

**ROSEVILLE**  
**REQUEST FOR COUNCIL ACTION**

DATE: 11/16/2009  
ITEM NO: 12.b

Department Approval:



City Manager Approval:



Item Description: Request by Richard Martin, 2970 Mildred Drive, for approval of a 1,008-square-foot accessory structure as a **Conditional Use**, and for a **Variance** to Section 1004 (Residence Districts) of the City Code to allow the walls of the proposed accessory structure to exceed the 9-foot height limit (PF09-033)

**1.0 REQUESTED ACTION**

- 1.1 Richard Martin is requesting approval of a 1,008-square-foot garage as a **CONDITIONAL USE**, pursuant to §1004 (Residence Districts), §1014 (Conditional Uses) of the City Code.
- 1.2 Mr. Martin is also requesting a **VARIANCE** to §1004 (Residence Districts) of the City Code to more affordably accommodate a 11-foot-tall overhead garage door; while not shown to scale in the proposed building elevations (included with this staff report as Attachment C) the desired wall height is also 11 feet.

**Project Review History**

- Application submitted: September 23, 2009; determined complete: October 21, 2009
- Sixty-day review deadline: November 20, 2009
- Planning Commission recommendation (6-0 to approve): November 4, 2009
- Project report prepared: November 6, 2009
- Anticipated City Council action: November 16, 2009

**2.0 SUMMARY OF RECOMMENDATION**

- 2.1 Planning Division staff concurs with the recommendation of the Planning Commission to approve the proposed **CONDITIONAL USE**, subject to certain conditions; see Section 8 of this report for the detailed recommendation.
- 2.2 Planning Division staff concurs with the recommendation of the Planning Commission to deny the requested **VARIANCE**; see Section 8 of this report for the recommendation details.

**3.0 SUMMARY OF SUGGESTED ACTION**

- 3.1 Adopt a resolution approving the proposed **CONDITIONAL USE**, pursuant to §1004.015 (Residential District Uses) §1014.01 (Conditional Uses), and §1017.21 (Conditional Uses

24 in Shoreland Management Districts) of the City Code, subject to conditions; see Section  
25 9 of this report for the detailed action.

26 3.2 Adopt a resolution denying the requested variance; see Section 9 of this report for the  
27 detailed action.

28 **4.0 BACKGROUND**

29 4.1 Mr. Martin owns the property at 2970 Mildred Drive, which has a Comprehensive Plan  
30 designation of Low-Density Residential (LR) and a zoning classification of Single-  
31 Family Residence District (R-1), and which lies within a shoreland management district.

32 4.2 The CONDITIONAL USE request has been prompted by the applicant’s desire to construct a  
33 1,008-square-foot detached building to replace a smaller detached garage that was  
34 recently damaged by fire; the VARIANCE request is prompted by the desire to store a  
35 motor home inside the proposed garage. Variances are normally decided by the Variance  
36 Board, but because this VARIANCE is accompanied by the request for CONDITIONAL USE  
37 approval, both requests are brought to the Planning Commission for a recommendation  
38 and to the City Council for final action according to the process established in  
39 §1015.04B6 (Planning Commission Hearing for Zoning Variances) of the City Code.

40 **5.0 VARIANCE ANALYSIS**

41 5.1 Section 1004.01A10 (Accessory Building Height) of the City Code limits the height of  
42 accessory structures on single-family residential properties to 9 feet at the top of the side  
43 wall and 15 feet at the midpoint of the slope of the roof. The proposed garage would be  
44 similar to the illustrations in Attachment C in that the side walls would be 11 feet in  
45 height – tall enough to accommodate a 11-foot-tall garage door with roof trusses which  
46 have horizontal members across the bottom. The side elevation is out of scale because it  
47 shows a building 50 feet long, whereas the current proposal would be about 32 feet long.

48 5.2 Section 1013 of the Code states: “*Where there are practical difficulties or unusual*  
49 *hardships in the way of carrying out the strict letter of the provisions of this code, the*  
50 *Variance Board shall have the power, in a specific case and after notice and public hearings,*  
51 *to vary any such provision in harmony with the general purpose and intent thereof and may*  
52 *impose such additional conditions as it considers necessary so that the public health, safety,*  
53 *and general welfare may be secured and substantial justice done.”*

54 5.3 State Statute 462.357, subd. 6 (2) provides authority for the city to “*To hear requests for*  
55 *variances from the literal provisions of the ordinance in instances where their strict*  
56 *enforcement would cause undue hardship because of circumstances unique to the individual*  
57 *property under consideration, and to grant such variances only when it is demonstrated that*  
58 *such actions will be in keeping with the spirit and intent of the ordinance. ‘Undue hardship’*  
59 *as used in connection with the granting of a variance means the property in question cannot*  
60 *be put to a reasonable use if used under conditions allowed by the official controls, the plight*  
61 *of the landowner is due to circumstances unique to the property not created by the*  
62 *landowner, and the variance, if granted, will not alter the essential character of the locality.*  
63 *Economic considerations alone shall not constitute an undue hardship if reasonable use for*  
64 *the property exists under the terms of the ordinance. ... The board or governing body as the*  
65 *case may be may impose conditions in the granting of variances to insure compliance and to*  
66 *protect adjacent properties.”*

67 5.4 The property in question cannot be put to a reasonable use if used under conditions  
68 allowed by the official controls: The motivation to construct a garage taller than the Code  
69 allows is to accommodate the indoor storage of a motor home in a way that is less  
70 expensive than some of the alternatives (e.g., gambrel – or “barn” – trusses) that would  
71 meet the requirements of the City Code. Although Mr. Martin and his neighbors might all

72 prefer to have the recreational vehicle parked inside – out of sight – the motor home can  
73 be stored either indoors or outdoors, consistent with the Code, without exceeding the  
74 maximum garage height. For this reason, the Planning Division has determined that there  
75 is not a hardship as required for the approval of a VARIANCE and that the property can be  
76 put to a reasonable use under the official controls without an approved VARIANCE.

77 5.5 The plight of the landowner is due to circumstances unique to the property not created by  
78 the landowner: At 85 feet wide the subject property is narrower than the 100-foot width  
79 required by the City Code for single-family parcels within the shoreland management  
80 district. This is a condition that may not have been created by the landowner and which  
81 *could* be considered somewhat unique, but Planning Division staff does not believe that  
82 the applicant’s desire to build a garage taller than the Code allows relates to the lot width  
83 because Mr. Martin does not seek to make more efficient use of limited lot width (e.g., by  
84 storing items on multiple levels). Moreover, Planning Division staff is unable to find any  
85 other conditions unique to this property that create a practical difficulty or that would  
86 otherwise justify the approval of a VARIANCE to the height of an accessory structure.

87 5.6 The variance, if granted, will not alter the essential character of the locality: The  
88 applicant has called attention to two accessory structures on the same street that also  
89 exceed the current Code requirement for floor area (one of them also exceeds the current  
90 requirement for height adopted in 1999) as an indication that the proposed taller building  
91 on this property would not be out of character in the area. Both of these nearby buildings  
92 are legal, nonconforming structures because they were permitted and built before the  
93 adoption of the current height and floor area limitations, which are not only intended to  
94 ensure some consistency with respect to the size of detached garages in a residential  
95 neighborhood but are also meant to prevent such buildings from being used for illegal  
96 home occupations by current or future owners. Despite the presence of another building  
97 in the neighborhood that could be considered comparable to what is proposed, Planning  
98 Division staff believes that such accessory structures are inconsistent with the intent of  
99 the current Code requirements and are out of character with a residential area in a first-  
100 ring suburban city.

## 101 **6.0 CONDITIONAL USE ANALYSIS**

102 6.1 Section 1004.01A1 (Number Allowed) of the City Code permits up to 2 accessory  
103 buildings on a single-family residential property.

104 6.2 Section 1004.01A3 (Size Limit) limits the total floor area of accessory structures to the  
105 lesser of the following:

- 106 a. 40% of the required rear yard area (i.e., 1,020 square feet on this property); or
- 107 b. 864 square feet (being the smaller of the two figures, this is the *permitted* limit)

108 6.3 Section 1004.01A4 (Requirements for Increased Size), however, allows up to 1,008  
109 square feet of total accessory structure floor area as a CONDITIONAL USE.

110 6.4 Section 1004.01A5 (Overall Area) further limits the size of accessory structures by  
111 stating that the combined floor area “*of attached garage and detached accessory*  
112 *building(s) shall not exceed the exterior dimensional footprint of the principal structure,*  
113 *excluding any attached garage footprint.*” The proposed 1,008-square-foot accessory

114 building would be within this limit because it would not exceed the approximately 1,140-  
115 square-foot footprint of the principal structure (which does not have an attached garage).

116 6.5 The land area of the subject property is approximately 17,000 square feet; §1017.26B1  
117 (Impervious Coverage in Shoreland Management Districts) of the City Code permits up  
118 to 4,250 square feet of impervious coverage on a lot this size located within 300 feet of  
119 Langton Lake. If the proposed garage were constructed, impervious coverage on the  
120 property might exceed the 25% maximum; the excess can be eliminated by removing  
121 some existing pavement or it can be accommodated and mitigated through the  
122 Administrative Deviation process. Planning Division staff does not recommend  
123 additional conditions of approval because impervious surface area is regulated by normal  
124 Code requirements from which the applicant is not seeking to deviate.

125 6.6 All of the above Code requirements work together to allow the proposed structure, but  
126 this one building will utilize the maximum extent of such allowances and preclude the  
127 construction of any other accessory buildings on the property.

128 6.7 REVIEW OF STANDARD CONDITIONAL USE CRITERIA

129 a. Section 1013.01 (Conditional Uses) of the City Code requires the Planning  
130 Commission and City Council to consider the following criteria when reviewing a  
131 CONDITIONAL USE application:

- 132 i. Impact on traffic;
- 133 ii. Impact on parks, streets, and other public facilities;
- 134 iii. Compatibility of the site plan, internal traffic circulation, landscaping, and  
135 structures with contiguous properties;
- 136 iv. Impact of the use on the market value of contiguous properties;
- 137 v. Impact on the general public health, safety, and welfare; and
- 138 vi. Compatibility with the City's Comprehensive Plan.

139 b. **Impact on traffic:** The Planning Division has determined that an increase in traffic  
140 volume, due to the size of the proposed 1,008-square-foot accessory structure on the  
141 property, will not be an issue given that the building will be used to meet the daily  
142 and seasonal storage needs of a residential property owner and thus will not be  
143 creating a destination for commercial or additional residential traffic.

144 c. **Impact on parks, streets and other public facilities:** The Planning Division has  
145 determined that the proposed accessory structure is unrelated to the City's parks,  
146 streets, and other facilities, and so will not have an adverse impact on them.

147 d. **Compatibility ... with contiguous properties:** The proposed accessory structure  
148 would not change the circulation on the property since it is essentially replacing the  
149 previous garage; a site plan is included with this staff report as Attachment D. Of the  
150 5 contiguous properties, only two others appear to have accessory structures, one of  
151 which is about 600 square feet and the other seems to approach the 864-square-foot  
152 limit; other detached buildings in the area, however, range from small garden sheds to  
153 larger accessory structures, including one that is nearly 1,100 square feet. Although  
154 the proposed building is larger than those found on the contiguous properties and  
155 would not be screened from the neighbor to the north, the larger building would allow

156 some of what has been stored outside on the property to be located inside the new  
157 structure, reducing the perception of clutter.

- 158 **e. Impact of the use on the market value of contiguous properties:** Although the  
159 current proposal seeks CONDITIONAL USE approval to build the largest accessory  
160 structure allowed on a single-family residential property, the Planning Division has  
161 determined that the proposed building is unlikely to have an adverse impact on the  
162 value of contiguous properties if windows are installed along the north and south  
163 sides to visually break up the longer-than-normal wall facing the adjacent property.
- 164 **f. Impact on the general public health, safety, and welfare:** The Planning Division  
165 believes that the proposed accessory building will have no impact on the general  
166 public health, safety, and welfare.
- 167 **g. Compatibility with the City's Comprehensive Plan:** An accessory structure is a  
168 permitted use (and the proposed accessory building is a *conditionally* permitted use)  
169 in the R-1 Single-Family Residence District and is compatible with the  
170 Comprehensive Plan land use designation of Low-Density Residential.

171 6.8 REVIEW OF ADDITIONAL CRITERIA PERTAINING TO CONDITIONAL USES IN SHORELAND  
172 MANAGEMENT DISTRICTS

- 173 **a. Section 1017.21 (Conditional Uses in Shoreland Management Districts) of the City**  
174 **Code requires the Planning Commission and City Council to consider the following**  
175 **additional criteria when reviewing a CONDITIONAL USE application for properties**  
176 **within a shoreland management district:**
  - 177 **i. The prevention of soil erosion or other possible pollution of public waters,**  
178 **both during and after construction;**
  - 179 **ii. The visibility of structures ... as viewed from public waters is limited;**
  - 180 **iii. The types, uses, and numbers of watercraft that the project will generate can**  
181 **be safely accommodated on the site; and**
  - 182 **iv. The impact the proposed use may have on the water quality of the water body**  
183 **is not excessive.**
- 184 **b. The prevention of soil erosion ... during and after construction:** Measures to  
185 prevent soil erosion during construction are required, as necessary, as part of the  
186 building permit review process. Because the proposed accessory structure is to  
187 replace a previous structure located about 200 feet from the nearest part of Langton  
188 Lake, which is on the opposite side of a public street, the Planning Division believes  
189 that a 1,008-square-foot building will have no greater erosion or pollution impacts on  
190 the public water than a building that does not require CONDITIONAL USE approval.
- 191 **c. The visibility of structures ... is limited:** If the proposed accessory building meets  
192 all of the Code's size and other design requirements, it would not have a front  
193 elevation that is different than a permitted structure, and any structures on this  
194 property will be substantially (if not completely) screened by the mature trees and  
195 other vegetation on the eastern side of Langton Lake. For these reasons, the Planning  
196 Division has determined that a 1,008-square-foot accessory structure will not be  
197 unusually or undesirably visible from the public water.

198 **d. The types, uses, and numbers of watercraft ...:** Although the garage on this  
199 property may house watercraft, this would not be its primary purpose, and Planning  
200 Division staff believes that it would not be located near enough to the public water to  
201 generate any kind of safety concern.

202 **e. The impact the proposed use may have on the water quality of the water body is**  
203 **not excessive:** Planning Division staff believes that a 1,008-square-foot garage as a  
204 CONDITIONAL USE in the proposed location would not have any adverse effects on  
205 Langton Lake that would not also be caused by a permitted structure.

206 6.9 If the VARIANCE request discussed above is not approved, the applicant has not yet found  
207 a garage design that will meet his needs and comply with code requirements, but the  
208 Planning Commission can identify any concerns it might have about a 1,008-square-foot  
209 garage and require Mr. Martin to work with staff to address those issues.

210 6.10 Based on the current aerial photography, the existing driveway appears to be inconsistent  
211 with two current Code standards: the maximum width of 26 feet at the front property line  
212 established in §703.04B1a (Maximum Driveway Width) and the 5-foot minimum setback  
213 from a side property line established in §703.04B9 (Driveways on Private Property).  
214 Both of these nonconforming conditions (if they, in fact, exist) can be remedied by  
215 removing that part of the driveway that lies within the required side property line setback.

## 216 **7.0 PUBLIC HEARING**

217 The duly noticed public hearing for the joint CONDITIONAL USE/VARIANCE application  
218 was held by the Planning Commission on November 4, 2009. No communication was  
219 received from the public before or after the public hearing, nor was anyone but the  
220 applicant in attendance to speak about the issue. Planning Commissioners were  
221 supportive of the proposed conditional use and, while the Commissioners were  
222 empathetic to Mr. Martin's frustrations with the accessory structure height requirements  
223 of the City Code, they were unable to find the sort of hardships necessary for the  
224 approval of the requested VARIANCE. Draft minutes of the public hearing are included  
225 with this staff report as Attachment E.

## 226 **8.0 RECOMMENDATION**

227 8.1 After reviewing the VARIANCE application, the Planning Commission found that there are  
228 no unique circumstances on the property that justify approval of a VARIANCE, that the  
229 proposed garage is not consistent with the intent of the zoning ordinance and would be  
230 out of character in a first-ring suburban city, and that the applicant's storage needs can be  
231 reasonably accommodated in compliance with the requirements of the City Code. Based  
232 on these findings, the Planning Commission voted unanimously (i.e., 6-0) to recommend  
233 denial of the requested VARIANCE, prohibiting an accessory structure from having walls  
234 in excess of 9 feet tall. Planning Division staff supports this recommendation.

235 8.2 In its review of the CONDITIONAL USE application, the Planning Commission found that a  
236 1,008-square-foot garage on this property would not have adverse impacts pertaining to  
237 the criteria to be considered with such requests. Based on these findings, the Planning  
238 Commission voted unanimously (i.e., 6-0) to recommend approval of an accessory  
239 structure with a 1,008-square-foot footprint as a CONDITIONAL USE, subject to the  
240 following conditions:

- 241           **a.**       The footprint of the accessory structure shall not exceed 1,008 square feet, and  
242                   shall comply with all other zoning and building code requirements;
- 243           **b.**       No garden sheds, storage containers, or additional accessory structures shall be  
244                   allowed on the property;
- 245           **c.**       The applicant shall work with Community Development staff to ensure that  
246                   windows are adequately incorporated into the accessory structure to soften the  
247                   visual impact on neighboring properties;
- 248           **d.**       The driveway shall be modified to achieve the 5-foot setback from a side property  
249                   line required by §703.04B9 (Driveways on Private Property) of the City Code;  
250                   and
- 251           **e.**       The **CONDITIONAL USE** approval shall expire six months after the City Council  
252                   approval date if the applicant has not received a building permit by that time.

253   **9.0    SUGGESTED ACTION**

254   9.1    **Adopt a resolution approving the proposed CONDITIONAL USE** for Richard Martin,  
255           2970 Mildred Drive, based on the comments and findings of Sections 6-7 and the  
256           conditions of Section 8 of this report.

257   9.2    **Adopt a resolution denying the VARIANCE** requested by Richard Martin, 2970 Mildred  
258           Drive, based on the comments and findings of Sections 5 and 7 and the recommendation  
259           of Section 8 of this report.

**Prepared by:**    Associate Planner Bryan Lloyd (651-792-7073)

Attachments:	A: Area map	E: Draft Planning Commission meeting minutes
	B: Aerial photo	F: Draft conditional use approval resolution
	C: Proposed building elevations	G: Draft variance denial resolution
	D: Site plan	



# Attachment A: Location Map for Planning File 09-033



Prepared by:  
 Community Development Department  
 Printed: October 30, 2009



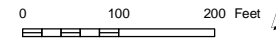
**Site Location**

LR / R1 Comp Plan / Zoning Designations

**Data Sources**  
 \* Ramsey County GIS Base Map (9/29/2009)  
 For further information regarding the contents of this map contact:  
 City of Roseville, Community Development Department,  
 2660 Civic Center Drive, Roseville MN

**Disclaimer**

This map is neither a legally recorded map nor a survey and is not intended to be used as one. This map is a compilation of records, information and data located in various city, county, state and federal offices and other sources regarding the area shown, and is to be used for reference purposes only. The City does not warrant that the Geographic Information System (GIS) Data used to prepare this map are error free, and the City does not represent that the GIS Data can be used for navigational, tracking or any other purpose requiring exacting measurement of distance or direction or precision in the depiction of geographic features. If errors or discrepancies are found please contact 651-792-7085. The preceding disclaimer is provided pursuant to Minnesota Statutes §466.03, Subd. 21 (2000), and the user of this map acknowledges that the City shall not be liable for any damages, and expressly waives all claims, and agrees to defend, indemnify, and hold harmless the City from any and all claims brought by User, its employees or agents, or third parties which arise out of the user's access or use of data provided.



mapdoc: planning\_commission\_location.mxd



# Attachment B: Aerial Map of Planning File 09-033



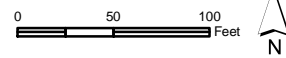
Site Location

**Data Sources**  
 \* Ramsey County GIS Base Map (9/28/2009)  
 \* Aerial Data: Pictometry (4/2008)  
 For further information regarding the contents of this map contact:  
 City of Roseville, Community Development Department,  
 2660 Civic Center Drive, Roseville MN

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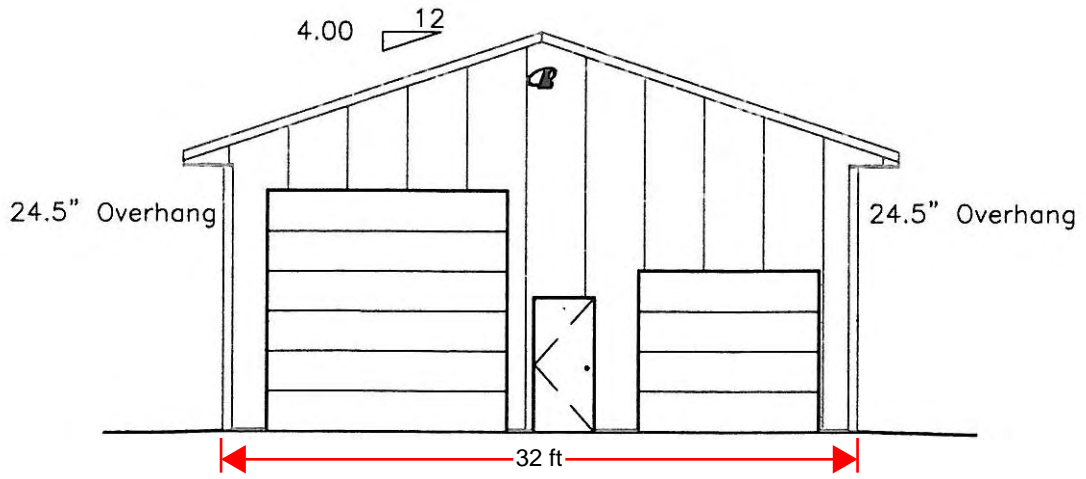


Location Map

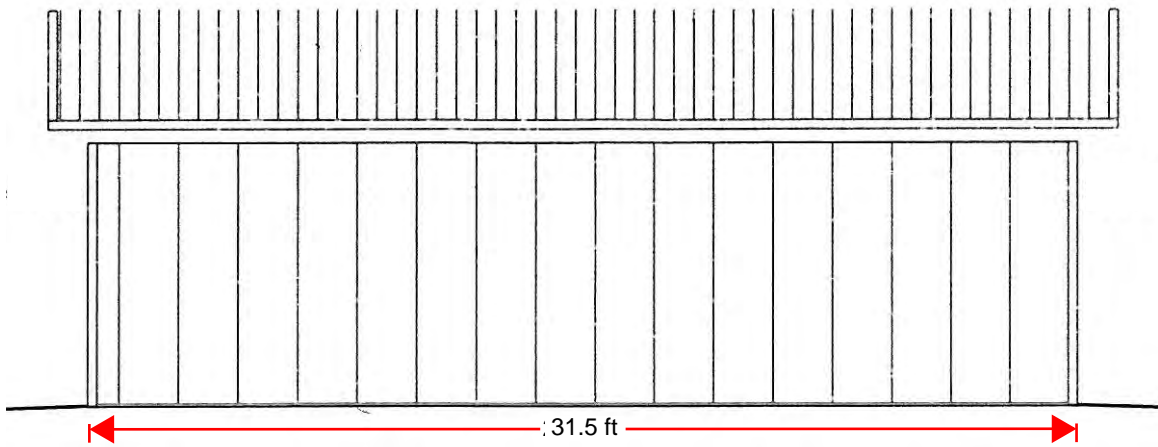


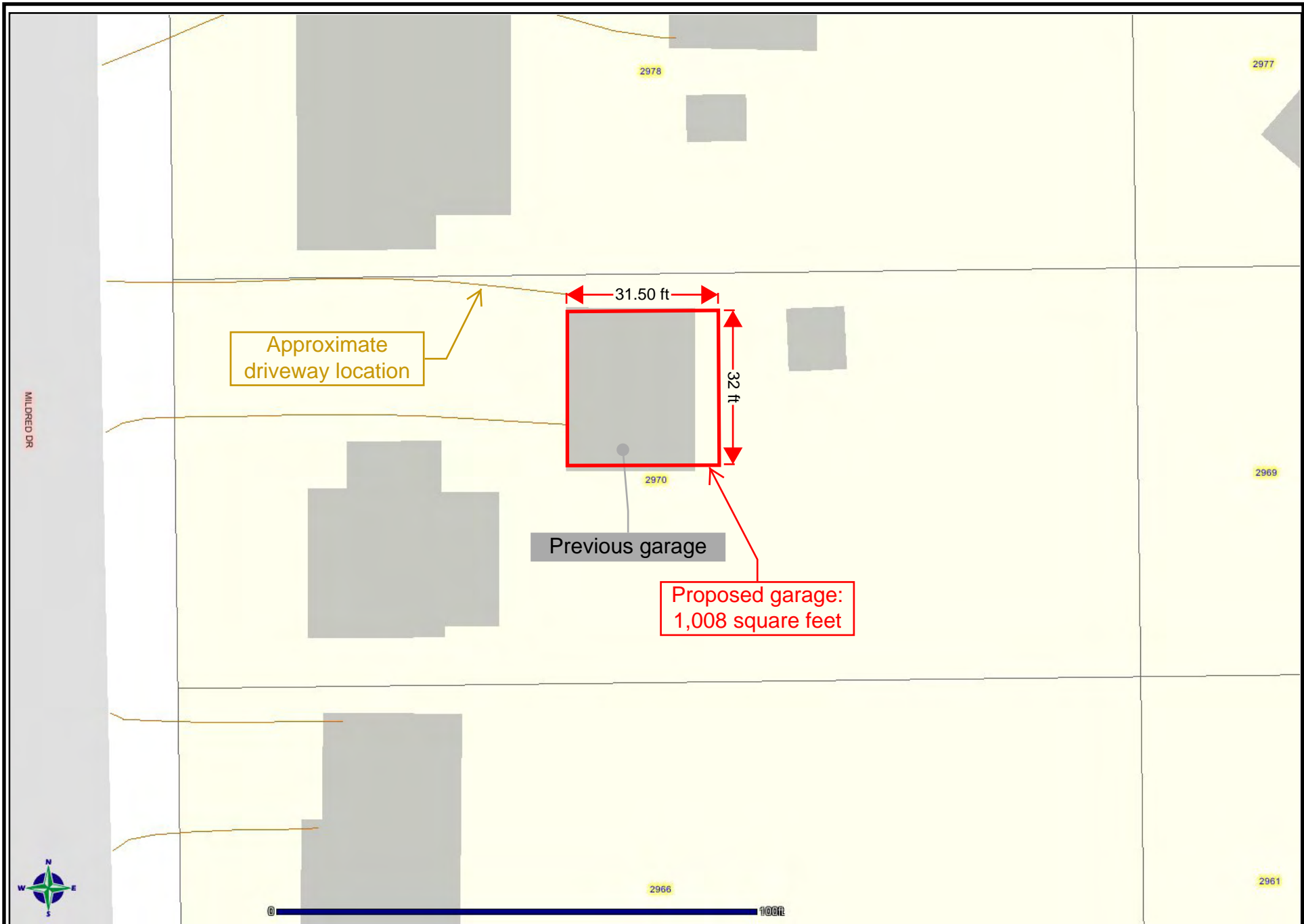


Proposed Front Elevation



Proposed Side Elevation





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SOURCES: City of Roseville and Ramsey County, The Lawrence Group; October 5, 2009 for City of Roseville data and Ramsey County property records data, October 2009 for commercial and residential data, April 2008

1 **Planning File 09-033**

2 **Request by Richard Martin, 2970 Mildred Drive, for approval of a 1,008 square-foot accessory structure as**  
3 **a Conditional Use and a Variance to Section 1004 (Residence Districts) of the City Code to allow the walls**  
4 **of the proposed accessory structure to exceed the 9-foot height limit.**

5 Chair Doherty opened the Public Hearing for Planning File 09-033 at 6:39 p.m.

6 Associate Planner Bryan Lloyd reviewed staff's analysis of the request by Richard Martin, 2970 Mildred Drive, for  
7 approval of a 1,008 square-foot accessory structure as a Conditional Use, and a Variance to Section 1004  
8 (Residence Districts) of the City Code to allow the walls of the proposed accessory structure to exceed the 9-foot  
9 height limit. Mr. Lloyd noted that the requested variance was to more affordably accommodate a 12-foot tall  
10 overhead garage door; according to the proposed building elevations (included with this staff report as  
11 Attachment C); with the apparent desired wall height of approximately 13-14 feet.

12 Staff recommended approval of the Conditional Use request, subject to conditions, but DENIAL of the requested  
13 variance; based on the comments and findings, and subject to the conditions detailed in the staff report dated  
14 November 4, 2009.

15 Mr. Lloyd advised that staff's rationale in recommending denial of the requested variance was based on their  
16 interpretation of hardship criteria, and there being no finding to support any hardship criteria.

17 Commissioner Boerigter sought clarification, based on Section 6.5 of the staff report, of the potential impervious  
18 coverage ratio of 25% being exceeded; however, noted that there was no staff recommended condition to  
19 address this.

20 Mr. Lloyd advised that staff would monitor this calculation administratively through standard code requirements,  
21 as with other code obligations. Mr. Lloyd noted that the applicant had yet to submit to staff a highly detailed site  
22 plan, at which time those calculations could be determined to ensure mitigation was addressed. Mr. Lloyd opined  
23 that he didn't anticipate that there would be a significant increase in impervious coverage with the proposed  
24 building.

25 Commissioner Wozniak observed that the Planning Commission could only approve a variance if undue hardship  
26 was found; and noted that staff was indicating that none existed; and also noting that alternative designs were  
27 available to the applicant without a variance, as indicated in staff's discussion with the applicant.

28 Mr. Lloyd reviewed the definition of hardship, based on the standards applied in State Statute and City Code and  
29 concurred that staff was unable to find a defined hardship. Mr. Lloyd noted that alternative designs were available;  
30 however, that with more specialized design, there would be additional cost incurred by the applicant.

31 **Applicant, Richard Martin, 2970 Mildred Avenue**

32 Mr. Martin clarified that his original request had been for a twelve foot (12') wall, with a twelve foot (12') door;  
33 however, he advised that he could go down to eleven feet (11'), and yet accommodate the height of the motor  
34 home, and thus only deviate two feet (2') from City Code for a nine-foot (9') wall, and remain within Code for the  
35 height at the center point for the peak. Mr. Martin advised that without that height accommodation, it would require  
36 them parking the motor home directly in the center of the building, preventing easy access and efficient storage.  
37 Mr. Martin noted that, by moving the motor home to indoor rather than outdoor storage, it would be good for the  
38 neighborhood.

39 Commissioner Wozniak questioned if there had been complaints from neighbors about the outdoor storage of the  
40 recreational vehicle.

41 Mr. Martin advised that the next door neighbor has complained about this only feasible outdoor storage location  
42 that accommodates City Code, as it blocks the view from their windows to the south.

43 Chair Doherty requested ownership information on the motor home; with Mr. Martin responding that the motor  
44 home was owned by his grandfather.

45 **Public Comment**

46 Chair Doherty closed the Public Hearing at 6:53 p.m.; no one appeared for or against.

47 Chair Doherty spoke in support of the Conditional Use, but in opposition to the Variance for additional height,  
48 based on the lack of evidence of a defined hardship.

49 Chair Doherty questioned the ramifications if the Conditional Use was approved, but the Variance denied.

50 Chair Doherty advised that this would allow the applicant to explore alternatives, while still being able to construct  
51 the garage, without the additional height currently allowed by City Code.

52 Commissioner Boerigter, while sympathetic to the plight of the applicant, noted that the overall height to midpoint  
53 of the roof was not beyond current Code, and only the wall height above the nine feet (9') allowed was the issue.  
54 Commissioner Boerigter questioned the purpose of that provision, if it was due to the building looking that much  
55 higher with higher walls. However, Commissioner Boerigter concurred that this didn't equate to a defined hardship  
56 that would justify granting the variance. Commissioner Boerigter questioned if this portion of the City Code should  
57 be reviewed for further refinement.

58 Commissioner Boerigter spoke in support of the Conditional Use, but spoke in opposition to the Variance; and  
59 suggested that the applicant pursue alternatives to accommodating the motor home with a nine foot (9') wall and  
60 midpoint roof at fifteen feet (15'). While unfortunate, Commissioner Boerigter advised that he could not support  
61 deviating from the current code.

62 Commissioner Wozniak spoke in support of the Conditional Use, but in opposition to the Variance, and echoed  
63 Commissioner Boerigter's observations; while recognizing the applicant's attempt to remove an eyesore, he could  
64 not find evidence of a hardship to support the Variance.

65 **MOTION**

66 **Member Boerigter moved, seconded by Member Doherty to RECOMMEND TO THE CITY COUNCIL**  
67 **APPROVAL a CONDITIONAL USE for Richard Martin, 2970 Mildred Avenue; based on the comments and**  
68 **findings of Section 6, and the conditions of Section 7 of the staff report dated November 16, 2009.**

69 **Ayes: 6**

70 **Nays: 0**

71 **Motion carried.**

72 **MOTION**

73 **Member Doherty moved, seconded by Member Cook to RECOMMEND TO THE CITY COUNCIL DENIAL of**  
74 **the Variance requested by Richard Martin, 2970 Mildred Avenue; based on the comments and findings of**  
75 **Section 5 of the staff report dated November 16, 2009.**

76 **Ayes: 6**

77 **Nays: 0**

78 **Motion carried.**

79 Chair Doherty noted that the case was scheduled to be heard by the City Council at their November 16, 2009  
80 meeting.

81 Commissioner Wozniak spoke in support of including this portion of City Code in the overall review of the City's  
82 Zoning Code, for possible modification.

83 City Planner Paschke advised that he had duly noted that suggestion; and encouraged additional comment from  
84 individual Commissioners on areas throughout the code needing improvement, modification or consistency of  
85 which they were aware.

**EXTRACT OF MINUTES OF MEETING OF THE  
CITY COUNCIL OF THE CITY OF ROSEVILLE**

1 Pursuant to due call and notice thereof, a regular meeting of the City Council of the City of  
2 Roseville, County of Ramsey, Minnesota, was held on the 16<sup>th</sup> day of November 2009, at 6:00  
3 p.m.

4 The following Members were present: \_\_\_\_\_;  
5 and the following Members were absent: \_\_\_\_\_.

6 Council Member \_\_\_\_\_ introduced the following resolution and moved its adoption:

7 **RESOLUTION NO. \_\_\_\_\_**  
8 **A RESOLUTION APPROVING A 1,008-SQUARE-FOOT ACCESSORY STRUCTURE**  
9 **AS A CONDITIONAL USE IN ACCORDANCE WITH §1004.01, §1014.01, AND §1017.21**  
10 **OF THE ROSEVILLE CITY CODE FOR RICHARD MARTIN (PF09-033)**

11 WHEREAS, Richard Martin owns the property at 2970 Mildred Drive; and

12 WHEREAS, the subject property is legally described as:

13 **Rohleder’s Oak Grove Lot 25**  
14 **PIN: 04-29-23-24-0031**

15 WHEREAS, the property owners seek to allow the construction of a 1,008-square-foot accessory  
16 structure which is a conditionally permitted use in the applicable Single-Family Residence  
17 Zoning District; and

18 WHEREAS, the Roseville Planning Commission held the public hearing regarding the  
19 requested CONDITIONAL USE on November 4, 2009, voting 6-0 to recommend approval of  
20 the request based on public comment and the comments and findings of the staff report prepared  
21 for said public hearing; and

22 WHEREAS, the Roseville City Council has determined that approval of the requested  
23 CONDITIONAL USE will not adversely affect nearby Langton Lake or the conditions on, or the  
24 value of, nearby properties and will not compromise the health, safety, and general welfare of the  
25 citizens of Roseville;

26 NOW THEREFORE BE IT RESOLVED, by the Roseville City Council, to APPROVE  
27 the request for a CONDITIONAL USE in accordance with Sections §1014.01 and §1017.21 of  
28 the Roseville City Code, subject to the following conditions:

- 29 **a.** The footprint of the accessory structure shall not exceed 1,008 square feet, and  
30 shall comply with all other zoning and building code requirements;
- 31 **b.** No garden sheds, storage containers, or additional accessory structures shall be  
32 allowed on the property;

- 33           **c.**     The applicant shall work with Community Development staff to ensure that  
34                   windows are adequately incorporated into the accessory structure to soften the  
35                   visual impact on neighboring properties;
- 36           **d.**     The driveway shall be modified to achieve the 5-foot setback from a side property  
37                   line required by §703.04B9 (Driveways on Private Property) of the City Code;  
38                   and
- 39           **e.**     The CONDITIONAL USE approval shall expire six months after the City Council  
40                   approval date if the applicant has not received a building permit by that time.

41           The motion for the adoption of the foregoing resolution was duly seconded by Council  
42   Member \_\_\_\_\_ and upon vote being taken thereon, the following voted in favor: \_\_\_\_\_;  
43   and \_\_\_\_\_ voted against;

44   WHEREUPON said resolution was declared duly passed and adopted.





**EXTRACT OF MINUTES OF MEETING OF THE  
CITY COUNCIL OF THE CITY OF ROSEVILLE**

1 Pursuant to due call and notice thereof, a regular meeting of the City Council of the City of  
2 Roseville, County of Ramsey, Minnesota, was held on the 16<sup>th</sup> day of November 2009, at 6:00  
3 p.m.

4 The following Members were present: \_\_\_\_\_;  
5 and the following Members were absent: \_\_\_\_\_.

6 Council Member \_\_\_\_\_ introduced the following resolution and moved its adoption:

7 **RESOLUTION NO. \_\_\_\_\_**  
8 **A RESOLUTION DENYING A VARIANCE TO §1004.01A10 OF THE ROSEVILLE**  
9 **CITY CODE FOR RICHARD MARTIN (PF09-033)**

10 WHEREAS, Richard Martin owns the property at 2970 Mildred Drive; and

11 WHEREAS, the subject property is legally described as:

12 **Rohleder’s Oak Grove Lot 25**  
13 **PIN: 04-29-23-24-0031**

14 WHEREAS, the property owner seeks to allow the construction of a detached accessory  
15 structure with walls exceeding 9 feet tall; and

16 WHEREAS, the Roseville Planning Commission held the public hearing regarding the  
17 requested VARIANCE on November 4, 2009, voting 6-0 to recommend denial of the request  
18 based on public comment and the comments and findings of the staff report prepared for said  
19 public hearing; and

20 WHEREAS, the Roseville City Council has made the following findings of fact which  
21 are in conflict with what is necessary for approving the requested VARIANCE;

- 22 **a.** garage walls exceeding the 9-foot height maximum do not relate to unique  
23 circumstances on the property, nor are there other conditions unique to this  
24 property that create a practical difficulty or that would otherwise justify the  
25 approval of a VARIANCE to the height of an accessory structure;
- 26 **b.** the proposed garage is not consistent with the intent of the zoning ordinance  
27 which is to ensure some uniformity with respect to the size of detached garages in  
28 a residential neighborhood and would be out of character with a residential area in  
29 a first-ring suburban city; and
- 30 **c.** the applicant’s storage needs can be reasonably met in ways that are consistent  
31 with the requirements of the City Code, without exceeding the maximum garage  
32 height.

33           NOW THEREFORE BE IT RESOLVED, by the Roseville City Council, to DENY the  
34 request for a VARIANCE to Section §1004.01A10 of the Roseville City Code.

35           The motion for the adoption of the foregoing resolution was duly seconded by Council  
36 Member \_\_\_\_\_ and upon vote being taken thereon, the following voted in favor: \_\_\_\_\_;  
37 and \_\_\_\_\_ voted against;

38 WHEREUPON said resolution was declared duly passed and adopted.

