

Corrin –

I appreciated the time you took yesterday to discuss the proposed changes to the “Accessory Structures” on lake front homes. Unfortunately, I did not see that this was going to be discussed at the upcoming planning commission meeting until recently, so I apologize for the lateness in getting this to you. It would really be nice to have items with such significant impact on so many homes included in your monthly newsletter or a notice sent to the impacted residents. My wife luckily saw the notice in the St. Paul paper by chance. For your information, the last time a major issue that would impact all of the homeowners on Lake Johanna came up (Planning Commission Case No. 02-15), I received a Notice of the upcoming public hearing on the proposed change because it impacted all homeowners on the lake.

At the time, there was a limit to Accessory Structures of 25 sf with an 8’ height. After the variance request was denied, the city looked at the size of the building and I participated in two meetings on the amendment to the ordinance and the size was increased from 25 sf to 64 sf with an 8’ height after a lot of input from many of the owners. At that time there were several residents on the council who lived on Lake Johanna. I believe the change was adopted in November of 2006.

I read through some of the previous information that had been provided to the city council. I recall reading where someone had informed the council that there were no properties with less than 60’ of shoreline. This is not true. I own a property at 3280 Sandeen Rd. on the west side of the lake and the house directly to the north of my property has only 32’ of frontage. There are properties in my neighborhood (Siems Court/Arden Place/Skiles) that also have substandard lake frontage (e.g. 15’, 20’, 41’, 51’ and 51’ of lake frontage). There are other properties with only 57’ of frontage. I believe there might be several other properties with less than 60’ on the west side as well and I know there is one on the north side with limited frontage. Thus, when the city council gave the planning commission direction, I do not believe they had been informed as to the fact that the lot sizes vary significantly. The size of the structure should be limited by the lot’s lakeshore front footage.

I also believe I read where there was discussion that the DNR had standards less restrictive than what Arden Hills currently has in place. However, the DNR is dealing with more rural lakes and with lot sizes that are generally significantly wider than what you find in an urban setting. Under the DNR guidelines you are now required to have a minimum width in many areas of the state with a minimum width of 100’ or more of shoreline which is considerably larger than most lots on Lake Johanna and upwards of 20,000 sf. Very few houses on Lake Johanna meet the DNR minimum requirement and that is only because the sites incorporate multiple lots. Using the DNR rules as a guideline may not be appropriate because they are based on a much larger lots than you will find on Lake Johanna and most lakes in a more rural setting.

A 10’ wide structure would not work well on many of the lots around the lake. If my neighbor on Sandeen Road were to be able to construct a 10’ wide structure it would take up almost one-third of the width of her lot down by the water. Thus, I would recommend that a one size fits all should **not** be adopted. I would suggest considering a minimum structure size of 6’ with a maximum width of 10’ based on the amount of front footage a lot has on Lake Johanna provided the structure complies with the sideline setback requirements for the zoning of the lot (i.e. combined 15’ for R-2, combined 25’ for R-1, etc.). It could be addressed by allowing an owner to construct an accessory storage shed say 12.5% of the width of the lot with a maximum width of 10’ and a minimum width of 6’ provided the structure will meet the sideline setback requirements for the zoning district.

In regards to the size of an accessory structure, a structure/building consisting of a 100 sf is a very large accessory structure. If the structure is designed to hold water toys and items used down by the lake, how much room

do you need to hold those items? The city council has indicated that it is not to be used for watercraft/boat storage. Before increasing the size of the building, what is it that cannot be stored in a 64 sf building? Thus, this leaves you with items used in or behind boats and other objects on the water (water skis, wakeboards, tow ropes, life jackets, paddles, oars, fishing gear, etc.) in the summer and winter. You can fit a lot of this gear into a 64 sf building unless you are just throwing the items into the structure. Most people will have hanging racks, shelving, etc. to set things and organize them. There would be room left over to hold other items used on a deck that are light weight and will blow away, cushions for chairs, etc. If someone wants to have room to store other non watercraft items there is a provision within the code to allow owners to build a second storage facility on their property that is outside of the shoreland management district (i.e. beyond 50' from the shoreline). The idea I thought was to provide for storage of items used on the lake and not for other yard equipment, etc.

As we discussed, the "shore impact zone" is defined in the city code (1305.04) as 50% of the structure setback from the Ordinary High Water ("OHW") level. As I understand Lake Johanna has a 50' setback for all dwellings structures from the OHW level so that the first 25' from the OHW level is considered to be the Shore Impact Zone. The accessory storage shed can then be built between 25' from the OHW level and the 50' dwelling level. If someone wants a larger structure they can request permission to build further back from the lake.

As I read the code, the "Setback" definition says that "The minimum **horizontal** distance between a structure and the OHW level or between a structure and a road, well, highway, or property lines." This means the distance is measured "horizontally rather than measured along the ground because if you have a slope, measuring along the ground will place the structure closer to the water or the side lot lines. Thus, as I read the ordinance any new accessory structure has to be located more than 25' from the OHW level.

The other matter we discussed was the sideline setback. There is no mention as to what the sideline setback should be for the accessory storage shed. Should it be the minimum required for the type of zoning (i.e. minimum is 10' with a combined of 25' for R-1, minimum of 5' and a combined of 15' for R-2, etc.) or should the sideline setback match the sideline setback of the main dwelling on the same side of the lot? The reason this should be addressed is because you have some lots that have lake access that cannot comply with these rules.

Another point I would like to make is that the draft of the ordinance I have seen has at least two provisions that definitely conflict with each other. Item No. 1 requires that a structure or facility is not to be located within the Shore Impact Zone. The shore Impact Zone is the first 25' of the lot from the ordinary high water level. Item No. 5 states that the structure facility is setback a minimum of 10' from the OHW level. If the accessory storage shed is setback outside of the Shore Impact Zone then the second requirement of 10' is not necessary because it will always be beyond the 10' if built according to the requirements of this ordinance. Thus, item No. 5 should be completely removed because it is contrary to the intent and the language of item No. 1.

One thing that would be nice to clarify is the right to have electricity in the accessory structure so at night you can see where you are putting away things, have a fan to help dry out items, etc.

I have enclosed a redraft of your ordinance language for consideration. I have tried to incorporate some of the above items to consider with some additional wording added. I changed the reference to Structure or facility to refer to the building as the "accessory storage shed" so the wording is consistent. I marked all of the suggested deletions with ~~strike through~~ and all of the **insertions with red**.

## SUGGESTED REVISIONS TO DRAFT OF ACCESSORY STORAGE SHED ORDINANCE IN SHORELAND IMPACT ZONE

### Section 1303.03

Subd. 5. Exceptions to Structure Setback Requirements. No structure shall be placed within the structure setback requirements of the shoreland management district. The following are not classified as structures for the purposes of this section:

Lakeshore lots may be permitted one (1) accessory storage shed within the required structure setback from the ordinary high water level, provided that it complies with the following provisions;

1. The ~~structure or facility~~ **accessory storage shed** is ~~beyond~~ not located ~~within~~ **outside** the Shore Impact Zone **as defined in Ordinance Section 1305.04.**
  2. The ~~structure or facility~~ **accessory storage shed shall** ~~does~~ not exceed ~~64~~ **100**-square feet in size and eight (8) feet in height, measured **from the ground closest to the water** to the highest point of the structure.
  3. ~~The maximum width of the structure, as viewed from the water, does not exceed ten (10) feet.~~ **The width of the accessory storage shed on the lake side of the structure shall not exceed Twelve and one-half percent (12.5%) of the lot's shoreline footage or Ten feet (10') on the lake side. An owner of a lot with less than 50' of shoreline may build a structure up to Six feet (6') in width facing the lake provided the structure can comply with the sideline setback requirements for a dwelling in the zoning district.**
  4. The ~~structure or facility~~ **accessory storage shed** is not designed or used for human habitation and does not contain a water supply or sewage treatment facilities. **The accessory storage shed may have electricity run into it.**
  5. ~~The structure or facility is setback a minimum of ten (10) feet from the ordinary high water mark.~~
- (The remaining items would be renumbered.)
6. The ~~structure or facility~~ **accessory storage shed** shall be constructed of material architecturally similar in design, texture and color to the principal structure on the lot; the design shall be reviewed by the City Planner prior to the issuance of building permits.
  7. The ~~structure~~ **accessory storage shed** shall be screened a minimum of 50 percent **(50%)** by opaque vegetation or topography on the three walls ~~seen~~ **visible** from the lake with ecologically suited landscaping ~~between~~ **landward** of the ordinary high water level ~~from~~ **of** the lake ~~and the accessory storage shed.~~
  8. The roof **of the accessory storage shed** shall not be used as a deck or storage area.
  9. The ~~structure or facility~~ **accessory storage shed** shall not be used as a boathouse or boat storage structure as defined ~~under~~ **in** Minnesota Statutes, Section 103G.245 **to store watercraft.**

STEPHEN L. & KATHRYN M. NELSON  
3475 SIEMS COURT  
ARDEN HILLS, MINNESOTA 55112-3639

May 16, 2021

Mayor David Grant & Council Members  
City of Arden Hills

Re: Proposed Amendment to Size of the Accessory Storage Shed Allowed on Lake Shore Lots

Dear Mayor & Council Members,

My wife and I have been residents of Arden Hills for 35+ years. I reside on the Northeast corner of Lake Johanna on Siems Court. I have a second home on the west side of Lake Johanna at 3280 Sandeen Road. I am writing to you today because I cannot attend the City Council meeting scheduled at the end of the month when you will discuss altering the size of the water front accessory structure. I have had a canoe trip planned in the BWCA along the Canadian border with my two grandchildren for over five (5) months.

I have been disappointed in the City's lack of communication to its residents as to the proposed changes to the Accessory Storage Shed on lots with waterfront. Your newsletter, Arden Hills Notes, for both April and May did **not** have any reference to the proposed change. However, the editor of the newsletter did include a reference to the "Chicken Ordinance" and an explanation as to the delay in the City Council's consideration of the "Chicken Ordinance." However, nothing has been included about your proposed change to the zoning code about the water front accessory building size even though I suspect that it will impact a lot more owners. My wife and I found out about the proposed changes when we were throwing out our newspaper and saw the public Notice published in the paper just before the public hearing on the Planning Commission meeting addressing this issue earlier this month.

I am curious as to the exact classification of Lake Johanna as a "General Development Lake" by the City of Arden Hills. The reason I ask is that the Department of Natural Resources still classifies Lake Johanna as a "Recreational Development Lake" on its website that was last updated on 9/24/2019. A copy of the applicable DNR page is included with this letter. Can the city reclassify a lake differently than the DNR? The classification impacts not only the minimum structure setback from the OHWL in the City's Ordinance but it also impacts the area of the Shore Impact Zone. If Lake Johanna is a Recreational Development Lake then the structure setback according to the ordinance is 75' from the OHWL and the shore Impact Zone is 37 ½' versus the distances for a General Development Lake which is 50' building setback and 25' Shore Impact Zone.

I know you have been looking at the DNR rules and the ordinances in other surrounding communities based on statements from members of the Planning Commission. Keep in mind that the DNR deals with lakes mostly in rural settings where the lake lots are considerably larger than the city lots where the density is higher due to availability of sewer and water. The larger the lots the less of an impact an accessory structures will have on the residents and the nature of the lake side view. Also, I did not hear anyone on the Planning Commission mention New Brighton. New Brighton has an ordinance that does not allow any accessory storage facilities within the building setback requirement from the OHWL (See Section 12-250. Setback Requirements).

“(2) Along with the setback requirements in the underlying zoning district, the following setback requirements from the Ordinary High Water Level (OHWL) shall apply to all principal and accessory buildings which do not meet the provisions of Section 12-450, item No. 1 (above).

Emphasis added plus Item No. 1 references existing structures on shoreline.

You are considering increasing the size of the accessory structure between the minimum structure setback from the OHWL from 64 sf to 100 sf which is over a 50% increase. I would ask that you go out into your garage and mark off an 8' x 8' floor area and visualize how large a structure this really is and visualize how much you could place in that space if organized. Then mark off a 10' x 10' area on the floor. This is essentially one-half (1/2) the size of a normal garage stall and is the size of many bedrooms in homes in our community. What is all that space needed for to store water front related items that won't fit into a 64 sf building? Just because someone wants more storage for things they have, is the City going to consider expanding the size of the water front accessory structure every time someone comes in with a request for a slightly larger building to house more or larger items?

The current building size came into existence after considerable discussion and input from the owners of lake frontage in the City after a variance for a much larger structure was denied in 2002. The city at the time had a very thoughtful process and had at least two public meetings which were well attended by many shoreland owners to discuss the matter. The city eventually passed a revision to the Ordinance in 2006 increasing the size to 64 sf. This waterfront accessory structure is in addition to a shoreland property owners right to construct a second accessory storage structure on their property beyond the minimum building setback area from the waterfront of another 728 sf less the 64 sf.

You have already indicated that the water front accessory sheds are not to be used to store watercraft items which include paddle boards, kayaks, canoes, personal watercraft, boats, etc. The initial reason the applicant said the building had to be so large that started the review of the size of the accessory structure was to house his paddleboards which are technically watercraft. Sixty-four (64) square feet is a very large area and you can fit a lot of stuff into that space if you design and build storage racks. The larger you allow the structure to be constructed the less efficient the owner has to make the space to the detriment of all who have to look at the structure. People will always want to build the maximum space allowed whether needed or not for their waterfront stuff and it will be filled with whatever else they have a need to store.

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I read through the notes that your temporary city planners provided to the city when you discussed possible changes. The planners had mentioned that the minimum lot widths were 60' on Lake Johanna. This is not correct. The lot to the north of the home I own at 3280 Sandeen Road has only 32' of frontage. The lot at the south end of Sandeen Road where a new home was constructed has only 47' of shore line. In the neighborhood where I live, there are lots with lake frontage of 15', 20', 41', 51', 51', 51' and 57'. I believe there is at least one on the north shore that has limited frontage. I am sure there are other lots around the lake with much smaller frontage.

I would ask Council to consider whether one size should work on all lots? How would a 10' x 10' structure facing the lake look on a 15' or 20', 32' 41' or 51' wide lot? Any waterfront accessory structure should also be required to comply with the building sideline setbacks the same as the main structure.

I sent a communication to the City just before the planning commission meeting due to the late notice. I have included a copy of my communication. One of your temporary city planners sent me an e-mail acknowledging receipt of my communication and advised me that the suggested changes would be mentioned by her when she presented the matter to the City Planning Commission. Despite this acknowledgment made by Corrin that she would bring up the points I made in my letter, Corrin I believe did not present the matter to the Planning Commission and no mention of my comments were shared with the Planning Commission by the presenter.

This matter was brought up at the end of a very long meeting Planning Commission meeting. When it came time for the Public hearing, the Planning Commission gave city residents only 2 minutes each to present their position. Also, I should point out that the Planning commission had only 4 members present and to consider a major change to a zoning that impacts so many household should in my opinion have been considered by more members. This also impacts other lake properties on Lake Josephine, Little Lake Johanna and Karth Lake.

One suggestion I had was in view of the number of smaller lots on Lake Johanna was to limit the size of the structure facing the lake to a maximum width of 10' or 12.5% of the shoreline front footage whichever was the lesser of the two. This would mean that an accessory structure on a lot of 80' or more could have a maximum width of 10' facing the lake. I would also put a minimum width of a structure at 6' facing the lake if the lot has less than 50' of lake shoreline provided the accessory structure can comply with the sideline setbacks of the main structure. The overall size should also be reduced accordingly. This would reduce the visual impact to the surrounding neighbors and the view from the lake side.

Your proposed ordinance prohibits water supply or sewage treatment facilities. Does the definition of sewage treatment facilities also include chemical toilets? I did not see a definition for "Sewage Treatment Facilities" in your zoning code but it might be somewhere else then in the definition section. Should the wording be changed to read "water supply, "sanitation" or sewage treatment facilities?"

In my letter I had pointed out that there is an inconsistency in the location of an accessory storage shed by the lake. In item No. 1 it says the storage structure shall not be located within the

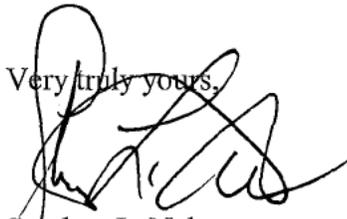
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Shore Impact Zone. This would be either 25' or 37 ½' depending upon the lake classification. Item No. 6 of the draft of the ordinance states that the "The structure or facility is setback a minimum of ten (10) feet from the ordinary high water level." If the intent is to keep these structures out of the Shore Impact Zone, the language in item No. 6 is not needed.

Unfortunately, as noted above I will not be able to participate in your City Council virtual meeting when this matter comes up on May 24, 2021. Thus, the reason for the extended letter to you is to try and set out my thoughts for your consideration. Again, I would request that you

1. look at the lake designation/classification to make sure it is correct in your ordinance; and
2. eliminate item No. 6 referencing a minimum of 10' setback from the OHWL since item No. 1 addresses this issue; and
3. retain the current size of the accessory structure (64 sf) that can be constructed down by the water to hold items used on the water because you will always have people who want more and more space and a 100 sf building by the water is not needed by most owners and will end up being filled by non waterfront stuff (a 100 sf structure is the size of many people's bedrooms and half the size of a single car garage!); and
4. consider not having a one size fits all ordinance and instead make the width of the accessory structure facing the lake proportionate to the shoreline of the lot (e.g. the maximum width of the structure facing the lake should be the lesser of 10' or 12.5% of the shoreline on the lake and to allow lots under 50' of shoreline to have a structure with a width of 6' facing the lake provided they meet building sideline setbacks); and
5. clarify that the water accessory storage sheds cannot have chemical toilets or other sanitation systems.

Thank you for your considerations.

Very truly yours,  
  
Stephen L. Nelson  


Enclosures

cc: Corrin Bemis, Temporary City Planner

P.S. It should also be added to the ordinance that when measuring the setback distances from the OHWL or the sidelines are required to be measured "horizontally." Otherwise, if you

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measure along a slope the actual distance from the OHWL or sideline will place a structure much closer to the water or the sideline then the required setback distance.

What has happened to the policy mentioned in the Ordinance asking homeowners of lake frontage to leave the shore impact zone in natural vegetation except for that area used for access to the lake? There are many properties that comply but there are a lot of owners that have removed all vegetation right down to the lake.

County	Lake ID	City Name	Basin Name	Alternative Name	DNR Classification	County Classification	City Classification
Pope	61020400		Wicklund	Abrahamson	Natural Environment	Natural Environment	
Ramsey	62000200	White Bear Lake Twp	Bald Eagle		General Development		General Development
Ramsey	62001600	Saint Paul	Beaver		Natural Environment		
Ramsey	62001600	Maplewood	Beaver		Natural Environment		Class V
Ramsey	62004800	Roseville	Bennett		Natural Environment		General Development
Ramsey	62002400	White Bear Lake	Birch		Recreational Development		Recreational Development
Ramsey	62001900	North Oaks	Black		Natural Environment		Natural Environment
Ramsey	62016600	Shoreview	Carver		Recreational Development		
Ramsey	82016600	Maplewood	Carver		Recreational Development		Class IV
Ramsey	62000500	Maplewood	Casey	Caseys	Natural Environment		Class III
Ramsey	62000500	North St. Paul	Caseys		Natural Environment		
Ramsey	62006200	North Oaks	Charley		Recreational Development		Recreational Development
Ramsey	62005500	Saint Paul	Como		Natural Environment		
Ramsey	62004700	Saint Paul	Crosby		Natural Environment		
Ramsey	62001800	North Oaks	Deep		Recreational Development		Recreational Development
Ramsey	62008000	Shoreview	Emily		General Development		General Development
Ramsey	62003700	Gem Lake	Gem		Natural Environment		WWS Class I
Ramsey	62000700	Maplewood	Gervais		General Development		Class II
Ramsey	62000700	Little Canada	Gervais		General Development		General Development
Ramsey	62002700	North Oaks	Gilfillan		Recreational Development		Recreational Development
Ramsey	62003300	White Bear Lake Twp	Goose		Recreational Development		Recreational Development
Ramsey	62003400	White Bear Lake	Goose		Recreational Development		Recreational Development
Ramsey	62007400	Shoreview	Grass		Natural Environment		Natural Environment
Ramsey	62004200	White Bear Lake	Heiner's	Hiner's	General Development		General Development
Ramsey	62007500	Shoreview	Island		General Development		General Development
Ramsey	62007800	Arden Hills	Johanna		Recreational Development		