



Variance Board Agenda

Wednesday, April 3, 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 March 6, 2024 Minutes
- 5. Public Hearing**
 - a. Request to allow a recently built shed of nonconforming area and side-yard setback to remain on a residential property
- 6. Adjourn**


REQUEST FOR BOARD ACTION

Date: **4/3/2024**

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

Department Approval

Agenda Section

Review of Minutes

Item Description: Review March 6, 2024 Minutes

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18

Application Information

N/A

Background

N/A

Staff Recommendation

N/A

Requested Planning Commission Action

Review the March 6, 2024 minutes and make a motion to approve subject to requested corrections.

Alternative Actions

N/A

Prepared by:

Attachments: 1. March 6, 2024 Minutes



**Variance Board Regular Meeting
City Council Chambers, 2660 Civic Center Drive
Draft Minutes – Wednesday, March 6, 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**
6 At the request of Chair Schaffhausen, City Planner Thomas Paschke called the Roll.
7
8 **Members Present:** Chair Schaffhausen, Vice Chair Bjorum; and Member Aspnes.
9
10 **Members Absent:** None
11
12 **Staff Present:** City Planner Thomas Paschke, and Community Development
13 Director Janice Gundlach
14
- 15 **3. Approval of Agenda**
16
17 City Planner Paschke requested Item B be moved to Item A and Item A be moved to Item
18 B.
19
20 **MOTION**
21 **Member Bjorum moved, seconded by Member Aspnes to approve the agenda as**
22 **amended.**
23
24 **Ayes: 3**
25 **Nays: 0**
26 **Motion carried.**
27
- 28 **4. Review of Minutes: February 7, 2024**
29
30 **MOTION**
31 **Member Bjorum moved, seconded by Member Aspnes to approve the February 7,**
32 **2024 meeting minutes.**
33
34 **Ayes: 3**
35 **Nays: 0**
36 **Motion carried.**
37
- 38 **5. Public Hearing**
39 Chair Schaffhausen reviewed protocol for Public Hearings and public comment and
40 opened the Public Hearing at approximately 5:35 p.m.
41

42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83
84
85
86
87

a. PLANNING FILE 23-012
Request by Amarak Ultimate Perimeter Security for a variance to fences in all districts.

City Planner Thomas Paschke reviewed the variance request for this property, as detailed in the staff report dated March 6, 2024.

Mr. Michael Pate, Director of Business Development with Amarak, addressed the Commission regarding the variance proposal.

Member Bjorum asked what the perimeter made out of if it is not fencing.

Mr. Pate explained this will be on private property behind an existing permitted fence line. He explained the system has thirty wires on one system and twenty wires on another one. It depends on which one is being installed. He indicated the wires are four inches apart and horizontally placed up to about three and a half to four feet and separated eight inches apart and are strung between insulated fiberglass poles because there is a current going through them and is a non-scalable device that cannot be climbed. It does not function like a fence. It is not on the property line and is non-scalable. This is also not going to stop any visual acuity of anyone behind it because it cannot really be seen. The only reason a person would be able to recognize where it is because Amarak is required by the standard to put signs on it to warn people not to touch it.

Member Bjorum asked if someone or something comes up and touches it, it is his understanding by what Mr. Pate stated, this would only trigger the alarm system connecting to the different groups but now the Commission is being told there is an actual current running through the fence so if someone touches it the person will be shocked like a cattle fence.

Mr. Pate indicated that is correct. He indicated that is the deterrent effect of the device. People do not like to be shocked. He noted the current is not as strong as a cattle fence current but will deter people from trying to get by it.

Member Bjorum indicated he would agree with staff that this is an electrified fence. He indicated what Mr. Pate described to the Commission is not any different than a perimeter fence would be. This is just an electrified fence.

Member Bjorum asked Mr. Paschke what the existing fence is that is currently there.

Mr. Paschke believed the current fence is made of wood. It is a screen fence.

Member Bjorum asked if the company has tried any other types of deterrents other than just the fence.

Mr. Paschke indicated he was not aware of anything else used.

88 Mr. Pate explained the fence is a slated cedar fence and not very good for security.
89 There is also lighting on the backside of this but will not stop anyone. There are also
90 cameras up in the corners. Cameras are used for observation of a crime while what he
91 is proposing is a deterrent.

92
93 Chair Schaffhausen thanked Mr. Pate for the information. She asked if there was
94 anyone at the meeting who wanted to come forward. There was no one who wished to
95 come forward.

96
97 Chair Schaffhausen closed the public hearing at 5:53 p.m.

98
99 Member Aspnes indicated she can appreciate the frustration of the applicant. Her
100 concern is that the applicant has gone from what sounds like fairly passive security to
101 very sophisticated security with nothing in between and she was not comfortable with
102 an electrified fence in Roseville. Appreciating the security needs but this is not
103 something she was comfortable granting a variance for.

104
105 **MOTION**

106 **Member Bjorum moved, seconded by Member Aspnes, adoption of Variance**
107 **Board Resolution No. 164 (Attachment 4), entitled “A Resolution Denying a**
108 **Variance to §1011.08.A.3, Fences in All Districts, of the Roseville City Code, at**
109 **1914 County Road C.”**

110
111 **Ayes: 3**

112 **Nays: 0**

113 **Motion carried.**

114
115 **b. PLANNING FILE 23-013**

116 **Request by Troy Miller of Troy’s Automotive LLC for a Variance to the**
117 **Dimensional Standards Table.**

118 City Planner Thomas Paschke reviewed the variance request for this property, as
119 detailed in the staff report dated March 6, 2024.

120
121 Member Aspnes asked what the setback was to the north.

122
123 Mr. Paschke indicated the setback is twenty feet, almost thirty feet from the property
124 line.

125
126 Member Aspnes asked if the new addition will stay within the setback requirement.

127
128 Mr. Paschke indicated it would. He noted this meets all of the requirements currently.

129
130 Mr. Troy Miller, Troy’s Automotive addressed the Commission regarding his
131 proposal.

132
133 Member Aspnes asked if Mr. Miller has heard from any of the neighbors from the
134 apartment building behind his building.

135
136
137
138
139
140
141
142
143
144
145
146
147
148
149
150
151
152
153
154
155
156
157
158
159
160
161
162
163
164
165
166
167
168
169
170
171
172
173
174
175
176
177
178
179
180

Mr. Miller indicated there have been quite a few people come in asking questions about what is being planned.

Chair Schaffhausen if there was anyone at the meeting who wanted to come forward.

Ms. Anna Grimes, Roseville resident, indicated she is a patron of Troy’s Automative. She indicated Mr. Miller runs a business to support his family and also takes care of anyone who comes through his door. Every neighbor and customer is welcome. If Mr. Miller wants to expand to help more people in this area, he should be able to do that. The other thing is Mr. Miller does more for his community than she has ever seen anywhere. He always looks out for his neighbors.

Ms. Mari Erb indicated she lives on Sandhurst Drive and considers Mr. Miller one of her neighbors. She agreed with Ms. Grimes. She explained Mr. Miller goes above and beyond to help everyone that comes in.

Ms. Trisha Mikelnis, Roseville resident, stated when she moved into area the community was not vibrant and then Mr. Miller bought the property, he was honest and brought a sense of community to the area. She hoped the variance would go through because Mr. Miller deserves the chance to make his business work.

Ms. Connie Buskirk explained they are opposed to the variance. She indicated they live next to the property and the current issues they are having have not been fixed in the last six years and see them keep getting worse. She stated her main concern is by building two bays and servicing more people the business is reducing the footprint of the available parking. The business is using their current parking lot already and are blocking their tenant garages frequently. There is not the space there to handle increased business. She explained Mr. Miller has approached them to tell them he is going to take care of the issues, but nothing has been taken care of and building on the bays will not solve the problem, it will make it worse.

Mr. Michael Buskirk explained a while ago Mr. Miller came to them saying he wanted to build a large storage building and what was actually put there was a large storage container, and everything was moved down, and the big pile of tires are in view of their building rather than tucked behind it. There are a lot of things stored directly behind Mr. Miller’s building and looks bad. He did not see how this is going to solve anything. He indicated his residents have to see and deal with the noise and mess and parking.

Member Bjorum asked if there is a connection between the two lots or are the cars coming down the driveway to park in the tenant parking area.

Ms. Buskirk explained the patrons of Troy’s are coming down their driveway to park in their lot.

181
182
183
184
185
186
187
188
189
190
191
192
193
194
195
196
197
198
199
200
201
202
203
204
205
206
207
208
209
210
211
212
213
214
215
216
217
218
219
220
221
222
223
224
225
226
227

Mr. David Miller explained he is the old owner of Troy’s Automotive and his father took over the corner in 1965 and he started working there when he was eleven years old and worked for his father until 1972. He took over the business and owned the business for 48 years before he sold the business to Mr. Miller. He explained when the business was busy the parking lot was full. He tried for many years to get an additional put on to do more work but could not get it done. He stated Mr. Miller is trying to do the same thing and needs more space to work on more cars. By allowing more bays, more vehicles can get worked on and the congestion will be alleviated quicker. He indicated he is trying to help Mr. Miller to clean up the business and area.

Ms. Patty Miller did not think that the pile of tires and everything else is relevant to adding to the bays. She explained they own the property to the north side and have offered Mr. Miller storage area to put some of the things sitting outside so the storage issue should be resolved. She stated they really want to see this happen to him.

Mr. Wayne Nelson stated he is a customer of Mr. Miller’s. He explained Mr. Miller is a great person and runs a great business. He did not think a lot of issues stated have to do with a variance for two additional bays. He thought there could be something that could be worked out to allow this variance.

Ms. Linda Lange, 1366 Burke, Roseville, explained they built their house in 1985 and bought gas and had their cars occasionally repaired at Dave’s and she continues to do so with Troy’s Automotive. She explained it is convenient to have this on the corner and be able to get service close to home. She thought it made sense to allow Mr. Miller to build two more bays. She thought this would be good for the neighborhood and an asset to the area.

Ms. Clark Ritri, indicated he moved to Roseville when he was ten and everyone knows Mr. Miller is a good guy. He thought it made sense to allow Mr. Miller to grow his business because of the growing needs of the community.

Mr. Brian Ollrgen, explained he is a neighbor and a patron of Mr. Miller’s business. He explained Mr. Miller does really good work. He thought everything that is a complaint can be mitigated. He thought the variance should be granted and even if the variance is denied he will still have the business he has.

Mr. Phil Toconita, Roseville resident explained the corner has never been a problem for him and he is glad he does not have far to go to get his car repaired. He did not see a problem with any kind of additional Mr. Miller is planning to put there.

Mr. Phil Toconito, Jr., Roseville resident explained Mr. Miller has taken care of their vehicles over the years and he thought it would be nice to have the business grow and flourish to fulfill the needs of the Roseville community.

Ms. Buskirk addressed the Commission to clarify the problems they are having with Troy’s Automotive, and she felt those issues are relevant to the variance.

228 Ms. Gundlach indicated Mr. Paschke and herself did have a chance to review the
229 packet of information Ms. Buskirk sent over and what is in the packet has not
230 changed staff’s mind regarding granting of the variance. She noted some of the
231 exterior storage issues the City used a different City Code to deal with those kinds of
232 issues and making sure businesses comply with those codes.
233

234 Mr. Troy Miller thanked everyone for coming to the meeting today to support him
235 and his business. He thought some of the things that were identified tonight can be
236 resolved. He thought the obvious goal is to have people work together and he will
237 work with staff and anyone willing to get everything done.
238

239 Chair Schaffhausen closed the public hearing at 7:02 p.m.
240

241 Member Bjorum asked if the variance is just the discussion of the setback and there
242 are a whole other set of requirements for Mr. Miller to go forward with the build on
243 water mitigation, impervious surface and not necessarily a component of what the
244 Board is talking about tonight, this is just discussion about where the building
245 placement occurs on the site.
246

247 Mr. Paschke indicated that is correct.
248

249 Mr. Aspnes indicated she had some thoughts about expanding this building because
250 this is a very small lot and this was discussed previously about the zoning, MU1 and
251 what is permitted in an MU1 site, and this is a tiny lot. She indicated she did not have
252 reservations about the variance request itself. She has some mild reservations about
253 expanding the building greatly. She was confident the Roseville’s Planning
254 Department will work with Mr. Miller in making sure that anything put on the
255 property is going to be correct and that Mr. Miller will continue to work with his
256 neighbors about making sure the site is as nice to look at as possible. She hoped that
257 whatever is built there is in keeping with the rest of the neighborhood and an asset to
258 the area.
259

260 Mr. Paschke explained staff does preliminary reviews and such. Everything has
261 generally been looked at and compared to the City building standards. He reviewed
262 with the Board what items will change on the property with the building of the bays.
263

264 **MOTION**

265 **Member Bjorum moved, seconded by Member Aspnes, adoption of Variance**
266 **Board Resolution No. 165 (Attachment 4), entitled “A Resolution Approving a**
267 **Variance to Table 1005-2-Dimensional Standards Neighborhood Mixed-Use**
268 **(MU-1) Districts, of the Roseville City Code, in support of a 20-Foot Rear Yard**
269 **Setback Variance for a proposed 30-foot by 34-foot vehicle service addition at**
270 **2171 Hamline Avenue.”**
271

272 **Ayes: 3**

273 **Nays: 0**

274 **Motion carried.**

275
276
277
278
279
280
281

6. Adjourn

MOTION

Chair Schaffhausen adjourned the meeting at 7:12 p.m. with no formal motion made.


REQUEST FOR BOARD ACTION

Date: **4/3/2024**
Item No.: **5.a.**

Department Approval

Agenda Section

Janice Gundlach

Public Hearing

Item Description: Request to allow a recently built shed of nonconforming area and side-yard setback to remain on a residential property

1
2 **Application Information**

3 Applicant: Cammy and Daniel Oren
4 Location: 3150 W Owasso Boulevard
5 Application Submission: March 5, 2024
6 City Action Deadline: May 4, 2024
7 Zoning: Low Density Residential
8

9 **Background**

10 The applicants recently removed an aging, 10-foot by 10-foot metal storage shed in order to replace
11 it. The 10' x 10' shed had been erected on a larger 12' x 12' slab, indicating there was previously a
12 shed of that size in that location. According to Ramsey County's property data, the home was
13 originally built in 1939, and the 12-foot by 12-foot shed may have been built around the same time
14 as the house, when Roseville did not yet have zoning regulations. Although the county's early aerial
15 photography is not very clear, this shed, very near the side property line, and the boathouse at the
16 shoreline both seem to be visible in the 1953 aerial photo. The boathouse is also visible in the 1940
17 aerial imagery but an aberration in the area of the image where the shed would be makes it
18 impossible to determine with confidence whether the original shed was, in fact, also built by that
19 time. Then, sometime before the applicants bought the property in 1996, the original shed was
20 replaced by the 10' x 10' shed that remained on the property until recently.

21
22 The original shed, situated a few inches from the side property line, would have become a legal,
23 nonconforming structure when a zoning code including a minimum side yard setback standard was
24 later established. It would have become further nonconforming when the limit was established for
25 the combined area of the boathouse and shed. By virtue of permissions provided in State law
26 pertaining to legally nonconforming structures, the nonconforming location and size of the shed
27 could be preserved indefinitely, including by replacing it. However, once a nonconformity
28 terminates for a period of 12 months, any nonconformity protections cease. Because the original 12'
29 x 12' shed has been gone for a period longer than 12 months, Community Development Department
30 staff has determined that it is only appropriate to treat the 10' x 10' shed as the existing legally
31 nonconforming structure. Therefore, the 10' x 10' shed can be lawfully repaired or replaced in its
32 legally nonconforming size and location, but any expansion or relocation of the structure would
33 require compliance with the current zoning standards.
34

35 As described in the applicant's written narrative included with this RVBA as part of Attachment 3,

36 the homeowners began construction of a 12' x 12' shed to replace the recently removed building.
37 Pictures of the partially completed building are also included. Although the 12' x 12' foot slab has
38 remained in place since it was poured and is, itself, therefore protected by its legal nonconforming
39 status, the slab is essentially a two-dimensional plane which does not confer its "grandfathered"
40 status to a three-dimensional structure built on top of it. Therefore, the legally nonconforming status
41 of the recently removed shed affords the pertinent protections to a similar 100 square-foot building,
42 having one of its 10-foot long walls essentially abutting the side property line, and 1,040 square feet
43 of total storage building area when combined with the 940 square-foot boathouse. Had a permit
44 application been submitted prior to building the replacement shed, a permit could have been
45 approved for a shed of the same dimensions and in the same location as the one being replaced, but
46 any expansion beyond the legally nonconforming structure is complicated by the factors identified
47 below.

48 Variance Analysis

- 50 • §1004.02.A.2 (Accessory Building Setbacks) requires a minimum setback of five feet, both
51 to provide space for rain runoff to drain between and past buildings on the neighboring
52 property, and to ensure at least a minimal buffer between a building and the neighboring
53 property. Increasing the height or length of the shed wall within the required five-foot
54 setback from the side property line would represent an increase in the mass of the building
55 within the required setback and could only be approved by a variance.
- 56 • §1004.02.A.2 (Accessory Building Performance Standards) constrains the area of storage
57 buildings to an absolute limit of 1,008 square feet in order to ensure buildings on a residential
58 property are kept to a residential (rather than an agricultural or commercial) scale. Increasing
59 the area of the shed, even outside of the required setback area, would represent an increase in
60 the total accessory storage building area beyond the existing 1,040 square feet, which could
61 only be approved by a variance.
- 62 • Although the requisite calculation has not been done, a replacement shed could likely not be
63 built anywhere else on the property without removing the very substantial existing slab, or
64 without the approval of a variance to §1004.09.C.2 (Impervious Coverage in the Shoreland
65 Management Overlay District). The impervious limit of 25% of the parcel area is intended to
66 mitigate adverse impacts of excess rain water runoff on the lake or adjacent properties, and
67 the existing impervious surfaces on the property appear to be at or above this limit.

68 Review of Variance Approval Requirements

69 Section 1009.04.C of the City Code establishes a mandate that the Variance Board make five
70 specific affirmative findings, as stated below, about a variance request as a prerequisite for
71 approving the variance. Planning Division staff has reviewed the application and offers the following
72 draft findings.
73

- 74 1. *The proposal is consistent with the Comprehensive Plan.* Planning Division staff believes
75 that the shed is generally consistent with the Comprehensive Plan because it represents a
76 standard amenity on a residential property and embodies the sort of continued investment
77 promoted by the Comprehensive Plan's goals and policies for residential neighborhoods.
- 78 2. *The proposal is in harmony with the purposes and intent of the zoning ordinance.* Because
79 the negligible setback of even the smaller, recently removed shed, and its contribution to the
80 excess combined area of storage buildings, have been nonconforming with respect to

81 applicable standards for as long as such standards have been in place, Planning Division staff
82 believes further increasing these nonconformities is not in harmony with the purposes and
83 intent of the zoning ordinance.

- 84 3. *The proposal puts the subject property to use in a reasonable manner.* In the context of
85 zoning regulations pertaining to storage buildings, "reasonable" would mean an amount of
86 storage space that would be adequate in most residential settings, recognizing that an
87 individual's desired storage space might far exceed the zoning code's limit. In this case,
88 Planning Division staff believes that increasing the shed beyond its legal, nonconforming
89 size would exceed reasonable use of the property.
- 90 4. *There are unique circumstances to the property which were not created by the landowner.*
91 The purpose of this finding is to ensure that some unusual characteristic of the land itself
92 does not conspire with the strict application of the dimensional standards of the zoning code
93 to prevent property owners from utilizing the property in a reasonable way. Although the
94 substandard setback and excess storage building area were already nonconforming conditions
95 before the applicants took ownership of the property, Planning Division staff finds these
96 unique circumstances have not interfered with the applicants' ability to utilize the property to
97 (and beyond) the fullest extent allowed under the zoning code.
- 98 5. *The variance, if granted, will not alter the essential character of the locality.* Despite the fact
99 it would allow the enlargement of a building that is already too near the property line, the
100 subject shed is not particularly large and is clearly residential in nature, and Planning
101 Division staff finds that the variance, if approved, would not negatively alter the character of
102 the surrounding residential neighborhood.

103
104 Given the opportunity to provide feedback prior to construction of the replacement shed, Planning
105 Division staff would have advised the homeowners to simply replace the shed with another 10' x 10'
106 building and would have affirmatively recommended denial of variances to enlarge the building
107 beyond that. Therefore, as much as staff can empathize with the disappointment the applicants would
108 feel if they were required to rebuild the recently built structure, staff is unable to recommend
109 approval of the variance based solely on the fact the building is already nearly complete.

110 Public Comment

111 At the time this RVBA was prepared, Planning Division staff has not received any comments or
112 questions about the proposed shed.
113
114

115 **Staff Recommendation**

116 Adopt a resolution denying the requested variances to the minimum side yard setback and the
117 maximum total storage building area at 3150 W Owasso Boulevard, based on the content of this
118 RVBA, public input, and Variance Board deliberation.
119

120 **Requested Planning Commission Action**

121 Adopt a resolution denying the requested variances to the minimum side yard setback and the
122 maximum total storage building area at 3150 W Owasso Boulevard, based on the content of this
123 RVBA, public input, and Variance Board deliberation.
124

125 **Alternative Actions**

126
127
128
129
130
131
132

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

133
134

Prepared by: Bryan Lloyd, Senior Planner

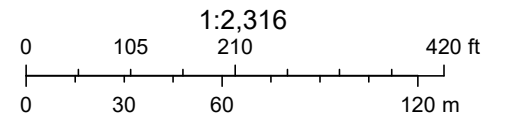
- Attachments:**
- 1. Area map
 - 2. Aerial photo
 - 3. Applicant narrative and site pictures
 - 4. Resolution

135

Attachment 1: Planning File 24-003



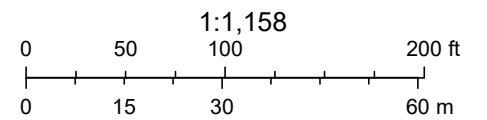
3/27/2024, 8:51:43 AM



Attachment 2: Planning File 24-003



3/27/2024, 9:01:05 AM



Community Development, Variance Application

7a. Legal Description and PIN: 3150 West Owasso Blvd, Lake Owasso Park, NLY 10 FT of Lot 7 and EX NLY 55 FT Lot 5 and all of Lot 6. PIN-022923110007

7b. Written Narrative: I am seeking a variance to rebuild a shed on a "Grandfathered-In" 12 ft x 12 ft x 19+ inches thick, existing concrete foundation that is approximately 4 inches from my south property line. When we purchased this property in 1996, there was a metal 10 ft x 10 ft shed on the south edge of a 12 ft x 12 ft x 19+ inch concrete foundation. On February 15, 2024, I had the metal shed taken down due to extreme rust which caused a complete failure in the integrity of the shed and it was an eye sore to my neighbor. I began building a 12 ft x 12 ft wooden shed on the existing concrete foundation, which today consists of walls and a roof. It was at this point that the Inspector came to my house and told me to stop, that I needed a permit and was not in compliance with City Code because of the larger shed size. I did not know that I needed a permit to rebuild a shed on the existing concrete shed foundation.

As I understand today, my compliance issue is the size of my new shed. I am requesting a variance to rebuild a 12 ft x 12 ft shed in place the 10 ft x 10 ft shed. The 12 ft x 12 ft x 19+ inch concrete foundation is "Grandfathered-In", as is the "10 ft x 10 ft shed that was just removed. My argument is that the 12 ft x 12 ft x 19+ inch "Grandfathered-In" concrete foundation is the permanent component of the structure therefore I should be allowed to rebuild my shed 12 ft x 12 ft. It wouldn't matter how much smaller I built the shed, the impervious coverage is the same because of the "Grandfathered-In" 12 ft x 12 ft x 19+ inch concrete foundation.

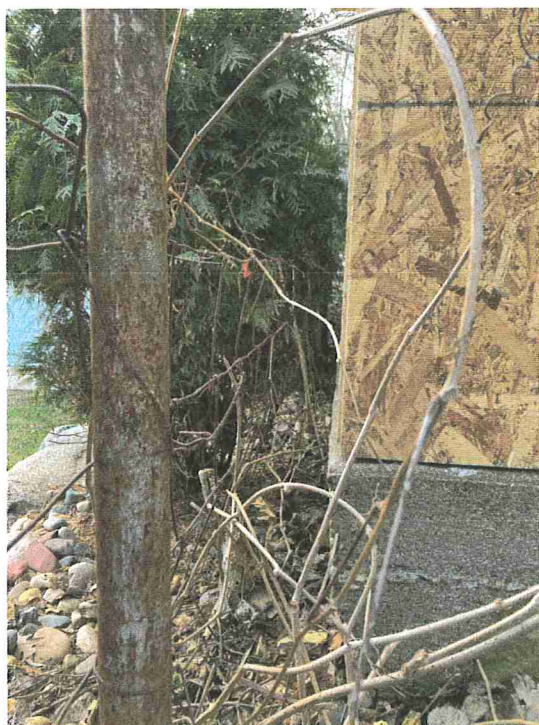
After spending much time talking with the Inspector who was looking at arial photos from 1940, there is shading in the 1940 photo where the existing shed foundation is today. This same shading is in the 1950's photo. In the 1970's, the smaller 10 ft x 10 ft metal shed is clearly seen on the existing 12 ft x 12 ft foundation. The Inspector shared that he believes a 12 ft x 12 ft shed was on the

concrete foundation at one time because it wouldn't make sense to build a larger foundation for a smaller building. The Inspector also shared that in the 1970's, you could buy a metal shed kit from Sears or Wards, and that is probably why a smaller shed replaced the larger shed on the larger concrete foundation.

There is no change to location, landscape, grading, or drainage due to the fact that this concrete foundation is not changing in anyway. The exterior of the shed will match my home in material and color making it a visual asset to my neighbors.

I did ask if I could build a larger shed in a different location with a 5' set-back but was told that I wouldn't be allowed to because of the coverage issue.

3150 West Owasso Blvd Variance Photos



3150 West Owasso Blvd Variance Photos

“Grandfathered
In” 12' x 12'
concrete
foundation is
approximately
4" from fenced
property line



south property line

**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 3rd day of April 2024, at 5:30 p.m.

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

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

VARIANCE BOARD RESOLUTION NO. ____

A RESOLUTION DENYING VARIANCES ACCESSORY BUILDING SETBACKS AND ACCESSORY BUILDING AREA AT 3150 W OWASSO BOULEVARD (PF24-003)

WHEREAS, the subject property is assigned Ramsey County Property Identification Number 02-29-23-11-0007, and is legally described as the northerly 10 feet of Lot 7, Lot 5 excluding the northerly 55 feet of said Lot 5, and all of Lot 6, Lake Owasso Park, Ramsey County, Minnesota;

WHEREAS, City Code §1004.02.A.2 (Residential Accessory Buildings) establishes a minimum side yard setback of 5 feet and a maximum combined storage building area of 1,008 square feet; and

WHEREAS, construction of a 12-foot by 12-foot shed was begun without a permit four inches from the side property line to replace a recently removed legally nonconforming 10-foot by 10-foot shed which had a legally nonconforming setback of four inches from the side property line and which, when combined with an approximately 940 square-foot boathouse, contributed to legally nonconforming excess storage building area of about 1,040 square feet; and

WHEREAS, Cammy and Daniel Oren, owners of the property at 3150 W Owasso Boulevard, have requested variance to said provisions of §1004.02.A.2 to allow the 12-foot by 12-foot structure to be completed and remain in place; 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 shed is generally consistent with the Comprehensive Plan because it represents a standard amenity on a residential property and embodies the sort of continued investment promoted by the Comprehensive Plan's goals and policies for residential neighborhoods.
- b. Because the negligible setback of even the smaller, recently removed shed, and its contribution to the excess combined area of storage buildings, have been nonconforming with respect to applicable standards for as long as such standards have been in place, Planning Division staff believes further increasing these nonconformities is not in harmony with the purposes and intent of the zoning ordinance.

- c. Increasing the shed beyond its legal, nonconforming size would exceed reasonable use of the property.
- d. Although the substandard setback and excess storage building area were already nonconforming conditions before the applicants took ownership of the property, Planning Division staff finds these unique circumstances have not interfered with the applicants' ability to utilize the property to (and beyond) the fullest extent allowed under the zoning code.
- e. Despite the fact it would allow the enlargement of a building that is already too near the property line, the subject shed is not particularly large and is clearly residential in nature, and Planning Division staff finds that the variance, if approved, would not negatively alter the character of the surrounding residential neighborhood.

NOW THEREFORE BE IT RESOLVED, by the Roseville Variance Board, to deny the requested variances to §1009.02.A.2 of the City Code, based on the Variance Boards review of the facts of the application, the testimony offered at the public hearing, and the above findings.

The motion for the adoption of the foregoing resolution 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.

