

Attachment B

CITY OF ARDEN HILLS RAMSEY COUNTY, MINNESOTA

IN RE:

**APPLICATION OF KYE AND JULIA
SAMUELSON FOR A VARIANCE FOR
PROPERTY AT 3493 SIEMS COURT,
ARDEN HILLS, MINNESOTA
(PLANNING CASE 20-017)**

FINDINGS OF FACT AND DECISION

The City received from Kye and Julia Samuelson (“Applicants”) an Application for a Variance in September 25, 2020. On October 7, 2020, the Arden Hills Planning Commission met to consider the Applicants’ Application to construct a 120 square foot accessory storage structure near the shoreline of 3493 Siems Court, Arden Hills, Minnesota (“Subject Property”) which would encroach eighteen (18”) inches into the Shore Impact Zone of Lake Johanna. The proposed structure would be used for the storage of modern day recreational water equipment with a height of ten (10’) feet six (6”) inches which exceeded the height limitation of eight (8’) feet. The planning Commission voted to table the request to allow the Applicant to submit revised plans that would better conform to the provisions of the Shoreland Ordinance.

The Applicant took the Planning Commission’s comments under consideration and on November 18, 2020 submitted revised plans for a smaller structure that would not encroach into the Shore Impact Zone, but still needed a variance due to the proposed structure’s height that exceeded ordinance standards. On November 30, 2020 City staff received a completed Application.

A public meeting notice was mailed to property owners within 500 feet of the Subject Property and was published in the Pioneer Press.

The Planning Commission duly held a hearing on December 9, 2020 and all persons present at said meeting were given an opportunity to be heard and present written statements.

The City Council subsequently reviewed this request at its January 11, 2021 meeting. The City Council voted unanimously to table this planning case to allow them to review and consider revisions to the existing accessory structure size standards for the Shoreland District. The Applicant signed a 6-month Extension Form (Attachment B), requiring the City Council to take action on the variance request by July 12, 2021.

On June 28, 2021, the City Council approved Ordinance #2021-004 amending the requirements for accessory structures in the Shoreland District. The amendment increased the

maximum size of an accessory structure to 100 square feet and applied screening and design standards. The amendment did not increase the maximum allowable height of accessory structures in the Shoreland District.

On July 12, 2021, the City Council considered the following information on the variance application: the application and materials submitted by the Applicant; materials and reports provided by City Staff; information from the Public Hearing and Planning Commission meetings on the application including its report and recommendation; written comments and testimony from all interested persons; and based upon its knowledge of the Subject Property, the neighborhood and the community, now makes the following:

FINDINGS OF FACT

1. The Subject Property at 3493 Siems Court is located in the R-1 Single Family Residential District, and is guided as Low Density Residential on the land use plan. The Subject Property is located within a Shoreland Management District which impacts the rear setback of the property. Lake Johanna is classified as a General Development Lake and requires fifty (50') foot setbacks from the Ordinary High Water level (OHWL). The proposed structure would be 25.2 feet from the OHWL setback just outside the Shore Impact Zone on top of where an existing landing structure is located.
2. The Subject Property has a steep downward slope in the rear yard that prevents the Applicant from building much on the site.
3. The Subject Property meets the minimum lot size, wide and length requirements for the R-1 District.
4. The City received the Applicant's Application for a Variance on September 25, 2020 requesting a variance to construct an accessory storage structure near the shoreline of the Subject Property with a height of nine (9') feet six (6") inches.
5. On December 9, 2020 the Planning Commission reviewed and discussed the Application, voting 4-3 to approve the planning case.
6. On January 11, 2021, the City Council voted to table this planning case to allow the Council to review the existing accessory structure size standards for the Shoreland District.
7. The Applicant signed a 6-month Extension Form requiring City Council action on the variance request to by July 12, 2021.
8. On June 28, 2021, the Council approved #2021-004 amending the requirements for accessory structures in the Shoreland District. The amendment increased the maximum size of an accessory structure to 100 square feet and applied screening and design standards. The amendment did not increase the maximum allowable height for accessory structures in the Shoreland District.
9. The proposed structure exceeds the maximum allowable height at 9' 6" tall and exceeds the area dimension of 93.5 square feet; otherwise the proposed structure conforms to all other requirements and standards of the R-1 District.
10. The Planning Commission recommended approval on a 4-3 vote, even though conditions of approval to reduce the visual impact of the structure were included as conditions.

11. The City Council discussion of the height variance highlighted the Council's recent review, modification (size limit increased) and/or reaffirmation of the dimensional limits (height limits not increased) for shoreland district accessory structures.
12. Council concerns regarding the visual effect on shoreland areas from the lake and from abutting or neighboring properties for the requested height variance were not adequately addressed by building reorientation or landscaping/buffering conditions.
13. In light of the recent revisions to increase the size limit but to maintain the height limit, the Councilmembers concluded that a reasonable use of the property exists under the revised dimensional standards, that allowing a height variance would not be consistent with the purpose and intent of the ordinance, or that practical difficulties have been demonstrated warranting a departure or variance from the recently revised standards.

DECISION

Based upon these Findings of Fact and the Council's knowledge of the Subject Property, the neighborhood and the community, the application for the proposed Variance, the City Council hereby denies Applicant's Variance request.

ADOPTED by the Arden Hills City Council this ____ day of _____, 2021.

CITY OF ARDEN HILLS

By: _____
David Grant, Its Mayor

ATTEST:

Julie Hanson, Its City Clerk