



**DATE:** October 9, 2019

PC Agenda Item **3.D**

**TO:** Planning Commission Chair and Commissioners

**FROM:** Joe Hartmann, Associate Planner  
Mike Mrosla, Community Development Manager/City Planner

**SUBJECT: Planning Case #19-013 – No Public Hearing Required**  
**Applicant:** Gary and Julie Gronquist  
**Property Location:** 1932 County Road E W  
**Request:** Variance

**Requested Action**

Gary and Julie Gronquist (“The Applicants”) have requested a variance in order to construct a detached garage adjacent to their existing driveway located on New Brighton Road. The subject property is located at 1932 County Road E W (“Subject Property”).

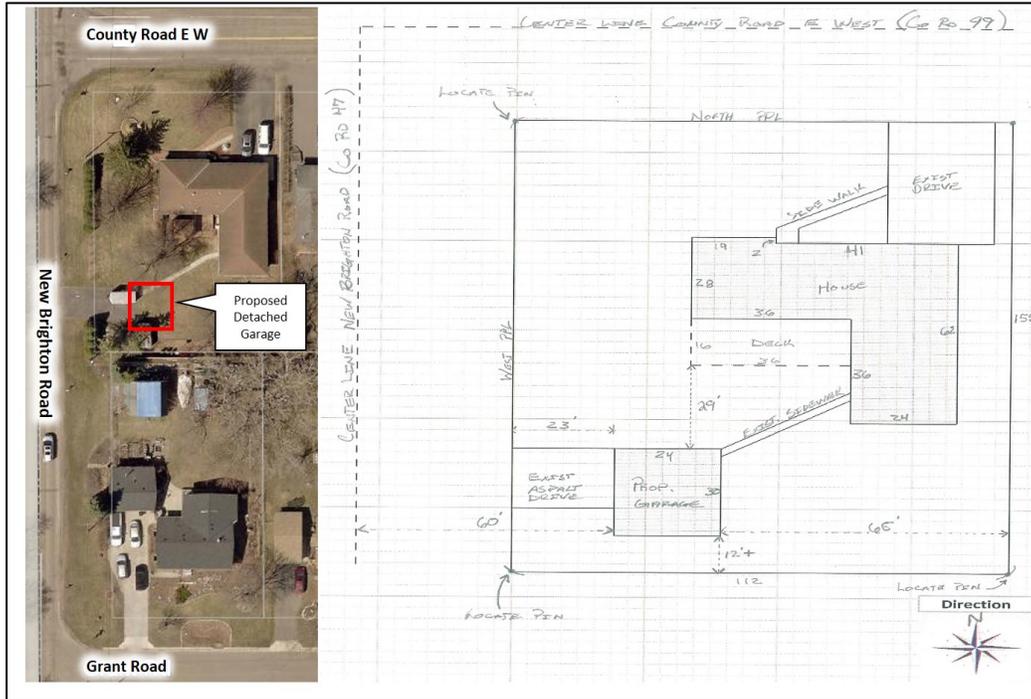
**Background**

**1. Overview of Request**

The Subject Property is a single family detached dwelling with an attached garage and driveway facing County Road E W. In August 2000 a second driveway was constructed on New Brighton Road along with an associated accessory structure (shed). At the time, there were no restrictions on driveways in the R-2 District. However, on November 31<sup>st</sup>, 2000, the City Council approved amended language to the City Zoning Ordinance in regards to the definition of a driveway on single family residential properties. Because the driveway on the Subject Property was built and approved prior to the change in language, the property has been legally non-conforming.

The Applicants are requesting a variance to build a detached garage on the Subject Property facing New Brighton Avenue. The proposed detached garage would replace the existing accessory structure (shed) onsite. The Subject Property is located on a corner lot located within the R-2 district, each yard facing a public street is considered to be a front yard with a front yard setback of 40 feet. The Applicant’s proposed detached garage would be setback 23 or encroach 17 feet into the front yard setback.

The area that is 40 feet from the curb facing New Brighton Avenue on the Subject Property is underneath a power line. A variance would allow the residents to build the garage closer to the curb, which would avoid relocating the power line and would preserve an existing large tree onsite. Staff reviewed the R-2 district and found numerous other accessory structures located within the 40-foot setback, including the adjacent property to the south of the subject property.



## Plan Evaluation

### Chapter 13, Zoning Regulations Review

#### 1. District Provisions (R-2 Single Family Residential District) – Section 1320

##### A. Lot Size and Dimensions

The parcel is approximately 0.40 acres or 17,358 square feet in area. In an R-2 residential district, the minimum lot size is 11,000 square feet. The lot is approximately 155 feet by 115 feet and meets the minimum width and length requirements for a property within the R-2 District.

##### B. Structure Setbacks - Flexibility Requested

The principal structure and attached garage is set back approximately 40 feet from County Road E W and New Brighton Avenue. It meets the minimum setback for the remaining side at 10 feet from the property line to the east and the 30 foot rear yard setback. If the detached garage were approved with a variance, all other applicable setbacks on the Subject Property would be met.

As per the documents submitted by the Applicants, the proposed accessory structure would meet the minimum setback requirements for 10 feet on the side and rear yards. The proposed structure would be setback facing New Brighton Avenue by 27 feet, meaning that it would only encroach 13 feet. As previously stated, numerous properties in the R-2 district with detached garages don't meet setback requirements, including the property located directly to the south of the subject parcel. Staff did submit the plans to Ramsey County for review as New Brighton Road is a County Road and County staff did not have any concerns.

C. Lot Coverage

Lot Coverage	Proposed		R-2 Regulations
	Square Feet	Percent	
Total Structure	3,618	20%	Maximum 25%
Total Impervious Coverage	5,318	31%	Maximum 35%
Landscape Area	12,040	69%	Minimum 65%
Lot Size	17,358 s.f.		11,000 s.f.

As depicted in the chart, the proposed detached garage addition would not significantly impact the lot coverage requirements in the R-2 District for the Subject Property.

D. Design Standards

City Code Section 1325.01 requires that “accessory structures be compatible in appearance and material used with the principal structure served by the accessory structure”. According to the plans submitted by the Applicant, the proposed structure is intended to complement the existing dwelling located onsite.

**2. Exceptions to the Minimum Requirements for All Districts – Section 1325.03**

**3. Tree Preservation – Section 1355.055**

According to the Applicants, there is a significant tree in the rear yard located approximately 40 feet from the front yard setback facing New Brighton Avenue. If the Applicants were to build the garage meeting the setback requirements for an R-2 residential property, the significant tree would have to be removed and replaced as per the requirements in City Code Section 1355.055.

**4. Variance Requirements – Section 1355.04, Subd. 4**

The applicants have requested a variance to construct a detached accessory structure that would encroach into the front yard setback by 13 feet. The Planning Commission will need to make a determination utilizing the following variance findings and criteria on whether there are practical difficulties with complying with the zoning regulations.

1. Purpose and Intent. The variance request shall comply with the purpose and intent of the provisions of the City's Zoning Regulations and with the policies of the City's Comprehensive Plan.

*The variance request would comply with the purpose and intent of the R-2 Zoning District and with the policies within the City's Comprehensive Plan.*

2. Practical Difficulties. The applicant for a variance shall establish that there are practical difficulties in complying with the provisions of the Arden Hills Zoning Regulations. The term "Practical Difficulties" as used in the granting of a variance means:

- a. *Reasonable Use.* The property owner proposes to use the property in a reasonable manner not permitted by the Zoning Ordinance.

*The proposed addition is a reasonable use of the property.*

- b. *Unique Circumstances.* The plight of the property owner is due to circumstances unique to the property not created by the landowner.

The Subject Property is located on a corner lot at the intersection of County Road E W and New Brighton Road. Corner lots with yards facing a public street are considered to be a front yard and any structures shall be setback of 40 feet from the property line. On non-corner lots the rear and side yard setback for accessory structures is 10 feet. However, many other properties zoned R-2 encroach upon the 40-foot setback. The Applicant is requesting to encroach 13 feet, where other properties encroach 30 or more feet into the front yard setback.

- c. *Character of Neighborhood.* The variance, if granted, will not alter the essential character of the neighborhood.

*The proposed addition will not alter the character of the neighborhood and is consistent with the other dwellings in the neighborhood. The Applicants indicated to staff that their neighbors on surrounding properties have voiced their support and do not believe that granting a variance would negatively impact them. In addition, the Applicant work with the neighbor to the south on locating their propose structure so it would be screen by the existing garage on the adjacent property.*

3. Economic Consideration. Economic consideration alone does not constitute a practical difficulty.

*The proposed variance is not based on economic consideration.*

4. Access to Sunlight. Inadequate access to direct sunlight for solar energy systems shall be considered a practical difficulty.

*A solar energy system is not proposed. However, the proposed addition would not impact the ability to construct a solar energy system onsite or on an adjoining property.*

### **Additional Review**

#### *Residential Building Inspector*

The Residential Building Inspector has reviewed the plans and had no additional comments at this time. A Building Permit will be required prior to any construction taking place.

#### *Public Works Director/City Engineer*

The Public Works Director/City Engineer has reviewed the plans and had no additional comments at this time.

#### *Ramsey County*

Ramsey County for reviewed the proposed plans as New Brighton Road is a county road and had no additional comments.

### **Findings of Fact**

The Planning Commission must make a finding as to whether or not the proposed application would adversely affect the surrounding neighborhood or the community as a whole based on the aforementioned factors. Staff offers the following findings for consideration:

#### *General Findings:*

1. The property at 1932 County Road E is located in the R-2 Single Family Residential Zoning District.
2. The existing driveway on the property facing New Brighton Avenue is legally nonconforming because it was built prior to the ordinance amendment pertaining to driveways.
3. The property owners have requested a variance in order to construct a garage on the driveway that would encroach on the front yard setback facing New Brighton Avenue.
4. The proposed garage would meet all other minimum setback requirements for the R-2 District.
5. The proposed garage would meet the minimum lot coverage requirements, maximum building height requirement for the R-2 District, as indicated by the plans submitted by the Applicant.
6. The proposed development would not encroach on any flood plains, wetlands, or easements.
7. The proposed development is not expected to impact any significant trees on the property.

#### *Variance Findings:*

8. The variance request would comply with the purpose and intent of the R-2 Zoning District and with the policies within the City's Comprehensive Plan.
9. The proposed addition is a reasonable use of the property.

10. The Subject Property is located is a corner lot at the intersection of County Road E W and New Brighton Road. Corner lots with yards facing a public street is considered to be a front yard and any structures shall be setback of 40 feet from the property line. On non-corner lots the rear and side yard setback for accessory structures is 10 feet. However, many other properties zoned R-2 encroach upon the 40-foot setback. The Applicant is requesting to encroach 17 feet, where other properties encroach 30 or more feet into the front yard setback.
11. The proposed addition will not alter the character of the neighborhood and is consistent with the other dwellings in the neighborhood. The Applicants indicated to staff that their neighbors on surrounding properties have voiced their support and do not believe that granting a variance would negatively impact them. In addition, the Applicant work with the neighbor to the south on locating their propose structure so it would be screen by the existing garage on the adjacent property
12. The proposed variance is not based on economic consideration.
13. A solar energy system is not proposed. However, the proposed addition would not impact the ability to construct a solar energy system onsite or on an adjoining property.

### **Options and Motion Language**

Staff has provided the following options and motion language for this case. The Planning Commission should consider providing additional findings of fact as part of the motion to support their recommendation for approval or denial.

- **Recommend Approval with Conditions:** Motion to recommend *approval* of Planning Case 19-013 for a Variance at 1932 County Road E W, based on the findings of fact and the submitted plans, as amended by the three (3) conditions in the October 9, 2019 Report to the Planning Commission:
  1. The project shall be completed in accordance with the plans submitted as amended by the conditions of approval. Any significant changes to these plans, as determined by the City Planner, shall require review and approval by the Planning Commission and City Council.
  2. A Building Permit shall be issued prior to commencement of construction.
  3. The structure shall conform to all other regulations in the City Code.
  4. The proposed accessory structure finish shall complement the existing structure onsite
- **Recommend Approval as Submitted:** Motion to recommend *approval* of Planning Case 19-013 for a Variance at 1932 County Road E W, based on the findings of fact and the submitted plans in the May 9, 2018 Report to the Planning Commission.
- **Recommend Denial:** Motion to recommend *denial* of Planning Case 19-013 for a Variance at 1932 County Road E W, based on the following findings: *findings to deny should specifically reference the reasons for denial and why those reasons cannot be mitigated.*
- **Table:** Motion to *table* Planning Case 19-013 for a Variance at 1932 County Road E W: *a specific reason and information request should be included with a motion to table.*

## **Notice**

Although a variance does not require a public hearing, a public meeting notice was prepared by the City and mailed to properties within 350 feet of the subject property.

## **Public Comments**

Staff received three public comments which have been attached to this document.

## **Deadline for Agency Actions**

The City of Arden Hills received the completed application for this request on September 9, 2019. Pursuant to Minnesota State Statute, the City must act on this request by November 8, 2019 (60 days), unless the City provides the petitioner with written reasons for an additional 60-day review period. With consent of the applicant, the City may extend the review period beyond the initial 120 days.

## **Attachments**

- A. Land Use Application and Variance Request Letter
- B. Location and Aerial Maps
- C. Site Photograph
- D. Proposed Building Plans
- E. Public Comments