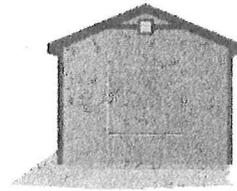
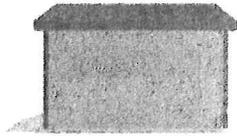
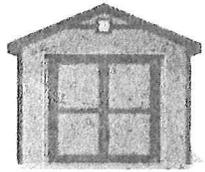
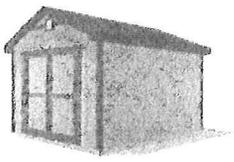
FENCE

144⁰⁰



48" HOLE DEPTH
6x6 POST
APPROX. 2 BAGS QUICK SET CONCRETE PER HOLE

120



Symbol Legend:

1: 6' Wide Double Door



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
 JUL 07 2020
 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) SCOTT MAGGART PHONE (Home) _____
SANDY MAGGART (Business) _____
 (Cell) 651-324-0131
 ADDRESS 1467 JONQUILLANE EMAIL - scmaggart@gmail.com
WBTWP

PROPERTY OWNER SCOTT & SANDY MAGGART

ADDRESS OF SITE 1467 JONQUILLANE ZONING _____

EXISTING USE OF SITE ROTTED OLD SHED

DESCRIPTION OF VARIANCE REQUEST REPLACE SHED

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.

[Handwritten Signature]
Sandy Maggart
*Signature of Applicant(s)

7/7/20
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>		<u>cb# 9223</u>
Date Request Received	<u>7/7/2020</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: 1467 JONGUIL Lane. I am requesting that the Town of White Bear grant me a variance from Ordinance No. _____, for the following purpose:

Replace shed in back yard

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: Sue Husnik Address: 1475 Jonguil Lane
JERRY Husnik Phone: (Home) 651-429-1113
 (Bus.) _____
 (Cell) 651-324-2379

Comments: _____

Date: _____ Signatures: Sue Husnik Jerry Husnik

2. Name: Tom Gebauer Address: 1459 Jonguil La
 Phone: (Home) 651-429-2404
 (Bus.) _____
 (Cell) _____

Comments: _____

Date: 6/30/2020 Signatures: Tom Gebauer

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

Comments: _____

Date: _____ Signatures: _____



**Variance Board Meeting
July 15, 2020**

Agenda Number: 5 - 6

Subject: Added Agenda Items
Adjournment

Documentation:

Action / Motion for Consideration:

Added Agenda Items

Adjourn Meeting