



Variance Board Agenda

Wednesday, March 6, 2024

5:30 PM

City Council Chambers

(Any times listed are approximate – please note that items may be earlier or later than listed on the agenda)

1. **Call to Order**
2. **Roll Call**
3. **Approval of Agenda**
4. **Review of Minutes**
 - a. Review February 7, 2024 Minutes
5. **Public Hearing**
 - a. Request by Troy Miller of Troy's Automotive LLC for a VARIANCE to the Dimensional Standards Table (1005-2) of the Neighborhood Mixed-Use (MU-1) District to allow a 20-foot encroachment into the rear yard setback in support of a future 30 x 34 foot service bay addition on the existing building
 - b. Request by Amarak Ultimate Perimeter Security, in cooperation with Caliber Collision, for VARIANCES to §1011.08.A.3 Fences in All Districts, in support of permitting a 10-foot tall electrified security perimeter fence at Caliber Collision
6. **Adjourn**


REQUEST FOR BOARD ACTION

Date: **3/6/2024**

Item No.: **4.a.**

Department Approval

Agenda Section

Review of Minutes

Item Description: Review February 7, 2024 Minutes

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Application Information

N/A

Background

N/A

Staff Recommendation

N/A

Requested Planning Commission Action

Review the February 7, 2024 minutes and make a motion to approve subject to requested corrections.

Alternative Actions

N/A

Prepared by:

Attachments: 1. February 7, 2024 Minutes



**Variance Board Regular Meeting
City Council Chambers, 2660 Civic Center Drive
Draft Minutes – Wednesday, February 7, 2024 – 5:30 p.m.**

- 1 **1. Call to Order**
2 Chair Schaffhausen called to order the regular meeting of the Variance Board meeting at
3 approximately 5:30 p.m. and reviewed the role and purpose of the Variance Board.
4
- 5 **2. Roll Call & Introductions**
6 At the request of Chair Schaffhausen, City Planner Thomas Paschke called the Roll.
7
8 **Members Present:** Chair Schaffhausen, Member McGehee; and Member Aspnes.
9
10 **Members Absent:** Vice Chair Bjorum
11
12 **Staff Present:** City Planner Thomas Paschke
13
- 14 **3. Approval of Agenda**
15
16 The agenda was approved by Board consensus.
17
- 18 **4. Review of Minutes: January 3, 2024**
19 **MOTION**
20 **Member McGehee moved, seconded by Member Aspnes to approve the January 3,**
21 **2024 meeting minutes.**
22
23 **Ayes: 3**
24 **Nays: 0**
25 **Motion carried.**
26
- 27 **5. Public Hearing**
28 Chair Schaffhausen reviewed protocol for Public Hearings and public comment and
29 opened the Public Hearing at approximately 5:33 p.m.
30
- 31 **a. Request by Amarak Ultimate Perimeter Security, in Cooperation with Caliber**
32 **Collision, for Variances to §1011.08.A.3 Fences in All Districts, in Support of**
33 **Permitting a 10-Foot-Tall Electrified Security Perimeter Fence at Caliber**
34 **Collision.**
35 City Planner Thomas Paschke reviewed the variance request for this property, as
36 detailed in the staff report dated February 7, 2024.
37
38 Chair Schaffhausen closed the Public Hearing and continued it until the March 6,
39 2024 Planning Commission meeting.
40
41

42 **MOTION**
43 **Member McGehee moved, seconded by Member Aspnes, to table the Request by**
44 **Amarok Ultimate Perimeter Security, in Cooperation with Caliber Collision**
45 **until the March 6, 2024 Planning Commission meeting due to a medical**
46 **emergency.**

47
48 **Ayes: 3**
49 **Nays: 0**
50 **Motion carried.**

51
52 **6. Adjourn**

53 **MOTION**
54 **Member Aspnes, seconded by Member McGehee, to adjourn the meeting at 5:37**
55 **p.m.**

56
57
58 **Ayes: 3**
59 **Nays: 0**
60 **Motion carried.**


REQUEST FOR BOARD ACTION

Date: **3/6/2024**
Item No.: **5.a.**

Department Approval

Janice Gundlach

Agenda Section
Public Hearing

Item Description: Request by Troy Miller of Troy’s Automotive LLC for a VARIANCE to the Dimensional Standards Table (1005-2) of the Neighborhood Mixed-Use (MU-1) District to allow a 20-foot encroachment into the rear yard setback in support of a future 30 x 34 foot service bay addition on the existing building

1
2 **Application Information**

3 Applicant: Troy Miller
4 Location: 2171 Hamline Avenue
5 Application Submission: February 5, 2024
6 City Action Deadline: April 10, 2024
7 Zoning: Neighborhood Mixed-Use (MU-1) District
8

9 **Background**

10 Troy Miller is the owner of Troy’s Auto Care, an automotive repair business located at 2171 Hamline
11 Avenue. This property, located at the northwest corner of Hamline and County Road B, was originally
12 constructed in 1959, and has always been a motor fuel and automobile service station. Mr. Miller is
13 interested in constructing additional service bays to keep pace with the growth of his business.
14 Specifically, Mr. Miller desires to construct a 30-foot by 34-foot (two stall) addition to the north side of the
15 existing service station, which would encroach 20 feet into the required 25-foot rear yard setback, thus
16 requiring a variance to the minimum rear yard setback requirement.
17

18 **Review of Variance Request**

19 The Dimensional Standards Table (1005-2) for the Neighborhood Mixed-Use, MU-1 district (below)
20 requires two different minimum rear yard building setbacks: One when adjacent to a residential
21 boundary and the other when adjacent to a non-residential boundary. In the case of Troy’s Auto Care,
22 the rear property boundary lies adjacent to an apartment complex, therefore the minimum building
23 setback is 25 feet. The existing service station lies approximately 5 feet from the west (or rear) property
24 line, which at one time may have been conforming, however, now encroaches approximately 20 feet into
25 the minimum rear yard setback, thus requiring a Variance.
26

Table 1005-2

Minimum side yard building setback	6 feet where windows are located on a side wall or on an adjacent wall of an abutting property
	20 feet or 50% of building height, whichever is greater, from residential lot boundary
	Otherwise not required

Minimum rear yard building setback	25 feet from residential boundary
	10 feet from non-residential boundary
Minium surface parking setback	5 feet

27
28 **Review of Variance Criteria**

29 When considering additions to pre-existing, nonconforming structures, Planning Division staff generally
30 seek to avoid variances when possible. However, there are instances where existing conditions or
31 circumstances arise that make avoidance not practical, and this is one of those instances.

32
33 City Code §1005.04.C (Neighborhood Mixed-Use Dimensional Standards) requires structures in the MU-
34 1 zoning district to be set back at least 25 feet from the rear property line in order to preserve private
35 space in an abutting rear yard, between the neighboring use sharing a rear lot boundary. In the case of
36 the existing service station building, which was constructed in 1959, it lies just over 5 feet from the rear
37 yard (west) property line, thus making it non-conforming to the current Code. The proposed addition
38 would be constructed on the same linear plane as the existing nonconforming building, but not encroach
39 any further.

40
41 Given the unique circumstances present on this lot – the legal pre-existing non-conforming location of
42 the existing service station building – the applicant has proposed a plan whereby the addition would be
43 constructed at the same 5-foot setback, since shifting the proposed two service bay addition to conform
44 to the minimum 25-foot setback would be more detrimental to the site than granting a variance
45 (Attachment 3).

46
47 Section 1009.04C of the City Code establishes a mandate that the Variance Board make five specific
48 findings about a variance request as a prerequisite for approving the variance. Planning Division staff
49 have reviewed the application and offers the following draft findings.

- 50
51 1. *The proposal is consistent with the Comprehensive Plan.* Planning Division staff believe the
52 proposal is generally consistent with the Comprehensive Plan because it represents the type of
53 continued investment promoted by the Comprehensive Plan’s goals and policies. However, there
54 is nothing specifically stated in the Roseville 2040 Comprehensive Plan concerning commercial
55 building additions.
- 56 2. *The proposal is in harmony with the purposes and intent of the zoning ordinance.* The proposal
57 to construct a 30-foot by 34-foot, two-stall addition to the north side of the existing service
58 station, along the same linear plane and at the same rear yard setback (5-feet from the west
59 property line) as the existing building, is in harmony with the Zoning Code. The original structure
60 was constructed in 1959 under different standards than the Zoning Code requires
61 today. Although the MU-1 district does not have a minimum front yard setback requirement,
62 building the proposed addition to meet the 25-foot rear yard setback standard would result in
63 encroachment into the current drive lane for fuel pumping and deliveries. The level of
64 encroachment into the front yard to meet the rear yard setback would result in negatively
65 impacting vehicle maneuverability and traffic, which is not in the best interest of the site or
66 adjacent roadways.
- 67 3. *The proposal puts the subject property to use in a reasonable manner.* This finding seeks to
68 determine whether the requested deviation will put the property to use in a manner reasonably
69 consistent with the standards set forth in the Code. Planning Division staff concludes this finding
70 to be true. Staff finds the applicant’s proposal to build an addition at the same setback as the
71 existing service station to be reasonable and practical. Requiring the proposed structure to meet
72 the required 25 foot rear yard setback would create practical difficulties, in terms of providing
73 continued investment and use of the property, as this lot is narrow and developed under
74 previous standards that no longer apply under today’s Zoning Code. Given this, staff believes
the proposed variance puts the property to use in a reasonable manner.

- 75 4. *There are unique circumstances to the property which were not created by the landowner.* The
76 existing structure was constructed in 1959 at a 5-foot setback from the west property line, a
77 much smaller setback than exists today. Under the current Zoning Code, the west property line
78 is deemed the rear yard and any building constructed must be a minimum of 25 feet from this
79 property line. If the adjacent use were not residential, the required setback would be 10
80 feet. The purpose of the larger rear yard setback for a commercial use adjacent to a residential
81 use is to ensure adequate separation so any negative impacts from the commercial property can
82 be buffered to the residential use. However, the characteristics of the abutting yards is that the
83 proposed addition to the existing building will abut the neighboring apartment's garage structure,
84 effectively ensuring negative impacts from the commercial use will be adequately buffered to
85 preserve residential enjoyment of the property. Therefore, Planning Division staff finds there to
86 be a unique circumstance not created by the applicant to support granting the variance.
87 5. *The variance, if granted, will not alter the essential character of the locality.* Although the
88 Planning Division's goal is to seek full compliance with all Code standards, the essence of a
89 variance process is to support unique situations where compliance cannot be achieved. Troy's
90 Auto Care is a business that has existed similarly for over six decades and was permitted under
91 different regulations than today. Granting a 20-foot rear yard setback variance will not alter the
92 essential character of Roseville given the characteristics of the impacted properties.

93

94 **Public Comment**

95 At the time this report was prepared, Planning Division staff did not receive any comments or questions
96 about the proposed text amendment.

97

98

99 **Staff Recommendation**

100 The Planning Division finds the applicant's request does demonstrate practical difficulties to the extent
101 intended by the zoning and would recommend the **Variance Board adopt a resolution approving a**
102 **variance to Table 1005-2 in support of a 20-foot rear yard setback variance for a future 30-foot by**
103 **34-foot vehicle service addition to the north side of the existing building**, based on the content of
104 this report and associated plans provided as attachments, public input, and Variance Board deliberation.

105

106 **Requested Planning Commission Action**

107 By motion, **adopt a resolution approving a variance to Table 1005-2 in support of a 20-foot rear**
108 **yard setback variance for a future 30-foot by 34-foot vehicle service addition to the north side of**
109 **the existing building**, based on the comments and findings of this report, public input, and Variance
110 Board deliberation.

111

112 **Alternative Actions**

- 113 1. **Pass a motion to table the item for future action.** An action to table consideration of the
114 requested variance must be based on the need for additional information or further analysis to
115 reach a decision on one or both requests. Tabling may require extension of the 60-day action
116 deadline established in Minn. Stat. 15.99 to avoid statutory approval.
- 117 2. **Adopt a resolution denying the requested variance.** A denial must be supported by specific
118 findings of fact based on the Variance Board's review of the application, applicable zoning
119 regulations, and the public record.

120

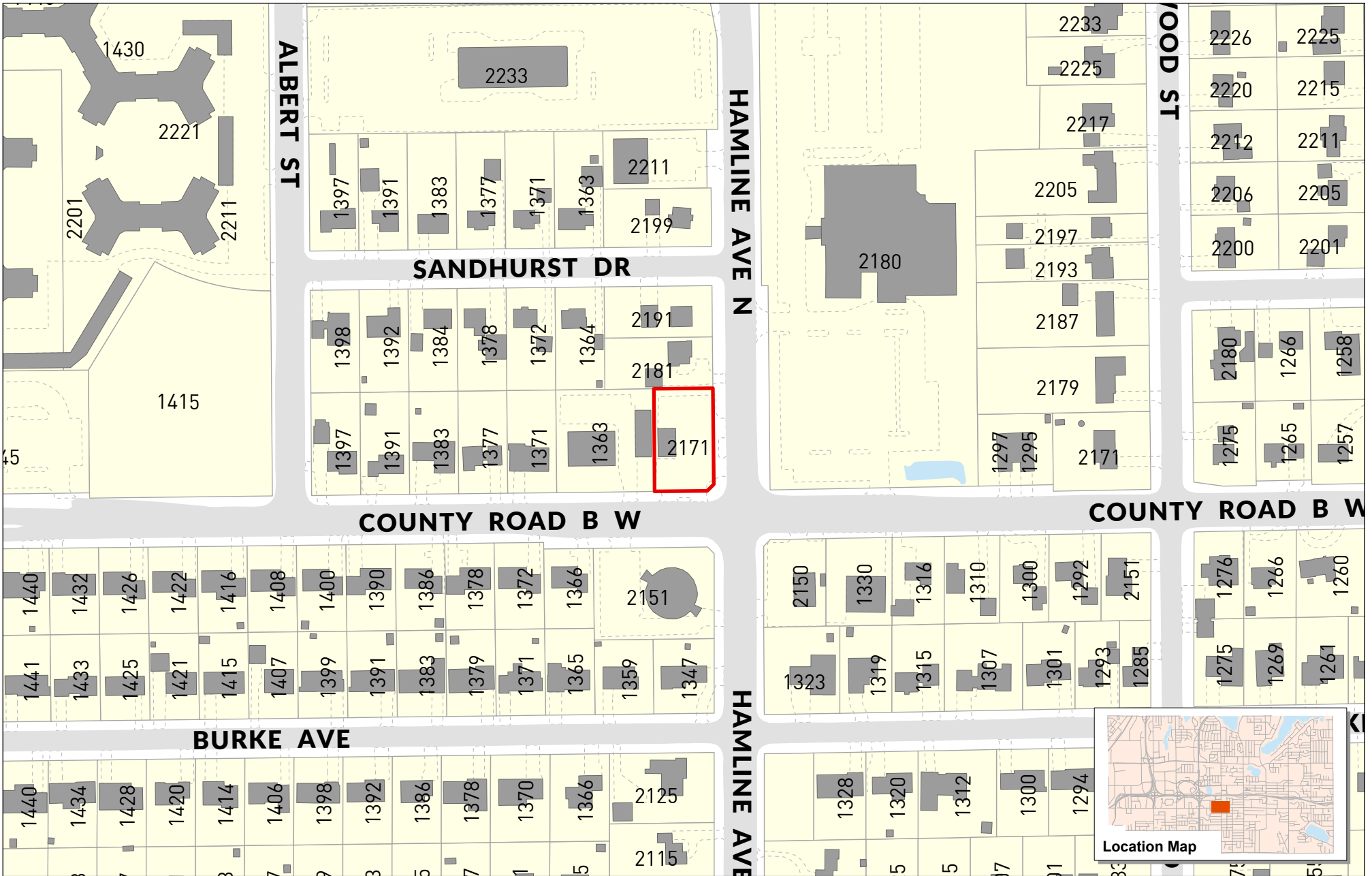
121

Prepared by: Thomas Paschke, City Planner

Attachments: 1. Base Map
2. Aerial Map

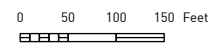
- 3. Applicant Information
- 4. Resolution

Attachment 1: Planning File 23-013



Data Sources
 * Ramsey County GIS Base Map (1/4/2024)
 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.

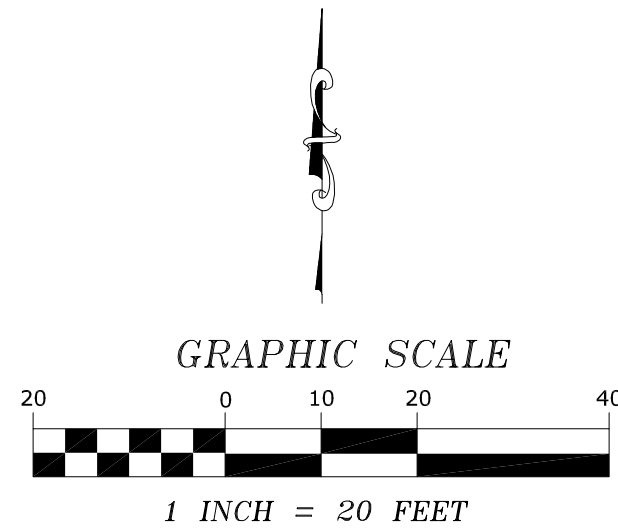


Attachment 2: Planning File 23-013



CERTIFICATE OF SURVEY

~for~ TROY'S AUTO CARE
 ~of~ 2171 HAMLINE AVENUE
 ROSEVILLE, MN

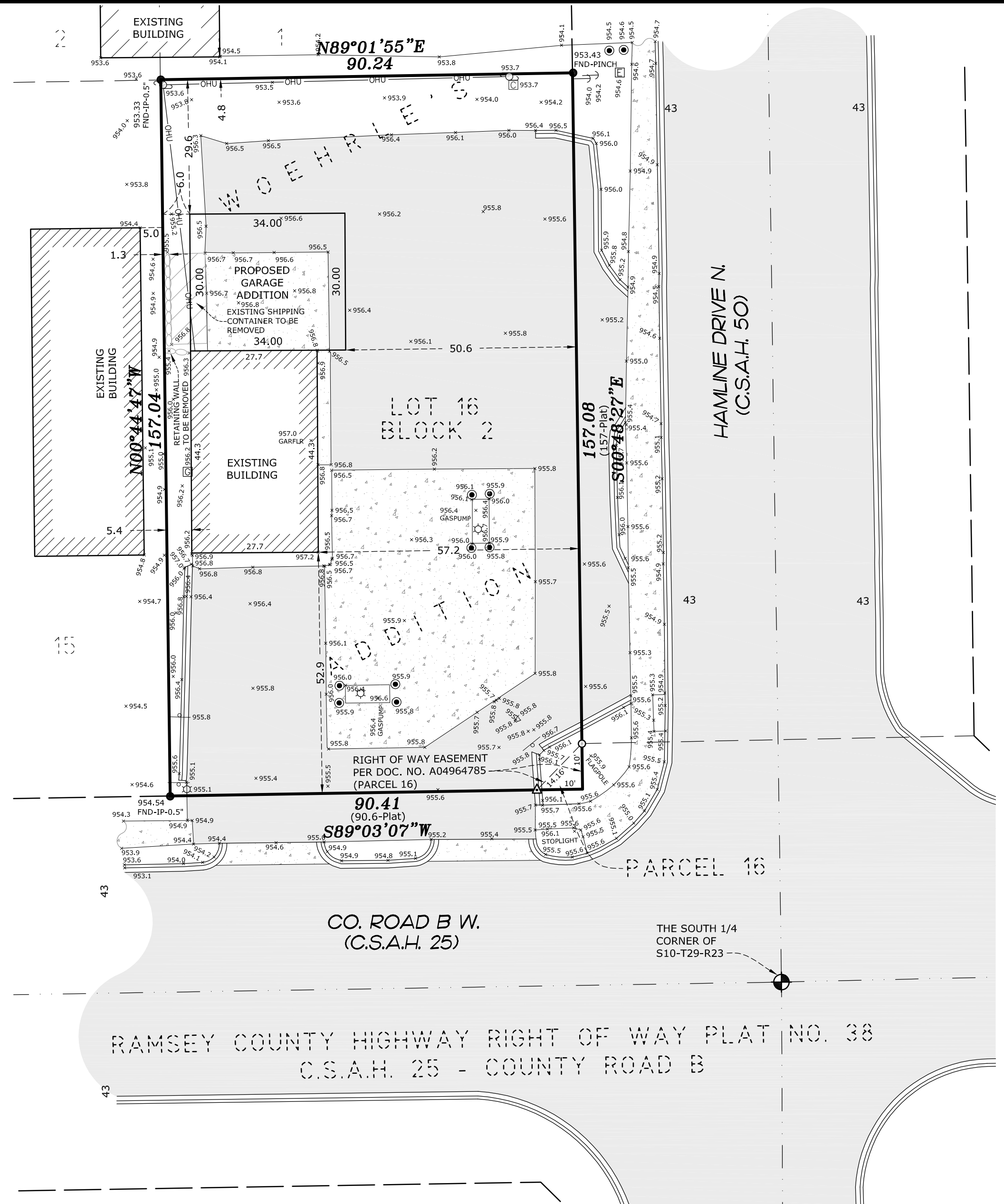


LEGEND

- DENOTES IRON MONUMENT FOUND AS LABELED
- DENOTES IRON MONUMENT SET, MARKED RLS# 41578
- △ DENOTES SET MAG NAIL
- ⊕ DENOTES RAMSEY COUNTY CAST IRON MONUMENT
- DENOTES BOLLARD
- DENOTES CABLE PEDESTAL
- ⊞ DENOTES ELECTRICAL BOX
- ⊞ DENOTES GAS METER
- x 952.36 DENOTES EXISTING SPOT ELEVATION
- ☆ DENOTES LIGHT POLE
- ⋈ DENOTES GUY WIRE
- ⊞ DENOTES POWER POLE
- ⊞ DENOTES SIGN
- ⊞ DENOTES RETAINING WALL
- OHU DENOTES OVERHEAD UTILITY
- ⋯ DENOTES EXISTING CONTOURS
- ▨ DENOTES BITUMINOUS SURFACE
- ▨ DENOTES CONCRETE SURFACE

NOTES

- Field survey was completed by E.G. Rud and Sons, Inc. on 10/31/23.
- Bearings shown are on Ramsey County datum.
- Parcel ID Number: 10-29-23-34-0032.
- Curb shots are taken at the top and back of curb.
- This survey was prepared without the benefit of title work. Additional easements, restrictions and/or encumbrances may exist other than those shown hereon. Survey subject to revision upon receipt of a current title commitment or an attorney's title opinion.



BENCHMARK

MNDOT BM: 6212 D 1
 ELEVATION = 949.21
 DATUM = NAVD 88

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

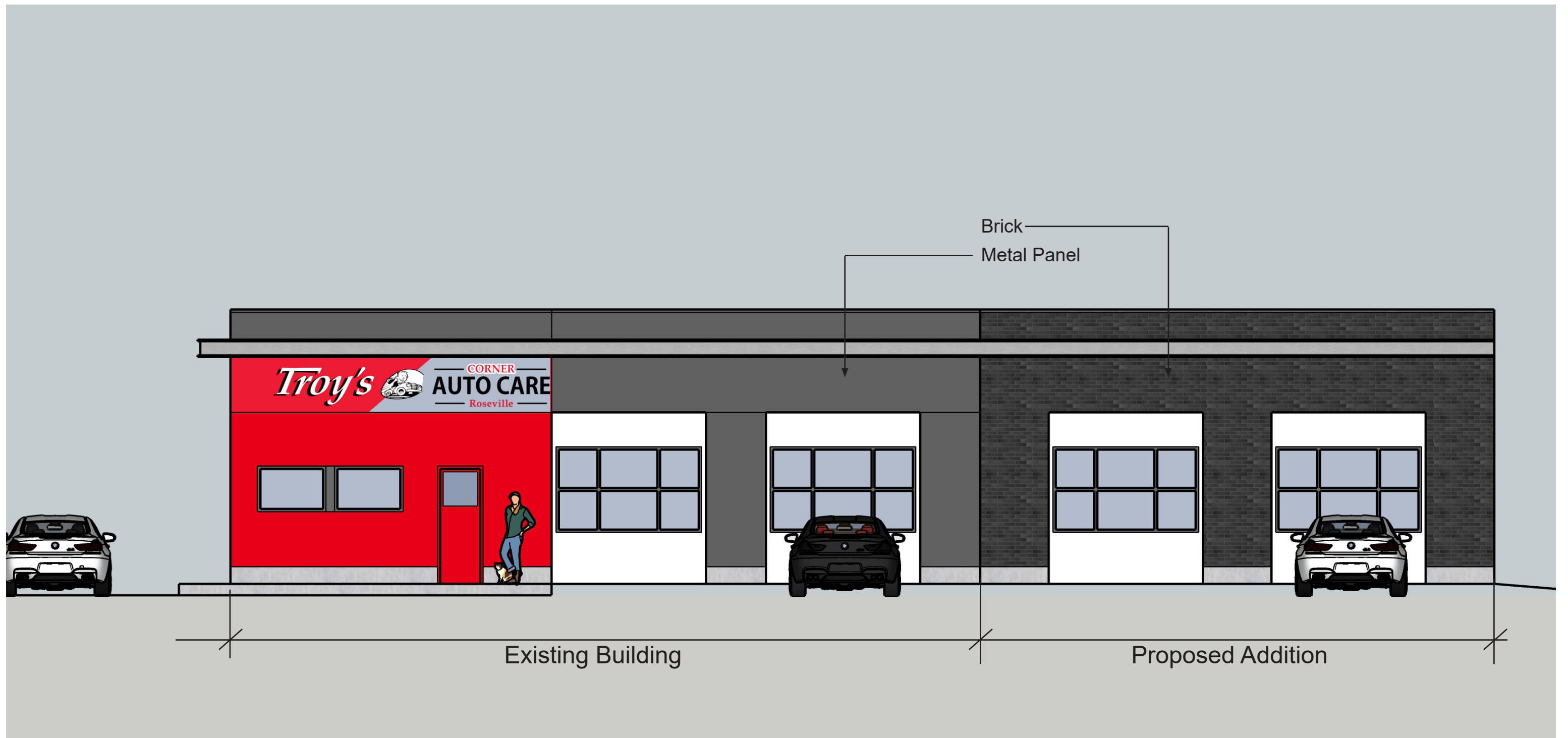
Jason E. Rud
 JASON E. RUD

Date: 11/14/2023 License No. 41578

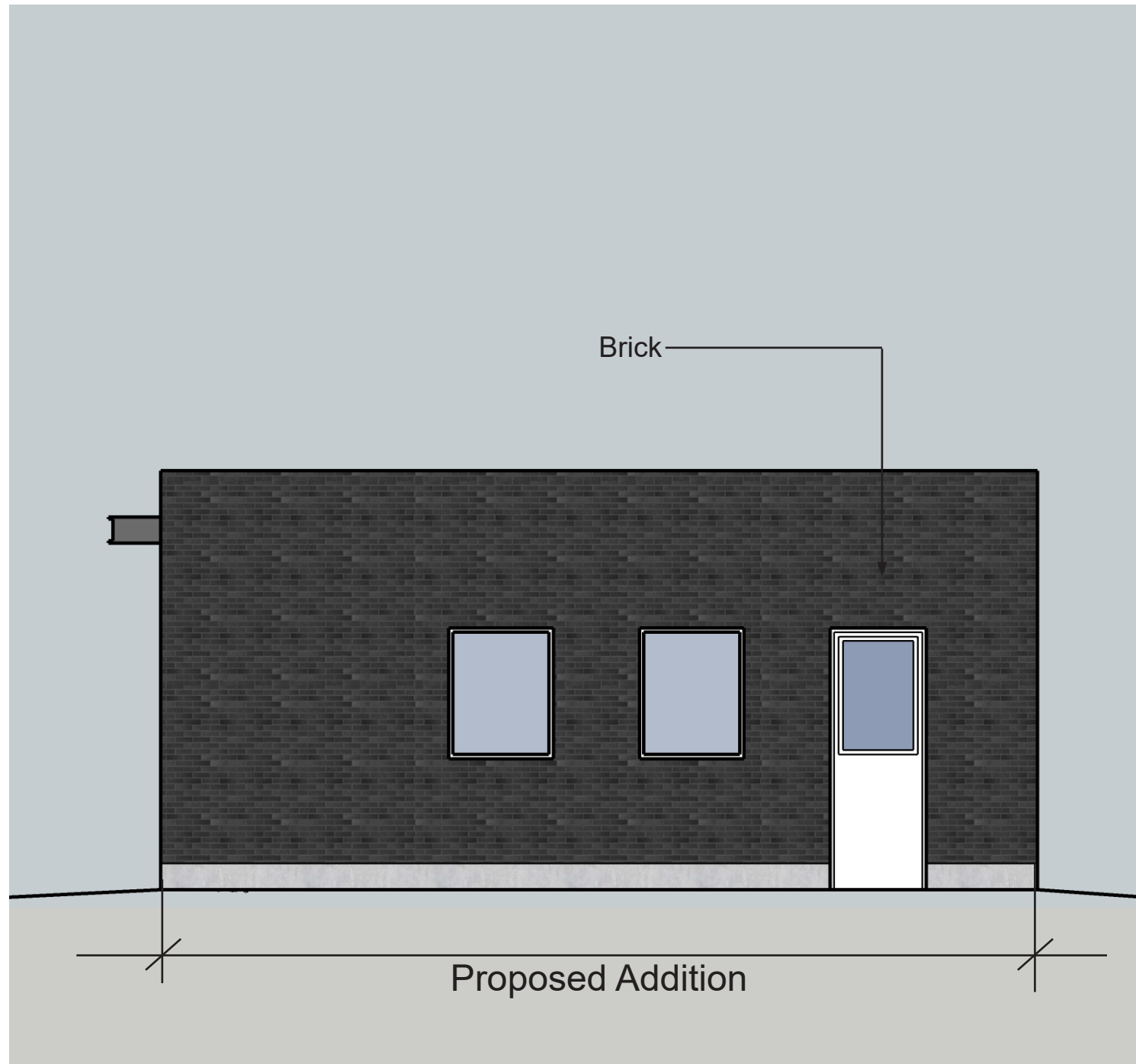
DRAWN BY: BCD	JOB NO: 231103LS	DATE: 11/14/23	
CHECK BY: JER	FIELD CREW: DT/CT		
1			
2			
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NO.	DATE	DESCRIPTION	BY

Lot 16, Block 2, WOEHRLE'S ADDITION, Ramsey County, Minnesota.

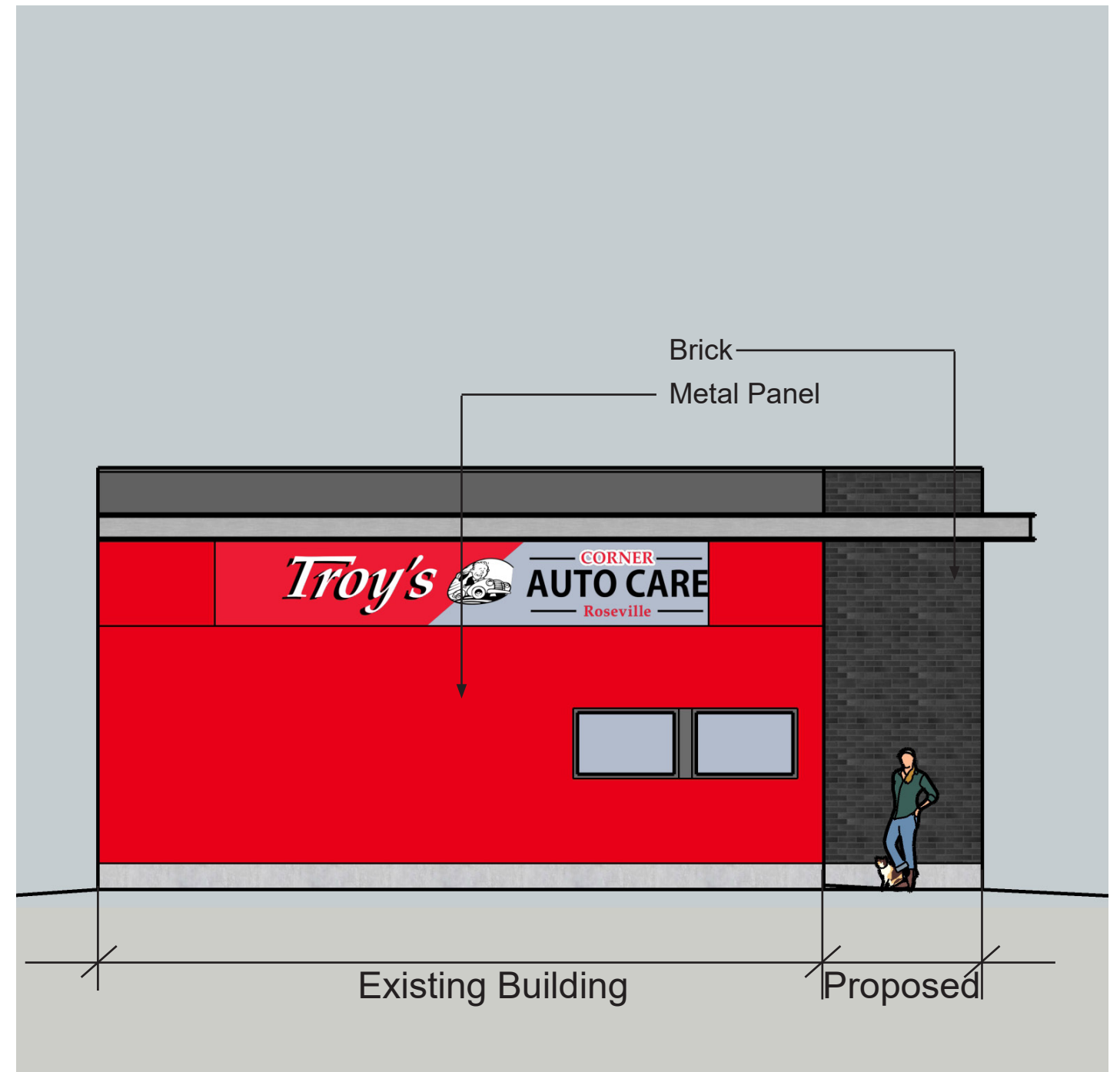
E.G. RUD & SONS, INC.
 EST. 1977
 Professional Land Surveyors
 6776 Lake Drive NE, Suite 110
 Lino Lakes, MN 55014
 Tel. (651) 361-8200 Fax (651) 361-8701



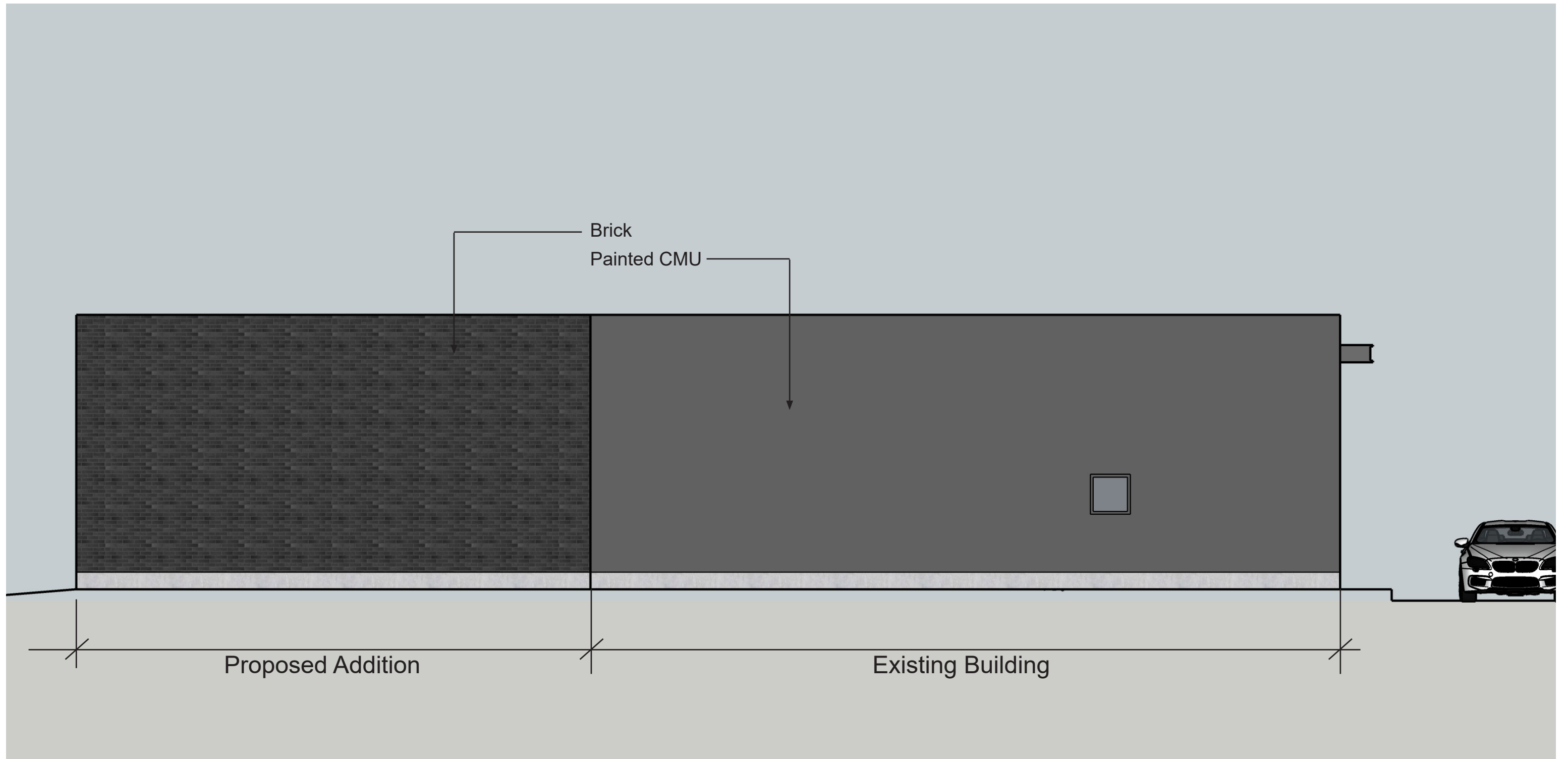
EAST ELEVATION



NORTH ELEVATION



SOUTH ELEVATION



WEST ELEVATION



PERSPECTIVE VIEW



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CORNER
AUTO CARE
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SUPER CLEAN GAS
REGULAR UNLEADED **\$3.19**
EXTRA CLEAN DIESEL
EXTRA CLEAN DIESEL
Other Top Brands Available

Troy's AUTO CARE

NAC



**EXTRACT OF MINUTES OF MEETING OF THE
VARIANCE BOARD OF THE CITY OF ROSEVILLE**

Pursuant to due call and notice thereof, a regular meeting of the Variance Board of the City of Roseville, County of Ramsey, Minnesota, was held on the 6th day of March, 2024, at 5:30 p.m.

The following Members were present: Member _____;
and _____ was absent.

Variance Board Member _____ introduced the following resolution and moved its adoption:

VARIANCE BOARD RESOLUTION NO. _____

A RESOLUTION APPROVING A VARIANCE TO TABLE 1005-2 DIMENSIONAL STANDARDS NEIGHBORHOOD MIXED-USE (MU-1) DISTRICTS, OF THE ROSEVILLE CITY CODE, IN SUPPORT OF A 20-FOOT REAR YARD SETBACK VARIANCE FOR A PROPOSED 30-FOOT BY 34-FOOT VEHICLE SERVICE ADDITION AT 2171 HAMLINE AVENUE (PF23-013)

WHEREAS, the subject property is assigned Ramsey County Property Identification Number 102923340032 and is legally described as:

Requires Legal Description

WHEREAS, Table 1005-2 or the Neighborhood Mixed-Use district states the following regarding the minimum rear yard setback:

Table 1005-2	
Minimum side yard building setback	6 feet where windows are located on a side wall or on an adjacent wall of an abutting property 20 feet or 50% of building height, whichever is greater, from residential lot boundary Otherwise not required
Minimum rear yard building setback	25 feet from residential boundary 10 feet from non-residential boundary
Minimum surface parking setback	5 feet

WHEREAS, Troy Miller (Troy's Auto Care) seeks a 20-foot variance from Table 1005-2 to encroach into the required 25-foot rear yard setback for the purpose of constructing a 30-foot by 34-foot service bay addition on the north side of the existing service station; and

WHEREAS, City Code §1009.04 (Variances) establishes the purpose of a variance is "to permit adjustment to the zoning regulations where there are practical difficulties applying to a parcel of land or building that prevent the property from being used to the extent intended by the zoning; and

WHEREAS, the Variance Board has made the following findings:

- a. *The proposal is consistent with the Comprehensive Plan.* Planning Division staff believe the proposal is generally consistent with the Comprehensive Plan because it represents the type of continued investment promoted by the Comprehensive Plan's goals and policies. However, there is nothing specifically stated in the Roseville 2040 Comprehensive Plan concerning commercial building additions.
- b. *The proposal is in harmony with the purposes and intent of the zoning ordinance.* The proposal to construct a 30-foot by 34-foot, two-stall addition to the north side of the existing service station, along the same linear plane and at the same rear yard setback (5-feet from the west property line) as the existing building, is in harmony with the Zoning Code. The original structure was constructed in 1959 under different standards than the Zoning Code requires today. Although the MU-1 district does not have a minimum front yard setback requirement, building the proposed addition to meet the 25-foot rear yard setback standard would result in encroachment into the current drive lane for fuel pumping and deliveries. The level of encroachment into the front yard to meet the rear yard setback would result in negatively impacting vehicle maneuverability and traffic, which is not in the best interest of the site or adjacent roadways.
- c. *The proposal puts the subject property to use in a reasonable manner.* This finding seeks to determine whether the requested deviation will put the property to use in a manner reasonably consistent with the standards set forth in the Code. Planning Division staff concludes this finding to be true. Staff finds the applicant's proposal to build an addition at the same setback as the existing service station to be reasonable and practical. Requiring the proposed structure to meet the required 25-foot rear yard setback would create practical difficulties, in terms of providing continued investment and use of the property, as this lot is narrow and developed under previous standards that no longer apply under today's Zoning Code. Given this, staff believes the proposed variance puts the property to use in a reasonable manner.
- d. *There are unique circumstances to the property which were not created by the landowner.* The existing structure was constructed in 1959 at a 5-foot setback from the west property line, a much smaller setback than exists today. Under the current Zoning Code, the west property line is deemed the rear yard and any building constructed must be a minimum of 25 feet from this property line. If the adjacent use were not residential, the required setback would be 10 feet. The purpose of the larger rear yard setback for a commercial use adjacent to a residential use is to ensure adequate separation so any negative impacts from the commercial property can be buffered to the residential use. However, the characteristics of the abutting yards is that the proposed addition to the existing building will abut the neighboring apartment's garage structure, effectively ensuring negative impacts from the

commercial use will be adequately buffered to preserve residential enjoyment of the property. Therefore, Planning Division staff finds there to be a unique circumstance not created by the applicant to support granting the variance.

- e. *The variance, if granted, will not alter the essential character of the locality.* Although the Planning Division’s goal is to seek full compliance with all Code standards, the essence of a variance process is to support unique situations where compliance cannot be achieved. Troy’s Auto Care is a business that has existed similarly for over six decades and was permitted under different regulations than today. Granting a 20-foot rear yard setback variance will not alter the essential character of Roseville given the characteristics of the impacted properties.

WHEREAS, the Variance Board finds the proposal satisfies the requirements essential for approval. The unique circumstances present on this lot – the legal pre-existing non-conforming location of the existing service station building – the applicant has proposed a plan whereby the addition would be constructed at the same 5-foot setback, since shifting the proposed two service bay addition to conform to the minimum 25-foot setback would be more detrimental to the site than granting a variance.

NOW THEREFORE BE IT RESOLVED, the Roseville Variance Board APPROVES the requested 20-foot variance to Table 1005-2 of the Neighborhood Mixed-Use Dimensional Standards of the Roseville City Code in support of a 20-foot rear yard setback variance for a proposed 30-foot by 34-foot vehicle service addition to the north side of the existing building at 2171 Hamline Avenue, based on the content of the Variance Board report dated March 6, 2024 and associated plans provided as attachments to the written report, public input, and Variance Board deliberation.

The motion for the adoption of the foregoing resolution APPROVING the request variance was duly seconded by Variance Board Member _____ and upon vote being taken thereon, the following voted in favor: Members _____; and _____ voted against;

WHEREUPON said resolution was declared duly passed and adopted.


REQUEST FOR BOARD ACTION

Date: **3/6/2024**
Item No.: **5.b.**

Department Approval

Janice Gundlach

Agenda Section

Public Hearing

Item Description: Request by Amarak Ultimate Perimeter Security, in cooperation with Caliber Collision, for VARIANCES to §1011.08.A.3 Fences in All Districts, in support of permitting a 10-foot tall electrified security perimeter fence at Caliber Collision

1
2 **Application Information**

3 Applicant: Amarak, LLC on behalf of Caliber Collision

4 Location: 1914 County Road C

5 Application Submission: October 4, 2023

6 City Action Deadline: Multiple Extensions - currently April 1, 2024

7 Zoning: Employment Center (E-2)

8

9 **Background**

10 Caliber Collision is an automotive body work company located at 1914 County Road C. In recent years,
11 they have been experiencing increased vandalism on vehicles that are stored within a 6-foot tall
12 screened enclosure to the rear of the property. Amarak Ultimate Perimeter Security desires to install a
13 10-foot tall, low-voltage, 12V/DC battery-powered, pulsed electric security system inside the screened
14 enclosure to secure the vehicle storage area and discourage vandalism and theft of the stored
15 vehicles.

16

17 **Review of Request**

18 Roseville City Code **§1011.08.A.3, Fences in All Districts** (below), limits a fence, other than a screen
19 fence, to a maximum height of 6-1/2 feet and does not permit electrified fences. The proposed security
20 enclosure has been deemed a fence per the definition below and thus can only be a maximum of 6-1/2
21 feet in height.

22

23 *A. General Requirements: Fences may be constructed, placed, or maintained in any yard or adjacent to*
24 *a lot line in accordance with these requirements.*

25 *1. The owner of the property upon which a fence is located shall be responsible for locating all property*
26 *lines prior to constructing said fence.*

27 *2. All fence posts and supporting members shall be placed within the property lines of the property on*
28 *which the fence is located.*

29 *3. Fences in front yards shall not exceed 4 feet in height. Notwithstanding this limitation, fences in front*
30 *yards which are adjacent to the side or rear yards of abutting lots may be as tall at 6.5 feet.*

31 *4. Fence height shall be measured from the average grade adjacent to the bottom of the fence to the*
32 *top of the fence material. Fence posts may extend an additional 6 inches.*

33 *5. All fences shall be constructed so that the finished side or more attractive side of the fence faces the*
34 *adjacent property or the public right-of-way.*

35 *6. All fences shall be constructed of durable, uniform, weather-resistant, and rust-proofed materials.*

36 *7. All fences shall be maintained and kept in good condition.*

37 *8. Fences exceeding 4 feet in height shall require a permit from the City.*

38 *9. Temporary snow fencing is allowed seasonally, when snow is present, without a permit.*

39 *10. Non-residential Fences: In addition to the requirements of this section, fences in all non-residential*

40 *districts shall conform to the screening requirements of Section 1011.03B of this 4076 Chapter.*
41 *11. Fencing of Play Areas: For public or private parks and playgrounds located adjacent to a public right-*
42 *of-way or railroad right-of-way, a landscaped yard area no less than 30 feet in width or a fence no less*
43 *than 4 feet in height shall be installed between the facility and the right-of-way.*
44 *FENCE: A structure providing enclosure or serving as a barrier, such as wooden posts, wire, iron, or*
45 *other manufactured material or combination of materials erected to enclose, screen, or separate areas.*
46

47 Planning Division staff has not historically supported fence heights in excess of 6-1/2 feet in commercial
48 or industrial areas of Roseville, except for screen fences, which per §1011.03.B, are required to be a
49 minimum of 6 feet in height. The Planning Division is also opposed to the allowance of an electrified
50 fence as this is prohibited under the Code and seems extreme given other available alternatives.
51 Similarly, the Roseville Police Department does not support the proposed electrical security system. The
52 Police Department has typically recommended crime prevention strategies that are consistent with
53 Crime Prevention Through Environmental Design Strategies ([CPTED](#)). An electrified fence would not be
54 consistent with the CPTED principles. However, the Police Department has recommended the
55 property/business owner look at other impactful alternatives to harden the target, such as hostile
56 vegetation, strengthening existing fencing, improving cameras/surveillance and investing in other
57 technology and strategies to help deter thefts.
58

59 **Staff Recommendation**

60 **Variance Analysis**

61 Planning Division staff has historically been reluctant to support a variance from the standards set forth
62 in the fence regulations section of the City Code given the practical difficulty (or former hardship
63 standard) cannot easily be met. In the past 20+ years the City has issued only two variances for
64 increased fence height in the commercial/industrial zoned areas of Roseville. Calyxt (2016) and Koch &
65 Sons Trucking (2017) each received a variance to increase the height of security fencing in the front
66 yard of their property from 4 feet to 6 feet in height. The Planning Division is unaware of any electrified
67 fencing or fencing greater than 6 1/2 feet in height that secures portions of a commercial or industrial site
68 in Roseville.
69

70 Section 1009.04 (Variances) of the City Code explains the purpose of a variance is “to permit adjustment
71 to the zoning regulations where there are practical difficulties applying to a parcel of land or building that
72 prevent the property from being used to the extent intended by the zoning.” State Statute further clarifies
73 that “economic considerations alone do not constitute practical difficulties.” Planning Division staff does
74 not find there are practical difficulties present, other than economic, to justify City approval to deviate
75 from the Code standards as there are other permitted options available that have not been explored that
76 could potentially address the vehicle vandalism occurring at Caliber Collision without the need of a
77 variance.
78

79 When evaluating this requested variance, it’s important to understand the reasons behind the prohibition
80 of electric fencing and the limits on maximum height. Specific to fencing in all zoning districts in
81 Roseville, the current standards have been in the Zoning Code since prior to the 2010 zoning code
82 update, where it was determined these standards were appropriate and applicable to remain. Planning
83 Division staff continues to support these standards. Additionally, staff have concluded electrical or
84 electrified fencing is a drastic measure when options such as increased screen fencing height, security
85 cameras, and other forms of deterrents and monitoring are available. Further, this type of electrified
86 fencing is typically used in rural/agricultural settings or for security for correctional facilities, and not
87 typically found in an urban setting. Planning staff is also not aware of any surrounding urban
88 municipality that permits electrical fencing in their commercial/industrial areas.
89

90 Fence height is also a common regulation in urban communities. Most municipalities limit fencing in front
91 yards to 4 feet in height, as does Roseville, while fencing limits for side and rear yards vary. However,
92 most communities permit up to 6 or 6-1/2-foot non-screen fence height in commercial and industrial
93 areas for the primary reason of preventing the unsightliness caused by fence type and/or excessive

94 height. Roseville's 6-foot maximum height, for fencing other than for screening, has been in place for
95 decades and has proven to work well in most all situations. Similarly, Planning staff has not come
96 across other businesses desiring to install fences in excess of 6 feet or install electrified fencing as a
97 means to secure a property or parking area as a deterrent to vandalism and theft.
98

99 Section 1009.04C of the City Code establishes a mandate that the Variance Board make five specific
100 findings about a variance request as a prerequisite for approving the variance. Planning Division staff
101 have reviewed the application and offer the following draft findings:

- 102 1. *The proposal is consistent with the Comprehensive Plan.* Planning Division staff believe the
103 proposal is generally consistent with the Comprehensive Plan because it represents the type of
104 continued investment promoted by the Comprehensive Plan's goals and policies. However, there
105 is nothing specifically stated in the Roseville 2040 Comprehensive Plan concerning
106 commercial/industrial property fencing or security.
- 107 2. *The proposal is in harmony with the purposes and intent of the zoning ordinance.* With respect to
108 the request, the Planning staff finds the proposal is not in harmony with the purpose and intent of
109 the Code. Specifically, staff believes the purpose and intent of the adopted fence standards is to
110 reasonably accommodate fencing of property that provides security while not being overly
111 obtrusive. An electrical or electrified fence in excess of 6 feet in height for security purposes is a
112 harsh alternative to other available options, such as extending the height of the existing screen
113 fence, strengthening the existing screen fence and/or adding surveillance cameras, all permitted
114 options available to the business and in harmony with the purpose and intent of this standard.
- 115 3. *The proposal puts the subject property to use in a reasonable manner.* This finding seeks to
116 determine whether the requested deviation will put the property to use in a manner reasonably
117 consistent with the standards set forth in the Code. Planning Division staff conclude the proposal
118 is not reasonably consistent with the standards set-forth in the Code. Specifically, electrical or
119 electrified fencing is prohibited and an extreme measure to combat vandalism given the urban
120 setting. The installation of the proposed 10-foot tall electrified security fence, 4 feet taller than
121 the existing screen fence, will be out of character with current non-screening fencing and would
122 be the first of its kind in Roseville, potentially setting a precedent. Lastly, other less extreme
123 options have not been pursued, many of which are permitted by Code.
- 124 4. *There are unique circumstances to the property which were not created by the*
125 *landowner.* Although vandalism of stored vehicles could be considered a unique circumstance
126 not caused by the property owner, staff has determined the installation of the proposed 10-foot
127 tall electrified security system is not a security method essential to combat the instances of
128 vehicle vandalism occurring on the premises. As has been stated previously, other options are
129 available that have not been pursued, nor has the business sought out assistance from the
130 Roseville Police Department.
- 131 5. *The variance, if granted, will not alter the essential character of the locality.* The Planning
132 Division has determined the granting of these two variances in support of a 10-foot tall electrified
133 security fence could alter the essential character of the locality and are not appropriate given
134 Roseville's urban environment. Support of these deviations could be precedent setting, creating
135 unintended consequences. Planning staff would also note that variances are granted only
136 when all reasonable options have been exhausted and there are unique circumstances at play,
137 which staff would deem not to be the case in this instance. The only reason for the variance
138 offered by the applicant to justify the request is economic, which can't be considered under State
139 Law.

140 141 142 Requested Planning Commission Action

143 The Planning Division finds the applicant has not demonstrated practical difficulties preventing
144 compliance with the fence regulations of §1011.03.B of the City Code and would recommend the
145 Variance Board **adopt a resolution (Attachment 4) denying the requested variances for an**

146 **electrified security barrier and fence of 10-feet in height at Caliber Collision, 1914 County Road**
147 **C**, based on the content of this report and associated plans provided as attachments, public input, and
148 Variance Board deliberation.

149
150 **Alternative Actions**

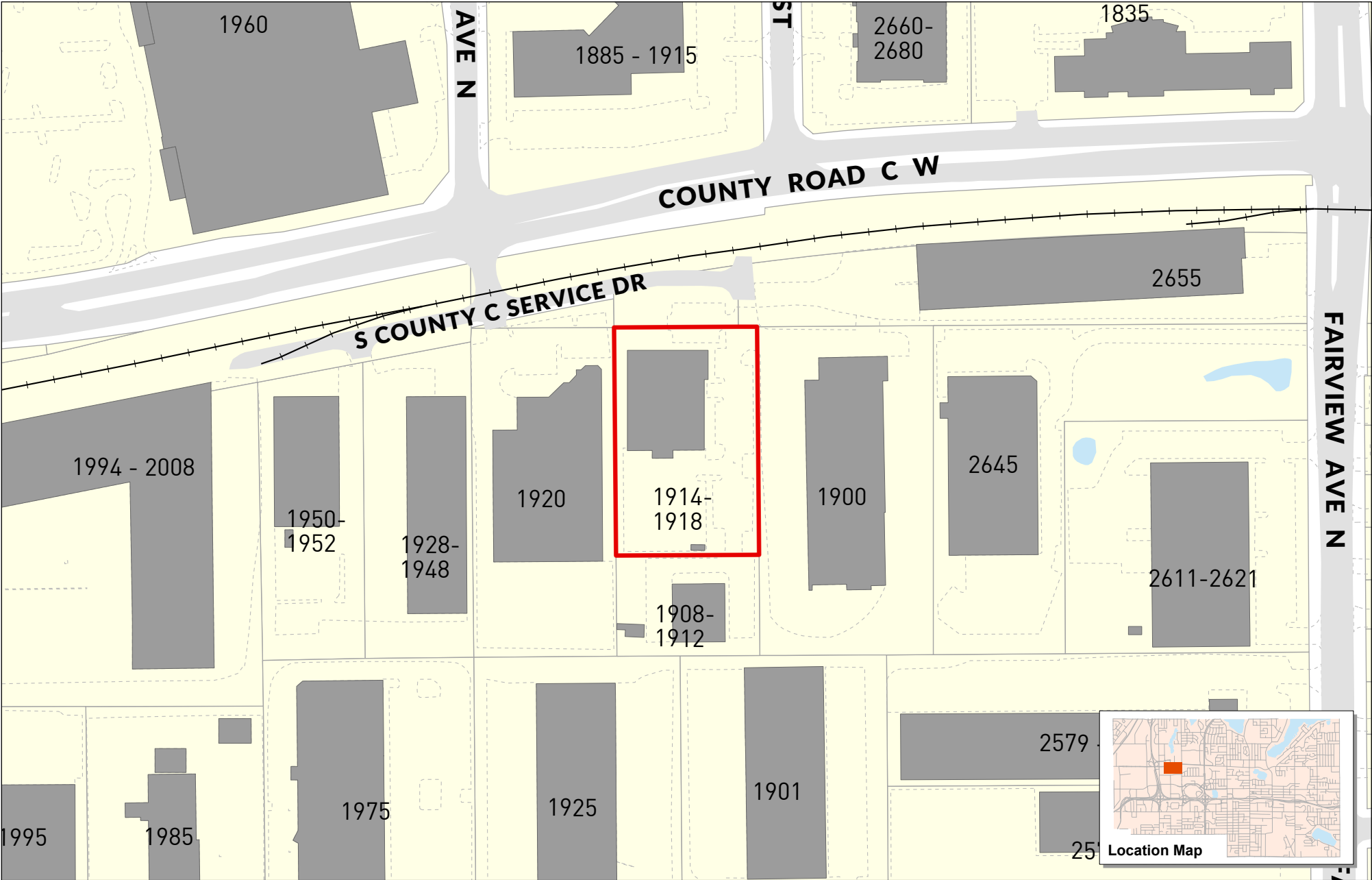
- 151 1. **Pass a motion to table the item for future action.** An action to table consideration of the
152 variance request must be based on the need for additional information or further analysis to
153 reach a decision on one or both requests. Tabling may require extension of the 60-day action
154 deadline established in Minn. Stat. 15.99 to avoid statutory approval.
- 155 2. **Adopt a resolution approving the requested variances.** An approval should be supported by
156 specific findings of fact based on the Variance Board's review of the application, applicable
157 zoning regulations, and the public record.

158
159 **Prepared by:** Thomas Paschke, City Planner

Attachments:

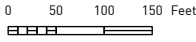
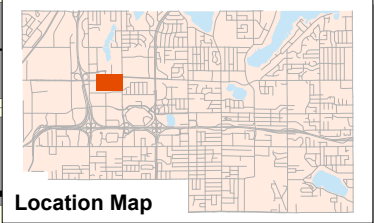
1. Map
2. Aerial Photo
3. Applicant Narrative
4. Draft Denial Resolution

Attachment 1: Planning File 23-012



Data Sources
 * Ramsey County GIS Base Map (10/6/2023)
 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.



Attachment 2: Planning File 23-012



**Justification for Variance Approval (HEIGHT)
1914 COUNTY ROAD C WEST – CALIBER COLLISION**

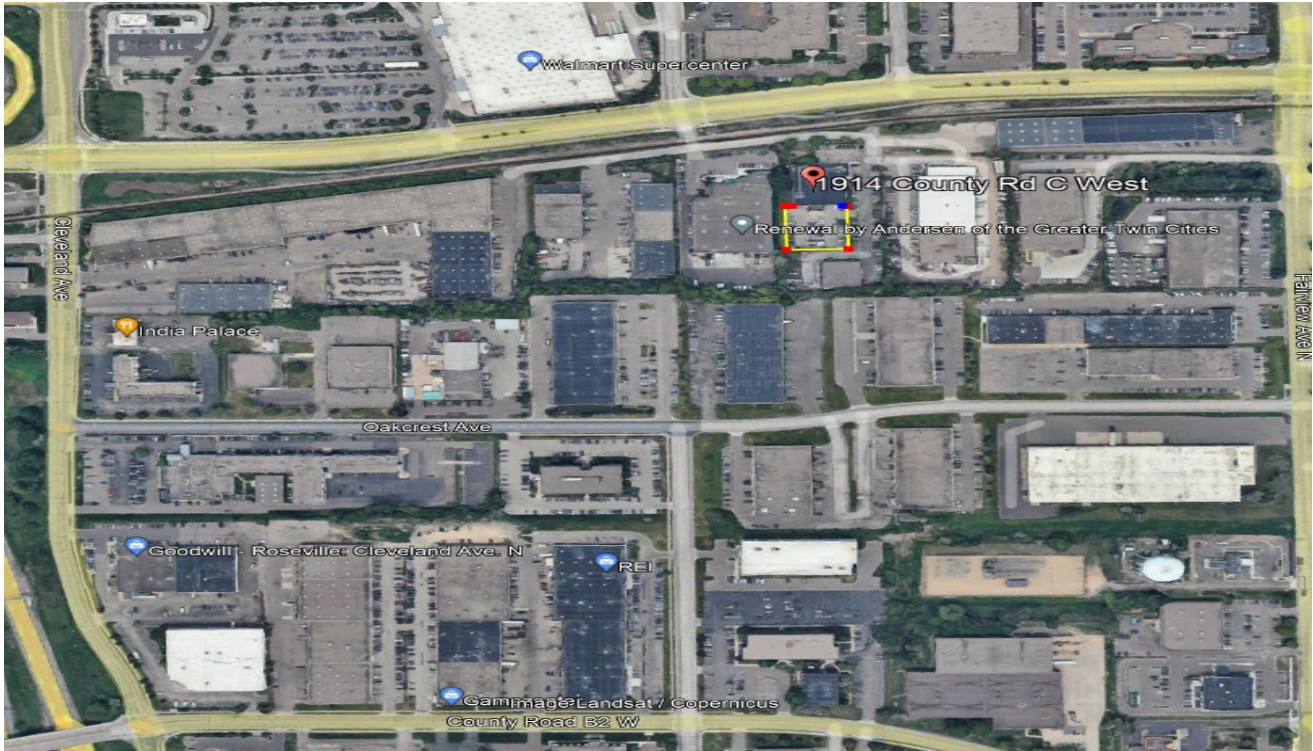
AMAROK, LLC on behalf of CALIBER COLLISION, is respectfully requesting the City of Roseville to approve a variance for the security system application which has been submitted to the City of Roseville; allowing the installation of a 10' tall low-voltage, 12V/DC battery-powered, pulsed electric security system to secure the property of CALIBER COLLISION safely and effectively. The property is located at 1914 County Road C West, Roseville, MN 55113 and is zoned E2 – Employment Center. The installation of this security fence is safely located inside/behind of the existing 6'-0" tall fence to secure the property during non-business hours.

The AMAROK security fence has proven to be the most effective theft and crime deterrent for businesses across the country such as CALIBER COLLISION. Even in cases where businesses were experiencing frequent theft and loss, the installation of our security fence immediately results in the prevention of any further attempted break-ins, vandalism, and theft.

Below are statements justifying the need for this requested Variance:

Appellant seeks to install a perimeter security system for the protection of the property from crime/break-ins. The property/business is CALIBER COLLISION, a well-known, automotive body work company. The business has been increasingly targeted and victimized by criminals breaking in to steal catalytic converters, batteries, auto parts and anything that can be easily sold on the black market or to metal recyclers.

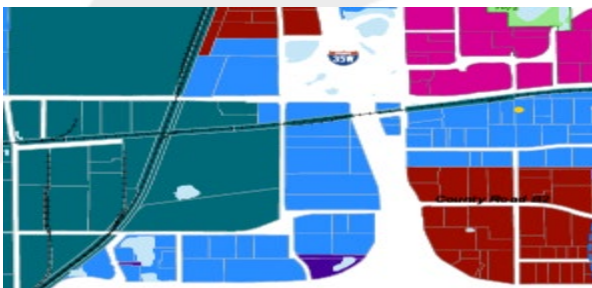
The business sits off a main road, accessed through a "service road". There are various entrances and exits from the business location through wooded areas to parking lots, and other streets, providing the ability to enter and exit the property undetected. As a result, this makes detection of criminal trespass difficult for police patrols. The ability to "see" activity behind a business is impossible for any vehicle or person driving or walking by the business. The requested security fence will be located behind/inside of existing fence, in the rear of the property, behind the business, well away from road frontage making any visual, aesthetic impact negligible.





The system is virtually invisible to passing vehicular traffic, making it necessary for would-be thieves to get close to the perimeter fence to slowly begin to discern the interior security fence/system as they approach. The system is completely safe and deters crime from the area for the benefit of the community (not just the subject property/business). The security fence is a known and proven commodity, with thousands deployed across the United States for more than 30 years. Once a system is installed, crime typically drops to zero. Once crime is deterred from the area, property values increase for everyone in the area which increases tax revenue to the city. This also benefits the city by allowing police resources to be economized towards life safety rather than on property crime.

The practical difficulty is not one created by the appellant but rather by the criminal element which is outside of the control of the appellant. Criminal activity threatens the safety of employees, business assets, customers, and customer vehicles at the business. With the installation of the security system, the threat of physical criminal violence decreases and employees will feel safer knowing there is a deterrent to criminal activity in place. Customers will feel an additional level of security from theft or vandalism when left at appellant's business for repairs.



The areas adjacent to the variance property are zoned for business enterprise. These locations are vulnerable to the criminal element. The security fence will in no way adversely affect the surrounding area but do the exact opposite; enhance the vicinity by effectively deterring crime. Lower crime equals higher property values which in turn increases revenue for the city. The installation of the security fence aids in the city's objectives and frees up police resources, allowing them to place their focus and efforts on more pressing life safety matters rather than expended on property crimes.

The strict application of the terms of the Zoning Ordinance results in practical difficulties in the use of the property by preventing the business from having the security they need to keep out criminals/crime. The property is significantly setback from the street frontage

making it difficult for passing police to detect criminal activity. Because the business has a significant number of vehicles, they are targeted by criminals to steal catalytic converters, batteries, and any other auto parts which can be quickly and easily sold on the black market or to metal recyclers. These mounting losses are unsustainable to the business. CALIBER COLLISION needs the proposed security system/fence to protect themselves from crime.

The appellant is requesting to go to a total height of 10'. More than 30 years of security industry experience with the system deployed in thousands of locations across the United States definitively shows that a height of ten feet effectively deters crime whereas lower heights still allow determined criminals the ability to get over the fence to continue plundering the business.

The granting of the variance will allow the business and its assets to be protected, alleviating the practical difficulty and resulting hardship that has not been caused by applicant. Based on the information and evidence provided to the Board, we respectfully request the granting of this variance approval for CALIBER COLLISION.



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ULTIMATE PERIMETER SECURITY

**EXTRACT OF MINUTES OF MEETING OF THE
VARIANCE BOARD OF THE CITY OF ROSEVILLE**

Pursuant to due call and notice thereof, a regular meeting of the Variance Board of the City of Roseville, County of Ramsey, Minnesota, was held on the 6th day of March, 2024, at 5:30 p.m.

The following Members were present: Member _____;
and _____ was absent.

Variance Board Member _____ introduced the following resolution and moved its adoption:

VARIANCE BOARD RESOLUTION NO. _____

**A RESOLUTION DENYING A VARIANCE TO §1011.08.A.3, FENCES IN ALL DISTRICTS, OF THE
ROSEVILLE CITY CODE, AT 1914 COUNTY ROAD C (PF23-012)**

WHEREAS, the subject property is assigned Ramsey County Property Identification Number 092923210015 and is legally described as:

Lot 1, Block 1, CASCI Addition

WHEREAS, City Code §1010.02 (Definitions) and §1011.08.A.3 (Fences in All Districts) states the following concerning fences:

1010.02 - FENCE: A structure providing enclosure or serving as a barrier, such as wooden posts, wire, iron, or other manufactured material or combination of materials erected to enclose, screen, or separate areas.

1011.08.A.3 - A. General Requirements: Fences may be constructed, placed, or maintained in any yard or adjacent to a lot line in accordance with these requirements.

- 1. The owner of the property upon which a fence is located shall be responsible for locating all property lines prior to constructing said fence.*
- 2. All fence posts and supporting members shall be placed within the property lines of the property on which the fence is located.*
- 3. Fences in front yards shall not exceed 4 feet in height. Notwithstanding this limitation, fences in front yards which are adjacent to the side or rear yards of abutting lots may be as tall at 6.5 feet.*
- 4. Fence height shall be measured from the average grade adjacent to the bottom of the fence to the top of the fence material. Fence posts may extend an additional 6 inches.*
- 5. All fences shall be constructed so that the finished side or more attractive side of the fence faces the adjacent property or the public right-of-way.*
- 6. All fences shall be constructed of durable, uniform, weather-resistant, and rust- proofed materials.*
- 7. All fences shall be maintained and kept in good condition.*

8. *Fences exceeding 4 feet in height shall require a permit from the City.*
9. *Temporary snow fencing is allowed seasonally, when snow is present, without a permit.*
10. *Non-residential Fences: In addition to the requirements of this section, fences in all non-residential districts shall conform to the screening requirements of Section 1011.03B of this 4076 Chapter.*
11. *Fencing of Play Areas: For public or private parks and playgrounds located adjacent to a public right-of-way or railroad right-of-way, a landscaped yard area no less than 30 feet in width or a fence no less than 4 feet in height shall be installed between the facility and the right-of-way.*

WHEREAS, Amarak Ultimate Perimeter Security on behalf of Caliber Collision, seeks a variance from §1011.08.A.3, Fences in All Districts, in support of a desire to install a 10-foot tall, low-voltage, 12V/DC battery-powered, pulsed electric security system inside of the screened enclosure to secure the vehicle storage area and discourage vandalism and theft to the stored vehicles; and

WHEREAS, §1011.08.A.3, limits a fence, other than a screen fence, to a maximum height of 6-1/2 feet and does not permit electrified fences. The proposed security enclosure has been deemed a fence per the definition and requirements outlined in the Roseville Zoning Code, which includes a maximum height allowance of 6-1/2 feet; and

WHEREAS, City Code §1009.04 (Variances) establishes the purpose of a variance is "to permit adjustment to the zoning regulations where there are practical difficulties applying to a parcel of land or building that prevent the property from being used to the extent intended by the zoning; and

WHEREAS, the Variance Board has made the following findings:

- a. *The proposal is not consistent with the Comprehensive Plan.* While the proposal is generally consistent with the Comprehensive Plan because it represents the type of continued investment promoted by the Plan's goals and policies, there is nothing specifically stated in the Roseville 2040 Comprehensive Plan concerning commercial/industrial property fencing or security which justifies this type of fence.
- b. *The proposal is not in harmony with the purposes and intent of the zoning ordinance.* With respect to the request, the Variance Board finds the proposal is not in harmony with the purpose and intent of the Code. Specifically, staff believes the purpose and intent of the adopted fence standards is to reasonably accommodate fencing of property that provide security while not being overly obtrusive. An electrical or electrified fence in excess of 6 feet in height for security purposes is a harsh alternative to other available options, such as: extending the height of the existing screen fence, strengthening the existing screen fence and/or adding surveillance cameras. These are all permitted alternative options available to the business and would be in harmony with the purpose and intent of this standard.
- c. *The proposal does not put the subject property to use in a reasonable manner.* This finding seeks to determine whether the requested deviation will put the property to use in

a manner reasonably consistent with the standards set forth in the Code. The Variance Board concludes the proposal is not reasonably consistent with the standards set forth in the Code. Specifically, electrical or electrified fencing is prohibited and an invasive measure to combat vandalism given the urban setting. The installation of the proposed 10-foot tall electrified security fence, which is 4 feet taller than the existing screen fence, will be out of character with current non-screening fencing and would be the first of its kind in Roseville, potentially setting a precedent. Lastly, other less invasive permitted options have not been pursued.

- d. *There are not unique circumstances to the property which were not created by the landowner.* The Variance Board has determined the installation of the proposed 10-foot tall electrified security system is not a security method essential to combat vehicle vandalism occurring on the premises. As has been stated previously, other options are available that have not been pursued, nor has the business sought out assistance from the Roseville Police Department.
- e. *The variance, if granted, will alter the essential character of the locality.* The Variance Board has determined the granting of these variances in support of a 10-foot tall electrified security fence could alter the essential character of the locality and are not appropriate given Roseville’s urban environment. Support of these deviations could be precedent setting and create unintended consequences. The Variance Board finds that variances are granted only after all other reasonable options have been exhausted and when unique circumstances exist. In this instance, the applicant has offered the reason for the variance is economic, yet economic hardships cannot be considered as justification for a variance per State law.

WHEREAS, Section 1009.04 (Variances) of the City Code also explains that the purpose of a VARIANCE is “to permit adjustment to the zoning regulations where there are practical difficulties applying to a parcel of land or building that prevent the property from being used to the extent intended by the zoning.” The Variance Board finds the proposal does not satisfy the above requirements essential for approving this requested variance. Specifically, the Variance Board finds the applicant has not demonstrated practical difficulties preventing compliance with the fence regulations of the Zoning Code, as it relates to the proposed 10-foot tall, low-voltage, 12V/DC battery-powered, pulsed electric security system as alternative security measures and/or fence construction methods and design could be utilized to achieve similar results.

NOW THEREFORE BE IT RESOLVED, the Roseville Variance Board DENIES the requested variance to §1011.08.A.3, Fences In All Districts, of the City Code concerning the installation of a 10-foot tall, low-voltage, 12V/DC battery-powered, pulsed electric security system inside the screened enclosure a Caliber Collision, 1914 County Road C, based on the content of the Variance Board report dated March 6, 2024 and associated plans provided as attachments to the written report, public input, and Variance Board deliberation.

The motion for the adoption of the foregoing resolution DENYING the request variance was duly seconded by Variance Board Member _____ and upon vote being taken thereon, the following voted in favor: Members _____; and _____ voted against;

WHEREUPON said resolution was declared duly passed and adopted.

