



MEMORANDUM

DATE: October 17, 2022

TO: Honorable Mayor and City Councilmembers
Dave Perrault, City Administrator

FROM: Jessica Jagoe, Community Development Director

SUBJECT: Planning Case 22-020 – Concept Plan Review
Variance – 1861 Highway 96 W.

Budgeted Amount:	Actual Amount:	Funding Source:
N/A	N/A	N/A

Council Should Consider

Council should consider a request for a Concept Plan Review for a proposed variance at 1861 Highway 96 West (“Subject Property”) to demo and rebuild a single-family residential dwelling. Katie Bach and Nate Cmiel (“the Applicants”) are seeking feedback from the City Council on the concept plan in advance of the full submission. The variance portion of the concept plan review is due to a reduced front yard setback of 28 feet versus 40 feet as required by city code.

The Concept Plan Review process is an opportunity for the City Council to provide comments and questions regarding proposed developments. A concept review is considered advisory and is nonbinding to the City and Applicant (Section 1320.14, Subd 4 of the Zoning Code). No formal action can be taken at a Work Session. A formal land use application for the minor subdivision and variance will be subject to the full review process, including a recommendation from the Planning Commission prior to a final decision by the City Council.

Background

The Subject Property is currently developed with a single-family residential dwelling (727 SF) and detached garage (584 SF). The dwelling was constructed in 1939 and the detached garage was added in 1961. The original legal description for the subject property has a described property boundary of 1.0689-acres (46,561 SF). Between 1949 and 2014, there have been four acquisitions of land by the State of Minnesota and Ramsey County for highway right-of-way purposes. As a result of the ROW dedication, the parcel size has been reduced to 0.62-acre (27,098 SF) as shown on the survey provided. The reduction in lot area due to the dedication of ROW is primarily along the north and northeast sides of the property which is considered to be the front yard for the Subject Property. Today, the property is considered legal nonconforming with a front yard setback of 25 feet as measured from the northeast corner of the home.

The Applicants are proposing to demolish the existing structures and rebuild one principal structure (i.e. single family dwelling with attached garage) on the Subject Property. In considering the city code requirements and environmental features of the property, the Applicants have determined the most suitable location to rebuild would be to shift and orientate the new structure south/southeast of the current structure location. The new home location would require a variance to allow a front yard setback of 28 feet versus 40 feet as required by city code. The Applicants have indicated an intention to comply with all other applicable city code requirements which would include the zoning requirements for the R-1 Zoning District (i.e. structure coverage, FAR, impervious surface, etc.) and Shoreland regulations.

Discussion

Existing Conditions

The Subject Property from the survey provided is a 0.62-acre (27,098 SF) parcel located on the north side of Round Lake, west of the Highway 96 and Old Highway 10 intersection. The property is zoned R-1, Single Family Residential District and is guided as Low Density Residential (LDR) in the 2040 Land Use Plan. The chart below identifies the adjacent land uses.

Direction	2040 Comp. Plan Land Use	Zoning	Existing Land Uses
North	HDR – High Density Residential	R-4, Multiple Dwelling District	Manufactured Home Park
East/SE	LDR – Low Density Residential	R-1, Single Family District	Single Family Residential
West	IND – Light Industrial & Office	GB – Gateway Business District	Office, Light Industrial, and Warehouse

Aerial Map of Subject Property



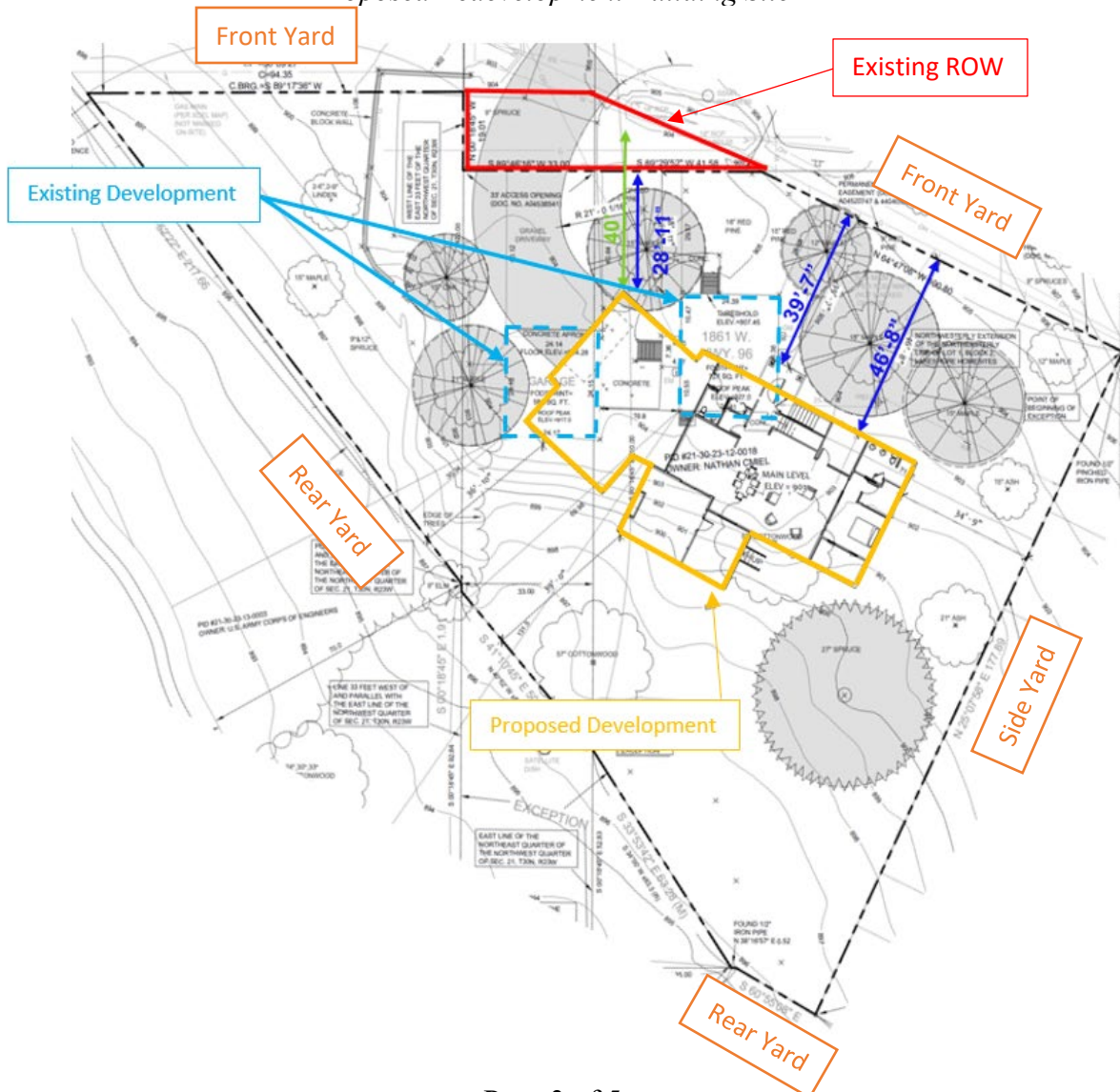
Concept Plan Proposal

The Applicants are proposing to rebuild a single-family dwelling with an attached garage on the Subject Property. They've enlisted the services of an architect to help with the design of their house plans. The Applicants have stated in their application that there are several factors of the lot that the City Council is asked to consider in reviewing the proposed variance:

- Irregular lot shape causes 40' front setback to be applied on north and northeast sides, greatly reducing buildable lot area
- Current home is nonconforming (25' setback)
- Need to maintain existing driveway location and grade
- Low elevation in south part of lot would restrict basement due to lake ordinary high water height
- Large mature trees restrict home placement options
 - Guidance to allow 20' clearance from foundation during construction
 - One large cottonwood will be removed

For the concept review, the Applicants have submitted a Certificate of Survey identifying the proposed new house location. At this stage, the Applicants are seeking City Council feedback on the variance in advance of developing civil plans, house floor plans, and renderings.

Proposed Redevelopment Building Site



The table below provides the minimum district requirements for the R-1 District and Shoreland regulations along with a preliminary analysis of setbacks for the proposed development:

	R-1 District Standards	Shoreland Overlay District	Existing	Proposed
Minimum Front Yard Setback	40 feet	40 feet	29.57 feet (North)	28.11 feet (North)*
Minimum Rear Yard Setback	30 feet	75 feet from OHW & Setback of Adjacent Lots	-30.34 feet (West) as measured from Property Line -92.9 feet as measured from OHW	- 36.10 feet as measured from Property Line (West & SW) - Approx. 100 feet as measured from OHW**
Minimum Side Yard Setback	10 feet (min)/25 feet (total)	N/A	71.81 feet (East)	34.9 feet (East)

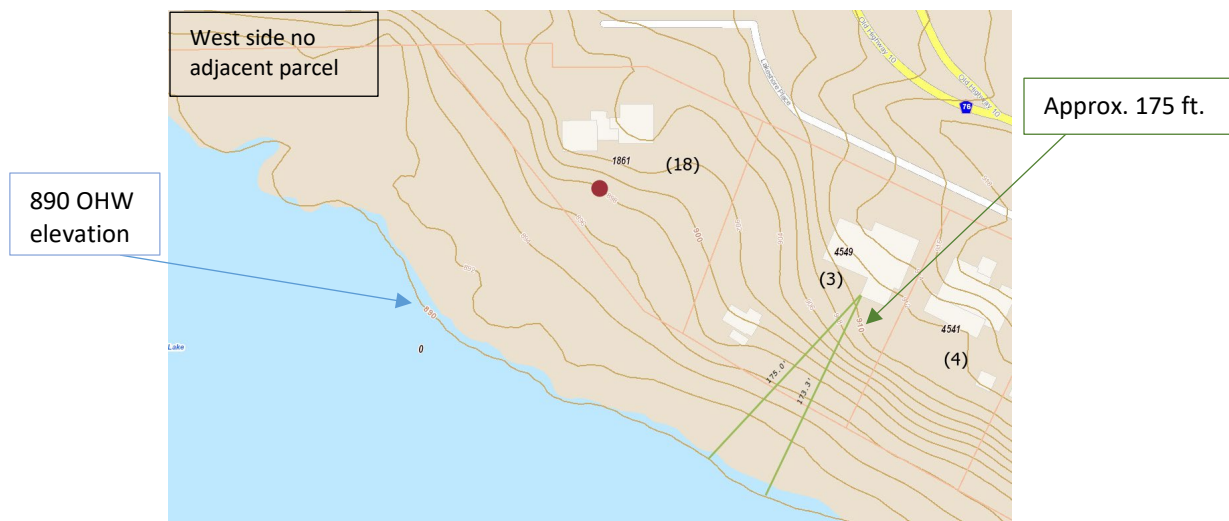
*Variance requested by Applicants

**Subject to Shoreland Ordinance 1330.03 Subd. 4 – Adjacent Lots

I will note that it has been requested of the Applicants that they verify with their surveyor as to the delineation of the Ordinary High Water (OHW) elevation on the Certificate of Survey. The distances as stated above are based upon the distances identified on the survey as measured from “Shoreline”.

One additional item in further review of the concept plan, city staff identified using Ramsey County GIS map that the adjacent lot to the east may have a greater setback of approximately 175 feet from OHW. The City’s shoreland regulations does require new development and additions on a riparian lot to have a setback from OHW as measured in relation to adjacent lots.

Example: 175 feet (adjacent parcel setback) – 10 feet = 165 feet is average



Planning staff verified that the City does not have a Certificate of Survey on file for the adjacent property at 4549 Lakeshore Place. The Applicants would be required to provide evidence of the setback from OHW for the adjacent lot in order to verify compliance with Section 1330.03, Subd. 4 as part of their future land use application or apply for a second variance from this provision if their new dwelling would be less than the minimum requirement.

Section 1330.03, Subd. 4. reads as follows:

Subd. 4 Adjacent Lots. On any shoreland lot where the adjacent lots have existing dwellings that exceed the minimum setback from the OHW level, the shoreline setback for a new dwelling unit or an addition to an existing dwelling unit shall not be less than the average of the setbacks from the OHW level for such adjacent dwellings minus ten (10) feet subject to the following:

- A. In no case shall the new structure or addition be within the minimum setback from the OHW level as stated in Section [1330.03](#) Subd 1.*
- B. In no case shall the new structure or addition be nearer to the OHW level than the nearest adjacent structure.*
- C. The minimum structure setback in Section [1330.03](#) Subd. 1 shall be used for the adjacent lot when calculating the setback if an adjacent lot is:*
 - 1. Vacant;*
 - 2. Has a use other than single or two-family residential; or*
 - 3. Has a dwelling unit that encroaches on the minimum structure setback.*

Budget Impact

N/A

Attachments

- A. Land Use Application
- B. Location Map
- C. Concept Review Narrative
- D. Certificate of Survey
- E. Applicants Presentation