



ARDEN HILLS
MEMORANDUM

DATE: November 6, 2019

PC Agenda Item **3.B**

TO: Planning Commission Chair and Commissioners

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

SUBJECT: Planning Case #19-015 – No Public Hearing Required
Applicant: Kell Architects
Property Location: 3244 Sandeen Road
Request: Variance

Requested Action

Kell Architects (“The Applicant”) has requested a variance in order to construct a single family residence located at 3244 Sandeen Road (“Subject Property”) on a vacant lot overlooking Lake Johanna.

Background

1. Overview of Request

City Staff received a land use application for a request to build a new single family dwelling at the subject property which is currently a vacant lot in the R-2, Single and Two Family Residential District. The Applicant is requesting a variance to build a single-family detached dwelling on the subject property adjacent to Lake Johanna.

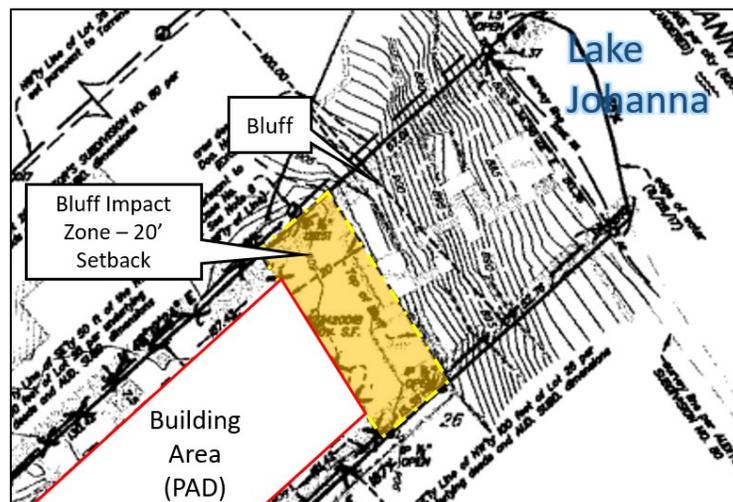
The previous owners demolished the existing house on 3244 Sandeen Road prior to selling the subject property to the current owner. The original house was built with a five (5) foot variance from the front yard setback, allowing it to be built thirty-five (35) feet from the front yard property line due to lot encumbrances. The Applicant is requesting a thirty (30) foot front yard setback from the property line and flexibility in the FAR requirements via variance.

The subject property is a legal non-conforming lot with encumbrances. The subject parcel is approximately 50 feet in width and is 9,400 square feet. The R2 district standards require a minimum lot width of 85 feet and 11,000 square feet. In addition, a bluff is located on the Lake Johanna side of the subject property. The zoning code definition of a bluff is provided on the next page.

Bluff - A topographic feature such as a hill, cliff, or embankment having the following characteristics (an area with an average slope of less than 18 percent over a distance for 50 feet or more shall not be considered part of the bluff):

- *Part or all of the feature is located in a shoreland area;*
- *The slope rises at least 25 feet above the ordinary high water level of the water body;*
- *The grade of the slope from the toe of the bluff to a point 25 feet or more above the ordinary high water level averages 30 percent or greater; and*
- *The slope must drain toward the waterbody.*

The subject property has a grade of slope of 56% from the toe of the bluff to a point 25 feet or more above the ordinary high. Atop the bluff is the bluff impact zone. A bluff impact zone is established for preservation and management of shoreland vegetation and soils, and all structural development is excluded from this zone, except for stairways, lifts and landings. The bluff impact zone has a required setback of 20 feet from the top of a bluff and shown on the image below.



Plan Evaluation

Chapter 13, Zoning Regulations Review

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

Lot Size and Dimensions

The Subject Property is located on a 0.22 acre lot approximately 9,400 square feet in size. The proposed subject property is on a non-conforming lot given the R-2 District's 11,000 square foot minimum lot size requirement. In addition, the lot features a bluff on the north size of the property that further restricts the buildable area allowed under City Code. Lots within an R-2 District have a minimum length and width requirement of 85 feet and 120 feet. The subject property meets the length requirement for a parcel in the R-2 district, which is approximately 185 feet long, but the lot is only about 50 feet wide and does not meet the minimum width requirement.

Structure Setbacks - Flexibility Requested

In the R-2 District, the minimum front and rear setback requirements for a property are forty (40) feet and thirty (30) feet, respectively. The minimum side yard setbacks must meet a combined twenty-five (25) feet or more. As previously stated, the applicants are requesting flexibility to encroach ten (10) feet into the front yard for a thirty (30) foot front yard setback. Otherwise, the property would meet setback requirements for the R-2 district. Moving the house forward ten (10) feet will also preserve existing lake views for both neighboring homes. It would also decrease the size of the driveway required to get to the house, thus decreasing the amount of impervious cover required for the project.

Lot Coverage

The proposed footprint of the structure is approximately 2,036 square feet, which meets the R-2 regulations for maximum structure size on a 9,400 square foot lot. The total impervious coverage for the Subject Property would be 2,776 square feet, or 29.5%, which is below the total impervious coverage maximum and 70.5% of the lot remains undeveloped as landscaped area. Given the lot is 9,400 square feet, the proposed total structure encompasses 21.7% of the lot, which is below the maximum.

The Applicant is proposing a two-story single family home above grade and then utilizing the existing grade onsite to construct a garage and basement built into the hillside. However, the Applicant would like to have the flexibility to have a FAR of 3,400 square feet due to the property owners having a unique special needs programming requirements for their child. The proposed Floor Area Ratio (FAR) would encompass 3,400 square feet, or 36 percent. A FAR of 3,400 square feet would encompass 30 percent of a standard 11,000 square foot lot which meets the R-2 zoning district FAR requirements.

2. Variance Requirements – Section 1355.04, Subd. 4

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 for 3244 Sandeen Road 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.

A single family home is a reasonable use of the Subject Property in the R-2 Zoning District.

- 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 a non-conforming lot. The existing lot width is approximately 50 feet and the lot area is 9,400 square feet. The zoning district requires a minimum lot width of 85 feet and minimum lot area of 11,000 square feet. The existing topography is uneven sloping up towards the lake and then a bluff is located on the lakeside of the property. These circumstances are unique to the property 3244 Sandeen Road.

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

The proposed dwelling will not alter the character of the neighborhood and is consistent with the other dwellings in the neighborhood.

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.

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.

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. City Staff received a land use application for a request to build a new single family dwelling at the Subject Property 3244 Sandeen Road

2. The Subject Property is currently a vacant lot in the R-2 Single and Two Family Residential District that is non-conforming given the R-2 District's minimum width and area requirements.
3. The proposed increase FAR of 3,400 square feet would be 30 percent on a standard 11,000 square foot lot and would constant with the R-2 zoning district requirements.
4. The Applicant is requesting a variance to build a single-family detached dwelling with a 30-foot front yard setback instead of 40 feet required by ordinance.
5. If granted a variance, the proposed property would meet all other minimum setback requirements for the R-2 District, as indicated by the plans submitted by the Applicant.
6. The proposed development would not encroach on the bluff or any flood plains, wetlands, or easements.
7. The proposed development is not expected to impact any significant trees on the property.

Variance Findings:

1. 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. The proposed addition is a reasonable use of the property.
3. The proposed addition will not alter the character of the neighborhood and is consistent with the other dwellings in the neighborhood. Staff do not believe that granting a variance would negatively impact neighboring properties.
4. The proposed variance is not based on economic consideration.
5. 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 19-015 for a Variance at 3244 Sandeen Road, 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.
- **Recommend Approval as Submitted:** Motion to recommend *approval* of Planning Case 19-015 for a Variance at 3244 Sandeen Road, 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* Planning Case 19-015 for a Variance at 3244 Sandeen Road, 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 19-015 for a Variance at 3244 Sandeen Road: *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 500 feet of the subject property.

Public Comments

Staff received comments in regards to this proposal from one resident.

Deadline for Agency Actions

The City of Arden Hills received the completed application for this request on October 21, 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
- B. Location Map
- C. Drawings
- D. Submitted Plans
- E. Variance Request Letter