



**AGENDA
PLANNING COMMISSION OF THE
CITY OF WHITE BEAR LAKE, MINNESOTA
MONDAY, APRIL 29, 2024
7:00 P.M. IN THE CITY HALL COUNCIL CHAMBERS**

1. CALL TO ORDER AND ATTENDANCE

2. APPROVAL OF AGENDA

3. APPROVAL OF THE MINUTES

- A. Minutes of the Planning Commission Meeting on January 29, 2024
- B. Minutes of the Planning Commission Work Session on March 25, 2024

4. PUBLIC HEARING

- A. **Case No. 24-5-LS & V:** A request by **Ralph Boecker** for a minor subdivision to split one lot into two parcels, per code section 1407.030, and two variances for parcel B — a variance from the 10,500 square foot minimum lot size and a setback variance from the 30 foot rear yard setback, both per section 1303.050, Subd. 5 at the property located at 1783 Highway 96.
- B. **Case No. 24-6-V:** A request by **Solid Ground** for a variance from code section 1302.050 Subd. 8.c, which requires one enclosed parking stall per dwelling unit, in order to demolish all of the 14 existing garage stalls and replace them with surface parking stalls at the property located at 3521 Century Ave N.
- C. **Case No. 24-7-LS:** A request by **Robert and Deb Waag** for a minor subdivision to split one lot into two lots per code section 1407.030 at the property located at 5005 Bald Eagle Avenue. (NO PUBLIC HEARING REQUIRED)

5. DISCUSSION ITEMS

- A. Zoning Code Update Open House Overview
- B. Downtown Mobility and Parking Study Update

6. ADJOURNMENT

Next Regular City Council Meeting May 14, 2024
 Next Regular Planning Commission Meeting May 20, 2024



**MINUTES
PLANNING COMMISSION MEETING
OF THE CITY OF WHITE BEAR LAKE, MINNESOTA
MONDAY, JANUARY 29, 2024
7:00 P.M. IN THE COUNCIL CHAMBERS**

1. CALL TO ORDER AND ATTENDANCE

MEMBERS PRESENT: Mike Amundsen, Mark Lynch, Ken Baltzer, Jim Berry, Scott Bill
MEMBERS ABSENT: Pamela Enz
STAFF PRESENT: Jason Lindahl AICP, Community Development Director; Ashton Miller, City Planner; Shea Lawrence, Planning Technician
OTHERS PRESENT: Jay Rendall, Chad Lemmons, Steve Anderson, Annie Carlson, Susan Welles, Robert Pepper, Ed Cox, Charles Reese, Rose Miller, Mary Reese, Ken Macdonald, Ann Macdonald, Joe Henderson

2. APPROVAL OF AGENDA

It was moved by Member **Bill** and seconded by Member **Baltzer** to approve the agenda as presented.

Motion carried 5:0.

3. APPROVAL OF THE MINUTES

A. Minutes of November 27, 2023

It was moved by Member **Lynch** and seconded by Member **Amundsen** to approve the minutes of November 27, 2023.

Motion carried, 5:0.

4. CASE ITEMS

A. Case No. 24-1-CUP: A request by **Dustin and Annie Carlson and Jeff Plaisted** for a conditional use permit for a third curb cut, per code section 1302.050, Subd.4.h.9, at the property located at 2505 Lake Avenue.

Shea Lawrence, Planning Technician, discussed the case. Staff recommend denial of the case.

Member Berry opened the public hearing.

The applicant, Annie Carlson, of 2505 Lake Avenue explained that they intend to make the existing curb cut on Stillwater smaller and want to provide direct access to the accessory

dwelling unit (ADU) with the new driveway. She explained that she understands ADUs do not allow for driveways but thinks this would be useful and add to the property. She added that she believes Highway 96 may not be considered an arterial road as it will be given back to the city.

Member Berry closed the public hearing.

Member Baltzer explained that the property is unique because it is large enough to build four houses that would require four curb cuts. He added that a property down the street has two curb cuts right next to each other. The proposed curb cut is far apart from the existing curb cut on Stillwater and the cut on the south side is quite far away. He does not think this curb cut is consistent with the intent of the ADU standards that were implemented. He does not think the snow plows will be impacted by the new curb cut and would be in favor of approving.

Member Amundson recalled that when the ADU went through the land use approval process the garage door and driveway were not included in the plans. He added that the code seems cut and dry that ADUs cannot have separate curb cuts as it is “expressly prohibited”. He thinks the findings in staff’s report are strong.

Member Berry explained that this property previously went through the land use approval process and the plans changed after the permits were issued. He added that this may have been a different situation if the applicants had discussed with staff prior to making any changes.

Member **Amundsen** moved to recommend denial of case number 24-1-CUP, Member **Lynch** seconded. The motion carried 4:1. Member Baltzer opposed.

- B. Case No. 24-2-V:** A request by **Dean Hedlund** for a variance from the 120 square foot maximum allowed for a second accessory structure, per section code 1302.030, Subd.4.i.2.b, in order to construct a shed in the rear yard of the property located at 4728 Stewart Avenue.

Shea Lawrence discussed the case. Staff recommended approval of the proposal.

Member Amundsen asked if the existing shed would need to be removed, if the proposed structure would be allowed if it was attached and whether a driveway would lead to the structure. Lawrence replied that the existing shed would need to be removed and that a driveway is not proposed. She confirmed that if the structure were attached it would be permitted because up to 1,250 square feet of combined accessory structure square footage is allowed based on the size of the lot and the home.

Member Lynch asked what size shed could be permitted by right, as the proposed shed is 264 square feet. Lawrence explained sheds up to 120 square feet can be permitted by right.

Member Berry opened the public hearing.

Susan Welles, 3227 26th Avenue N, is the architect representing the homeowners. She is very familiar with the lot as she has worked with the applicants since 2019 for their remodel. She explained that after being in the house for a few years they have realized they need more accessory structure space. They originally designed a 14 x 24 structure and have now reduced it to a 12 x 22 and reworked the roof to reduce the height in efforts to appease the neighbors. The structure meets other aspects of the code and it would otherwise be allowed if attached. She noted that the proposal could have been approved through an administrative variance.

Member Berry asked about the interactions the applicant has had with the neighbors. Welles explained that she was not part of those conversations and is not sure how they went. At that time, there was only one neighbor opposed to the proposal.

Member Berry asked if there was any discussion about moving the structure closer to Stewart. Welles stated it would have been quite a bit in front of the rest of the house. The house is a single story rambler, with no basement so storage space is at a premium. Member Berry noted that the structure is quite large, asking what they intend to store in it. Welles responded that they use the attached garage for their one car, but it is only about 11 feet wide so there is not room for much else. Their current storage shed is at capacity and they would like space to store their lawn equipment and patio furniture or potentially a small boat.

Member Lynch asked about the height of the existing shed. Welles explained that she isn't certain but that it is probably around 6.5 feet tall.

Member Berry inquired about the need for the overhead door. Welles explained that it is for ease of access and that the applicants have no intention of adding a driveway. Member Berry asked if they would use it for car storage. Welles responded that she believed it would be for a boat that they would take out of storage once a year and then put back for the offseason, therefore there isn't a need for a driveway. Welles also added that a flat roof wouldn't be architecturally similar to the home and therefore would be inconsistent with the zoning code.

Ed Cox, a contractor who lives down the street at 2258 3rd St., explained that he has done a lot of work throughout the city. He added that many people adjust their plans to make a two car garage fit on their lot and stay within setbacks and height requirements. He added that the property to the south that he is currently working on stayed within the confines of the code and didn't need variances. They were considerate of the neighbors, and only clipped maybe 2 feet of the lake view. He thinks this is a unique area of the community and the structure will impact the neighbors' views greatly. He thinks the applicants will use the structure for a car. He added that there are no structures like this in downtown and that he believes the code protects the integrity of downtown and he wouldn't be happy to see this approved. Member Berry asked if he thought anything would work on the site. Cox replied that a 120 square foot shed is plenty large enough and that they could have created a two deep garage when they remodeled in 2019 but that would have affected their view.

Jay Rendall, the neighbor directly to the north of the subject site, 4740 Stewart, provided a point by point history of the neighborhood. He believes the structure would change the essential character of the neighborhood, and it would block the view of the lake. He added that none of the neighbors supported the administrative variance and that no one, not just the abutting residents support this proposal. He was opposed to signing the administrative variance because it would ruin his view of the lake. He added that the Hedlunds seem to only be concerned about their own view and not the neighbors. He told the Hedlunds that if they proposed anything taller than the existing shed, it would be a problem. He has questions about its intended use and the need for that size. He believes a variance cannot be approved if the structure is going to be used as a garage. He doesn't believe there is blight on their property and noted that many properties don't have sheds. He referenced the 2030 Comprehensive Plan stating the need to preserve the character of downtown. He doesn't believe the use of the structure as a garage is a reasonable use. He believes they could have addressed their storage issues when they remodeled the home in 2019. He explained that the neighborhood families have used the backyards in a park-like way, having paths from one yard to another without the barriers of fences. Neighbors are considerate when planting landscaping to ensure views are not impacted but this proposed structure will block neighbors' views and would be intrusive. He is disappointed that the Hedland's would want to do this despite neighbors' objections.

Robert Pepper, a neighbor at 2280 4th Street, explained that he will be slightly affected by the proposal. He added that this proposal was sprung on the neighbors 8 or 9 days prior. He believes this proposal will demolish the idea of rear yard storage and could carry on to other nearby properties. He explained there are no privacy fences, only a few small accessory structures with green space in between which has added to the neighborhood charm. A one car garage dropped into the neighborhood would be inconsistent with the neighborhood and stated the height is prohibitive. He added there may be a way forward if they were to relocate the structure closer to the home.

Member Berry closed the public hearing.

Member Amundsen asked if the use of a second accessory structure as a garage was prohibited. Miller responded that the code is prohibitive based on size, not uses or what is stored inside.

Member Lynch asked about administrative variances and notices for 350 feet. Lawrence explained that the properties abutting the affected yard would be required to sign off on the proposal for it to be approved through the administrative process. Member Lynch expressed his appreciation for this process to have the case before the Planning Commission when neighbors disapprove. Member Lynch disagreed with staff on findings four and five. He thinks the applicant could have made design decisions that would have provided more storage space during their prior remodel process. He also disagreed with staff on the idea that the essential character of the locality will not be impacted. He thinks the views of the lake are part of the essential character.

Member Baltzer explained that he sees both sides. He added that people don't have a right to see the lake. The argument that you have always been able to see the lake does not then mean you are entitled to that view and the City Council has seen cases with this premise before and have not been supportive of that argument. On the other hand, he thinks the neighborhood's feelings about the proposal are important. He understands the neighbors' concerns but also recognizes that landowners have a right to build on their property and that White Bear Lake is changing.

Member Bill explained that he struggles with the fact that the residents could have addressed the issue back in 2019 during their remodel, but also recognizes that if you want a view of the lake, you should buy a property directly facing the lake. He also added that he doesn't think staff should regulate the use of the structure. He noted that he thinks the structure would alter the character of the neighborhood.

Member Amundsen considered the five questions used to access a variance request. He explained he has been swayed by the residents' testimony about the structure altering the character of the neighborhood and explained he doesn't agree with finding five in staff's report.

Member Berry stated this would be the biggest shed on the block, physically changing the locality. He believes the proposal is inconsistent with standards four and five for a variance.

Member **Amundsen** moved to recommend denial of case number 24-2-V, Member **Lynch** seconded. The motion carried 5:0.

- C. Case No. 24-3-V:** : A request by **Charles Reese** for a variance from the 5 foot side yard setback per code section 1302.030, Subd.4.e, in order to retain a 120 square foot storage shed at the property located at 2563 Elm Drive.

Miller discussed the case. Staff recommended approval as proposed.

Member Lynch asked to clarify which property line the shed is closest to. Miller responded that the shed is closest to the east lot line and the comment submitted was from the neighbor to the north. Lynch asked to confirm that the shed has been up since the early 2010's and just received the first complaint this past year. Miller responded yes—a neighbor recently put up a shed spurring a property line dispute, so the city inspector went out to verify the property line.

Member Berry opened the public hearing.

The applicant, Charles Reese, explained that when he and his wife purchased the home in 2015 the shed was already there and provided a brief background about the property line and shed dispute with the neighbor and was available to answer any questions from the commissioners.

Member Bill asked if the neighbor at 2555 Elm Dr. has had any issues with the shed. Reese responded they have not expressed any concerns about it, noting that it's a rental property.

Member Berry closed the public hearing.

Member Amundsen asked about the validity of the neighbor's claim that the shed is actually located on the lot line. Miller responded the shed is not on the property line—the applicant hired a surveyor to find the property pins and a city inspector completed a field inspection to confirm the lot line. The numbers on the site plan are accurate.

Member Lynch added that this shed has been around for about 15 years and hasn't bothered anybody in that time, so he thinks it should be able to remain as is.

It was moved by Member **Lynch** to recommend approval for Case No. 24-3-V, seconded by Member **Baltzer**.

Motion carried, 5:0.

- D. Case No. 24-4-V:** A request by **Ken Macdonald** for two variances from the 15 foot side yard setback, per code section 1303.040, Subd.5.c.2, in order to construct a two story home at the property located at 4556 Highway 61.

Miller discussed the case. Staff recommended approval of the request.

Member Berry opened the public hearing.

The applicant Ken MacDonald of 4556 Highway 61 provided additional photos to the Planning Commissioners of the existing conditions of his home. Macdonald responded to the points laid out in the attorney letter from the neighbor's attorney. He explained that the code allows for non-conforming structures to be expanded and that he was unsuccessful in contacting the neighbors regarding this project so an administrative variance would not have been possible. He explained that the other neighbors have been supportive of the project.

Macdonald addressed the concerns that were brought up by the neighbors when the previous owners of his property went through this process last year. He explained that the home will be brought up to current building and fire code standards and therefore the fire risk will be reduced. The windows, mechanical, electrical and more will all be updated. Macdonald also addressed the neighbors' concerns about water and ice and referenced the engineering report the neighbors had done. Macdonald explained that currently neither of their homes have gutters, and the report recommended that both homes add them—Macdonald explained that they will be adding gutters and a French drain to capture water. Macdonald questioned the sincerity of the neighbor's concern about water, as the Millers have not added gutters themselves despite that recommendation. As far as the structural concerns brought up in the engineering report, Macdonald explained that adding backfill would actually be better for the neighboring structure as it would reduce the load on the wall. He added that they are reducing potential living space in the basement to reduce excavation depth to minimize the risk to the neighbors. Macdonald referenced the wind tunnel that the neighbors are concerned about.

Macdonald stated he was unsure how adding second story would impact the wind and that the neighbors use the side of their house for storage of kayaks and their trash cans, so he is unsure how big of an issue the wind could be. Macdonald concluded that the house is unlivable due to numerous problems including rodents, mold, burst radiators, substandard electrical, and an eroded foundation.

Chad Lemmons, an attorney representing the Millers who own the property at 4552 Highway 61 explained that the house does not need to be expanded in order to be utilized. The owner could fix up the house from its current condition without expanding it. He also believes that the applicants should need to go through the conditional use permit process because this is a non-conforming property, citing a section of city code. He believes the owners have a reasonable use of the property if they rehabilitate the house.

Lemmons explained he has been out to the property and saw the water that drains between the two houses creating icy conditions. He is unsure how a fire fighter could fit through the narrow space between the two houses with all their equipment. Member Berry asked if the Millers garage is also 2 stories, to which Lemmons responded yes. Lemmons also expressed concerns about lateral support when constructing a building so close to another and concerns about the wind tunnel between the two homes. He added that the home is part of the historic nature of the neighborhood.

Macdonald explained that the Miller's house was built in 1921 and would also then be considered a part of the historic nature of the neighborhood yet, they were permitted to build additions in the 1960s and 80s. He added that other neighbors have received variances for their additions. Macdonald noted that of the 5 houses to the north and the 5 houses to the south, 9 of those properties contain 2 story homes so his proposed home fits within the character of the neighborhood. Lemmons added that both the properties are non-conforming but that the Miller's setback has never changed, so the Macdonald's home should stay where it is.

Member Berry closed the public hearing.

Member Berry asked staff if this proposal should go through a CUP process. Lindahl explained that staff processed this application the same way they have for other tear down rebuilds along the lake. He added that state statute related to non-conformity has changed since the City's code was written and therefore a variance would be the appropriate process for this request.

Member Amundsen asked what percentage of the house would align with the existing footprint for the house. Miller responded that the proposed house is typically within a few inches of the existing footprint on the west side and it is proposed to be in line with where the deck once was on the east side.

Member Lynch added that the five standards for the variance have been met, and he is therefore supportive of the request. He explained the house will have similar setbacks and would look consistent with nearby properties and it is reasonable. He added that whatever is

next for this site, will be a vast improvement from what exists on the site. He also explained if there are issues that arise from construction there are processes for the landowners to address that and it's not the Planning Commissions role to assess that.

Member Berry agreed with Member Lynch adding that the applicant is trying to rebuild the house while having the least amount of impact to the neighbors.

Member Amundsen noted that this proposal is very similar to the proposal that was approved by the Planning Commission and City Council last year and that he is looking forward to seeing the property rehabilitated.

Member **Lynch** moved the recommend approval of Case No. 24-4-V, seconded by Member **Amundsen**.

Motion carried, 5:0.

5. DISCUSSION ITEMS

A. Election of Officers

Member Berry opened the nominations for Chairperson. Member **Lynch** moved to nominate Member Amundsen for chair. There being no other nominations for chair, Member **Lynch** moved to close nominations. Member **Amundsen** seconded. Motion carried, 5:0.

Member **Lynch** moved to elect Member Amundsen for Chair, seconded by Member **Berry**. Motion carried, 5:0.

Member Berry opened the nominations for Vice Chair. Member **Lynch** moved to nominate Member Enz for Vice Chair, seconded by Member **Baltzer**. There being no other nominations, Member **Amundsen** moved to close nominations, seconded by **Baltzer**. Motion carried, 5:0.

Member **Lynch** moved to elect Member Enz to Vice Chair, seconded by Member **Baltzer**. Motion carried, 5:0.

B. City Council Meeting Update

Lindahl provided an update on the last City Council meetings. Lindahl explained that the text amendment case changing the requirement for a supermajority vote from City Council for text amendments, rezonings and PUDs to a simple majority from the November Planning Commission meeting had its first and second readings at City Council and was approved.

C. Zoning Update – Community Advisory Committee

Lindahl provided an update on the Zoning Code Update process. He explained that at the latest meeting on December 5th, the consultants presented a placetypes analysis of the city. He added that a placetypes map will be created to inform zoning map updates. Member Amundsen asked if other studies are being considered throughout this process such as the County Rd E Corridor Study or the ongoing traffic and mobility study. Lindahl explained that yes previous studies like that are being considered but noted that since the traffic and mobility study has not yet been approved by City Council it won't be integrated into the process until it is completed. Lindahl added that the consultants will be presenting a directions report at the next zoning update meeting on February 7th. Member Berry added that it's not going to be an easy task to simplify or shrink down the existing code.

Lindahl informed the commissioners that the next planning commission meeting will likely involve training for the commissioners.

Member Lynch asked about the timeline for filling the open planning commission spot. Lindahl answered that there were four applicants for the position and that the mayor has conducted interviews, so the spot will hopefully be filled soon.

6. ADJOURNMENT

There being no further business before the Commission, it was moved by Member **Baltzer** seconded by Member **Amundsen** to adjourn the meeting at 9:25. Motion carried, 5:0.



**MINUTES
PLANNING COMMISSION WORK SESSION
OF THE CITY OF WHITE BEAR LAKE, MINNESOTA
7:00 P.M., MONDAY, MARCH 25, 2024
IN THE CITY HALL BOARD ROOM**

Planning Commission Vice Chair, Pam Enz, opened the meeting at 7:00 p.m. Planning Commissioners in attendance included: Ken Baltzer, Jim Berry, Scott Bill, Pam Enz, Joy Erickson, and Mark Lynch; Mike Amundson was excused. Councilmember Andrea West was also present. Staff present included: City Attorney Troy Gilchrist, Community Development Director Jason Lindahl, City Planner Ashton Miller, Housing and Economic Development Coordinator Tracy Shimek, and Planning Technician Shea Lawrence.

1. Legal Training

City Attorney Troy Gilchrist provided legal training to the Planning Commission in regards to procedure, constitutional limits, federal laws and Minnesota state statutes that regulate zoning. Gilchrist provided an overview on zoning authority, the role of the Planning Commission, how zoning works, types of permits, conducting business and other specific issues. These topics included information on conducting public hearings, the fiduciary duties of the commissioners, Roberts Rules, the 60 day rule, the open meeting law and the difference in standards for various land use requests.

Throughout the training, the Planning Commissioners asked questions and had discussions about various topics. The group discussed state legislation and inquired how new state laws related to zoning get implemented at a local level and what guidance is provided for local officials. There was discussion about when the Planning Commission has voted against staff's recommendations and City Attorney Gilchrist emphasized the importance of including the Planning Commission's findings in the resolution when voting against staff's recommendations, so the findings are a part of the official record. There was also conversation about the appeals process and how PUDs and development agreements are drafted and implemented. The group discussed how best to handle when the public questions staff's application of the code during the public hearing and City Attorney Gilchrist added that the commissioners can refer back to staff for clarification in these situations.

Member **Baltzer** moved to adjourn the meeting, seconded by Member **Lynch**.

Meeting adjourned at 9:11p.m.



City of White Bear Lake
Community Development Department

MEMORANDUM

TO: The Planning Commission
FROM: Shea Lawrence, Planning Technician
DATE: April 29, 2024
SUBJECT: Case No. 24-5-LS & V – 1783 Highway 96 Minor Subdivision

SUMMARY

The applicant, Ralph Boecker, requests a minor subdivision to split the lot at 1783 Highway 96 into two parcels, per City Code Section 1407.030. The applicant also requests two variances from Section 1303.050, Subd. 5 for parcel B—a 124.8 square foot variance from the 10,500 square foot minimum lot size and a 13.9 foot setback variance to place the garage 16.1 feet from the rear lot line on the newly subdivided lot. Based on the findings made in this report, staff finds that the applicant has met the Minor Subdivision standards of City Code Section 1407.030 and demonstrated a practical difficulty with meeting the City’s zoning regulations as required by Minnesota Statute 462.357, Subd. 6 and recommends approval of these requests.

GENERAL INFORMATION

Applicant/Owner:	Ralph Boecker
Existing Land Use / Zoning:	Single Family Dwelling R-3: Single Family Residential
Surrounding Land Use / Zoning:	North, East & West: R-3 Single Family Residential South: R-4 Single Family – Two Family Residential
Comprehensive Plan:	Low Density Residential
Lot Size & Width:	Code: 10,500 square feet; 80 ft. wide Existing Site: 21,083 square feet; 82.5 ft. wide Proposed Site A: 10,560 square feet; 82.5 feet wide Proposed Site B: 10,375.2 square feet; 82.5 feet wide
60 Day Review Date:	May 18, 2024

BACKGROUND INFORMATION

The subject site is a double frontage lot located between Eugene Street to the north and Highway 96 to the south. The lot contains an existing single unit dwelling with an attached

garage. The previous house was demolished and in 2019 the current house was constructed. A 33 feet wide utility easement runs along the west side of the property and contains a 15” sanitary sewer line and an 18” storm sewer line.

Community Comment. Under state law and the City’s zoning regulations, variance applications require a public hearing. Accordingly, the City published notice of this request in the White Bear Press and mailed notice to the abutting property owners of the subject site. That notice directed all interested parties to send questions or comments to the Planning Department by mail, phone, or email or to attend the public hearing where they could learn about the request, ask questions, and provide feedback. Staff have not received any comments prior to the writing of this report. During the public hearing, staff will provide an update if any public comments are received prior to the Planning Commission meeting.

ANALYSIS

Review Authority

City review authority for subdivision applications is considered a Quasi-Judicial action. As such, the City is acting as a judge to determine if the regulations within the Comprehensive Plan, Zoning Ordinance and Subdivision Ordinance are being followed. Generally, if the application meets these requirements, the subdivision application should be approved. The City also has the authority to add conditions to an approval that are directly related to the application.

City review authority for variance applications is also considered a Quasi-Judicial action. When reviewing variances, the city’s role is limited to applying the legal standard of practical difficulties to the facts presented by the application. Generally, if the application meets the review standards, the variance should be approved.

Minor Subdivision Review

The standards for reviewing subdivision requests are detailed in Subdivision Code Section 1407 of the City Code. Staff has reviewed the lot split request against the standards utilized for other land use requests and provided responses to each as outlined below.

1. Is the proposal consistent with the City’s Comprehensive Plan?

Finding: The proposed minor subdivision is consistent with the comprehensive plan. The 2040 Land Use Map guides the property as Low Density Residential, which is characterized by a density range of 3 to 9 units per acre. Typical housing types include single family detached and attached when within the density range. The current lot is 2.1 units per acre, which is below the intended density range. Splitting the lot to create another single family lot could bring the density to 4.1 units per acre – which would fall within the intended density range. Therefore the proposal is consistent with the comprehensive plan.

2. Is the proposal consistent with the existing and future land uses in the area?

Finding: The surrounding properties are single-unit and two-unit residences. The 2040 Land Use

Map in the Comprehensive Plan guides all of the surrounding properties as Low Density Residential. As noted above, the Low Density Residential future land use category allows for single and two-unit residential dwellings. This application will create two lots consistent with the surrounding development pattern and is consistent with both existing and future land uses in the area.

3. Does the proposal conform to the Zoning Code requirements?

Finding: Parcel A conforms with all requirements of the zoning code. Parcel B will require two variances for the existing dwelling —a variance from the minimum lot size requirement and a rear yard setback variance.

Lot Width. The R-3 zoning district requires an 80 foot wide lot. Both of the proposed lots meet this standard, as they are 82.5 feet wide.

Lot Size. The R-3 zoning district requires a 10,500 square feet minimum lot area. Parcel A will meet this standard with a square footage of 10,560. Parcel B which contains the existing home, will be 10,375.2 square feet, requiring a 124.8 square foot variance from the lot size minimum. Staff's findings for this variance are detailed in the next section.

Setbacks. There are currently no structures proposed for Parcel A. Future development on the lot will need to comply with the minimum setback requirements and shall not encroach into the existing utility easement.

Parcel B will contain the existing home and attached garage. The front and side yard setbacks for the house will not change as a result of the proposed subdivision and will continue to comply with the setback requirements. The attached garage will sit 16.1 feet from the new rear lot line. Attached garages have the same rear yard setback requirements as the principal structure, which is 30 feet in the R-3 district. Therefore a 13.9 foot rear setback variance is necessary for the garage. Staff's findings for this variance are detailed in the next section.

4. Will the proposal depreciate values in the area?

Finding: The proposal is not anticipated to depreciate values in the area. Splitting the lot will result in two parcels that are consistent in size with the surrounding neighborhood.

5. Will the proposal overburden the existing public services or the capacity of the service area?

Finding: The property is served by city water and sewer and the utilities have the capacity to serve the two lots. The newly created Parcel A will be required to connect to city services when the site gets developed. At that time, the developer will also need to pay Metropolitan Council and City SAC (Sewer Availability Charge) and WAC (Water Availability Charge) fees.

6. Will traffic generation be within the capabilities of the streets serving the site?

Finding: Traffic generation will be within the capabilities of the street serving the site. The existing house, located on Parcel B, will continue to utilize Highway 96 to access the property. Parcel A will access the property off of Eugene Street. The number of trips generated by the addition of one single unit property is minimal and is not expected to negatively impact traffic. Additionally, for Parcel A to be developed as a single unit home, it would be required to have a 2 car garage, so there will be adequate off street parking.

Variance Review. The standards for reviewing variances are detailed in Minnesota State Statute 462.357, Subdivision 6. In summary, variances may be granted when the applicant establishes there are "practical difficulties" in complying with the zoning regulations. A practical difficulty is defined by the five questions listed below. Economic considerations alone do not constitute a practical difficulty. In addition, under the statute the City may choose to add conditions of approval that are directly related to and bear a rough proportionality on the impact created by the variance.

Staff has reviewed the variance request against the standards detailed in Minnesota State Statute 462.357, Subdivision 6 and finds the applicant has demonstrated a practical difficulty. The standards for reviewing a variance application and staff's findings for each are provided below.

1. Is the variance in harmony with the purposes and intent of the ordinance?

Finding:

Rear Setback Variance. The variance is in harmony with the purposes and intent of the ordinance. Attached garages have the same rear yard setback requirements as the principal structure, whereas a detached garage requires a 5 foot rear setback. The intent with the increased setback requirement for an attached garage is to provide a greater buffer between the property line and living space. The attached garage on the house does not contain any living space above it and the living space is setback 40 feet from the rear property line, therefore the variance is in harmony with the intent of the ordinance.

Lot Size Variance. The variance is in harmony with the purposes and intent of the ordinance. The purpose of the R-3 zoning district is to "provide for single family detached residential dwelling units at a density higher than that permitted in the R-2, Single Family District along with directly related and complementary uses." Currently the property exceeds the minimum lot size requirement of the R-2 district and therefore is inconsistent with the intent of the R-3 district being denser than R-2 properties. Splitting the lot with the lot size variance creates the opportunity for density that is more consistent with the ordinance.

2. Is the variance consistent with the comprehensive plan?

Finding:

Rear Setback Variance. The setback variance is not inconsistent with the comprehensive plan. The comprehensive plan does not prescribe specific details such as setback requirements for principal and accessory buildings. Splitting the lot in a manner that creates two lots of similar size and dimensions as the properties to the east would require a rear yard setback variance due to the location of the attached garage.

One of the guiding principles in the Land Use chapter of the 2040 Comprehensive Plan reads, "Continue to focus resources on redevelopment and reinvestment... while the City is nearly built out, underutilized and appropriately situated sites offer the opportunity to redevelop land more efficiently and to introduce increased density along higher intensity corridors and activity nodes throughout the City." The large lot provides an opportunity to increase the city's housing stock through a minor subdivision. Subdividing this lot with the proposed lot line and subsequent rear setback variance, creates two properties that are similar in size and dimension to the properties to the east while aligning to the intended density for the Low Density Residential future land use designation.

Lot Size Variance. The requested variance is consistent with the 2040 Comprehensive Plan. The Future Land Use Map in the 2040 Comprehensive Plan guides the property as Low Density Residential. The density range for properties guided Low Density Residential is 3 to 9 units per acre. Currently the property is at a density of 2.1 units per acre. Splitting the lot and granting the lot size variance creates the potential to increase the density of the lots so that it falls within the intended range for the Low Density Residential designation. The addition of a single unit property could increase the density to 4.1 units per acre. Therefore, staff finds the variance is consistent with the comprehensive plan.

3. Does the proposal put the property to use in a reasonable manner?

Finding:

Rear Setback Variance. The proposal puts the properties to use in a reasonable manner. When the property was developed there were limited places where a garage could be located. There is a 33 foot wide utility easement on the west side of the property where structures cannot be located. Additionally because the lot is currently a double frontage lot, no detached garage would have been permitted in either front yard because an accessory structure cannot be located in front of the house. Also there is no living space located above the attached garage, so the living space is setback 40 feet from the rear lot line. Granting the 13.9 foot setback variance for the attached garage is reasonable.

Lot Size Variance. Splitting the subject property in two and granting a 124.8 square foot variance for Parcel B puts the properties to use in a reasonable manner. Both the Low Density Residential designation and the R-3 zoning district allow for single unit dwellings. Splitting the lots and granting the lot size variance creates the opportunity to make the lots more consistent with the intent of the R-3 zoning district and brings the properties closer to the intended density for the Low Density Residential designation. Additionally, the lots would be consistent in size with the lots located to the east that contain single and two unit dwellings.

4. Are there unique circumstances to the property not created by the landowner?

Finding:

Rear Setback Variance. There are unique circumstances to the property not created by the homeowner. The property is a double frontage lot and contains a 33 foot wide utility easement on the west side of the lot. Because the property is currently a double frontage lot and contains a large easement, there would have been limited locations to construct the garage when the home was built in 2019. Therefore, the garage was constructed on the back of the house 16.1 feet from the newly proposed rear lot line and a rear setback variance is required to split the lot to have a depth consistent with the neighboring properties to the east. The attached garage is located on the north side of the home and there is no living space located above it. The living space is setback 40 feet from the rear property line.

Lot Size Variance. There are unique circumstances to the property not created by the homeowner. The current zoning standards are not reflective of the way the properties in this area were developed. The properties to the west are much larger than what is required for the R-3 zoning district leading to lower density than what is intended for the R-3 district, whereas the properties to the east are similar in size or even smaller than what is proposed.

5. Will the variance, if granted, alter the essential character of the locality?

Finding:

Rear Setback Variance. Granting the rear yard variance for the garage will not alter the essential character of the locality. Because the garage is attached it has the same setback requirement as the principal structure. The garage is attached on the back side of the house and does not have any living space above it. Lots to the east have detached garages located closer to their rear lot lines, so granting this variance would not alter the character of the locality.

Lot Size Variance. Granting the requested lot size variance will not alter the essential character of the locality. The two lots abutting the property to the east are nearly the exact same size as the size proposed for Parcel A and Parcel B according to Ramsey County's website. The properties to the east of the subject site, both the ones that front on Highway 96 and the ones the front on Eugene, are similar in size. Some of the lots to the east are as small as 6,350 square feet in size.

RECOMMENDATION

Staff recommends approval of the request subject to the following conditions:

1. All application materials, maps, drawings, and descriptive information submitted in this application shall become part of the permit.
2. Within 6 months after the approval of the survey by the City, the applicant shall record the survey, along with the instruments of conveyance with the County Land Records Office, or the subdivision shall become null and void.

3. The resolution of approval shall be recorded against both properties and notice of these conditions shall be provided as condition of the sale of any lot.
4. The applicant shall provide the City with proof of recording (receipt) as evidence of compliance with conditions #2 and #3. Within 120 days after the date of recording, the applicant shall provide the City Planner with a final recorded copy of the Certificate of Survey.
5. The applicant shall agree to reapportion any pending or actual assessments on the original parcel or lot of recording in accordance with the original assessment formula on the newly approved parcels, as per the City of White Bear Lake finance office schedules.
6. Durable iron monuments shall be set at the intersection points of the new lot lines with existing lot lines. The applicant shall have one year from the date of Council approval in which to set the monuments.
7. The park dedication fee shall be collected for Parcel A at the time when a building permit is issued. That fee shall be based on the park dedication fee in place at the time of the building permit.
8. Metropolitan Council SAC (Sewer Availability Charge) and WAC (Water Availability Charge) and City SAC and WAC shall be due at the time of building permit for Parcel A.
9. Water and sewer hook-up fees shall be collected at the time when a building permit is issued for Parcel A.
10. A tree preservation plan shall be submitted for review and approval prior to the issuance of a building permit for new construction on either parcel.
11. The City will not issue any permit for, and the property shall not place, any structure within the existing utility easement that may interfere with the function of the easement.

ATTACHMENTS:

Resolution

Zoning/Location Map

Applicant's Narrative & Plans

RESOLUTION NO.

**RESOLUTION GRANTING A MINOR SUBDIVISION AND TWO VARIANCES
FOR 1783 HIGHWAY 96 WITHIN THE CITY OF WHITE BEAR LAKE, MINNESOTA**

WHEREAS, Ralph Boecker has requested a minor subdivision, per code section 1407.030 and two variances from code section 1303.050 Subd. 5 for parcel B – a 124.8 square foot variance from the 10,500 square foot minimum lot size and a 13.9 foot setback variance to place the garage 16.1 feet from the rear lot line on the newly subdivided lot at the following location:

LEGAL DESCRIPTION: Attached as Exhibit A.

WHEREAS, the Planning Commission held a public hearing as required by the Zoning Code on April 29, 2024; and

WHEREAS, the City Council has considered the advice and recommendations of the Planning Commission regarding the effect of the proposed variances upon the health, safety, and welfare of the community and its Comprehensive Plan, as well as any concerns related to compatibility of uses, traffic, property values, light, air, danger of fire, and risk to public safety in the surrounding areas;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of White Bear Lake, Minnesota that, in relation to the minor subdivision, the City Council accepts and adopts the following findings of the Planning Commission:

1. The proposal is consistent with the City's Comprehensive Plan.
2. The proposal is consistent with the existing and future land uses in the area.
3. The proposal conforms to the Zoning Code requirements.
4. The proposal will not depreciate values in the area.
5. The proposal will not overburden the existing public services nor the capacity of the City to service the area.
6. Traffic generation will be within the capabilities of the streets serving the site.

BE IT FURTHER RESOLVED by the City Council of the City of White Bear Lake, Minnesota that, in relation to the variances, the City Council accepts and adopts the following findings of the Planning Commission:

1. The requested variances are in harmony with purposes and intent of the ordinance.
2. The requested variances are consistent with the 2040 Comprehensive Plan.
3. Granting the requested variances will allow the property to be used in a reasonable manner.
4. There are unique circumstances to the property not created by the landowner.
5. Granting the requested variances alone will not alter the essential character of the

RESOLUTION NO.

neighborhood.

BE IT FURTHER RESOLVED, that the City Council of the City of White Bear Lake hereby approves the requested subdivision and variances, subject to the following conditions:

1. All application materials, maps, drawings, and descriptive information submitted in this application shall become part of the permit.
2. Within 6 months after the approval of the survey by the City, the applicant shall record the survey, along with the instruments of conveyance with the County Land Records Office, or the subdivision shall become null and void.
3. The resolution of approval shall be recorded against both properties and notice of these conditions shall be provided as condition of the sale of any lot.
4. The applicant shall provide the City with proof of recording (receipt) as evidence of compliance with conditions #2 and #3. Within 120 days after the date of recording, the applicant shall provide the City Planner with a final recorded copy of the Certificate of Survey.
5. The applicant shall agree to reapportion any pending or actual assessments on the original parcel or lot of recording in accordance with the original assessment formula on the newly approved parcels, as per the City of White Bear Lake finance office schedules.
6. Durable iron monuments shall be set at the intersection points of the new lot lines with existing lot lines. The applicant shall have one year from the date of Council approval in which to set the monuments.
7. The park dedication fee shall be collected for Parcel A at the time when a building permit is issued. That fee shall be based on the park dedication fee in place at the time of the building permit.
8. Metropolitan Council SAC (Sewer Availability Charge) and WAC (Water Availability Charge) and City SAC and WAC shall be due at the time of building permit for Parcel A.
9. Water and sewer hook-up fees shall be collected at the time when a building permit is issued for Parcel A.
10. A tree preservation plan shall be submitted for review and approval prior to the issuance of a building permit for new construction on either parcel.
11. The City will not issue any permit for, and the property shall not place, any structure within the existing utility easement that may interfere with the function of the easement.

The foregoing resolution, offered by Councilmember _____ and supported by Councilmember _____, was declared carried on the following vote:

Ayes:
Nays:
Passed:

Dan Louismet, Mayor

RESOLUTION NO.

ATTEST:

Caley Longendyke, City Clerk

Approval is contingent upon execution and return of this document to the City Planning Office.
I have read and agree to the conditions of this resolution as outlined above.

Applicant's Signature

Date

RESOLUTION NO.

EXHIBIT A

EXISTING LEGAL DESCRIPTION

The South 293.76 feet of the West 82.5 feet of the Southwest Quarter of the Southwest Quarter of Section 14, Township 30, Range 22, Ramsey County, Minnesota.

PROPOSED LEGAL DESCRIPTIONS

LOT 1

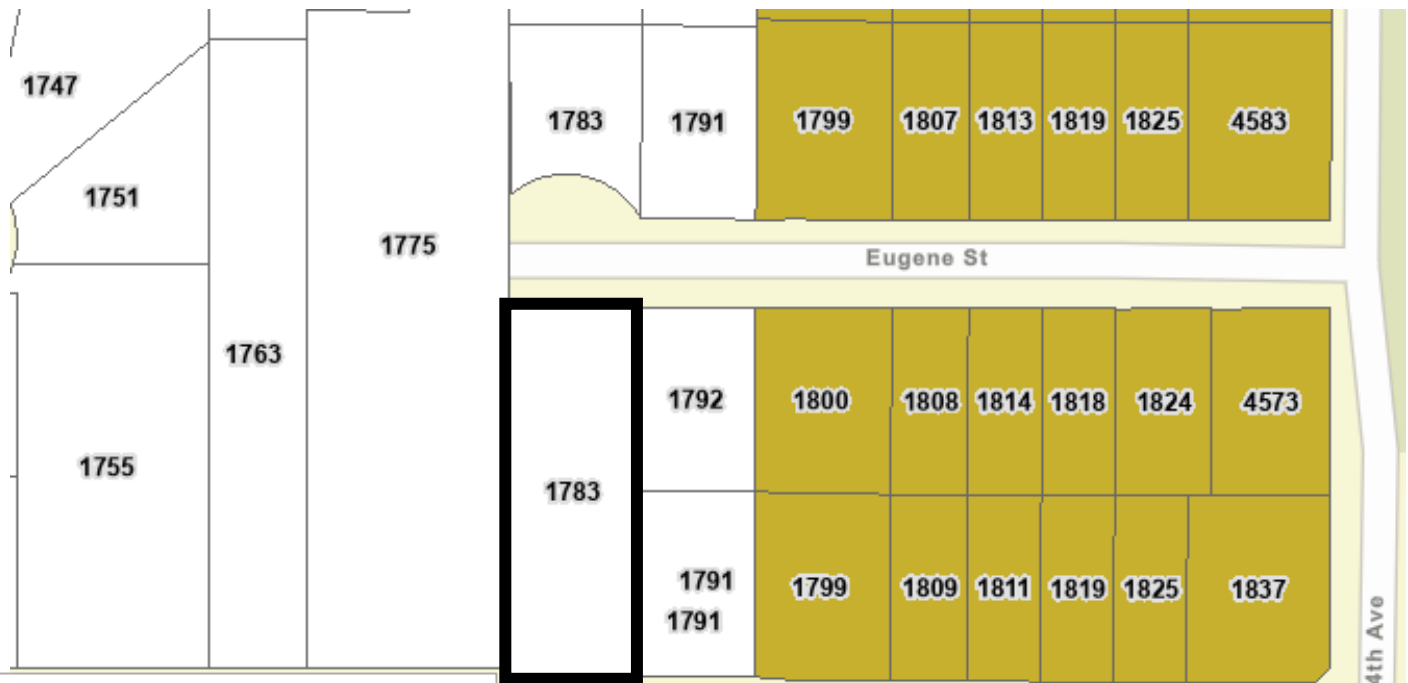
PARCEL A

The North 128 feet of the South 293.76 feet of West 82.5 feet of the Southwest Quarter of the Southwest Quarter of Section 14, Township 30, Range 22, Ramsey County, Minnesota.

LOT 2

PARCEL B

The South 165.76 feet of the West 82.5 feet of the Southwest Quarter of the Southwest Quarter of Section 14, Township 30, Range 22, Ramsey County, Minnesota.



ZONING

- B-1: Neighborhood Business
- B-2: Limited Business
- B-3: Auto Oriented Business
- B-4: General Business
- B-5: Central Business
- BW: Business Warehouse
- DBD: Diversified Business Development
- DCB: Diversified Central Business
- I-1: Limited Industry
- I-2: General Industry
- LVMU: Lake Village Mixed Use
- O: Open Space
- P: Public
- PZ: Performance Zone
- PZR: Performance Zone Residential
- R-2: Single Family Residential
- R-3: Single Family Residential
- R-4: Single Family - Two Family Residential
- R-5: Single Family - Two Family Medium Density Residential
- R-6: Medium Density Residential
- R-7: High Density Residential

SUBJECT SITE:
 1783 HIGHWAY 96



City of
 White Bear Lake
 Planning & Zoning
 651-429-8561

CASE NO.	: <u>24-5-LS & V</u>
CASE NAME	: <u>Boecker</u>
DATE	: <u>April 29, 2024</u>

City of White Bear Lake

March 18, 2024

Re: Land use application 24-5-LS 1783 Highway 96

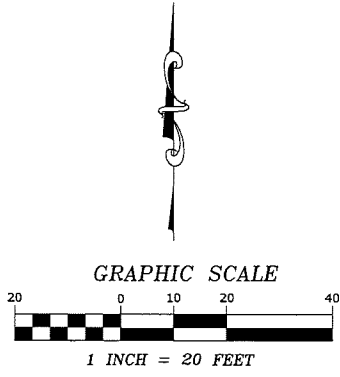
I request two deviation from code -
a 124.8 square foot variance from the 10,500 square
foot minimum lot size for parcel B and a 13.9 foot
variance from the 30 foot setback from the rear
lot line to place the garage on parcel B 16.1 feet
from the newly subdivided lot.

Sincerely,

Ralph Becker

MINOR SUBDIVISION

~for~ RALPH BOECKER
 ~of~ 1783 HIGHWAY 96
 WHITE BEAR LAKE, MN 55110



LEGEND

- DENOTES IRON MONUMENT FOUND
- DENOTES IRON MONUMENT SET
- ⊙ DENOTES RAMSEY COUNTY CAST IRON MONUMENT
- x.1011.2 DENOTES EXISTING ELEVATION
- ACU DENOTES AIR CONDITIONING UNIT
- DENOTES CATCH BASIN
- ⊞ DENOTES CABLE PEDESTAL
- ⊞ DENOTES ELECTRICAL BOX
- ⊞ DENOTES FIBER OPTIC BOX
- ⊞ DENOTES GAS METER
- ⊞ DENOTES HYDRANT
- ⊞ DENOTES LIGHT POLE
- ⊞ DENOTES POWER POLE
- ⊞ DENOTES SANITARY SEWER MANHOLE
- ⊞ DENOTES TELEPHONE PEDESTAL
- ⊞ DENOTES WATER VALVE
- x—x— DENOTES FENCE
- w—w— DENOTES RETAINING WALL
- c—c— DENOTES EXISTING CONTOURS
- s—s— DENOTES EXISTING SANITARY SEWER
- st—st— DENOTES EXISTING STORM SEWER
- m—m— DENOTES EXISTING WATER MAIN
- OHU— DENOTES OVERHEAD UTILITY
- GAS— DENOTES UNDERGROUND GAS LINE
- B—B— DENOTES BITUMINOUS SURFACE
- C—C— DENOTES CONCRETE SURFACE
- G—G— DENOTES GRAVEL SURFACE
- P—P— DENOTES PAVER SURFACE
- A—A— DENOTES ADJACENT PARCEL OWNER INFORMATION (PER RAMSEY COUNTY TAX INFORMATION)

NOTES

- Field survey was completed by E.G. Rud and Sons, Inc. on 01/29/24.
- Bearings shown are on Ramsey County datum.
- Parcel ID Number: 14-30-22-33-0111.
- Curb shots are taken at the top and back of curb.
- This survey was prepared without the benefit of title work. Additional easements, restrictions and/or encumbrances may exist other than those shown hereon. Survey subject to revision upon receipt of a current title commitment or an attorney's title opinion.
- Surveyed premises shown on this survey map is in Flood Zone X (Areas determined to be outside the 0.2% annual chance floodplain.), according to Flood Insurance Rate Map Community No. 270386 Panel No. 0035 Suffix G by the Federal Emergency Management Agency, effective date June 04, 2010.

EXISTING ZONING

R-3 SINGLE FAMILY RESIDENTIAL

MIN. LOT SIZE: 10,500 SF
 MIN. LOT WIDTH: 80 FEET

BUILDING SETBACKS

FRONT: 30 FEET
 SIDE: 10 FEET
 REAR: 30 FEET

EXISTING LEGAL DESCRIPTION

(PER DOC. NO. 1881762)

The South 293.76 feet of the West 82.5 feet of the Southwest Quarter of the Southwest Quarter of Section 14, Township 30, Range 22, Ramsey County, Minnesota.

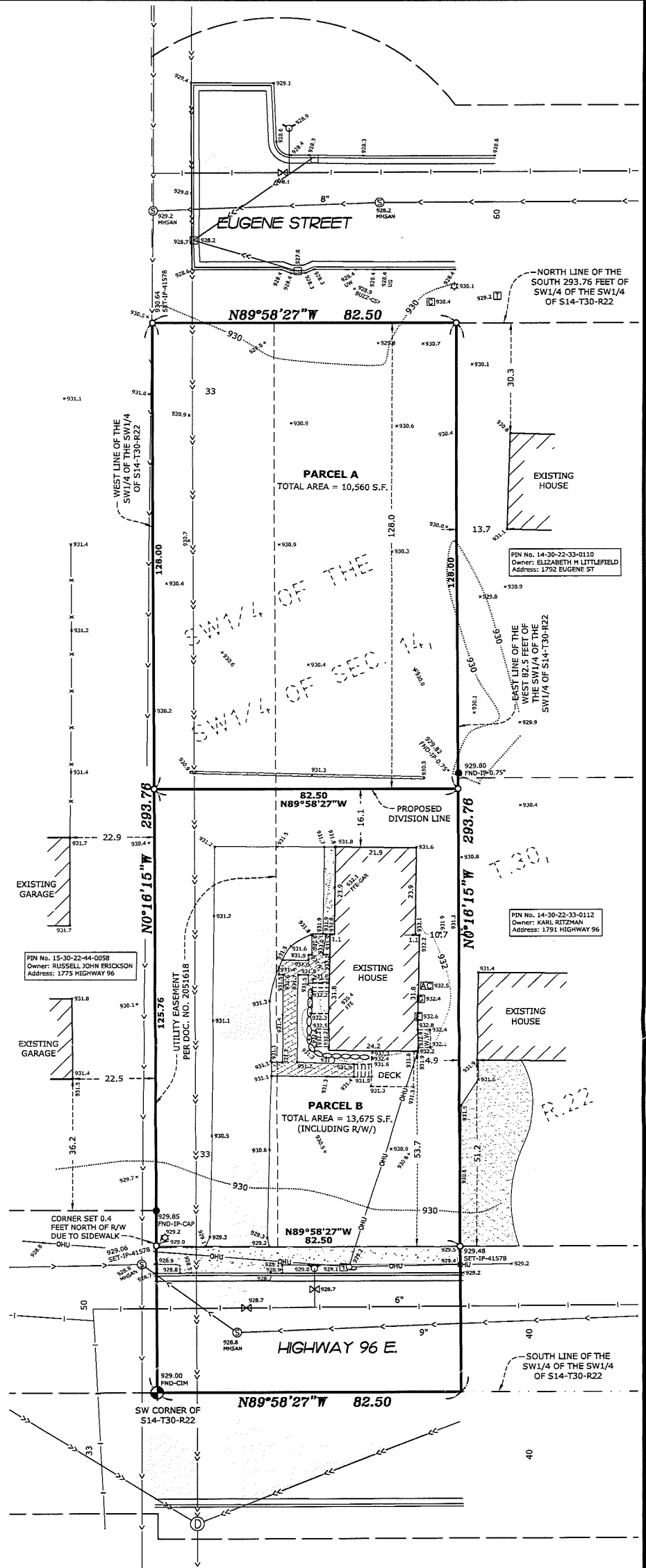
PROPOSED LEGAL DESCRIPTIONS

PARCEL A

The North 128 feet of the South 293.76 feet of West 82.5 feet of the Southwest Quarter of the Southwest Quarter of Section 14, Township 30, Range 22, Ramsey County, Minnesota.

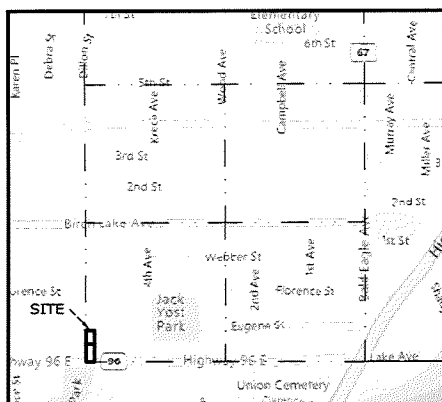
PARCEL B

The South 165.76 feet of the West 82.5 feet of the Southwest Quarter of the Southwest Quarter of Section 14, Township 30, Range 22, Ramsey County, Minnesota.



VICINITY MAP

PART OF SEC. 14, TWP. 30, RNG. 22



RAMSEY COUNTY, MINNESOTA
 (NO SCALE)

BENCHMARK

MNDOT BM: 9075
 ELEVATION: 929.89
 DATUM: NAVD 88

I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Registered Land Surveyor under the laws of the State of Minnesota.

Jason E. Rud
 JASON E. RUD

Date: 02/19/2024 License No. 41578

DRAWN BY: BCD	JOB NO: 240049BT	DATE: 02/19/24	
CHECK BY: JER	FIELD CREW: CB		
1			
2			
3			
NO.	DATE	DESCRIPTION	BY

E. G. RUD & SONS, INC.
 EST. 1977
 Professional Land Surveyors
 6776 Lake Drive NE, Suite 110
 Lino Lakes, MN 55014
 Tel. (651) 361-8200 Fax (651) 361-8701



City of White Bear Lake
Community Development Department

MEMORANDUM

TO: The Planning Commission
FROM: Ashton Miller, City Planner
DATE: April 29, 2024
SUBJECT: Solid Ground Variance – 3521 Century Avenue – Case No. 24-6-V

SUMMARY

The applicant, Solid Ground, requests a fourteen (14) stall variance from the one (1) enclosed parking space per dwelling unit requirement in order to demolish the existing garages and replace with nineteen (19) surface parking stalls at the site known as East Metro Place located at 3521 Century Avenue. Based on the findings made in this report, staff finds that the applicant has not demonstrated a practical difficulty with meeting the City's zoning regulations as required by Minnesota Statute 462.357, Subd.6 and recommends denial of this request.

GENERAL INFORMATION

Applicant/Owner: Solid Ground

Existing Land Use / Zoning: Apartment; zoned R-6: Medium Density Residential

Surrounding Land North: Townhomes; zoned R-6: Medium Density Residential
 South: Century College; Zoned P: Public
 East: City Water Tower; Zoned P: Public
 West: Single Unit Homes; Zoned R-3: Single Family Residential

Comprehensive Plan: High Density Residential

Lot Size & Width: Code: 3,600 sq. ft. per unit (122,400 sq. ft. required); 100 feet
 Site: 186,619 sq. ft.; 450 feet

60 Day Review Date: May 12, 2024; extended by the city 60 days to July 11, 2024

BACKGROUND INFORMATION

The subject site is located south of County Road E, north of the Century College campus and west of Century Avenue. The site does not have frontage along a street, rather is accessed through a private roadway. Approval for construction of a twenty (20) unit apartment for transitional housing for families was granted in 1992. The city and the property owners entered into a development agreement that placed a number of conditions on the improvement of the

lot due to neighborhood concerns and the fact that housing revenue bonds were being authorized by the city to fund the project. Initially, twenty (20) garage stalls were constructed in conjunction with the apartment building.

In 2002, the organization applied to amend the development agreement to allow fourteen (14) affordable housing units to be constructed on site. As a part of this proposal, a variance to eliminate all the garages and to construct the fourteen (14) new units with no garages was requested. The City Council granted a lesser variance to allow the removal of ten (10) garages and did not require construction of new garages for the fourteen (14) new units.

Ultimately, when a building permit was submitted, the organization agreed to retain six (6) garage stalls and build eight (8) new ones for a total of fourteen (14) stalls on site. Each of the fourteen (14) stalls are currently assigned to the residents in the permanent affordable units. A condition of approval of the expansion and removal of garages was to provide seventeen (17) proof of parking stalls to demonstrate compliance with the overall two (2) stalls per unit parking requirement.

As a part of this application request, the applicant is proposing to replace the fourteen (14) existing garages with nineteen (19) surface parking that will give the site four (4) additional surface parking spots. One (1) stall is being lost elsewhere on the site in association with restriping new accessible stalls. The required number of stalls is sixty-eight (68), half of which must be enclosed (2 stall per unit = 34 units X 2 = 68 total stalls, 34 of which must be enclosed). Currently, the site has forty-three (43) surface parking stalls and fourteen (14) garages for a total of fifty-seven (57) stalls. If the applicant's variance request to remove the fourteen (14) garages was approved, the site would have sixty-one (61) surface parking stalls and zero (0) enclosed garages.

The applicant has submitted a narrative providing findings to each of the variance review criteria, which is attached at the end of this memo and summarized below:

- The garages are only used for vehicle parking, so removing them would not increase the amount of exterior storage on site.
- The parking lot is generally screened from neighboring properties, so removing the garages will not have an impact on the surrounding neighborhood.
- Many residents do not own vehicles, so the demand for parking is limited.
- Removing the garages to allow additional surface parking stalls preserves green space on the west side of the property and gives residents and visitors access to more parking near the entrance.
- There are easements that encumber the property, limiting the developable area of the lot.
- Removing the garages improves safety, as they provide cover for trespassers hiding in the adjacent wooded area.

Community Comment. Under state law and the City's zoning regulations, variance applications require a public hearing. Accordingly, the City published notice of this request in the White Bear Press and mailed notice directly to property owners within 350 feet of the subject site. That

notice directed all interested parties to send questions or comments to the Planning Department by mail, phone, or email or to attend the public hearing where they could learn about the request, ask questions, and provide feedback. As of the writing of this report, city staff has not received any comments. During the public hearing, staff will provide an update if any public comments are received prior to the Planning Commission meeting.

ANALYSIS

Review Authority. City review authority for variance applications is considered a Quasi-Judicial action. This means the city acts like a judge in evaluating the facts against the legal standard. The city's role is limited to applying the legal standard of practical difficulties to the facts presented by the application. Generally, if the application meets the review standards, the variance should be approved.

Variance Review. The standards for reviewing variances are detailed in Minnesota State Statute 462.357, Subdivision 6. In summary, variances may be granted when the applicant establishes there are "practical difficulties" in complying with the zoning regulations. A practical difficulty is defined by the five questions listed below. Economic considerations alone do not constitute a practical difficulty. In addition, under the statute the City may choose to add conditions of approval that are directly related to and bear a rough proportionality on the impact created by the variance.

Staff has reviewed the variance request against the standards detailed in Minnesota State Statute 462.357, Subdivision 6 and finds the applicant has not demonstrated a practical difficulty. The standards for reviewing a variance application and staff's findings for each are provided below.

1. Is the variance in harmony with the purposes and intent of the ordinance?

Finding: The purpose of the off-street parking regulations is to alleviate or prevent congestion of the public right-of-way and to promote the safety and general welfare of the public by establishing minimum requirements for off-street parking of motor vehicles in accordance with the utilization of various parcels of land or structures. Multi-family units are required to have two (2) parking stalls per unit, one of which must be fully enclosed. Providing a structure to store a vehicle improves safety by deterring theft and screens vehicles and other materials from adjacent properties promoting the general welfare. Removing the garages would not be in harmony with the purpose and intent of the ordinance.

2. Is the variance consistent with the comprehensive plan?

Finding: While the 2040 Comprehensive Plan does not speak directly to parking needs, one of the guiding principles in the housing chapter is to, "maintain and reinvest in housing stock to preserve and enhance property values and keep neighborhoods attractive and livable." The garages offer a space to store vehicles and items typically used for outdoor recreation, so limit the amount of exterior storage. Removing the garages could lead to an increase in clutter on

the property, which would lead to a less attractive neighborhood; therefore, the proposed variance is not consistent with the comprehensive plan.

3. Does the proposal put the property to use in a reasonable manner?

Finding: Granting the requested variance does not put the property to reasonable use. The city's parking regulations establish a minimum standard for all properties and granting this variance would allow this property a lesser standard than other sites in the community. In this case, the applicant has already been granted a lesser parking standard through the seventeen (17) stall proof of parking accommodation and the previous variance to allow only fourteen (14) of the required thirty-four (34) enclosed parking spaces.

4. Are there unique circumstances to the property not created by the landowner?

Finding: There are not unique circumstances not created by the landowner. The existing garages meet the setback requirements and there is roughly a twenty-six (26) foot wide drive aisle between the garage stalls and the surface parking stalls at the narrowest point. This indicates that there is enough space to retain the garages while providing space for vehicles to maneuver through the site.

5. Will the variance, if granted, alter the essential character of the locality?

Finding: Granting the requested variance will alter the essential character of the surrounding neighborhood. The townhomes to the north and the single unit homes to the west all provide enclosed garage spaces for vehicles. Residential properties in the city are all required to provide enclosed parking spaces; removing the stalls alters the residential character of the property. In addition, as mentioned above, the applicant has already been granted a lesser parking standard through the seventeen(17) stall proof of parking accommodation and the previous variance to have only fourteen (14) of the required thirty four (34) enclosed parking spaces.

RECOMMENDATION

Staff recommends denial of the request, based on the following findings and determinations:

1. The variance is not in harmony with purposes and intent of the ordinance.
2. The variance as requested is inconsistent with the Comprehensive Plan.
3. The variance as requested is not necessary for the reasonable use of the land or building.
4. There are not unique circumstances to the property not created by the landowner.
5. Deviations from the code without reasonable justification will slowly alter the City's essential character.

ATTACHMENTS:

Resolution

Zoning/Location Map

Applicant's Narrative & Plans (4 pages)

RESOLUTION NO.

**RESOLUTION DENYING A PARKING STALL VARIANCE AT
3521 CENTURTY AVENUE WITHIN THE CITY OF WHITE BEAR LAKE, MINNESOTA**

WHEREAS, Solid Ground has requested a 14 stall variance from the one enclosed parking space per dwelling unit in order to demolish the existing garages, per code section 1302.050, Subd. 8.c, at the property located at following location:

LOCATION: 3521 Century Avenue

LEGAL DESCRIPTION: The South 416.22 feet of the East $\frac{3}{4}$ of the Northeast Quarter of Section 36, Township 30, Range 22, except the East 538.48 feet thereof, in Ramsey County, Minnesota.

WHEREAS, the City Planner prepared a memorandum dated April 29, 2024 regarding the requested variance (“Staff Report”) recommending denial of the variance and the Staff Report, together with any updates provided the City Council for its meeting, is incorporated in and made part of this Resolution by reference; and

WHEREAS, the Planning Commission held a public hearing, after due notice having been provided, regarding the requested variance on April 29, 2024, at which it provided the applicants and interested members of the public an opportunity to be heard; and

WHEREAS, after conducting the hearing and discussing the matter, the Planning Commission voted to forward the application to the City Council with a recommendation that it be denied; and

WHEREAS, the City Council has considered the advice and recommendations of the Planning Commission regarding the effect of the proposed variance upon the health, safety, and welfare of the community and its Comprehensive Plan, as well as any concerns related to compatibility of uses, traffic, property values, light, air, danger of fire, and risk to public safety in the surrounding areas; and

WHEREAS, the City Council hereby finds and determines as follows:

1. The findings contained in the Staff Report are adopted and made part of the City Council’s findings.
2. The variance is not in harmony with purposes and intent of the parking ordinance, zoning code section 1302.050, Subd. 8.c, which requires one fully enclosed parking stall per multi-family dwelling unit.
3. The variance as requested is inconsistent with the housing section of the Comprehensive Plan.
4. The variance as requested is not necessary for the reasonable use of the land or building.
5. There are not unique circumstances to the property not created by the landowner.

RESOLUTION NO.

Adequate space exists on the site for enclosed parking stalls.

6. Deviations from the code without reasonable justification will slowly alter the City's essential character.
7. The City Council agrees with the Planning Commission's findings and recommendation.
8. The City Council determines the applicants are not eligible under the Zoning Code for the requested variance.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of White Bear Lake, Minnesota that, based on the Staff Report, the Planning Commission's recommendation, the findings contained herein, and the record of this matter, the requested variance is hereby denied.

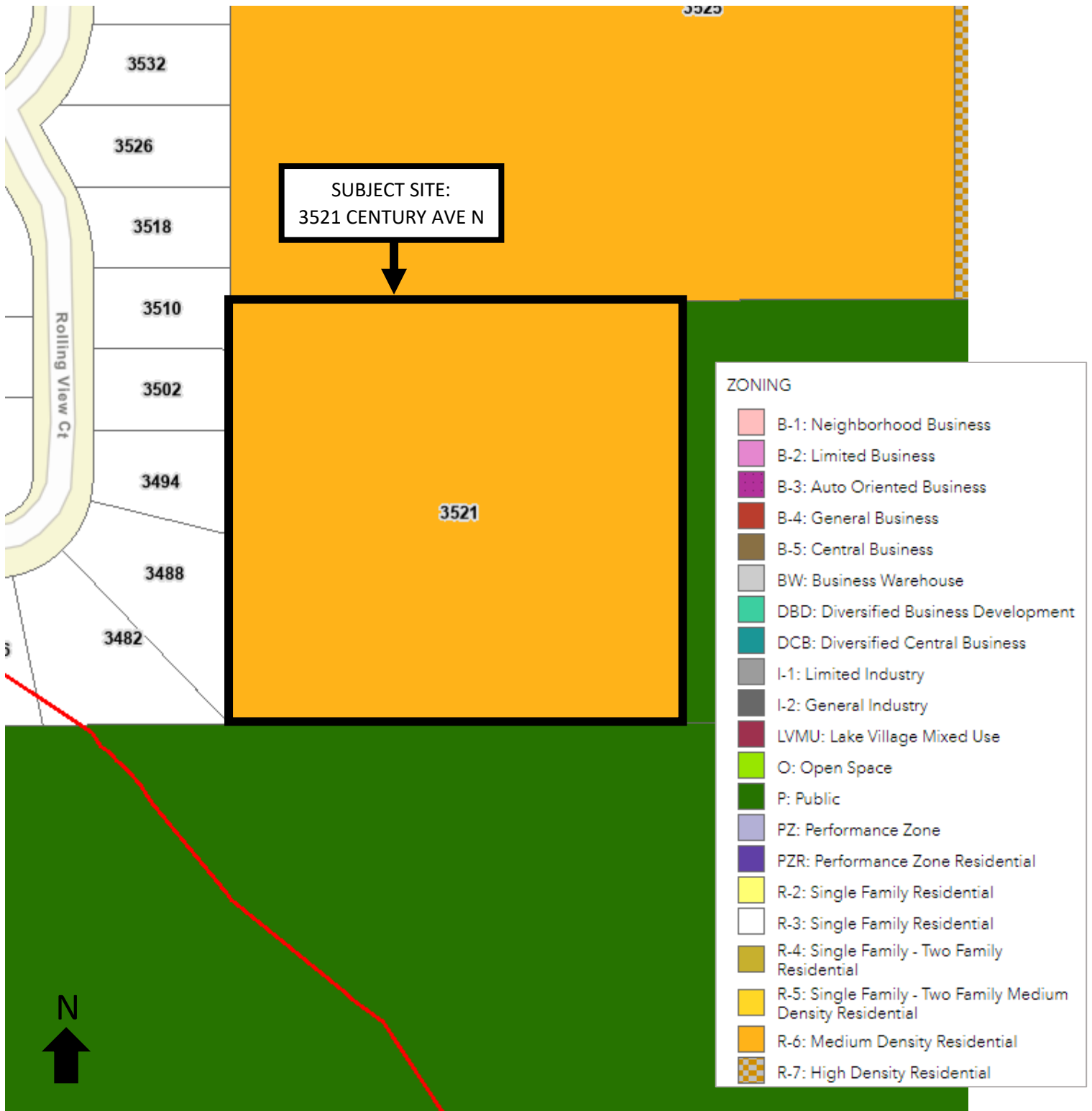
The foregoing resolution, offered by Councilmember _____ and supported by Councilmember _____, was declared carried on the following vote:


Ayes:
Nays:
Passed:

Dan Louismet, Mayor

ATTEST:

Caley Longendyke, City Clerk



 <p>City of White Bear Lake Planning & Zoning 651-429-8561</p>	<p>CASE NO. : <u>24-6-V</u></p>
	<p>CASE NAME : <u>Solid Ground</u></p>
	<p>DATE : <u>April 29, 2024</u></p>

Solid Ground, dba EMP Limited Partnership
Request for Variance to Zoning code §1302.050,f,Subd 8.c.
March 2024

Narrative

Solid Ground, doing business as the EMP Limited Partnership, owns East Metro Place, a 34-unit supportive housing community in White Bear Lake. The mission of Solid Ground is to prevent and end homelessness for families with children through housing, resources and opportunity. Solid Ground's organizational offices are located onsite at East Metro Place. A professional property management company, Sand Companies, is contracted to manage the building.

Solid Ground is proposing to expand East Metro Place by approximately 1,700 square feet (as described in our separate application for construction permitting) to expand its office space and make improvements to the program spaces for residents and visitors, including a new single, secure front entry. The existing building entrance will host the new secure front entry, as well as a courtyard with paving, signage, and landscaping. The entry will be identified with a canopy, including lighting and brand color integration to help with wayfinding.

As part of this project, Solid Ground is requesting a variance to zoning code **§1302.050,f,Subd8.c.** to remove the existing 14 detached garage units located on the eastern portion of the property, near the new secure front entry. The existing retaining walls will remain, and the pavement will be re-stripped, allowing for 5 additional surface parking spaces near the new entry. Three accessible parking stalls are being relocated to be closer to the main entry as well.

The eastern parking lot is poorly designed, and the garages are frequently damaged by vehicles backing into them, creating a constant eyesore and significant ongoing expenses for Solid Ground that take away from available resources for resident services. Also, the entire building will be re-sided as part of the remodeling project, providing a sleek, modern look that does not align with the garages.

Approval of this variance request will help achieve the following goals:

1. Safety
2. Access
3. Preservation of green space
4. Reduced maintenance costs

We believe this request is reasonable and meets the requirements of a variance for the following reasons:

1. The variance is in harmony with the purposes and intent of the ordinance.

Covered parking for residential units may be desired so that residents have space for storing outside equipment such as bicycles, grills, etc. However, the residential lease does not allow items other than vehicles to be stored in the garage units. There are several spaces in the building for resident storage.

Covered parking may also be desired to minimize the view of a parking lot by neighbors. Due to the location of the garages at the edge of the property line abutting a wooded area owned by the city (water tower property), open air parking would not impact the view of our neighbors.

Further, historically only 50% of residents own a vehicle, so the need for parking is less than is typical for a residential building.

2. The variance is consistent with the comprehensive plan.

There is little usable green space at East Metro Place. As part of a variance received about 20 years ago, a 17-space "proof of parking" area exists on the western edge of the property. If paved over, this proof of parking area would result in exceeding our impervious surface area limit and triggering watershed issues. It would also bump right up to the children's playground and require the removal of our community garden. By gaining parking spaces on the eastern side of the property instead, we preserve as much green space as possible, do not increase impervious surface on site, and limit the impact on neighboring properties.

3. The proposal puts the property to use in a reasonable manner.

The use of the space will not change; we would replace 14 covered parking spaces with 19 surface parking spaces. Adding parking spaces near the new secure front entry creates better access for residents and visitors, some of whom are elderly volunteers.

4. There are unique circumstances to the property not created by the landowner.

There is a 50-foot open space easement along the western property line as well as a wetland easement. Together, they make up about 35% of the total site area and limit our options for additional parking.

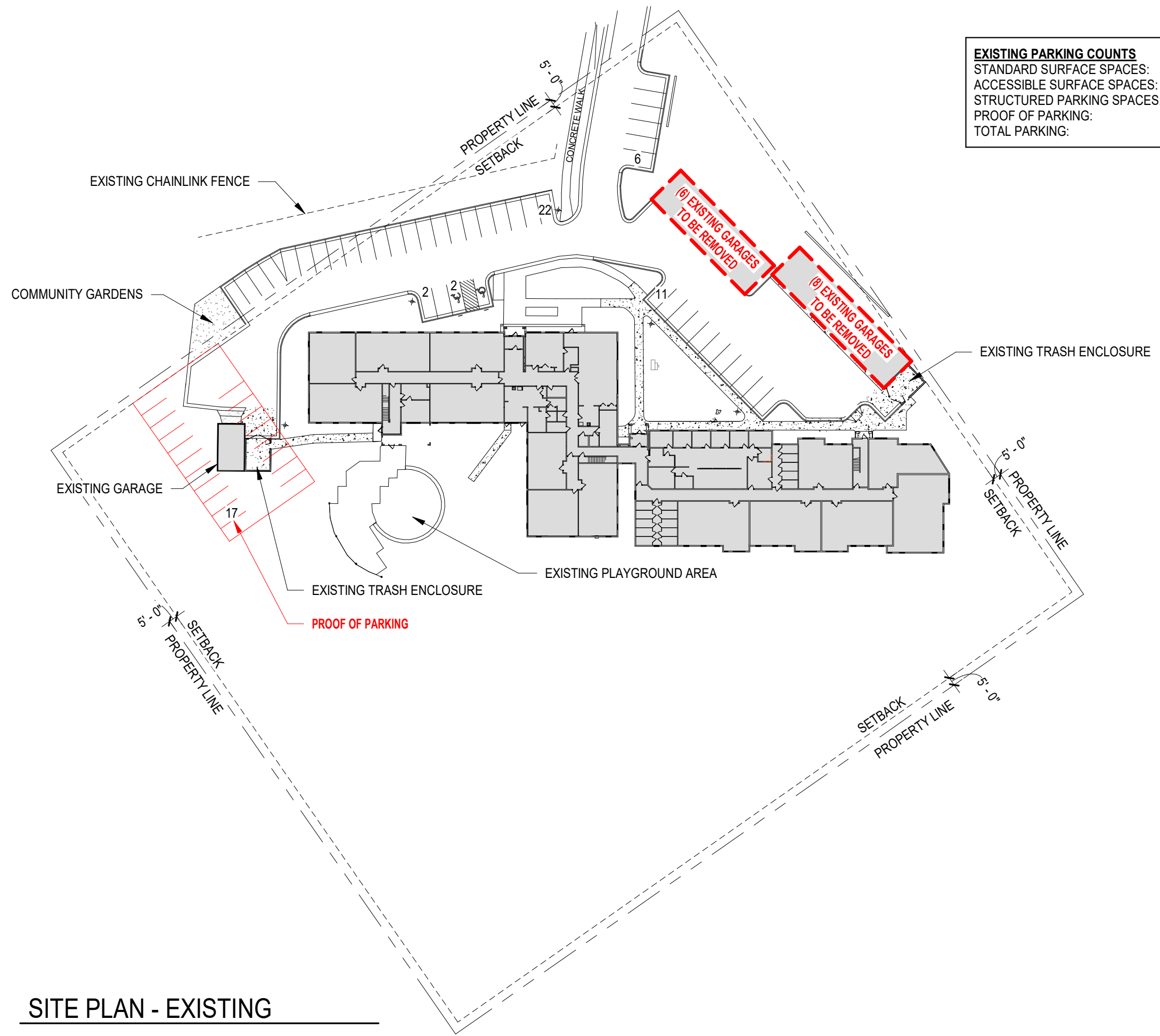
The existing garages abut a wooded area owned by the city and create a hidden area sometimes used by trespassers; their removal will improve visibility and safety for residents and public safety personnel.

5. The variance, if granted, will not alter the essential character of the locality.

We are replacing existing covered parking with surface parking spaces in an area that is screened from view by topography and the building itself. By gaining parking spaces on the eastern side of the property rather than to the west, we preserve as much open, green space as possible and limit the impact on neighboring properties.

EXISTING PARKING COUNTS	
STANDARD SURFACE SPACES:	41
ACCESSIBLE SURFACE SPACES:	2
STRUCTURED PARKING SPACES:	14
PROOF OF PARKING:	17
TOTAL PARKING:	74

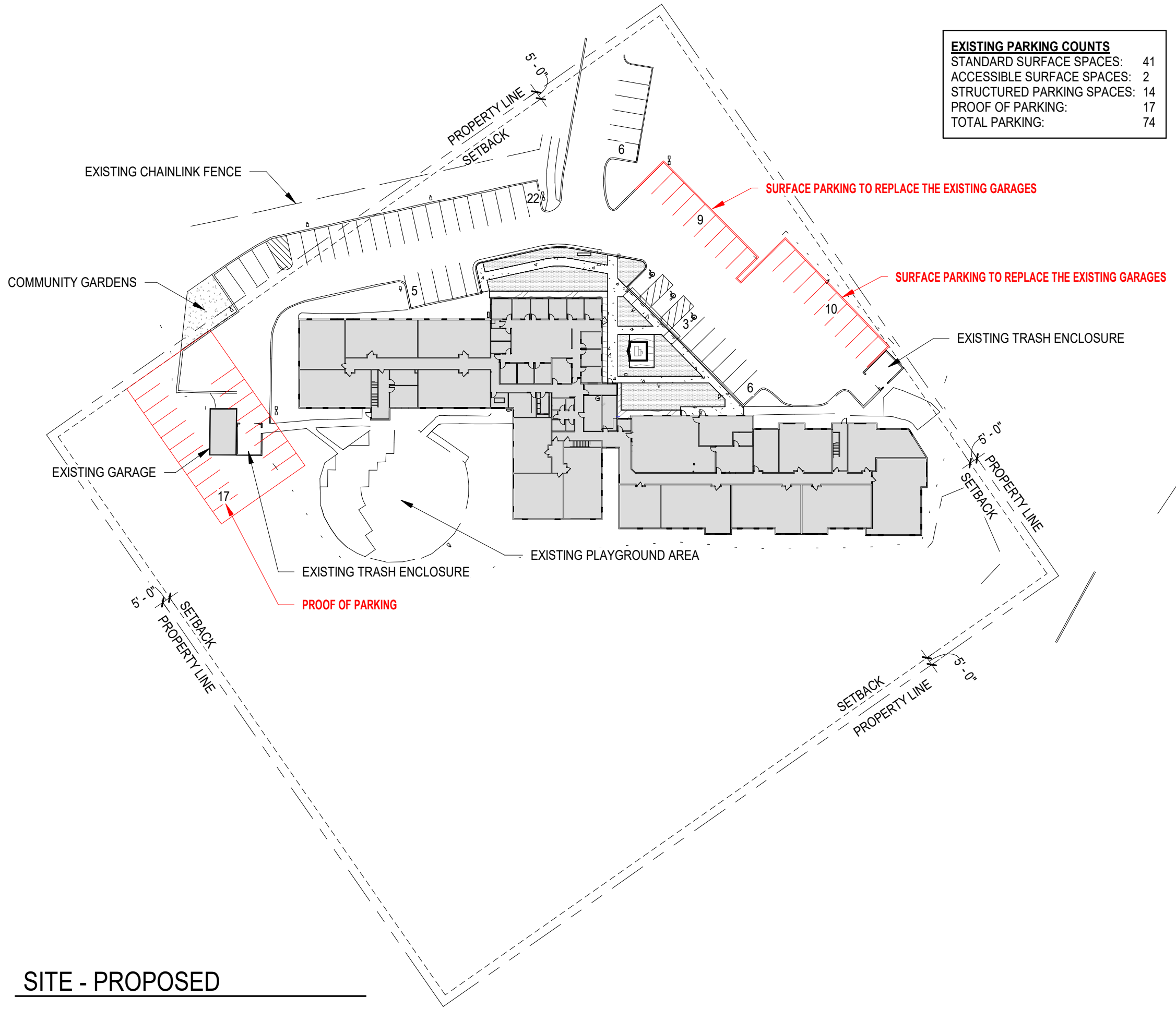
PROPOSED PARKING COUNTS	
STANDARD SURFACE SPACES:	58
ACCESSIBLE SURFACE SPACES:	3
STRUCTURED PARKING SPACES:	0
PROOF OF PARKING:	17
TOTAL PARKING:	78



SITE PLAN - EXISTING

EXISTING PARKING COUNTS	
STANDARD SURFACE SPACES:	41
ACCESSIBLE SURFACE SPACES:	2
STRUCTURED PARKING SPACES:	14
PROOF OF PARKING:	17
TOTAL PARKING:	74

PROPOSED PARKING COUNTS	
STANDARD SURFACE SPACES:	58
ACCESSIBLE SURFACE SPACES:	3
STRUCTURED PARKING SPACES:	0
PROOF OF PARKING:	17
TOTAL PARKING:	78



SITE - PROPOSED



City of White Bear Lake
Community Development Department

M E M O R A N D U M

TO: The Planning Commission
FROM: Ashton Miller, City Planner
DATE: April 29, 2024
SUBJECT: Vadnais Lot Split – 5005 Bald Eagle Avenue – Case No. 24-7-LS

SUMMARY

The applicants, Robert and Deb Waag on behalf of owner Roberta Vadnais, request a minor subdivision to split the property at 5005 Bald Eagle Avenue into two parcels. As a Minor Subdivision, this application requires review by both the Planning Commission and City Council but no public hearing. Based on the findings made in this report, staff recommends approval of this request.

GENERAL INFORMATION

Applicant/Owner: Robert and Deb Waag / Roberta Vadnais

Existing Land Use / Zoning: Single-Family Home; Zoned R-3: Single Family Residential

Surrounding Land Use / Zoning: North, South & West: Single-Family Homes; Zoned R-3
East: White Bear Lake Area High School; Zoned P: Public

Comprehensive Plan: Low Density Residential

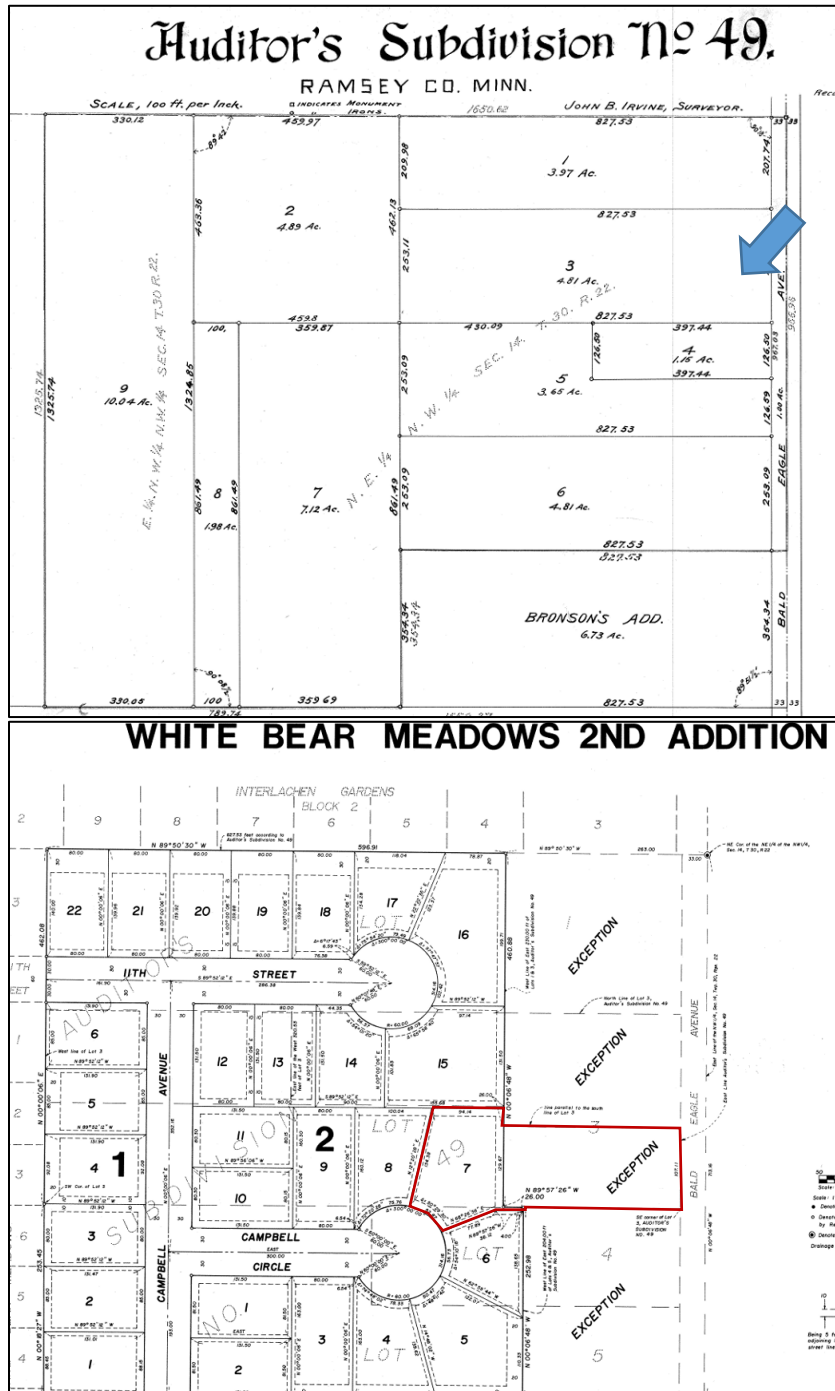
Lot Size & Width: Code: 10,500 square feet; 80 feet wide
Site: 40,676 square feet; 107 feet wide
Proposed Parcel A: 15,275 square feet; 90 feet wide
Proposed Parcel B: 25,302 square feet; 107 feet wide

60 Day Review Date: May 24, 2024

BACKGROUND INFORMATION

The subject site contains a single-family home with two detached garages. The city does not have record of when the garage on the south side of the property was constructed. A size variance was granted in 1974 for the construction of the garage on the north side of the lot as the two garages combined exceeded the allowable accessory structure square footage.

The lot was originally platted in 1907 as part of Auditor's subdivision number 49. Parcels were carved out over time and then the western portion was subdivided as part of White Bear Meadows Second Addition in 1988. It is unclear when the western lot was tied to the lot that abuts Bald Eagle Avenue as lot combinations can be completed directly with Ramsey County without city review.



The current request to subdivide the lot is similar to the previous approval in 1988, with a slight

alteration to the shared lot line. There are no plans to develop the newly created lot at this time and the single family home with detached garage will continue to exist on parcel B. As a part of this request, the applicants are proposing to vacate the existing drainage and utility easements and re-establish them around the new lot lines. A public hearing for the easement vacation will be held at the May 14th City Council meeting. Staff will send mail notices to the surrounding neighbors 10 days before the meeting.

Community Comment. As a Minor Subdivision, no public hearing is required for this application. As a result, the city has not received public comments about this application.

ANALYSIS

Review Authority. City review authority for subdivision applications is considered a Quasi-Judicial action. As such, the city is acting as a judge to determine if the regulations within the Comprehensive Plan, Zoning Ordinance, and Subdivision Ordinance are being followed. Generally, if the application meets these requirements, the subdivision application should be approved. The city also has the authority to add conditions to an approval that are directly related to the application.

Minor Subdivision Review. The standards for reviewing subdivision requests are outlined in section 1401 of the city code. Section 1407.030 allows requests for lot splits to be exempt from the formal platting requirements when the following conditions are met:

- The subdivision results in fewer than three lots;
- Public utilities and street right-of-ways serve the parcel;
- The new legal description does not rely on metes and bounds and is not overly complicated; and
- The newly created property lines will not cause any resulting lot to be in violation of the regulations or the zoning code.

Staff has reviewed the lot split request against the standards utilized for other land use requests and has provided the following analysis.

1. Is the proposal consistent with the City's Comprehensive Plan?

Finding: The Future Land Use Map in the 2040 Comprehensive Plan guides the subject property as Low Density Residential, which is characterized by a density range of 3 to 9 units per acre. Typical housing types include single family detached and attached. The property is currently at a density of 1.1 units per acre. The subdivision will increase the density to 2.2 units per acre, bringing the area closer to conformance with the land use designation prescribed in the 2040 Comprehensive Plan.

2. Is the proposal consistent with existing and future land uses in the area?

Finding: The proposal is consistent with the existing and future land uses in the area. The surrounding neighborhood is zoned R-3, Single Family and primarily consists of detached single

unit housing with the exception of the high school on the east side of Bald Eagle Avenue. According to the applicant, there are no plans to build on the newly created lot at this time. Future use of newly created lot will be subject to the uses and development standards of the Low Density Residential Future Land Use designation and R-3, Single Family zoning classification.

3. Does the proposal conform to the zoning code requirements?

Finding: The proposed lot split will create two lots that exceed the minimum lot width and size requirements for properties in the R-3 zoning district. When all setback requirements are accounted for on the newly created parcel, there is adequate buildable area to construct a home without variance.

There is one existing nonconformity on the property and one nonconformity that will result from the lot split. First, the existing garage on parcel B was constructed too close to the southern property line and does not meet the 5 foot minimum setback requirement. As this is an existing building, it is considered legal nonconforming or “grandfathered in” and can be repaired, maintained or even replace but cannot be expanded consistent with Minnesota Statute 462.357, Subd. 1e. The garage will meet the setback from the newly created lot line.

Second, splitting these lots will result in an accessory garage on parcel A without a principal use (i.e. single unit home). Staff has included a condition of approval that the existing accessory garage shall not be used until a principal use is constructed on the lot. If a principal use is not constructed within 3 years, the city may require the accessory building to be demolished and removed from the property at the owner’s expense.

4. Will the proposal depreciate values in the area?

Finding: The proposal will not depreciate values in the area. Splitting the subject property in to two lots that meet the R-3 zoning standards will allow for additional investment and housing options in the surrounding neighborhood.

5. Will the proposal overburden the existing public services nor the capacity of the City to service the area?

Finding: The proposal will not overburden the existing services. The home that fronts Bald Eagle Avenue is already tied into city sewer and water and there are sanitary and water utilities available for a future new home on the lot abutting Campbell Circle.

6. Will traffic generation be within the capabilities of the streets serving the site?

Finding: The number of access points to Bald Eagle Avenue will not change with this proposal. The Campbell Circle cul-de-sac is sufficient in size to accommodate the traffic generated by one additional dwelling unit.

RECOMMENDATION

Staff recommends approval of the minor subdivision at 5005 Bald Eagle Avenue, subject to the following conditions:

1. All application materials, maps, drawings, and descriptive information submitted in this application shall become part of the permit.
2. Within 6 months after the approval of the survey by the city, the applicant shall record the survey, along with the instruments of conveyance with the County Land Records Office, or the subdivision shall become null and void.
3. The resolution of approval shall be recorded against both properties and notice of these conditions shall be provided as condition of the sale of any lot.
4. The application shall provide the city with proof of recording (receipt) as evidence of compliance with conditions #2 and #3. Within 120 days after the date of recording, the applicant shall provide the City Planner with a final recorded copy of the certificate of survey.
5. The applicant shall agree to reapportion any pending or actual assessments on the original parcel or lot of recording in accordance with the original assessment formula on the newly approved parcels, as per the city of White Bear Lake finance office schedules.
6. Durable iron monuments shall be set at the intersection points of the new lot lines with existing lot lines. The applicant shall have one year from the date of Council approval in which to set the monuments.
7. The park dedication fee for parcel A shall be paid at the time when a building permit is issued. That fee shall be based on the City's park dedication requirement when a building permit is issued.
8. Metropolitan Council SAC (Sewer Availability Charge) and WAC (Water Availability Charge) and city SAC and WAC shall be due at the time of building permit for parcel A.
9. Water and sewer hook-up fees shall be collected at the time when a building permit is issued for parcel A.
10. A tree preservation plan shall be submitted for review and approval prior to the issuance of a building permit for new construction on parcel A.
11. The applicant must dedicate easements as illustrated on the survey or as approved by the City Planner and City Engineer.
12. No accessory use of parcel A, including use of the existing accessory garage, will be allowed until a certificate of occupancy issued for a principal use. If no certificate of occupancy for a principal use is approved for parcel A within 3 years of the date of this Minor Subdivision, the city may require the accessory building to be demolished and removed from the site at the property owner's expense.

ATTACHMENTS:

Resolution

Certificate of Survey – Existing Conditions

Certificate of Survey – Proposed Conditions

RESOLUTION NO.

**RESOLUTION GRANTING A MINOR SUBDIVISION FOR
5005 BALD EAGLE AVENUE WITHIN THE CITY OF WHITE BEAR LAKE, MINNESOTA**

WHEREAS, Roberta Vadnais (24-7-LS) has requested a minor subdivision, per code section 1407.030, in order to split one lot into two at the following location:

LEGAL DESCRIPTION: Attached as Exhibit A.

WHEREAS, the Planning Commission has reviewed this proposal on April 29, 2024; and

WHEREAS, the City Council has considered the advice and recommendations of the Planning Commission regarding the effect of the proposed variance upon the health, safety, and welfare of the community and its Comprehensive Plan, as well as any concerns related to compatibility of uses, traffic, property values, light, air, danger of fire, and risk to public safety in the surrounding areas;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of White Bear Lake, Minnesota that the City Council accepts and adopts the following findings of the Planning Commission:

1. The proposal is consistent with the city's Comprehensive Plan.
2. The proposal is consistent with existing and future land uses in the area.
3. The proposal conforms to the Zoning Code requirements.
4. The proposal will not depreciate values in the area.
5. The proposal will not overburden the existing public services nor the capacity of the City to service the area.
6. The traffic generation will be within the capabilities of the streets serving the site.

BE IT FURTHER RESOLVED, that the City Council of the City of White Bear Lake hereby approves the requested minor subdivision, subject to the following conditions:

1. All application materials, maps, drawings, and descriptive information submitted in this application shall become part of the permit.
2. Within 6 months after the approval of the survey by the city, the applicant shall record the survey, along with the instruments of conveyance with the County Land Records Office, or the subdivision shall become null and void.
3. The resolution of approval shall be recorded against both properties and notice of these conditions shall be provided as condition of the sale of any lot.
4. The application shall provide the city with proof of recording (receipt) as evidence of compliance with conditions #2 and #3. Within 120 days after the date of recording, the applicant shall provide the City Planner with a final recorded copy of the certificate of survey.
5. The applicant shall agree to reapportion any pending or actual assessments on the original

RESOLUTION NO.

parcel or lot of recording in accordance with the original assessment formula on the newly approved parcels, as per the city of White Bear Lake finance office schedules.

6. Durable iron monuments shall be set at the intersection points of the new lot lines with existing lot lines. The applicant shall have one year from the date of Council approval in which to set the monuments.
7. The park dedication fee for parcel A shall be paid at the time when a building permit is issued. That fee shall be based on the City’s park dedication requirement when a building permit is issued.
8. Metropolitan Council SAC (Sewer Availability Charge) and WAC (Water Availability Charge) and city SAC and WAC shall be due at the time of building permit for parcel A.
9. Water and sewer hook-up fees shall be collected at the time when a building permit is issued for parcel A.
10. A tree preservation plan shall be submitted for review and approval prior to the issuance of a building permit for new construction on parcel A.
11. The applicant must dedicate easements as illustrated on the survey or as approved by the City Planner and City Engineer.
12. No accessory use of parcel A, including use of the existing accessory garage, will be allowed until a certificate of occupancy issued for a principal use. If no certificate of occupancy for a principal use is approved for parcel A within 3 years of the date of this Minor Subdivision, the city may require the accessory building to be demolished and removed from the site at the property owner’s expense.

The foregoing resolution, offered by Councilmember _____ and supported by Councilmember _____, was declared carried on the following vote:

Ayes:
Nays:
Passed:

Dan Louismet, Mayor

ATTEST:

Caley Longendyke, City Clerk

Approval is contingent upon execution and return of this document to the City Planning Office. I have read and agree to the conditions of this resolution as outlined above.

Applicant’s Signature Date

RESOLUTION NO.

EXHIBIT A

EXISTING LEGAL DESCRIPTION

That part of Lot 7, Block 2, WHITE BEAR MEADOWS 2ND ADDITION, overlying all that part of Lot 3, AUDITORS SUBDIVISION NO. 49, described as follows:

Commencing on the Southeasterly corner of said Lot 3; thence Northerly along the Easterly line of said Lot, 107.11 feet; thence Westerly parallel to the South line of said Lot, 230 feet; thence Northerly parallel to the Easterly line of said Lot, 26 feet; thence Westerly parallel to the Southerly line of said Lot, 597.53 feet to the West line of said Lot; thence South along the West line of said Lot, 133.11 feet to the Southwesterly corner thereof; thence East along the South line of said Lot, 827.53 feet to the point of beginning, except the East 230.00 feet thereof.

TORRENS Certificate No. 360971

AND

East 230 feet of the following described property:

That part of Lot 3, AUDITOR'S SUBDIVISION NO. 49, described as follows:

Commencing on the Southeasterly corner of said Lot 3; thence Northerly along the Easterly line of said Lot, 107.11 feet; thence Westerly parallel to the South line of said Lot, 230 feet; thence Northerly parallel to the Easterly line of said Lot, 26 feet; thence Westerly parallel to the Southerly line of said Lot, 597.53 feet to the West line of said Lot; thence South along the West line of said Lot, 133.11 feet to the Southwesterly corner thereof, thence East along the South line of said Lot, 827.53 feet to the point of beginning.

TORRENS Certificate No. 613727

PROPOSED LEGAL DESCRIPTIONS

PARCEL A

That part of Lot 7, Block 2, WHITE BEAR MEADOWS 2ND ADDITION, Ramsey County, Minnesota, lying North of the South line of Lot 3, AUDITOR'S SUBDIVISION NO. 49, Ramsey County, Minnesota, and lying Westerly of the following described line:

Commencing on the Southeasterly corner of said Lot 3; thence Northerly along the Easterly line of said Lot 3, 107.11 feet; thence Westerly parallel to the South line of said Lot 3, 230 feet, more or less, to a point on an Easterly line of said Lot 7, Block 2; thence Southwesterly to an angle point on the Southerly line of said Lot 7, Block 2, being 77.89 feet northeasterly of the most Southerly corner of said Lot 7, Block 2, and said line there terminating.

TORRENS

AND

That part of Lot 7, Block 2, WHITE BEAR MEADOWS 2ND ADDITION, Ramsey County, Minnesota lying Southerly of the South line of Lot 3, AUDITOR'S SUBDIVISION NO. 49 and Westerly of the following described line:

Commencing on the Southeasterly corner of said Lot 3; thence Northerly along the Easterly line of said Lot 3, 107.11 feet; thence Westerly parallel to the South line of said Lot 3, 230 feet, more or less, to a point on an Easterly line of said Lot 7, Block 2; thence Southwesterly to an angle point on the Southerly line of said Lot 7, Block 2, being 77.89 feet northeasterly of the most Southerly corner of said Lot 7, Block 2, and said line there terminating.

ABSTRACT

RESOLUTION NO.

PARCEL B

That part of Lot 3, AUDITOR'S SUBDIVISION NO. 49, Ramsey County, Minnesota, described as follows: Beginning at the Southeasterly corner of said Lot 3; thence Northerly along the Easterly line of said Lot 3, 107.11 feet; thence Westerly parallel to the South line of said Lot 3, 230 feet, more or less, to the West line of the East 230 feet of said Lot 3; thence Southerly, parallel with the East line of said Lot 3 to the South line of said Lot 3; thence Easterly, along said South line of Lot 3 to the point of beginning.

AND

That part of Lot 7, Block 2, WHITE BEAR MEADOWS 2ND ADDITION, Ramsey County, Minnesota, lying North of the South line of Lot 3, AUDITOR'S SUBDIVISION NO. 49, Ramsey County, Minnesota, and lying Easterly of the following described line:

Commencing on the Southeasterly corner of said Lot 3; thence Northerly along the Easterly line of said Lot 3, 107.11 feet; thence Westerly parallel to the South line of said Lot 3, 230 feet, more or less, to a point on an Easterly line of said Lot 7, Block 2; thence Southwesterly to an angle point on the Southerly line of said Lot 7, Block 2, being 77.89 feet northeasterly of the most Southerly corner of said Lot 7, Block 2, and said line there terminating.

TORRENS

AND

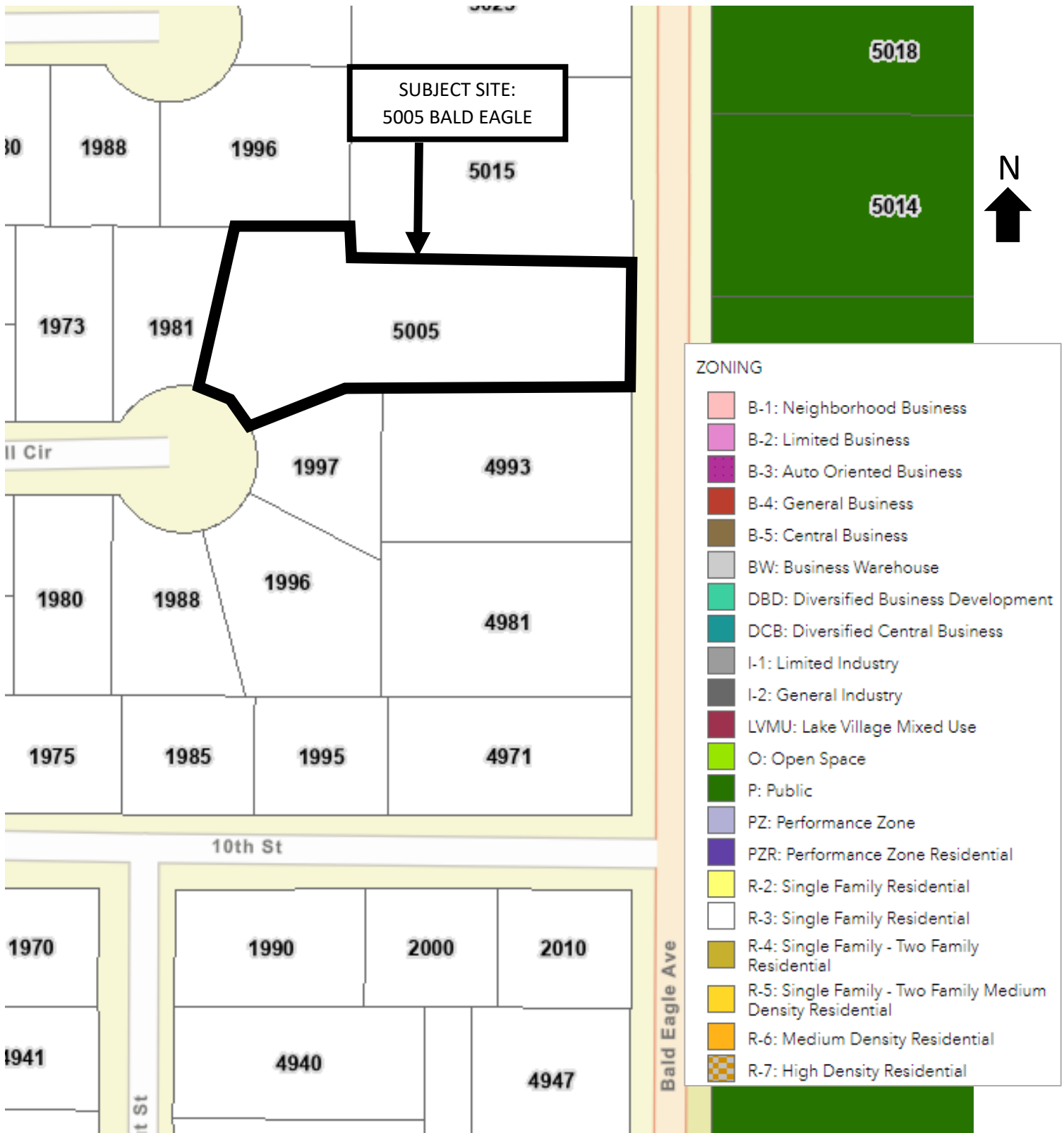
That part of Lot 7, Block 2, WHITE BEAR MEADOWS 2ND ADDITION, Ramsey County, Minnesota lying Southerly of the South line of Lot 3, AUDITOR'S SUBDIVISION NO. 49 and Easterly of the following described line:

Commencing on the Southeasterly corner of said Lot 3; thence Northerly along the Easterly line of said Lot 3, 107.11 feet; thence Westerly parallel to the South line of said Lot 3, 230 feet, more or less, to a point on an Easterly line of said Lot 7, Block 2; thence Southwesterly to an angle point on the Southerly line of said Lot 7, Block 2, being 77.89 feet northeasterly of the most Southerly corner of said Lot 7, Block 2, and said line there terminating.

ABSTRACT

TOGETHER WITH

An easement for drainage and utility purposes, over, under, and across the North 5.0 feet of the South 107.11 feet, as measured along the Easterly line, of the East 230.0 feet; the South 5.0 feet of the East 160.0 feet; and the East 10.0 feet of the South 107.11 feet, as measured along the Easterly line of said Lot 3, AUDITOR'S SUBDIVISION NO. 49.

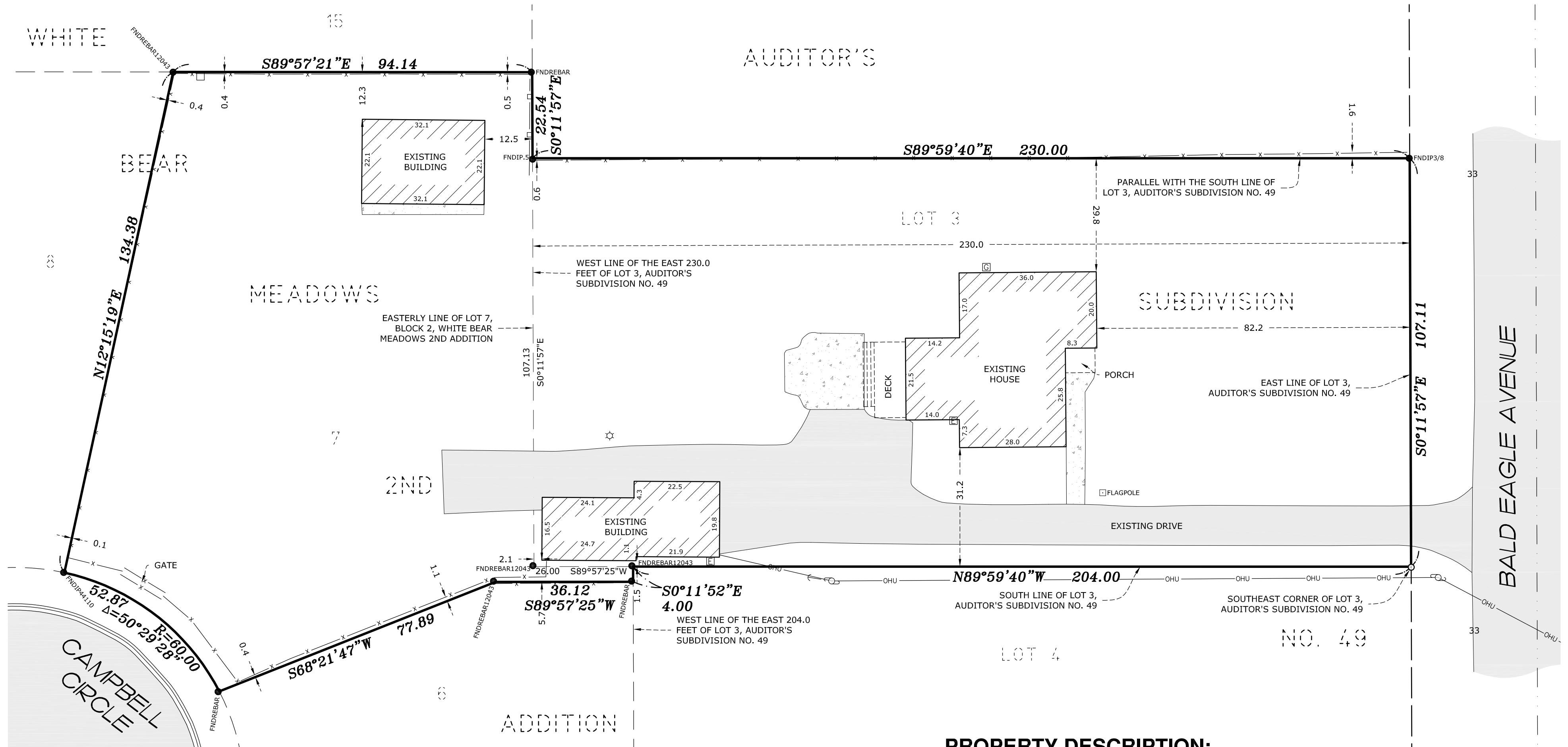
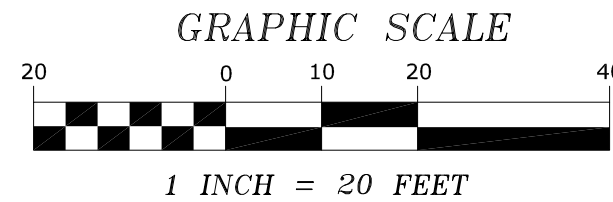


City of
White Bear Lake
Planning & Zoning
651-429-8561

CASE NO.	: <u>24-7-LS</u>
CASE NAME	: <u>Bald Eagle Lot Split</u>
DATE	: <u>April 29, 2024</u>

CERTIFICATE OF SURVEY

~for~ ROBERT & DEB WAAG
 ~of~ 5005 BALD EAGLE AVENUE
 WHITE BEAR LAKE, MN



SURVEY NOTES

- Field survey was completed by E.G. Rud and Sons, Inc. on 11/29/23.
- Bearings shown are on Ramsey County datum.
- Parcel ID Number: 14-30-22-21-0143.
- This survey was prepared without the benefit of title work. Additional easements, restrictions and/or encumbrances may exist other than those shown hereon. Survey subject to revision upon receipt of a current title commitment or an attorney's title opinion.

LEGEND

- DENOTES IRON MONUMENT FOUND
- DENOTES IRON MONUMENT SET, MARKED RLS #52140
- DENOTES CATCH BASIN
- ⊠ DENOTES ELECTRICAL BOX
- ⊞ DENOTES GAS METER
- ↖ DENOTES GUY WIRE
- ☆ DENOTES LIGHT POLE
- ⊕ DENOTES POWER POLE
- x- DENOTES FENCE
- o- DENOTES WOOD FENCE
- OHU- DENOTES OVERHEAD UTILITY
- ▒ DENOTES BITUMINOUS SURFACE
- ▒ DENOTES CONCRETE SURFACE

PROPERTY DESCRIPTION:

That part of Lot 7, Block 2, WHITE BEAR MEADOWS 2ND ADDITION, overlying all that part of Lot 3, AUDITORS SUBDIVISION NO. 49, described as follows:

Commencing on the Southeastly corner of said Lot 3; thence Northerly along the Easterly line of said Lot, 107.11 feet; thence Westerly parallel to the South line of said Lot, 230 feet; thence Northerly parallel to the Easterly line of said Lot, 26 feet; thence Westerly parallel to the Southerly line of said Lot, 597.53 feet to the West line of said Lot; thence South along the West line of said Lot, 133.11 feet to the Southwesterly corner thereof; thence East along the South line of said Lot, 827.53 feet to the point of beginning, except the East 230.00 feet thereof.

TORRENS Certificate No. 360971

AND

East 230 feet of the following described property:

That part of Lot 3, AUDITOR'S SUBDIVISION NO. 49, described as follows:

Commencing on the Southeastly corner of said Lot 3; thence Northerly along the Easterly line of said Lot, 107.11 feet; thence Westerly parallel to the South line of said Lot, 230 feet; thence Northerly parallel to the Easterly line of said Lot, 26 feet; thence Westerly parallel to the Southerly line of said Lot, 597.53 feet to the West line of said Lot; thence South along the West line of said Lot, 133.11 feet to the Southwesterly corner thereof, thence East along the South line of said Lot, 827.53 feet to the point of beginning.

TORRENS Certificate No. 613727

I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Registered Land Surveyor under the laws of the State of Minnesota.

Daniel S. Hanson
 DANIEL S. HANSON

Date: 12/18/2023 License No. 52140

DRAWN BY: RAF	JOB NO: 231192PP	DATE: 12-18-23	
CHECK BY: DSH	FIELD CREW: DT/CT		
1			
2			
3			
NO.	DATE	DESCRIPTION	BY

E.G. RUD & SONS, INC.
 EST. 1977
 Professional Land Surveyors
 6776 Lake Drive NE, Suite 110
 Lino Lakes, MN 55014
 Tel. (651) 361-8200 Fax (651) 361-8701

NORTH

MINOR SUBDIVISION

~for~ ROBERT & DEB WAAG
 ~of~ 5005 BALD EAGLE AVENUE
 WHITE BEAR LAKE, MN

SURVEY NOTES

- Field survey was completed by E.G. Rud and Sons, Inc. on 11/29/23.
- Bearings shown are on Ramsey County datum.
- Parcel ID Number: 14-30-22-21-0143.

EXISTING LEGAL DESCRIPTION:

PARCEL 1:
 That part of Lot 7, Block 2, WHITE BEAR MEADOWS 2ND ADDITION, overlying all that part of Lot 3, AUDITORS SUBDIVISION NO. 49, described as follows:

Commencing on the Southeastern corner of said Lot 3; thence Northerly along the Easterly line of said Lot, 107.11 feet; thence Westerly parallel to the South line of said Lot, 230 feet; thence Northerly parallel to the Easterly line of said Lot, 26 feet; thence Westerly parallel to the Southerly line of said Lot, 597.53 feet to the West line of said Lot; thence South along the West line of said Lot, 133.11 feet to the Southwest corner thereof; thence East along the South line of said Lot, 827.53 feet to the point of beginning, except the East 230.00 feet thereof.

TORRENS Certificate No. 360971

AND

PARCEL 2:

East 230 feet of the following described property:

That part of Lot 3, AUDITOR'S SUBDIVISION NO. 49, described as follows:

Commencing on the Southeastern corner of said Lot 3; thence Northerly along the Easterly line of said Lot, 107.11 feet; thence Westerly parallel to the South line of said Lot, 230 feet; thence Northerly parallel to the Easterly line of said Lot, 26 feet; thence Westerly parallel to the Southerly line of said Lot, 597.53 feet to the West line of said Lot; thence South along the West line of said Lot, 133.11 feet to the Southwest corner thereof, thence East along the South line of said Lot, 827.53 feet to the point of beginning.

TORRENS Certificate No. 613727

AND

PARCEL 3:

Lot 7, Block 2, WHITE BEAR MEADOWS 2ND ADDITION, except that part of Lot 7, Block 2 overlying all that part of Lot 3, AUDITOR'S SUBDIVISION NO. 49, described as follows:

Commencing on the Southeastern corner of said Lot 3; thence Northerly along the Easterly line of said Lot, 107.11 feet; thence Westerly parallel to the South line of said Lot, 230 feet; thence Northerly parallel to the Easterly line of said Lot, 26 feet; thence Westerly parallel to the southerly line of said Lot 597.53 feet to the west line of said Lot; thence South along the west line of said Lot, 133.11 feet to the southwest corner thereof; thence East along the south line of said Lot, 827.53 feet to the point of beginning, EXCEPT the East 230.00 feet thereof.

ABSTRACT

PROPOSED LEGAL DESCRIPTION PARCEL A:

That part of Lot 7, Block 2, WHITE BEAR MEADOWS 2ND ADDITION, Ramsey County, Minnesota, lying North of the South line of Lot 3, AUDITOR'S SUBDIVISION NO. 49, Ramsey County, Minnesota, and lying Westerly of the following described line:

Commencing on the Southeastern corner of said Lot 3; thence Northerly along the Easterly line of said Lot 3, 107.11 feet; thence Westerly parallel to the South line of said Lot 3, 230 feet, more or less, to a point on an Easterly line of said Lot 7, Block 2; thence Southwesterly to an angle point on the Southerly line of said Lot 7, Block 2, being 77.89 feet northeasterly of the most Southerly corner of said Lot 7, Block 2, and said line there terminating.

TORRENS

AND

That part of Lot 7, Block 2, WHITE BEAR MEADOWS 2ND ADDITION, Ramsey County, Minnesota lying Southerly of the South line of Lot 3, AUDITOR'S SUBDIVISION NO. 49 and Westerly of the following described line:

Commencing on the Southeastern corner of said Lot 3; thence Northerly along the Easterly line of said Lot 3, 107.11 feet; thence Westerly parallel to the South line of said Lot 3, 230 feet, more or less, to a point on an Easterly line of said Lot 7, Block 2; thence Southwesterly to an angle point on the Southerly line of said Lot 7, Block 2, being 77.89 feet northeasterly of the most Southerly corner of said Lot 7, Block 2, and said line there terminating.

ABSTRACT

PROPOSED LEGAL DESCRIPTION PARCEL B:

That part of Lot 3, AUDITOR'S SUBDIVISION NO. 49, Ramsey County, Minnesota, described as follows:

Beginning at the Southeastern corner of said Lot 3; thence Northerly along the Easterly line of said Lot 3, 107.11 feet; thence Westerly parallel to the South line of said Lot 3, 230 feet, more or less, to the West line of the East 230 feet of said Lot 3; thence Southerly, parallel with the East line of said Lot 3 to the South line of said Lot 3; thence Easterly, along said South line of Lot 3 to the point of beginning.

AND

That part of Lot 7, Block 2, WHITE BEAR MEADOWS 2ND ADDITION, Ramsey County, Minnesota, lying North of the South line of Lot 3, AUDITOR'S SUBDIVISION NO. 49, Ramsey County, Minnesota, and lying Easterly of the following described line:

Commencing on the Southeastern corner of said Lot 3; thence Northerly along the Easterly line of said Lot 3, 107.11 feet; thence Westerly parallel to the South line of said Lot 3, 230 feet, more or less, to a point on an Easterly line of said Lot 7, Block 2; thence Southwesterly to an angle point on the Southerly line of said Lot 7, Block 2, being 77.89 feet northeasterly of the most Southerly corner of said Lot 7, Block 2, and said line there terminating.

TORRENS

AND

That part of Lot 7, Block 2, WHITE BEAR MEADOWS 2ND ADDITION, Ramsey County, Minnesota lying Southerly of the South line of Lot 3, AUDITOR'S SUBDIVISION NO. 49 and Easterly of the following described line:

Commencing on the Southeastern corner of said Lot 3; thence Northerly along the Easterly line of said Lot 3, 107.11 feet; thence Westerly parallel to the South line of said Lot 3, 230 feet, more or less, to a point on an Easterly line of said Lot 7, Block 2; thence Southwesterly to an angle point on the Southerly line of said Lot 7, Block 2, being 77.89 feet northeasterly of the most Southerly corner of said Lot 7, Block 2, and said line there terminating.

ABSTRACT

TOGETHER WITH

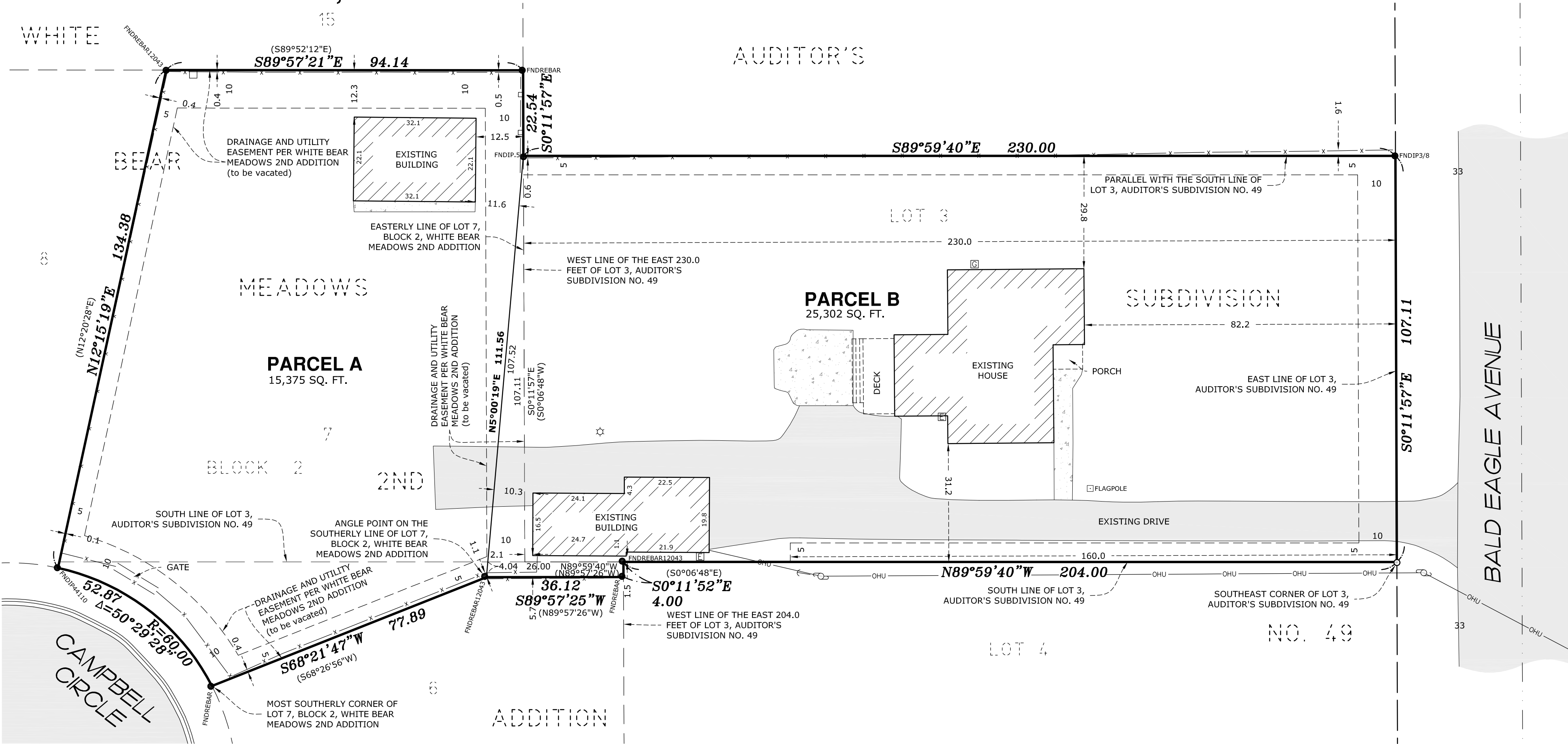
An easement for drainage and utility purposes, over, under, and across the North 5.0 feet of the South 107.11 feet, as measured along the Easterly line, of the East 230.0 feet; the South 5.0 feet of the East 160.0 feet; and the East 10.0 feet of the South 107.11 feet, as measured along the Easterly line of said Lot 3, AUDITOR'S SUBDIVISION NO. 49.

I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Registered Land Surveyor under the laws of the State of Minnesota.

Daniel S. Hanson
 DANIEL S. HANSON

Date: 04/25/2024 License No. 52140

DRAWN BY: RAF	JOB NO: 231192PP	DATE: 04/25/2024
CHECK BY: DSH	FIELD CREW: DT/CT	
1		
2		
3		
NO.	DATE	DESCRIPTION
		BY

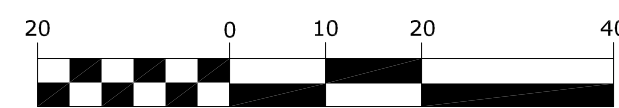


LEGEND

- DENOTES IRON MONUMENT FOUND
- DENOTES IRON MONUMENT SET, MARKED RLS #52140
- DENOTES CATCH BASIN
- ⊠ DENOTES ELECTRICAL BOX
- ⊞ DENOTES GAS METER
- ⊟ DENOTES GUY WIRE
- ☆ DENOTES LIGHT POLE
- ⊕ DENOTES POWER POLE
- x— DENOTES FENCE
- o— DENOTES WOOD FENCE
- OHU— DENOTES OVERHEAD UTILITY
- DENOTES BITUMINOUS SURFACE
- ▨ DENOTES CONCRETE SURFACE

NORTH

GRAPHIC SCALE



TOTAL LOT AREA 15,375 SQ. FT.

EXISTING GARAGE 710 SQ. FT.
 EXISTING BITUMINOUS 262 SQ. FT.
 EXISTING CONCRETE 88 SQ. FT.
 TOTAL IMPERVIOUS SURFACE 1,060 SQ. FT.
 PERCENT IMPERVIOUS 6.9%

TOTAL LOT AREA 25,302 SQ. FT.

EXISTING HOUSE 1,742 SQ. FT.
 EXISTING DECK AND PORCH 257 SQ. FT.
 EXISTING GARAGE 843 SQ. FT.
 EXISTING BITUMINOUS 3,634 SQ. FT.
 EXISTING CONCRETE 561 SQ. FT.
 TOTAL IMPERVIOUS SURFACE 7,037 SQ. FT.
 PERCENT IMPERVIOUS 27.8%

E. G. RUD & SONS, INC.
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 Professional Land Surveyors
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 Lino Lakes, MN 55014
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