

**PLANNING COMMISSION MEETING
AGENDA
CITY OF WHITE BEAR LAKE, MINNESOTA**

The City of White Bear Lake Planning Commission will hold its regular monthly meeting on Monday, July 30, 2018, beginning at 7:00 p.m. in the White Bear Lake City Hall Council Chambers, 4701 Highway 61.

1. Call to order and roll call.
2. Approval of the July 30, 2018 agenda.
3. Approval of the June 25, 2018 Planning Commission meeting minutes.
4. **CASE ITEMS:**
Unless continued, all cases will go to the City Council meeting on Wednesday, August 15, 2018
 - A. **Case No. 18-5-V:** A request by **Leah Nicholson** for an 8 foot variance from the 30 foot rear yard setback requirement, per Code Section 1303.060, Subd.5.c.3; a 5 foot 3 inch variance from the 30 foot setback requirement required along a side abutting a public right-of-way, per Code Section 1303.230, Subd.5.a.4; and a 1 foot variance from the 2 foot maximum encroachment for an eave, per Code Section 1302.040, Subd.4.a.1; for the property located at 2309 10th Street. (Withdrawn at applicant's request.)
 - B. **Case No. 18-3-CUP & 18-11-V:** A request by **Tracey Montgomery** for a Conditional Use Permit for a Home Accessory Apartment, and a variance to allow the habitable area of the accessory unit be 51% of the habitable area of the principal unit, both per Code Section 1302.125, for the property located at 22XX 11th Street.
 - C. **Case No. 18-9-V:** A request by **BCD Homes** for a 7 foot variance from the 25 foot setback required along a side abutting a public right-of-way, per Code Section 1303.060, Subd.5.c.2, and a 10 foot variance from the 30 setback required from the rear property line for an attached garage, per Code Section 1302.030, Subd.4.e, for the property located at 4820 Stewart Avenue.
 - D. **Case No. 18-8-V:** A request by **Greg & Mary Pariseau** for a 15-foot variance from the 30-foot setback required along a side abutting a public right-of-way, per Code Section 1303.230, Subd.5.a.4, for the property at 4895 Morehead Avenue.
 - E. **Case No. 18-4-CUP & 18-10-V:** A request by **St. Ann's Chapel Inc.** for a Conditional Use Permit to establish a Convent in an R-3 Single Family Residential zoning district, per Code Section 1303.030, Subd.4.a, and a variance to reduce the side yard setbacks from 20 feet to 10 feet for the property located at 2436 Spruce Place.
5. **DISCUSSION ITEMS:**
 - A. City Council Meeting Summary from July 10, 2018
 - B. Park Advisory Commission Meeting Minutes from July 19, 2018 – not available.

6. ADJOURNMENT

Next Regular City Council Meeting August 15, 2018

Next Regular Planning Commission Meeting..... August 27, 2018

MINUTES
PLANNING COMMISSION MEETING
CITY OF WHITE BEAR LAKE
June 25, 2018

The regular monthly meeting of the White Bear Lake Planning Commission was called to order on Monday, June 25, 2018, beginning at 7:00 p.m. in the White Bear Lake City Hall Council Chambers, 4701 Highway 61, White Bear Lake, Minnesota by Chair Jim Berry.

1. CALL TO ORDER/ROLL CALL:

MEMBERS PRESENT: Chair Jim Berry, Marvin Reed, Peter Reis, Ken Baltzer, Mark Lynch, and Erich Reinhardt.

MEMBERS EXCUSED: Mary Alice Divine.

MEMBERS UNEXCUSED: None.

STAFF PRESENT: Anne Kane, Community Development Director; and Samantha Crosby, Planning & Zoning Coordinator.

OTHERS PRESENT: Gary Gillespie, Dawn Gillespie and Jason Herfel.

2. APPROVAL OF THE MONTH JUNE 25, 2018 AGENDA:

Member Reed moved for approval of the agenda. Member Reis seconded the motion, and the agenda was approved unanimously (6-0).

3. APPROVAL OF THE MONTH MAY 29, 2018 PLANNING COMMISSION MEETING MINUTES:

Member Baltzer moved for approval of the minutes. Member Reis seconded the motion, and the minutes were approved unanimously (6-0).

4. CASE ITEMS:

A. Case No. 18-5-V: An application by **Leah Nicholson** for an 8 foot variance from the 30 foot rear yard setback requirement, per Code Section 1303.050, Subd.5.c.3; a 5 foot 3 inch variance from the 30 foot setback requirement required along a side abutting a public right-of-way, per Code Section 1303.230, Subd.5.a.4; and a 1 foot variance from the 2 foot maximum encroachment for an eave, per Code Section 1302.040, Subd.4.a.1; all in order to construct a 733 square foot attached garage with a second floor addition above for the property located at 2309 10th Street. (Continued at the request of the applicant.)

Crosby requested the Commission continue this item to the July Planning Commission meeting at the request of the applicant.

The Planning Commission agreed to continue the item to the July 30, 2018 Planning Commission meeting.

- B. Case No. 18-6-V:** An application by **Festival Foods** for a variance to add exterior signage to the existing store front; 192 square feet to the east elevation and 129 square feet to the south elevation, per Code Section 1202.040, Subd.2.A.1, in order to install a total of 320 square feet of “mural signs” in addition to the 462 square feet of existing signage located at 2671 County Road E.

Kane discussed the case. She pointed out the condition that there be no copy, text, logo or brand images in the graphics. Also, staff received an email from Commissioner Divine today, which noted that she opposes the proposed exterior signage. Staff recommended approval of the variance.

Lynch asked if the proposed signage would be similar to those used at a movie theater. Kane stated this was correct. Lynch indicated the proposed signage does not match the definition of a “mural” in his mind but stated he could support the request.

Baltzer commented he liked the way the signs would break up the expanse of the building frontage.

Berry opened the public hearing.

Jason Herfel, Festival Foods representative at 2671 East County Road E, thanked the Commission for their consideration and reported Festival Foods celebrated their 42nd Anniversary in White Bear Lake on June 7th. He stated Festival Foods has enjoyed being in the community and noted these images were being proposed to warm the exterior of the building.

Reis asked if the exterior graphics would be changing periodically. Mr. Herfel reported this would be the case. He anticipated the graphics would be changed seasonally.

Lynch stated he appreciated the fact that the signage would have some variety. Mr. Herfel commented he would work to keep the signage current and relevant.

As no one else came forward, Berry closed the public hearing.

Reinhardt asked what would happen if the applicant were not in compliance with the City’s conditions of approval. Kane reported the variance could be revoked.

Member Reis moved to recommend approval of Case No. 18-6-V. Member Reed seconded the motion. The motion passed by a vote of 6-0.

Berry explained that this matter would be addressed by the City Council on July 10, 2018.

- C. Case No. 18-7-V:** An application by **Dawn and Gary Gillespie** for a 10-foot variance from the 20-foot setback required for a detached garage with the door facing an alley, per Code Section 1302.030, Subd.4.h.2, in order to construct a two-car detached garage to serve the existing duplex at 4916 Morehead Avenue.

Crosby discussed the case. Staff recommended approval of the variance.

Lynch inquired about the trench drain. Crosby commented that it is a stormwater mitigation technique similar to a French drain, but horizontal, like a trench.

Berry opened the public hearing.

Gary Gillespie, 4916 Morehead Avenue, explained he was proposing to center the garage on the property so neither of the neighbors have to cross each other to access the garage.

Berry thanked Mr. Gillespie for coming forward with a good proposal.

As no one else came forward, Berry closed the public hearing.

Member Reinhardt moved to recommend approval of Case No. 18-7-V. Member Lynch seconded the motion. The motion passed by a vote of 6-0.

Berry explained that this matter would be addressed by the City Council on July 10, 2018.

5. DISCUSSION ITEMS:

- A.** City Council Meeting Minutes of June 12, 2018.
- B.** Park Advisory Commission Meeting Minutes of June 21, 2018 – not available.
- C.** Staff Update

Kane provided the Commission with an update on the Four Square Flats redevelopment which the developer has decided not to pursue. She discussed the new staff members that had been hired. She reported the City Council would be holding a work session meeting on June 26th.

6. ADJOURNMENT:

Member Baltzer moved to adjourn, seconded by Member Reis. The motion passed unanimously (6-0), and the June 25, 2018 Planning Commission meeting was adjourned at 7:40 p.m.



City of White Bear Lake
COMMUNITY DEVELOPMENT DEPARTMENT

MEMORANDUM

TO: The Planning Commission

FROM: Samantha Crosby, Planning & Zoning Coordinator

DATE: July 19, 2018 for the July 30, 2018 Planning Commission Meeting

SUBJECT: Nicholson – 2309 10th Street, Case No. 18-5-V

The applicants have withdrawn the request for variances. After further discussion and consideration, they have decided to build the addition to comply with the Zoning Code.

From: Brian Stepan <bstepan@rustarchitects.com>
Sent: Wednesday, July 18, 2018 8:26 AM
To: Samantha Crosby <scrosby@whitebearlake.org>
Cc: Bill Rust <brust@rustarchitects.com>
Subject: RE: 2309 10th Street - Variance

Samantha,

We would like to withdraw our variance request previously submitted for 2309 10th Street.



Brian Stepan, Project Manager

bstepan@rustarchitects.com

4744 Washington Square
White Bear Lake, MN 55110
Office: (651) 429-1913
Fax: (651) 429-7561
www.rustarchitects.com



City of White Bear Lake
COMMUNITY DEVELOPMENT
DEPARTMENT

MEMORANDUM

TO: The Planning Commission

FROM: Samantha Crosby, Planning & Zoning Coordinator

DATE: July 25, 2018 for the July 30, 2018 Planning Commission Meeting

SUBJECT: Tracey Montgomery, 22XX 11th Street - Case No. 18-3-CUP & 18-11-V

REQUEST

The applicant, Tracey Montgomery, is requesting approval of a Conditional Use Permit (CUP) for a home accessory apartment and a variance to allow the habitable area of the accessory unit be 51% of the habitable area of the principal unit, versus the 40% allowed by code. See applicant's narrative.

SITE CHARACTERISTICS / ZONING / BACKGROUND

The property is located on the north side 11th Street, just west of Stewart Avenue. The subject site is zoned R-4 - Single and Two Family-Residential. The properties to the west, south and east are also zoned R-4. Excess right-of-way abuts the property to the north. At 47 feet wide, the parcel is rather narrow. The 7,050 square foot parcel is an original lot of record platted in the early 1900's. The lot used to be combined with the adjacent corner lot to the east, but was recently un-unified, as it meets the 70% rule: 70% of lot area (7,200 square feet) and width (60 feet) of current code.

PRACTICAL DIFFICULTY

The applicant is proposing to construct a house with a large amount of porch area. Two of the 3 porches (the front and the back) are unenclosed. Only enclosed floor space may be counted as habitable area. If the front porch alone were enclosed, the habitable area ratio of the accessory unit would comply with code. This is the applicant's rationale for the variance. She could enclose the front porch to comply, but she doesn't wish to. Unenclosed porches are allowed to encroach into front yard setbacks by up to 8 feet, but the proposed layout does not utilize that allowance. The front porch meets the required front yard setback and therefore could be enclosed if required.

ANALYSIS

The zoning code limits accessory units to not more than 880 gross square feet in area, or 40% of the habitable area within the single family home, whichever is less. In this case, the accessory unit is 460 gross square feet in area but is 51% of the habitable area of principal unit.

With a gross floor area of 1,072 square feet on the main floor, the applicant has done a nice job of designing a narrow house to fit on a narrow lot, while still providing all of the desired characteristics, such as an open front porch and the garage tucked behind the home. The open front porch is highly desired by the applicant and strongly encouraged by staff. An unenclosed porch gives a welcoming feel to a home, which contributes to softening the character of a neighborhood. An unenclosed front porch also helps to bridge between public and private spaces, potentially improving the community of a neighborhood by increasing the chances that neighbors will get to know each other, and potentially improving the safety of a neighborhood by increasing the “eyes on the street”. In other words, front porches serve more than the individual property owner. Because the proposal would comply with code if the porch were enclosed, staff supports the variance as requested.

The code requires that the owner of the residence/property reside in the principal unit, which is the case in this situation. The code also requires that the secondary entrance not face the same street as the principal entrance. In this case, the entrance to the accessory unit is proposed on the northeast corner of the home and will not be visible from the front of the property. A casual observer would not know that there is an accessory unit present.

The code states that the unit shall have a habitable floor area of not less than 200 sq. ft. for the first occupant and at least 100 square feet for each additional occupant. At 360 square feet of habitable space the accessory unit could support 3 people, but staff is recommending that the unit be limited to one tenant. For comparison purposes, the last Accessory Dwelling Unit that was approved was 417 square feet in size.

Rear Yard Cover will comply with the 35% limit for a lot less than 10,000 square feet in size. Even with a porous paver driveway, the site will be 36.6% impervious, which will need to be mitigated and has been included as a condition of approval.

SUMMARY

The City has long supported the diversity of housing stock and additional density created by Accessory Dwelling Units. The Home Accessory Apartments ordinance was formally established in 1988; however, the City has approved small in-home units via Special Use Permit since at least 1984. Since 1988, the City has approved 5 units under the current ordinance (all in the last 6 years), none of which have generated any complaints from neighbors or any issues with the City.

DISCRETION

The City’s discretion in approving or denying a Conditional Use Permit is limited to whether or not the proposal meets the standards outlined in the Zoning Ordinance, however, additional conditions may be imposed as the Council sees fit. Staff has reviewed the proposed request against the standards and finds that they have been met.

The City has a high level of discretion when approving or denying a variance because the burden of proof is on the applicant to show that they meet the standards of the ordinance. If the proposal is deemed reasonable (meaning that it does not have an adverse effect on neighboring properties, it is consistent with the comp plan, and it is harmony with the intent of the zoning code) then the criteria have been met.

RECOMMENDATION

Staff finds that the CUP is consistent with the Comprehensive Plan and the variance complies with the intent of the zoning ordinance. The home is custom designed to both fit the site and blend seamlessly with the neighborhood. For these reasons, staff recommends approval subject to the following standard conditions:

1. All application materials, maps, drawings, and descriptive information submitted with this application shall become part of the permit.
2. Per Section 1301.050, Subd.4, if within one (1) year after granting the Conditional Use Permit, the use as allowed by the permit shall not have been completed or utilized, the permit shall become null and void unless a petition for an extension of time in which to complete or utilize the use has been granted by the City Council. Such petition shall be requested in writing and shall be submitted at least 30 days prior to expiration.
3. This conditional use permit shall become effective upon the applicant tendering proof (ie: a receipt) to the City of having filed a certified copy of this permit with the County Recorder pursuant to Minnesota State Statute 462.3595 to ensure the compliance of the herein-stated conditions. Proof of such shall be provided prior to the issuance of a rental license.
4. The right to rent the accessory apartment ceases upon transfer of title unless reissued by the City Council.
5. Per Section 1302.125, Subd.4.a, the owner of the single family structure shall reside in the principal structure. The permit becomes null and void if the owner ceases to reside in the residence. The accessory apartment shall remain an accessory rental apartment, owned by the occupant of the principal structure. There shall be no separate ownership of the accessory rental apartment.
6. The number of vehicles associated with the principal residence and accessory unit together shall not exceed that which can fit in the garage and on the driveway.
7. The number of occupants of the accessory apartment shall not exceed one (1) tenant.
8. The owner shall obtain a rental license prior to renting out the unit to anyone who is not related.
9. The applicant shall verify lot lines and have the property pins exposed at the time of inspection.
10. A building permit shall be obtained before any work begins.
11. The applicant shall mitigate all impervious area above 30%, per Code Section 1303.230, Subd.5.a, subject to engineering department review and approval.

Attachments:

1. Draft Resolution of Approval
2. Location/Zoning Map
3. Applicant's Narrative
4. Impervious Area and Rear Yard Cover Worksheets
5. Site Plan
6. Elevations & Floor Plans (5 pgs)

RESOLUTION NO. _____

**RESOLUTION GRANTING
A CONDITIONAL USE PERMIT AND VARIANCE
FOR 22XX 11th STREET
WITHIN THE CITY OF WHITE BEAR LAKE, MINNESOTA**

WHEREAS, a proposal (18-3-CUP & 18-11-V) has been submitted by Tracey Montgomery to the City Council requesting approval of a Conditional Use Permit and a Variance of the City of White Bear Lake for the following location:

LOCATION: 22XX 11th Street

LEGAL DESCRIPTION: Lot 14, Block 2, ELLA J COBBS ADDITION,
Ramsey County, MN (PID # 143022110078)

WHEREAS, THE APPLICANT SEEKS THE FOLLOWING PERMIT: A Conditional Use Permit for a Home Accessory Apartment, per Code Section 1302.125; in order to construct an accessory dwelling unit in the basement; and

WHEREAS, THE APPLICANT SEEKS THE FOLLOWING VARIANCE: a Variance to allow the habitable area of the accessory unit to be 51% of the habitable area of the principal unit, per Code Section 1302.123; and

WHEREAS, the Planning Commission has held a public hearing as required by the city Zoning Code on July 30, 2018; and

WHEREAS, the City Council has considered the advice and recommendations of the Planning Commission regarding the effect of the proposed requests 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 that, in relation to the Conditional Use Permit, 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. Traffic generation will be within the capabilities of the streets serving the site.

FUTHER, BE IT RESOLVED, by the City Council of the City of White Bear Lake that, in relation to the Variance, the City Council adopts the following findings of the Planning Commission:

1. The requested variance will not:
 - a. Impair an adequate supply of light and air to adjacent property.
 - b. Unreasonably increase the congestion in the public street.
 - c. Increase the danger of fire or endanger the public safety.
 - d. Unreasonably diminish or impair established property values within the neighborhood or in any way be contrary to the intent of this Code.
2. The variance is a reasonable use of the land or building and the variance is the minimum required to accomplish this purpose.
3. The variance will be in harmony with the general purpose and intent of the City Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
4. The special conditions or circumstances are not the result of actions of the applicant.
5. The non-conforming uses of neighboring lands, structures, or buildings in the same district are not the sole grounds for issuance of the variances.

FUTHER, BE IT RESOLVED, that the City Council of the City of White Bear Lake hereby approves the request, subject to the following conditions.

1. All application materials, maps, drawings, and descriptive information submitted with this application shall become part of the permit.
2. Per Section 1301.050, Subd.4, if within one (1) year after granting the Conditional Use Permit, the use as allowed by the permit shall not have been completed or utilized, the permit shall become null and void unless a petition for an extension of time in which to complete or utilize the use has been granted by the City Council. Such petition shall be requested in writing and shall be submitted at least 30 days prior to expiration.
3. This conditional use permit shall become effective upon the applicant tendering proof (ie: a receipt) to the City of having filed a certified copy of this permit with the County Recorder pursuant to Minnesota State Statute 462.3595 to ensure the compliance of the herein-stated conditions. Proof of such shall be provided prior to the issuance of a rental license.
4. The right to rent the accessory apartment ceases upon transfer of title unless reissued by the City Council.
5. Per Section 1302.125, Subd.4.a, the owner of the single family structure shall reside in the principal structure. The permit becomes null and void if the owner ceases to reside in the

residence. The accessory apartment shall remain an accessory rental apartment, owned by the occupant of the principal structure. There shall be no separate ownership of the accessory rental apartment.

- 6. The number of vehicles associated with the principal residence and accessory unit together shall not exceed that which can fit in the garage and on the driveway.
- 7. The number of occupants of the accessory apartment shall not exceed one (1) tenant.
- 8. The owner shall obtain a rental license prior to renting out the unit to anyone who is not related.
- 9. The applicant shall verify lot lines and have the property pins exposed at the time of inspection.
- 10. A building permit shall be obtained before any work begins.

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

Ayes:
Nays:
Passed:

Jo Emerson, Mayor

ATTEST:

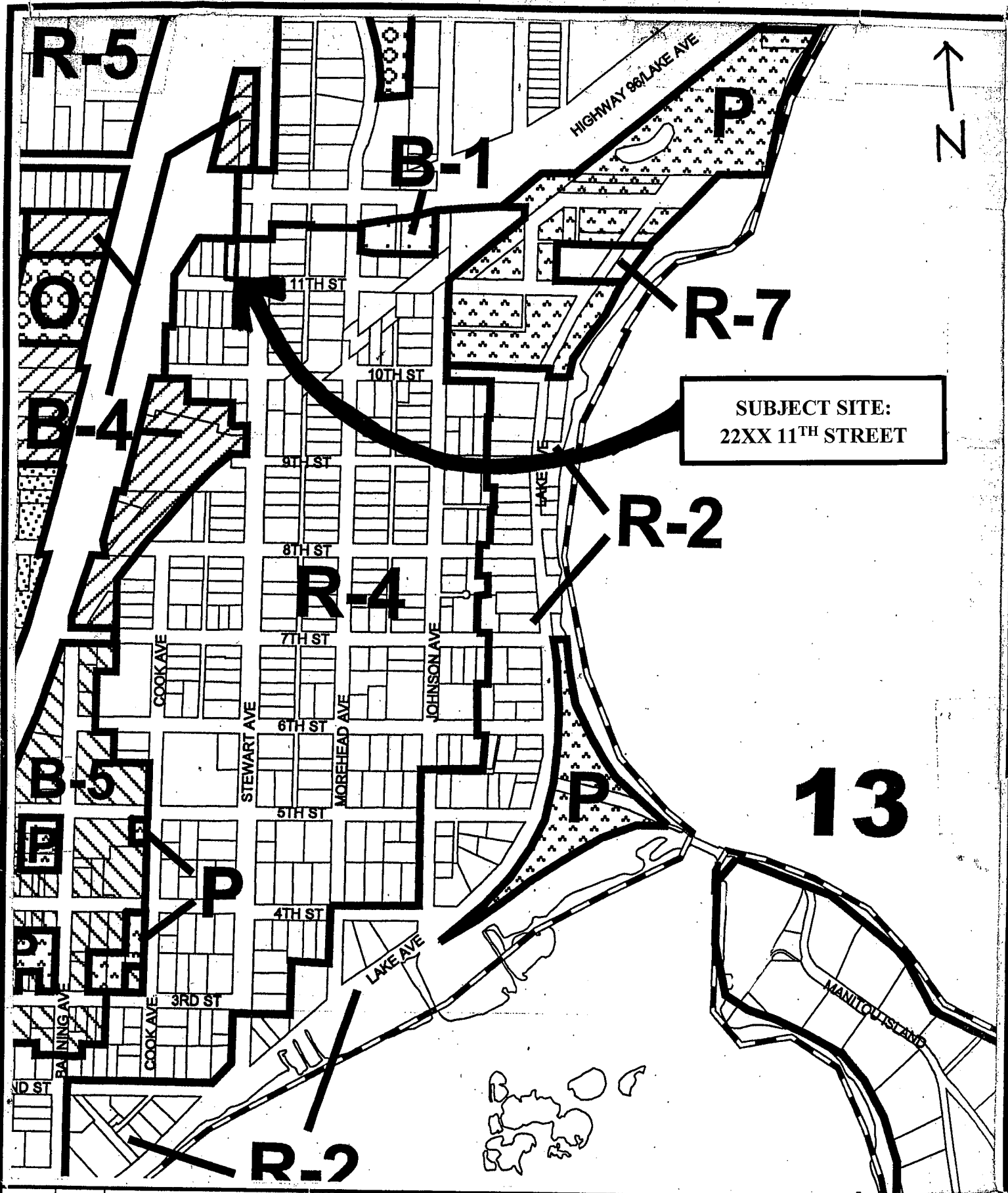
Kara Coustry, City Clerk

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.

Tracey Montgomery

Date



SUBJECT SITE:
22XX 11TH STREET

13

City of
White Bear Lake
Planning and Zoning Office
(612)-429-8561

CASE NO. : 18-3-CUP & 18-11-V
 CASE NAME : Montgomery ADU
 DATE : July 30, 2018

City of White Bear Lake

4701 Hwy 61

White Bear Lake, MN 55110

June 15, 2018

Dear City of White Bear Lake,

I have been a resident of the city for over 60 years. I have been involved with many organizations in the area such as the Historical Society (on the board for over 8 years), White Bear Center for the Arts and currently on the board for Bear Boating. I take great pride in being a member of this community and what it has to offer. I can be counted on as a volunteer for many organizations throughout the community.

I have purchased a lot on 11th street, just one lot west of the corner of Stewart and 11th on the northwest side of the street. It is here that I plan to build my dream home.

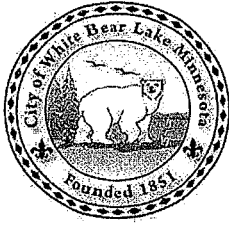
I would like to ask for a conditional use permit to have a kitchen in the basement. As I look forward in life I would like to use this area for family who are planning extended visits or friends as they pass through. Or, if I end up needing additional income after retirement, I could rent the unit. Or lastly, if I become ill and need someone to care for me – they could live in the basement. The accessory unit is 51% of the habitable floor area of the main level vs. the 40% limit maximum by code, and the main level is 701 SF. Consequently I am also requesting a variance to allow for a larger ratio as proposed. The floor plan for the unit is an open studio style with very small kitchen, bath and one large room.

This is a small home on a narrow lot and I have been working with an architect/designer to accommodate the lot and the look/ style of the neighborhood, with regard to old White Bear. The entrance to the accessory unit is on the NE corner of the home and it is mostly hidden due to the doorway being recessed into the ground to place the entry ½ ways down the interior staircase. This leaves a clean look to the home and not an apparent rental space.

Thank you for your consideration in this matter and I look forward hearing from you.

Sincerely,

Tracey Montgomery



White Bear Lake Community Development Department
 4701 Highway 61, White Bear Lake, MN 55110
 Zoning 651-429-8561/Fax 651-429-8503

IMPERVIOUS SURFACE CALCULATION WORKSHEET

An impervious surface is defined as an artificial or natural surface through which water, air or roots cannot penetrate. Uncompacted gravel is not considered an impervious surface. A deck is not an impervious surface, provided there is no concrete, plastic or other impervious material underneath the deck. All permanent pools are considered to be impervious.

Property Owner: Tracy Montgomery
 Site Address: 22XX 11th Str.

Lot Width (feet):	47
Lot Depth (feet):	150

Please use sq. ft.	Existing	Proposed	Change
Home 1064 + 528		1392	
Garage		400	
Accessory Structures ¹			
Driveway		705 - see notes	
Sidewalks			
Patio Areas roof overhang		33	
Other: egress window		40	
Total Impervious		2570	
Total Lot Area		1050	
Percent Impervious ²		36.6%	

¹ Gazebos, sheds, etc.

² Total Impervious divided by Total Lot Area

If any porous paving credit have been grated for any of the above listed items, please explain:

New Porous Bituminous Drive Proposed
1/2 1410 S.F. = 705

Calculated by: Matt Kind Date: 6/14/190

Staff Approval by: _____ Date: _____

REAR YARD COVER WORKSHEET

The rear yard is calculated as the area between the back building wall of the house and the rear property line. If there is a jog in the back building wall of the home, use the more predominant of the two walls (i.e. the longer one). "Cover" includes accessory uses and structures. Examples of an accessory use would be a patio or driveway. An accessory structure is garage, shed, deck or other built feature. (Items such as sidewalks, garden beds, fire pits, retaining walls and swing sets are not included.)

* For properties less than 10,000 square feet in size, no combination of accessory buildings or uses per single or two-family home shall cover more than 35% of the available rear yard, or no more than 42% with administrative variance.

For properties 10,000 square feet in size or greater, no combination of accessory buildings or uses per single or two-family home shall cover more than 25% of the available rear yard, or no more than 33% with administrative variance.

Property Owner: Tracy Montgomery
 Site Address: 22XX 11th Str.

Lot Width (feet):	<u>47</u>	x 7050
Lot Depth (feet):	<u>150</u>	

Please use sq. ft.	Existing	Proposed	Change
Garage		<u>400</u>	
Accessory Structures ¹			
Driveway		<u>500</u>	
Decks			
Patio Areas			
Other:			
Coverage Total		<u>900</u>	
Rear Yard Area ² <u>60x47</u>		<u>3,196</u>	
Percent Covered ³		<u>30.9</u>	

¹ Gazebos, sheds, etc.

² Yard width times depth

³ Coverage Total divided by rear yard cover

Calculated by: Matt Kind

Date: 6/14/10

Staff Approval by: _____

Date: _____

SITE PLAN FOR TRACEY MONTGOMERY

PROPERTY ADDRESS

22XX 11th Street
White Bear Lake, MN

ZONING

Zoning District R-4

Setbacks (Principle Structure)

Front: Avg or 25'
Side: 10'
Rear: 30'

Lot Area

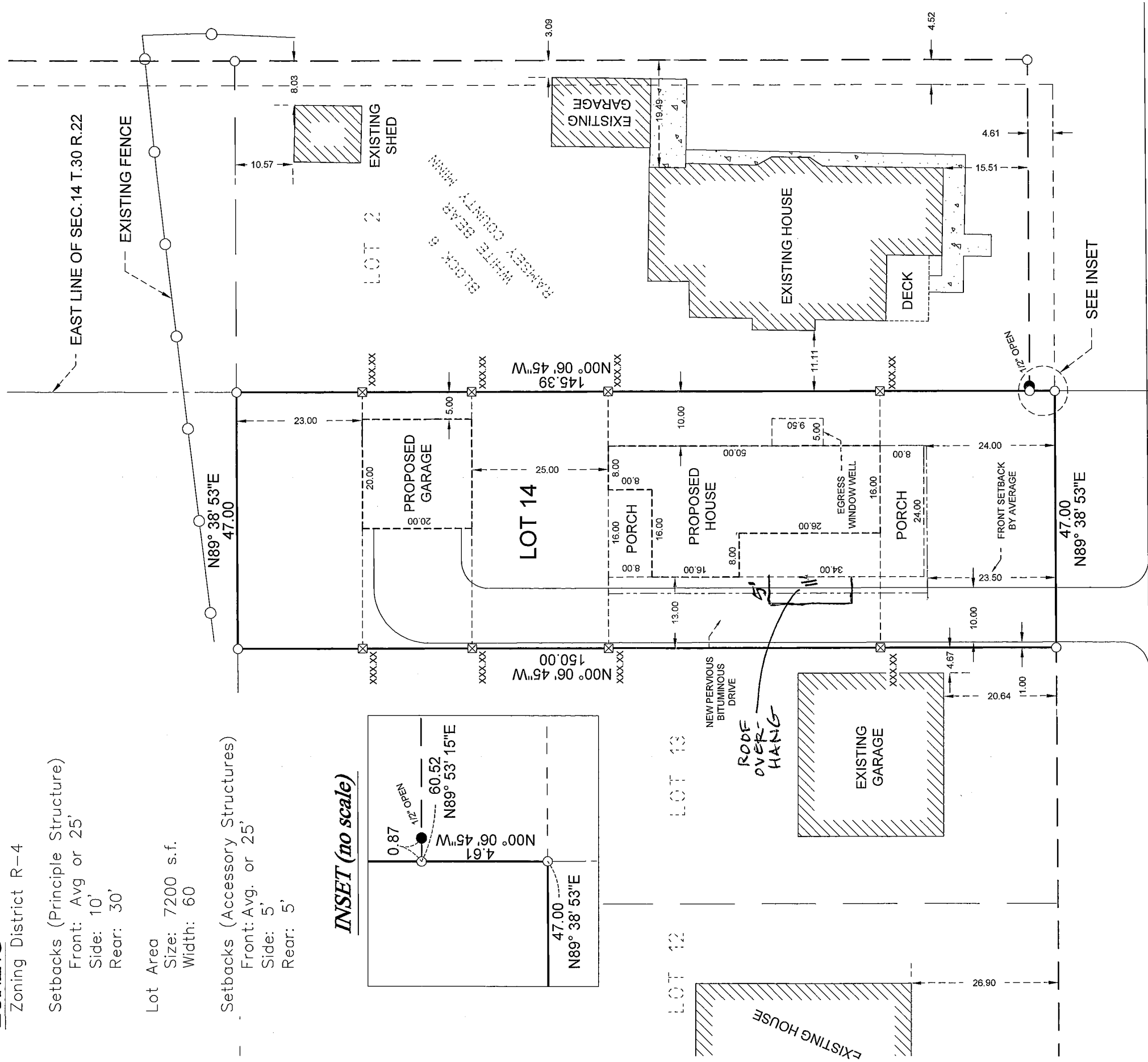
Size: 7200 s.f.
Width: 60'

Setbacks (Accessory Structures)

Front: Avg. or 25'
Side: 5'
Rear: 5'

DESCRIPTION:

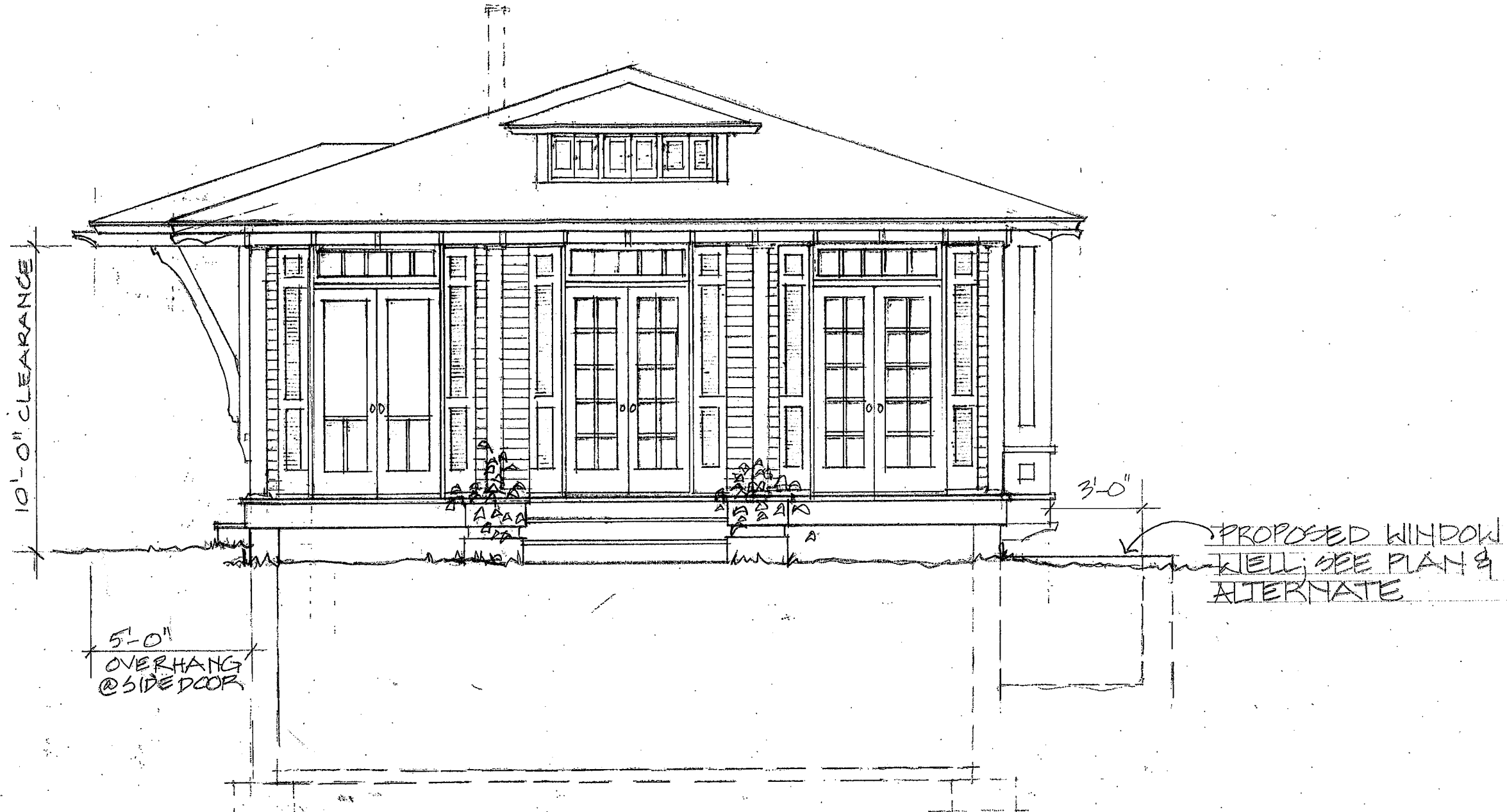
Lot 14, Block 2, ELLA J. COBB'S ADDITION TO WHITE BEAR Ramsey County, Minnesota. Subject to easements of record, if any.



11TH STREET

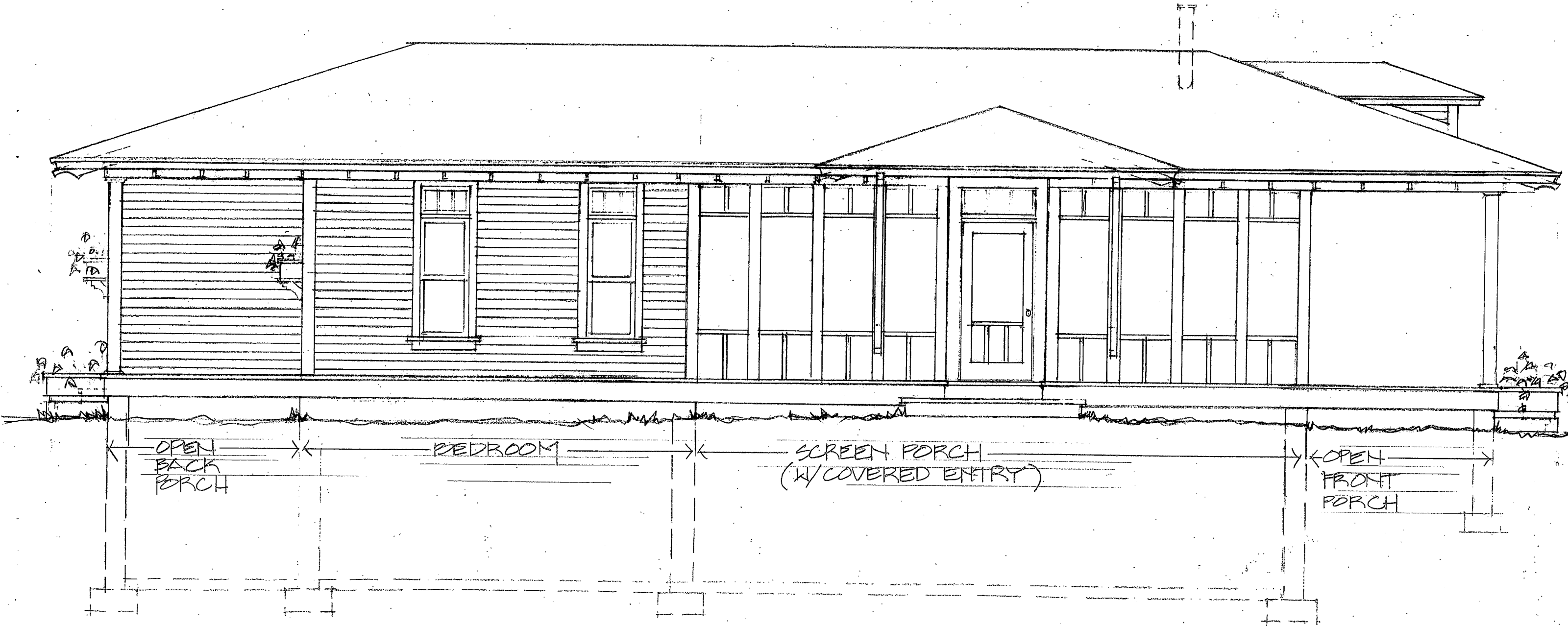
M&P
associates
civil engineering-land surveying-site planning

1440 Arcade St. Suite 250
Saint Paul, MN 55106
Phone: 651-766-0112
Fax: 651-776-0206
E-mail: info@mpasso.com



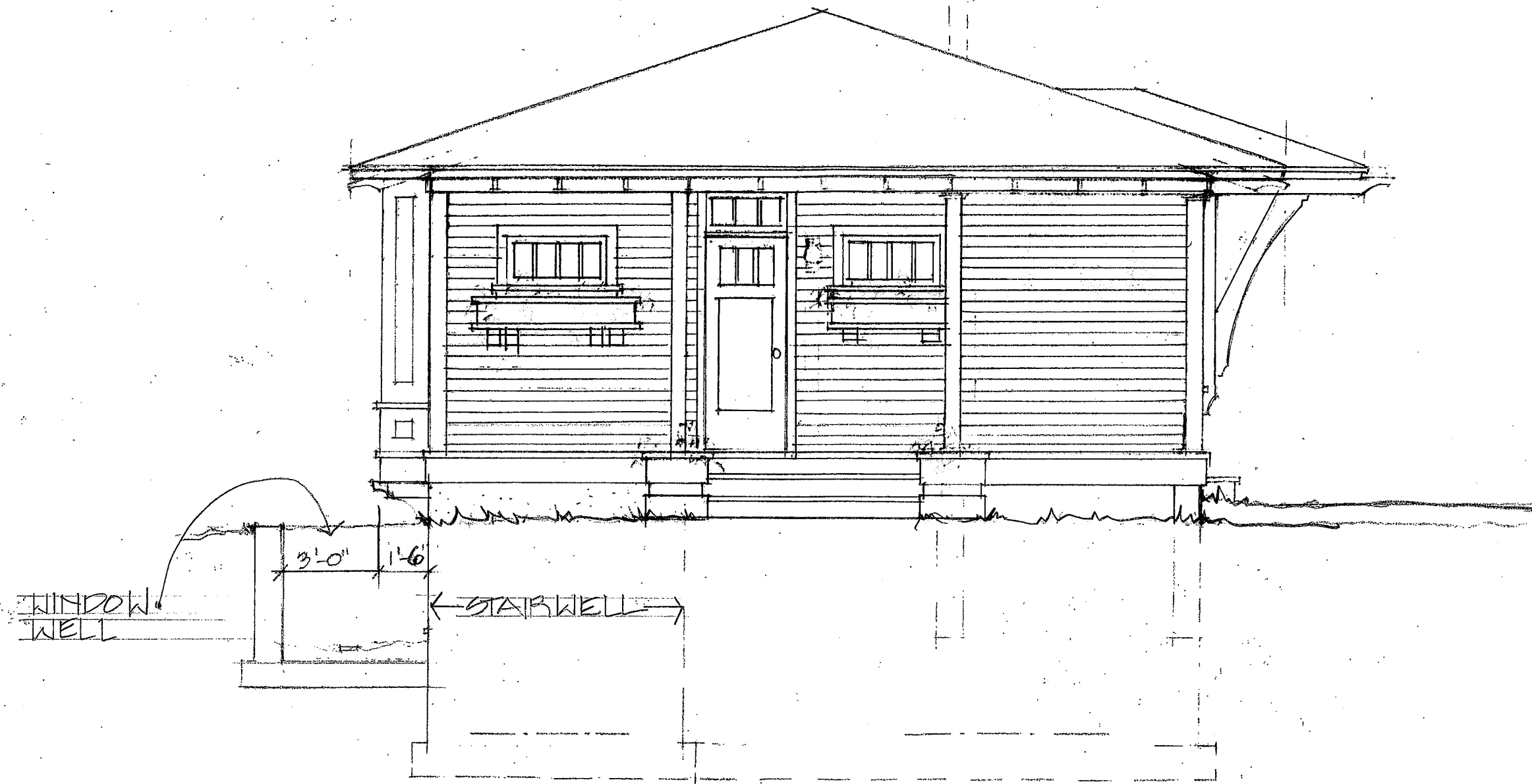
○ SOUTH ELEVATION (STREET)
 1/4" = 1'-0"

TRACEY MONTGOMERY
110 STREET, K.B.L.
35110
ACCESS. UNIT REVIEW
SUBMITTED JUNE 15, 2018
TOWER LEVEL OCCUPANCY



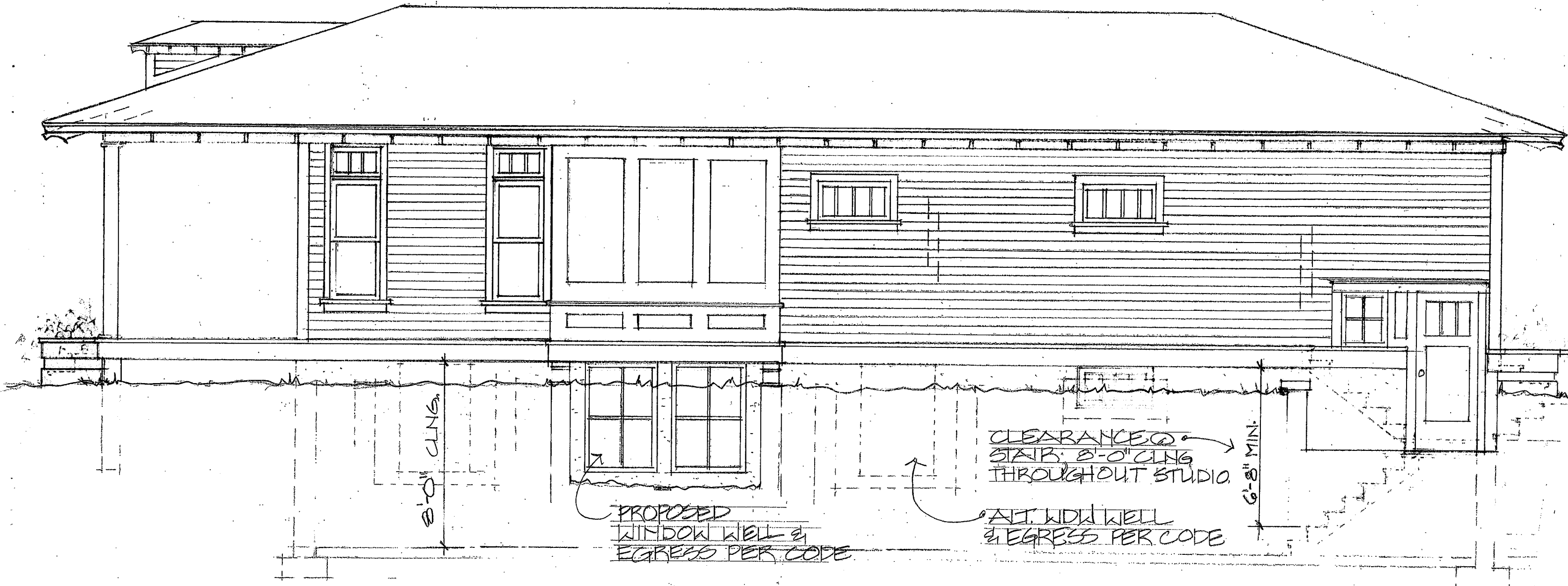
WEST ELEVATION
 1/4" = 1'-0"

TRACEY MONTGOMERY	
11 th STREET,	K.P.L.
	5510
VARIANCE REVIEW	
SUBMITTED JUNE 15, 2018	
LOWER LEVEL OCCUPANCY	



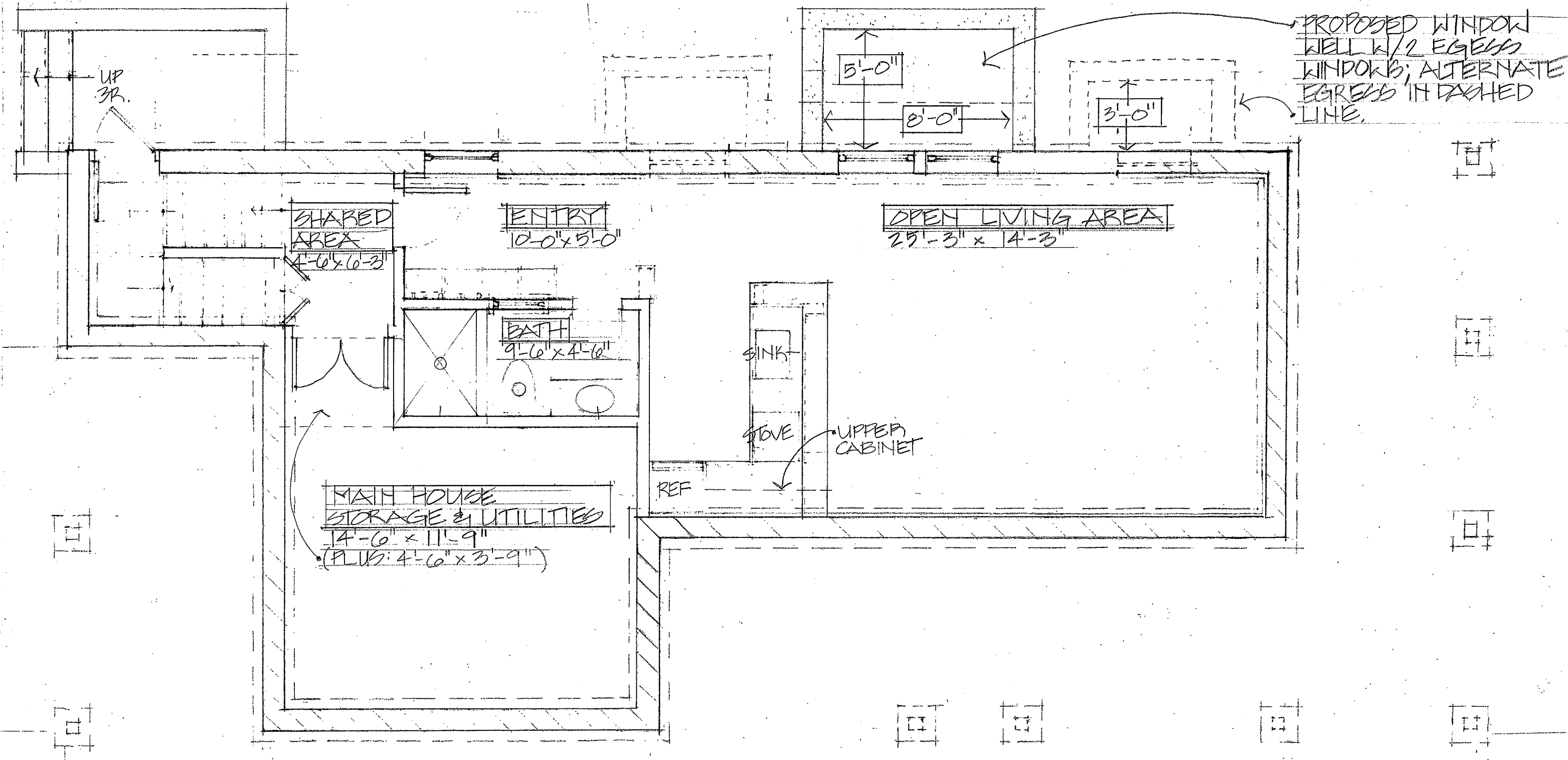
○ NORTH ELEVATION
1/4" = 1'-0"

TRACEY MONTGOMERY
110 STREET, K.B.L.
5510
VARIANCE REVIEW
SUBMITTED JUNE 19, 2018
TOWER LEVEL OCCUPANCY



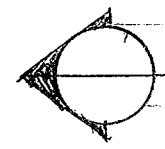
○ EAST ELEVATION
 1/4" = 1'-0"

TRACEY MONTGOMERY	
110 STREET,	K.B.L.
	5510
VARIANCE REVIEW,	
SUBMITTED JUNE 15, 2018	
LOWER LEVEL OCCUPANCY	



PROPOSED WINDOW WELL W/2 EGRESS WINDOWS; ALTERNATE EGRESS IN DASHED LINE.

NORTH



LOWER LEVEL, STUDIO APARTMENT

1/4" = 1'-0"

TRACEY MONTGOMERY
 110 STREET, N.P.L.
 33110
 VARIANCE REVIEW,
 SUBMITTED JUNE 12, 2018
 LOWER LEVEL OCCUPANCY



City of White Bear Lake
COMMUNITY DEVELOPMENT
DEPARTMENT

4.C

MEMORANDUM

TO: The Planning Commission

FROM: Samantha Crosby, Planning & Zoning Coordinator

DATE: July 25, 2018 for the July 30, 2017 Planning Commission Meeting

SUBJECT: BCD Homes, 4820 Stewart Avenue (Case No. 18-9-V)

REQUEST

The applicant is requesting two variances:

- A 7 foot variance from the 25 foot setback requirement along a side yard abutting a public right-of-way; and
- A 10 foot variance from the 30 setback required from the rear property line for an attached garage.

The first variance, placing the single family residence 18 feet from the north property line, will allow the applicant to un-unify the two underlying lots of record and construct two new single-family residences, rather than one. See applicant's narrative.

SITE CHARACTERISTICS

The property is located on the southeast corner of Stewart Avenue and 6th Street. The property is 14,230 square feet in size and contains a 3,872 square foot building, and a two car detached garage that was used for storage.

ZONING

The property is zoned R-4 - Single and Two-Family Residential, as are all of the surrounding properties. The properties to the east are in the Shoreland Overlay District, but the subject site is not.

BACKGROUND

According to Ramsey County, the first Baptist Church of White Bear Lake was constructed in 1889. The use was converted into a theater in 1970, and operated as such until Lakeshore Players moved into their new facility on Long Avenue in April of this year. The community theater company put the property up for bid and staff received many inquiries, some of which explored the possibility of preserving the original structure and converting it to a duplex. Doug Johnson, with BCD Homes won the bid and is proposing two single-family residences. If approved, the corner lot - to be built at this time - is a two-story "spec" home, to be sold during or after construction. The interior lot will likely be sold as vacant and custom built.

4.C

PRACTICAL DIFFICULTY

SIDE YARD ABUTTING A PUBLIC RIGHT-OF-WAY VARIANCE

The zoning code allows existing lots of record which do not meet the requirements of current code as to area or width to be utilized for single-family detached dwelling purposes provided that the measurement of such area and width are 70% of the requirements of the code and provided that setbacks and yard requirements are in conformance with the code. Staff refers to this as the “70% rule”. The R-4 zoning district requires a lot size of 7,200 square feet and a lot width of 60 feet. Seventy percent of the R-4 code results in a lot size of 5,040 square feet and a lot width of 42 feet. The subject lot is comprised of two original lots of record, both of which are 7,075 square feet in size and 50 feet wide. With the resulting interior lot all setbacks can be met, however, with the resulting corner lot at least one variance is necessary.

The R-4 section of the code requires a 25 foot setback from a side yard adjacent to a street. A 10 foot setback is required from the other side yard. Together, the total amount of required side yard setback is 35 feet. With a 50 foot wide lot, only a 15 foot wide house could be built. The code requires that all single family residences be a minimum of 22 feet wide on the first story. Therefore, at least a 7 foot variance is needed, and that is what is being requested – the minimum necessary.

REAR YARD SETBACK VARIANCE

The attached garage has a 444 square foot bonus room above it. The living area is required to have a 30-foot rear yard setback and an attached garage is required to “maintain the principal structure’s minimum setback requirement for the rear yard”. Consequently, the requested rear yard setback variance applies to both the garage on the main level and the living area above it. The applicant’s rationale for not meeting the setback is the narrow width of the house at only 22 feet wide.

ANALYSIS

SIDE YARD ABUTTING A PUBLIC RIGHT-OF-WAY VARIANCE

It makes sense that a corner lot, which has larger setback requirements would have a larger lot width. There are arguments that could be made for keeping the configuration as is. However, 50 foot wide parcels are not un-common throughout the Old White Bear neighborhood - including all 4 properties abutting the subject site. Consequently, staff is generally supportive of the request, so long as the homes constructed on these lots are consistent in character with the immediate neighborhood – including features such as open front porches and garages tucked behind the house in the rear yard. The proposed corner lot layout provides both these things as well as architectural interest with the courtyard area.

While there is a proposed design and layout for the corner lot, we do not have a concept design for the interior lot. To be consistent with the similar variance granted to Inspiration Properties LLC last year for the 13,504 square foot lot on the northwest corner of Eugene Street and Second Avenue, staff has included the same conditions of approval regarding exterior materials and design.

REAR YARD SETBACK VARIANCE

The practical difficulty in meeting the rear yard setback variance could be considered self-created; if a 50-foot wide parcel is not large enough for what you want to build, then don't untie the two lots. Staff had a suggestion for what we believe is a reasonable compromise: Historically, the vast majority of setback variances for corner lots that are 50 feet wide allow the house to sit 15 feet from the street side property line. The applicant has proposed this home to sit 18 feet from the street side property line. Staff would rather see the home expanded by 3 feet in width, so that it sits 15 feet from the street side, but then comply with the rear yard setback. When approached, the applicant was receptive to this modification. Both staff and the applicant agree that maintaining the court yard in the middle of the building is important, especially given the lack of a useable rear yard area. Not wanting to reduce the courtyard too much, the applicant proposed to reduce the length of the structure by 8 feet instead of 10 – reducing the second variance to a 2 foot variance to allow the back of the home to sit 28 feet from the rear property line. Staff considers this a significant improvement.

At 462 square feet in size, the garage is a modest two car. However, without a visual break between the garage and the mud room, it appears as though the garage is 30 feet deep. Part of the charm of the Old White Bear neighborhood is that it was built in a time when garages were not common, and when they were present, they were relatively small and tucked away. Staff asked the applicant if it was possible to keep the garage at the 18 feet from the street side for two reasons. First, it would cause the garage to be stepped back from the north elevation of the home, minimizing its presence. Second, the change in setback would provide a visual break between the garage and the living area, so that it does not appear to be larger than it actually is. The applicant has agreed to this as well.

OTHER

The impervious area calculations assume that the sidewalk, patio and driveway will all be porous pavers. The sidewalk and driveway are acceptable location for porous pavers, but the patio, being up against the foundation of the home, is not recommended. Staff strongly recommends that the patio be shifted so that it is at least 10 feet from the house, or that the patio be constructed of concrete with a different type infiltration feature (such as a rain garden).

The Zoning Code requires that the construction of new residences comply with the tree preservation regulations, however, there are no trees existing to preserve. Staff recommends that at least one new tree, 2.5 caliper inches in size (or greater), be planted on each lot.

On street parking along the south side of 6th Street will be removed with the City's street reconstruction project next year. There are a set of stairs and a connecting sidewalk that encroach into the City's right-of-way on Stewart Avenue that will need to be removed by the applicant in conjunction with this project.

DISCRETION

The City has a high level of discretion when approving or denying a variance because the burden of proof is on the applicant to show that they meet the standards of the ordinance. If the proposal is deemed reasonable (meaning that it does not have an adverse effect on neighboring properties, it is consistent with the comprehensive plan, and it is harmony with the intent of the code) then the criteria have been met.

SUMMARY

The un-unification of the two lots for the purposes of constructing two principal buildings where one was before could be seen as an intensification of the property, but the use of the property as a community theater company arguably had more impact upon the neighborhood than two single-family homes will. When the design of the resulting residences are such that they will be compatible with the neighborhood, staff is supportive of a 10 foot variance from the 25 foot setback from a side abutting a public right-of-way.

Staff supports a two foot variance from the 30 foot rear yard setback because the garage and bonus room is shorter in height than the other two-story areas of the home, and because it has well-proportioned dormers and multiple windows on both sides that are consistent in size with those elsewhere on the home, giving the garage a higher level of architectural design than most typical garages have.

RECOMMENDATION

Staff recommends denial of the applicant's request for a 10 foot variance from the 30 foot rear yard setback, and instead recommends approval of a 2 foot variance from the same. Staff supports an increase from the applicant's request for a 7 foot variance to a 10 foot variance from the 25 foot setback from a side abutting a public right-of-way. Staff makes this recommendation subject to the conditions listed below.

1. All application materials, maps, drawings, and descriptive information submitted in this application shall become part of the permit.
2. Per Section 1301.060, Subd.3, the variance shall become null and void if the project has not been completed or utilized within one (1) calendar year after the approval date, subject to petition for renewal. Such petition shall be requested in writing and shall be submitted at least 30 days prior to expiration.
3. The applicant shall tender proof (ie: a receipt) to the City of having filed a certified copy of the signed resolution of approval with the County Recorder to ensure the compliance of the herein-stated conditions.
4. The front of the homes shall feature an unenclosed front porch or significant covered entry. Such feature shall consume at least one-third of the front of the building.
5. The garages shall be located to the rear of the home and shall access the alley.
6. The homes shall incorporate stone or brick elements with a hierarchy of two different siding materials and colors (in addition to the brick or stone).
7. Park dedication shall be due on each lot as the homes are constructed (ie: at the time of building permit).
8. A building permit shall be obtained before any work begins.
9. Prior to the issuance of a building permit, the applicant shall:

- a. Provide proof of having un-unified the two parcels.
 - b. Revise the plan so that the north garage elevation is recessed from the north elevation of the home by 3 feet.
 - c. Revise the plan to include at least one 2.5-caliper inch shade tree in the yard of each residence.
 - d. The demo plan shall include the stairs and concrete within the Stewart Avenue right-of-way, as well as the existing detached garage located on Lot 11.
10. Prior to certificate of occupancy for the first residence, the applicant shall provide proof of having recorded the drainage and utility easements with the County.
11. Notice of these conditions shall be provided as a condition of the sale of the interior lot.
12. The applicant shall verify their property line and have the property pins exposed at the time of inspection.

Attachments:

1. Draft Resolution of Denial
2. Draft Resolution of Approval
3. Zoning/Location Map
4. Applicant's Narrative
5. Elevations, Floor Plans, Survey and Site Plan for corner lot (7 pages)

RESOLUTION NO. _____

**RESOLUTION DENYING A SETBACK VARIANCE
FROM THE CITY OF WHITE BEAR LAKE ZONING CODE FOR
4820 STEWART AVENUE**

WHEREAS, a proposal (18-9-V) has been submitted by BCD Homes to the City Council requesting approval of a variance from the Zoning Code of the City of White Bear Lake for the following location:

LOCATION: 4820 Stewart Avenue

LEGAL DESCRIPTION: Lots 11 and 12, Block 44, Auerbachs Rearrangement of Part of White Bear, Ramsey County, MN (PID # 133022230091)

WHEREAS, THE APPLICANT SEEKS THE FOLLOWING RELIEF: A 10 foot variance from the 30 foot setback required from the rear property line for both living area and an attached garage, per Code Section 1202.060, Subd.5.c.3; and

WHEREAS, the Planning Commission has held a public hearing as required by the city Zoning Code on July 30, 2018; 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 that the City Council hereby denies the request, based upon the following findings:

1. The variance as requested is not necessary for the reasonable use of the land or buildings; other design options exist.
2. The variance requested is not the minimum necessary to alleviate a practical difficulty or unique physical condition.
3. The granting of the variance is contrary to the purpose and intent of the zoning code; deviation from the code without reasonable justification will slowly alter the neighborhood's essential character.
4. While the architecture of the house would be in harmony with the desired character of the neighborhood, the mass and location of structure would not be.

The foregoing resolution, offered by Councilmember _____ and supported by

Councilmember _____, was declared carried on the following vote:

Ayes:

Nays:

Passed:

Jo Emerson, Mayor

ATTEST:

Kara Coustry, City Clerk

RESOLUTION NO. _____

**RESOLUTION APPROVING TWO SETBACK VARIANCES FOR
4820 STEWART AVENUE
WITHIN THE CITY OF WHITE BEAR LAKE, MINNESOTA**

WHEREAS, a proposal (18-9-V) has been submitted by BCD Homes to the City Council requesting approval of a variance from the Zoning Code of the City of White Bear Lake for the following location:

LOCATION: 4820 Stewart Avenue

LEGAL DESCRIPTION: Lots 11 and 12, Block 44, Auerbachs Rearrangement of Part of White Bear, Ramsey County, MN (PID # 133022230091)

WHEREAS, THE APPLICANT SEEKS THE FOLLOWING RELIEF: A 10 foot variance from the 25 foot setback required along a side abutting a public right-of-way, per Code Section 1303.060, Subd.5.c.2, (in order to un-unify the two underlying lots of record and construct two new single-family residences) and a 2 foot variance from the 30 foot setback required from the rear property line for both living area and an attached garage, per Code Section 1202.060, Subd.5.c.3; and

WHEREAS, the Planning Commission has held a public hearing as required by the city Zoning Code on July 30, 2018; 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;

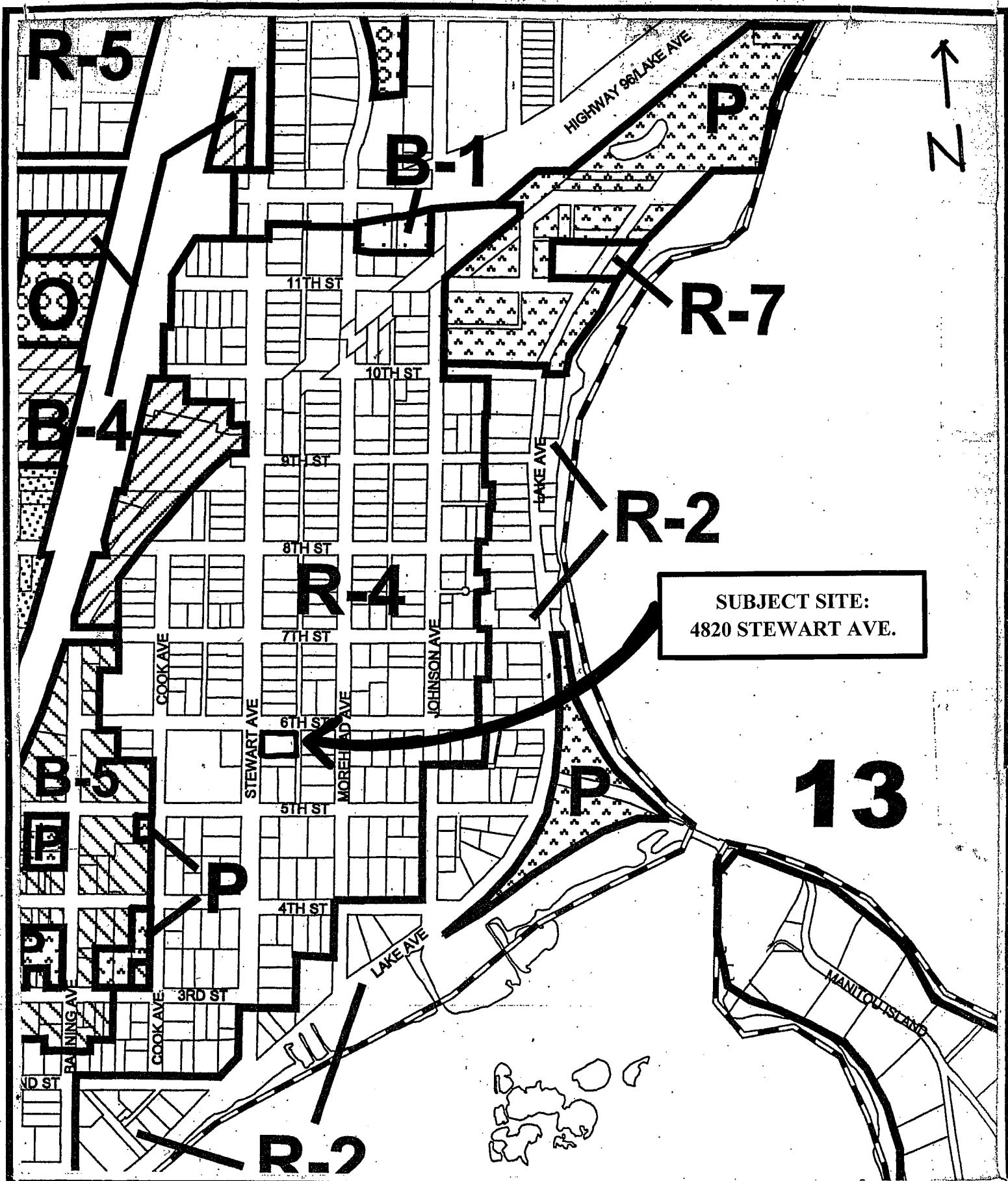
NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of White Bear Lake that the City Council accepts and adopts the following findings of the Planning Commission:

1. The requested variances will not:
 - a. Impair an adequate supply of light and air to adjacent property.
 - b. Unreasonably increase the congestion in the public street.
 - c. Increase the danger of fire or endanger the public safety.
 - d. Unreasonably diminish or impair established property values within the neighborhood or in any way be contrary to the intent of this Code.
2. The variances are a reasonable use of the land or building.
3. The variances will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

4. The special conditions and circumstances are not the result of actions of the owner or a predecessor in title.
5. The non-conforming uses of neighboring lands, structures, or buildings in the same district are not the sole grounds for issuance of the variances.

FURTHER, BE IT RESOLVED, that the City Council of the City of White Bear Lake hereby approves 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. Per Section 1301.060, Subd.3, the variance shall become null and void if the project has not been completed or utilized within one (1) calendar year after the approval date, subject to petition for renewal. Such petition shall be requested in writing and shall be submitted at least 30 days prior to expiration.
3. The applicant shall tender proof (ie: a receipt) to the City of having filed a certified copy of the signed resolution of approval with the County Recorder to ensure the compliance of the herein-stated conditions.
4. The front of the homes shall feature an unenclosed front porch or significant covered entry. Such feature shall consume at least one-third of the front of the building.
5. The garages shall be located to the rear of the home and shall access the alley.
6. The homes shall incorporate stone or brick elements with a hierarchy of two different siding materials and colors (in addition to the brick or stone).
7. Park dedication shall be due on each lot as the homes are constructed (ie: at the time of building permit).
8. A building permit shall be obtained before any work begins.
9. Prior to the issuance of a building permit, the applicant shall:
 - a. Provide proof of having un-unified the two parcels.
 - b. Revise the plan so that the north garage elevation is recessed from the north elevation of the home by 3 feet.
 - c. Revise the plan to include at least one 2.5-caliper inch tree in the yard of each residence.



SUBJECT SITE:
4820 STEWART AVE.

13

City of
White Bear Lake
Planning and Zoning Office
(612)-429-8561

CASE NO. : 18-9-V
CASE NAME : BCD Homes
DATE : July 30, 2018

BCD Homes
4457 White Bear Parkway, Suite C
White Bear Lake, MN
55110

To Who It May Concern,

I am writing in regards to the property at 4820 Stewart Ave. There is currently an old theatre building and a detached garage on this property, which is comprised of two city lots. In it's entirety, the property measures approximately 100' by 141'. I plan to utilize the property by separating it into two lots, and eventually hope to build two residential homes with garages entering from the alley.

I am requesting a 7' variance on the corner lot from 6th Street. Once the lot separation occurs each lot will be 50.37' x 141.55'. The current codes require a 25' setback from 6th street and an interior lot line setback of 10'. That allows for a house width of just 15'; the city code requires a minimum width on a new home to be 22'. Thus, I am *required* to secure a 7' variance to meet current city requirements on the corner lot. The new house will be designed as shown on the proposed survey at 22' wide (see plans).

The home on the corner lot will meet all other requirements in height, setbacks from the other three lot lines, and hardcover. We are very close to 30% using pervious surface patios, driveways and sidewalks. If for any reason we end up slightly over on hardcover of 30% we will go through the proper approvals to mitigate any overage that may occur. I do not anticipate this being the case; but would like to leave that option open. The interior lot will be built sometime in the future, not requiring a variance.

Both homes will be designed fitting into the neighborhood in size, style, and architectural aesthetics. In addition, the change from commercial to residential properties will likely lessen the impact on the neighborhood.

Sincerely,

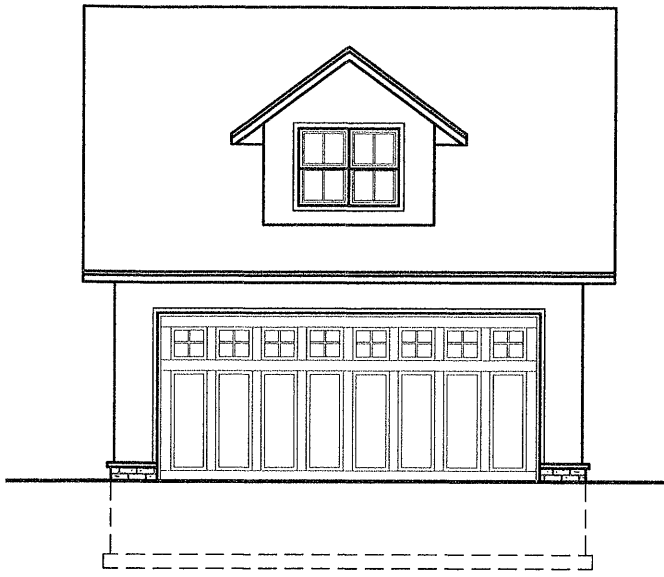
Doug Johnson
BCD Homes
651.274.1894



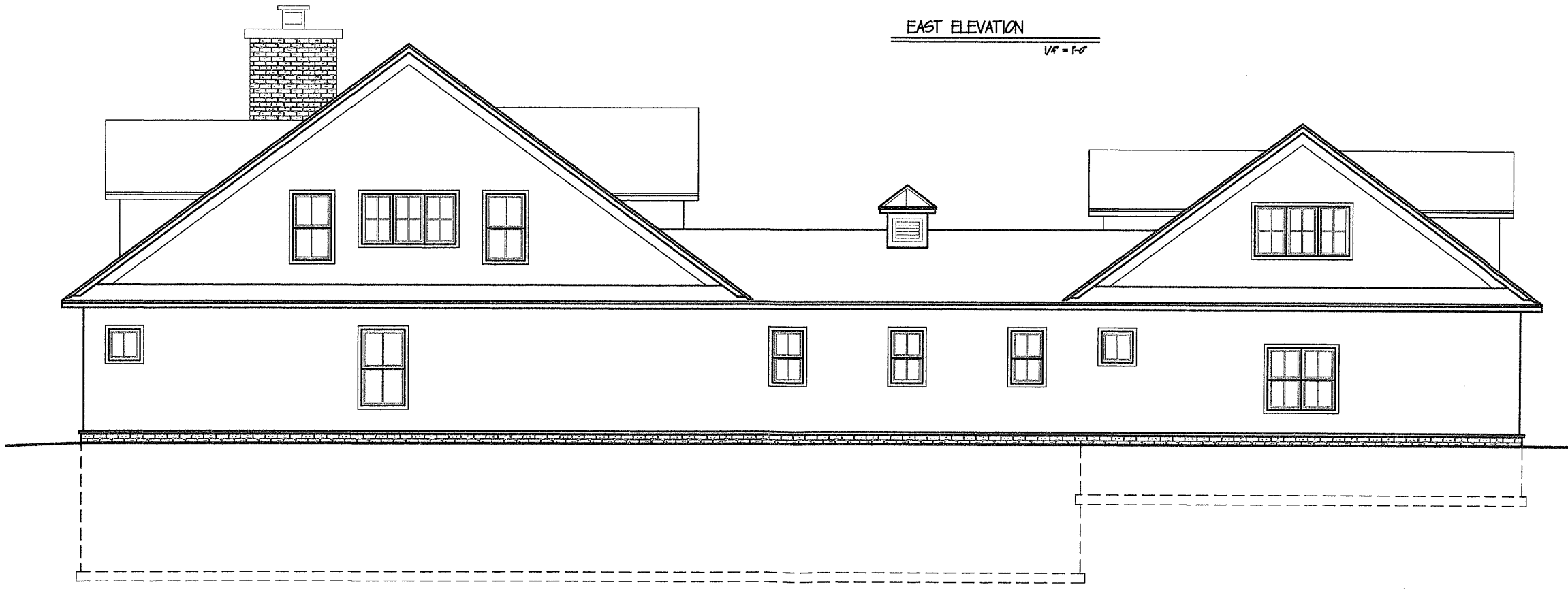
WEST ELEVATION
1/4" = 1'-0"



NORTH ELEVATION
1/4" = 1'-0"

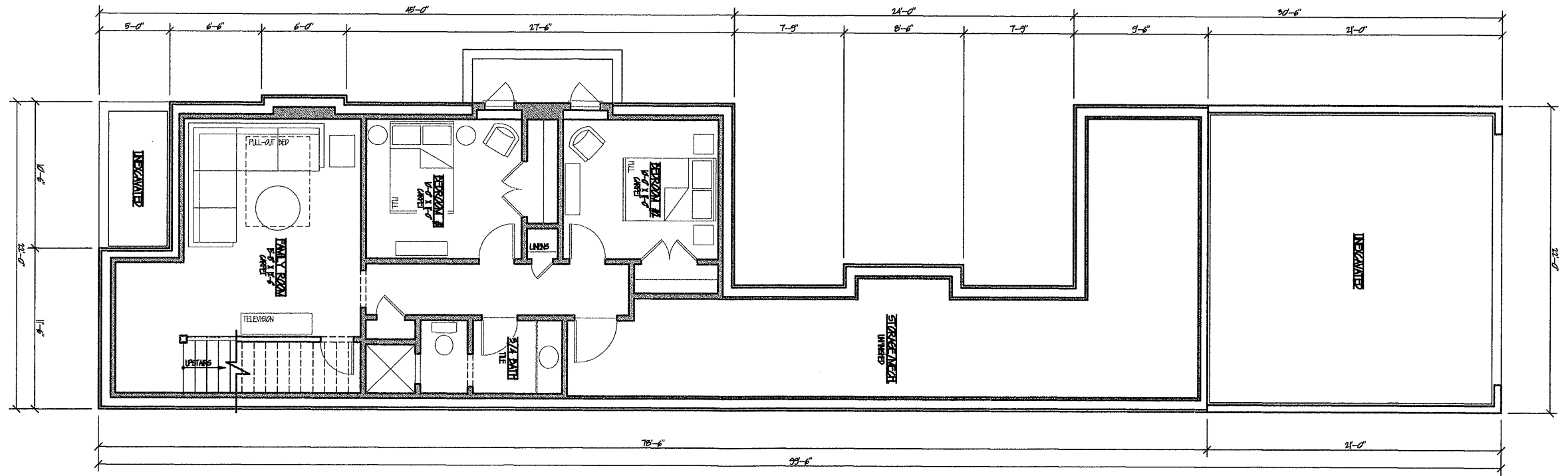


EAST ELEVATION
VF = 1-0

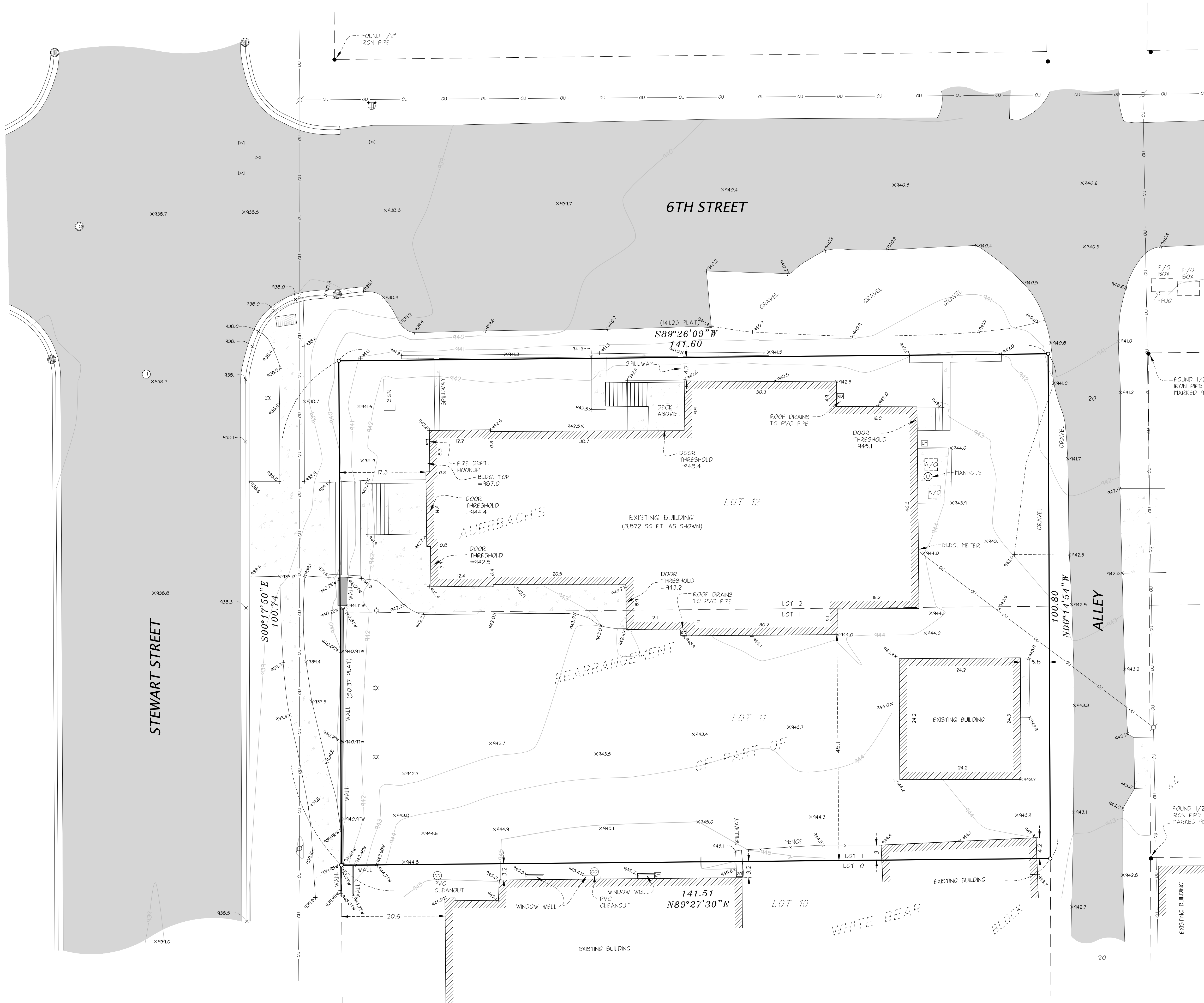


SOUTH ELEVATION
VF = 1-0

BASMENT PLAN
1/8" = 1'-0"



4820 STEWART AVE.



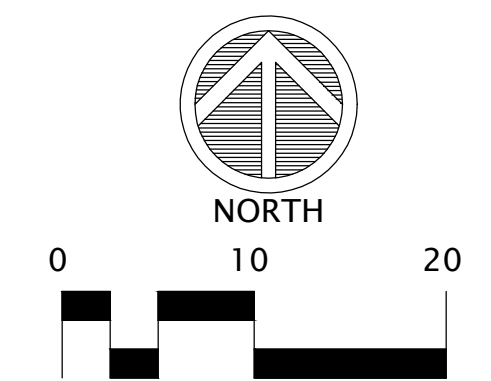
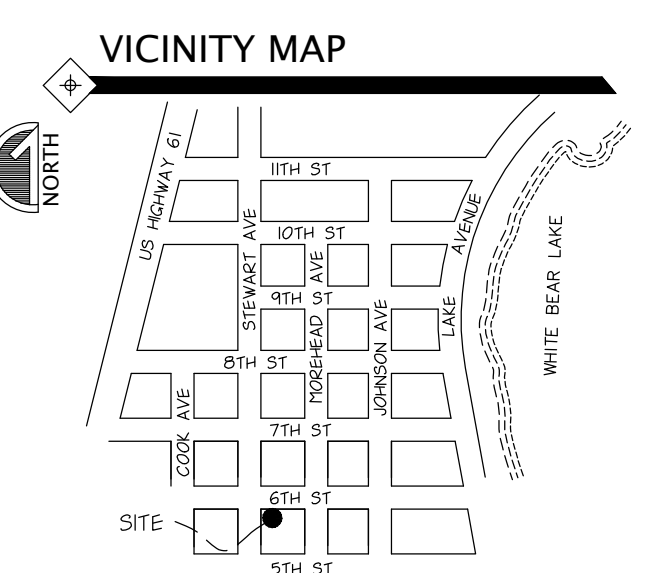
LEGAL DESCRIPTION:
 The following legal description is as shown on available Ramsey County, Minnesota tax records:
 Lots 11 and 12, Block 44, AUERBACH'S REARRANGEMENT OF PART OF WHITE BEAR, Ramsey County, Minnesota.

CONTACT:
 Doug Johnson
 Building Concepts & Design, Inc.
 4457 White Bear Parkway, Suite C
 White Bear Lake, MN 55110
 651-274-1894
 Doug@bcdhomes.com

TITLE NOTES:
 No title work was provided for the benefit of this survey. There may be easements or servitudes of record that the surveyor is unaware of.

COUNTY/CITY:
RAMSEY COUNTY
CITY OF WHITE BEAR LAKE

- SURVEY NOTES:**
- BEARINGS ARE BASED ON COORDINATES SUPPLIED BY THE RAMSEY COUNTY SURVEYORS OFFICE.
 - UNDERGROUND UTILITIES SHOWN PER VISUAL EVIDENCE COLLECTED AT THE TIME OF FIELD WORK AND AS-BUILTS PLANS PROVIDED BY THE CITY OF WHITE BEAR LAKE PUBLIC WORKS DEPARTMENT.
 - THERE MAY BE SOME UNDERGROUND UTILITIES, GAS, ELECTRIC, ETC. NOT SHOWN OR LOCATED.



LEGEND

● FOUND MONUMENT	⊠ FIRE DEPT. CONNECTION
○ SET 1/2" IRON PIPE MARKED SLS NO. 25718	⊠ CURB STOP
⊠ CABLE TV PEDESTAL	⊠ WATER WELL
⊠ AIR CONDITIONER	⊠ WATER MANHOLE
⊠ ELECTRIC MANHOLE	⊠ WATER METER
⊠ ELECTRIC METER	⊠ POST INDICATOR VALVE
⊠ ELECTRIC PEDESTAL	⊠ WATER VALVE
⊠ ELECTRIC TRANSFORMER	⊠ BOLLARD
⊠ LIGHT POLE	⊠ FLAG POLE
⊠ GUY WIRE	⊠ MAIL BOX
⊠ POWER POLE	⊠ TRAFFIC SIGN
⊠ GAS MANHOLE	⊠ UNKNOWN MANHOLE
⊠ GAS METER	⊠ SOIL BORING
⊠ TELEPHONE MANHOLE	⊠ SPOT ELEVATION
⊠ TELEPHONE PEDESTAL	⊠ TRAFFIC SIGNAL
⊠ SANITARY CLEANOUT	⊠ CONFEROUS TREE
⊠ SANITARY MANHOLE	⊠ DECIDUOUS TREE
⊠ CATCH BASIN	⊠ PROPOSED SPOT ELEVATION
⊠ STORM DRAIN	
⊠ FLARED END SECTION	
⊠ STORM MANHOLE	

--- 924 --- PROPOSED CONTOUR LINE
 ⊠ OFFSET HUB

--- U --- UNDERGROUND ELECTRIC
 --- UV --- UNDERGROUND CABLE TV
 --- UF --- UNDERGROUND FIBER OPTIC
 --- UT --- UNDERGROUND TELEPHONE
 --- OU --- OVERHEAD UTILITY
 --- UG --- UNDERGROUND GAS
 --- SS --- SANITARY SEWER
 --- SW --- STORM SEWER
 --- W --- WATERMAIN
 --- C --- CURB [TYPICAL]
 --- 1230 --- CONTOURS

REVISIONS:

DATE	REVISION
6-6-18	INITIAL ISSUE

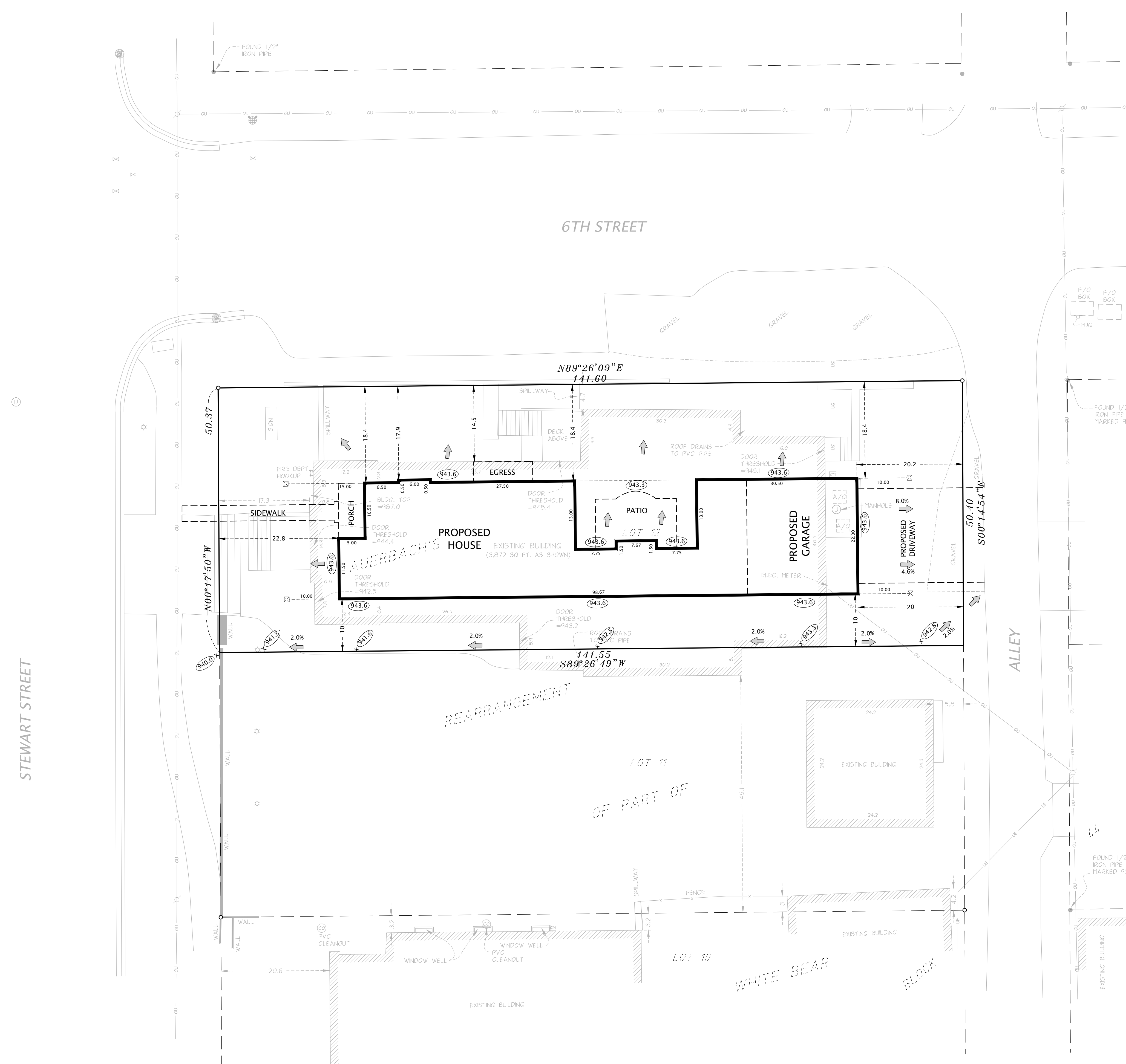
CERTIFICATION:
 I hereby certify that this plan was prepared by me, or under my direct supervision, and that I am a duly Licensed Land Surveyor under the laws of the state of Minnesota.
 Dan Johnson, Registration Number: 25718
 Date: 6-6-18

PROJECT LOCATION:
4820 STEWART AVE
 PID#133022230091

Suite #1
 6750 Stillwater Blvd. N.
 Stillwater, MN 55082
 Phone 651.275.8969
 Fax 651.275.8976
 dan@cssurvey.net

CORNERSTONE LAND SURVEYING, INC.
 FILE NAME: SURVBCD10
 PROJECT NO.: BCD18010

CERTIFICATE OF SURVEY



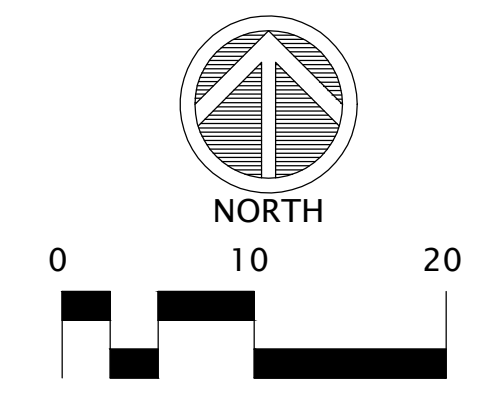
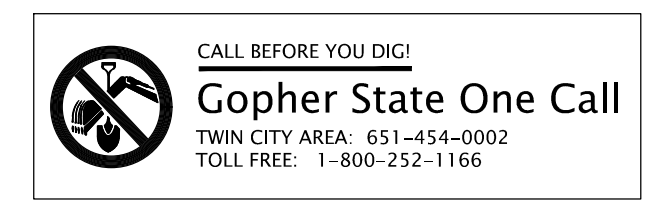
LEGAL DESCRIPTION:
 THE FOLLOWING LEGAL DESCRIPTION IS PART OF A LARGER PARCEL AND MAY NEED APPROVALS FROM THE CITY TO DETACH FROM LARGER PARCEL.
 Lot 12, Block 44, AUERBACH'S REARRANGEMENT OF PART OF WHITE BEAR, Ramsey County, Minnesota.

AREA:
 TOTAL AREA AS SHOWN = 7,133 SQ.FT.

TITLE NOTES:
 No title work was provided for the benefit of this survey. There may be easements or servitudes of record that the surveyor is unaware of.

SURVEY NOTES:

- BEARINGS ARE BASED ON COORDINATES SUPPLIED BY THE RAMSEY COUNTY SURVEYORS OFFICE.
- UNDERGROUND UTILITIES SHOWN PER VISUAL EVIDENCE COLLECTED AT THE TIME OF FIELD WORK AND AS-BUILT PLANS PROVIDED BY THE CITY OF WHITE BEAR LAKE PUBLIC WORKS DEPARTMENT.
- THERE MAY BE SOME UNDERGROUND UTILITIES, GAS, ELECTRIC, ETC. NOT SHOWN OR LOCATED.



(IN SQUARE FEET)
PROPOSED IMPROVEMENT AREAS:

- HOUSE = 1,831
- DRIVEWAY = 361
- PATIO = 142
- PORCH = 53
- EGRESS WINDOW = 43
- L-SIDEWALK = 69
- TOTAL PROPOSED = 2,499

PROPOSED BUILDING ELEVATIONS:

- TOP OF BLOCK = 944.3 (9' POURED)
- GARAGE FLOOR = 943.9
- BASEMENT FLOOR = 935.6

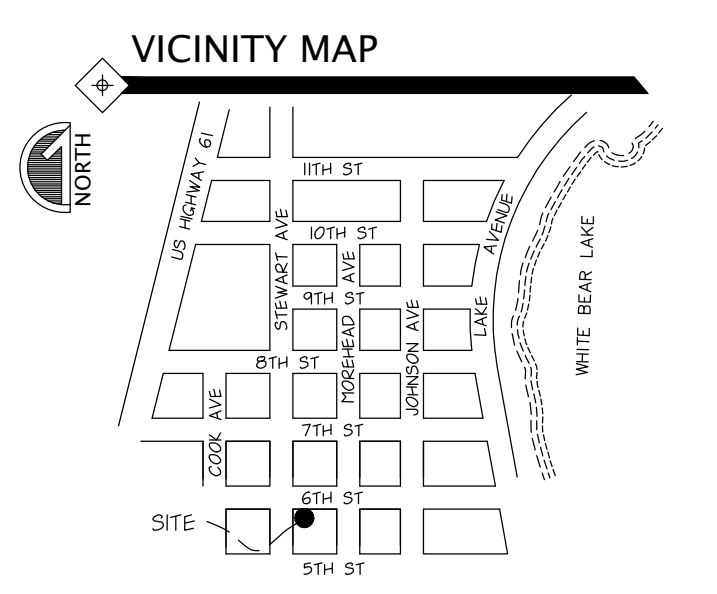
- SET OFFSET HUB
- PROPOSED ELEVATION
- PROPOSED CONTOUR
- PROPOSED DRAINAGE
- DENOTES EXISTING ELEV.
- DENOTES SILT FENCE
- EXISTING CONTOURS

CONTRACTOR TO VERIFY ALL BUILDING DIMENSIONS SHOWN WITH THE MOST CURRENT FOUNDATION PLAN PRIOR TO EXCAVATION.

4820 STEWART AVE.

CONTACT:
 Doug Johnson
 Building Concepts & Design, Inc.
 4457 White Bear Parkway, Suite C
 White Bear Lake, MN 55110
 651-274-1894
 Doug@bcdhomes.com

COUNTY/CITY:
RAMSEY COUNTY
CITY OF WHITE BEAR LAKE



SEC. 13, TWP. 30, RING. 22
 CITY OF WHITE BEAR LAKE, RAMSEY COUNTY, MINNESOTA

REVISIONS:

DATE	REVISION
6-13-18	INITIAL ISSUE

CERTIFICATION:
 I hereby certify that this plan was prepared by me, or under my direct supervision, and that I am a duly Licensed Land Surveyor under the laws of the state of Minnesota.
 Daniel L. Thurmes Registration Number: 25718
 Date: 6-13-18

PROJECT LOCATION:
4820 STEWART AVE
 PID#133022230091

Suite #1
 6750 Stillwater Blvd. N.
 Stillwater, MN 55082
 Phone 651.275.8969
 Fax 651.275.8976
 dan@cssurvey.net

CORNERSTONE LAND SURVEYING, INC.
 FILE NAME SURVBCD10
 PROJECT NO. BCD18010

SITE/GRADING PLAN



City of White Bear Lake
COMMUNITY DEVELOPMENT
DEPARTMENT

4.D

MEMORANDUM

TO: The Planning Commission

FROM: Samantha Crosby, Planning & Zoning Coordinator

DATE: July 25, 2017, for July 30, 2018 Planning Commission Meeting

SUBJECT: Greg & Mary Pariseau, 4895 Morehead Avenue – Case No. 18-8-V

REQUEST

The applicant is requesting a 15-foot variance from the 30-foot setback for the side yard abutting a public right-of-way in order to tear down the existing home and build a new single family home.

SITE CHARACTERISTICS

The subject site is located at the southwest corner of 8th Street and Morehead Avenue. The 50-foot wide lot currently contains a single-family residence constructed in 1917. An alley is located at the rear of the property.

ZONING

The subject site is zoned R-4, Single-Family Residential, and is in the S, Shoreland Overlay District, as are all of the adjacent properties.

APPLICANT'S PRACTICAL DIFFICULTY

Because the lot is a corner lot, a 30 foot setback is required along the north side, coupled with the 10 foot setback required along the south side only 10 feet of width remains to build the home, when the minimum house width required is 22 feet wide. This constitutes a true practical difficulty based on special physical conditions of the site.

The smallest variance necessary to conform with all aspects of the zoning code would be a 12-foot variance, which would allow for a 22-foot wide home. Although the applicant's request is more than the absolute minimum, staff is comfortable recommending the 15-foot variance because it is consistent with many of the other 50-foot wide corner lots in the Old White Bear neighborhood, particularly newer residences which have been granted similar variances.

ANALYSIS

The proposed layout complies with all other aspects of the code and includes all of the features typically required of this type of variance: the garage is located to the rear, a 7-foot wide unenclosed front porch wraps around the northeast corner of the home, and exterior materials include a stone base (on the porches) and in this case, three of the four facades feature two

4.D

differing siding types and gabled roof elements. The front porch encroaches into the average front yard setback requirement and, therefore, may not be enclosed in the future without a variance.

The attached two car garage faces 8th Street, rather than the alley, reducing the length of the driveway and therefore the amount of impervious area. While it is encouraged for garages to access the alley to limit the visibility of the garage, in this case, the use of 8th Street is appropriate. The garage steps back from the rest of the house, lessening its appearance. The garage is also not as tall as the rest of the home, since it does not have living area above it. At 25.3' by 24.5', the garage is only slightly larger than a standard 24' by 24', and it features a decorative garage door with windows. Finally, all of the corner lots at this intersection have driveway access to the street, rather than the alley, so the orientation is not unique.

The impervious area calculation only includes the house, porches and garage; the driveway, egress windows and sidewalks have not been included. The Shoreland Overlay district limits impervious area to 30% by right. Residential properties may exceed the maximum impervious area if they provide adequate mitigation. The applicant will need to incorporate a stormwater feature in the construction plans to mitigate the excess impervious area over 30%. The design must be reviewed and approved by the City Engineering Department at the time of the building permit.

Staff estimates at least four trees that will need to be removed to accommodate the new home. Not all of the existing trees have been identified on the survey, therefore additional information is needed before the replacement can be calculated. The calculation results and replacement plan will be finalized at the time of building permit.

Staff received the attached letter from the neighboring property owner to the south, which expresses concern about drainage. Engineering staff will review the proposed grading plan at the time of building permit, nonetheless, staff has included a condition requiring gutters. Finally, the code does allow garages to be 5 feet from side property lines.

SUMMARY

The City has a high level of discretion when approving or denying a variance because the burden of proof is on the applicant to show that they meet the standards of the ordinance. If the proposal is deemed reasonable (meaning that it does not have an adverse effect on neighboring properties, it is consistent with the Comp Plan, and it is in harmony with the intent of the Zoning Code) then the criteria have been met.

Historically, staff, the Commission, and Council have all been supportive of past variances from the 30 or 25 foot setback along a side abutting a public right-of-way, in order to allow a 50-foot wide corner lot to be buildable. There are two of these requests on the Commission's agenda this evening. Similar variances last year include the Howe residence at 4935 Johnson Avenue and the Inspiration Properties LLC property at 4583 2nd Avenue. With the forthcoming zoning code overhaul in 2019, the City may want to consider allowing such deviation by Administrative Variance.

RECOMMENDATION

The requested variance does not adversely affect the neighboring properties; the beautifully designed home fits the fabric of the established neighborhood; and the variance is in harmony with

the general intent of the Zoning Code; consequently, staff recommends approval 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. Per Section 1301.060, Subd.3, the variance shall become null and void if the project has not been completed or utilized within one (1) calendar year after the approval date, subject to petition for renewal. Such petition shall be requested in writing and shall be submitted at least 30 days prior to expiration.
3. The applicant shall verify the property lines and have the property pins exposed at the time of inspection.
4. The house shall be guttered to direct run-off away from the adjacent property to the south.
5. A building permit shall be obtained before any work begins.

Prior to the issuance of a building permit, the applicant shall:

6. Submit tree preservation calculations and a replacement plan, subject to staff approval.
7. Provide a stormwater infiltration system plan for the excess impervious area per Section 1303.230, Subd. 5. Design to be reviewed and approved by the City Engineer.

Attachments:

1. Draft Resolution of Approval
2. Zoning/Location Map
3. McCormack letter dated July 20, 2018
4. Existing Conditions Survey
5. Applicant's Narrative
6. Site Plan, Landscape Plan and Site Plan over Survey (3 pages)
7. Elevations and Floor Plans (6 pages)

RESOLUTION NO. _____

**RESOLUTION GRANTING A SETBACK VARIANCE
FOR 4895 MOREHEAD AVENUE
WITHIN THE CITY OF WHITE BEAR LAKE, MINNESOTA**

WHEREAS, a proposal (18-8-V) has been submitted by Greg & Mary Pariseau, to the City Council requesting approval of a variance from the Zoning Code of the City of White Bear Lake for the following location:

LOCATION: 4895 Morehead Avenue

LEGAL DESCRIPTION: Lot 1, Block 30 of Auerbachs Rearrangement of Part of White Bear (PID: 133022230023)

WHEREAS, THE APPLICANT SEEKS THE FOLLOWING: A 15-foot variance from the 30-foot setback required along a side abutting a public right of way, per Code Section 1303.230, Subd.5.a.4, in order to demo the existing home and build a new single-family residence; and

WHEREAS, the Planning Commission held a public hearing as required by the Zoning Code on July 30, 2018; 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 that the City Council accepts and adopts the following findings of the Planning Commission:

1. The requested variance will not:
 - a. Impair an adequate supply of light and air to adjacent property.
 - b. Unreasonably increase the congestion in the public street.
 - c. Increase the danger of fire or endanger the public safety.
 - d. Unreasonably diminish or impair established property values within the neighborhood or in any way be contrary to the intent of this Code.
2. The variance is a reasonable use of the land or building and the variance is the minimum required to accomplish this purpose.
3. The variance will be in harmony with the general purpose and intent of the City Code.
4. The variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

- 5. The non-conforming uses of neighboring lands, structures, or buildings in the same district are not the sole grounds for issuance of the variance.

FURTHER, BE IT RESOLVED, that the City Council of the City of White Bear Lake hereby approves the requested variance, 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. Per Section 1301.060, Subd.3, the variance shall become null and void if the project has not been completed or utilized within one (1) calendar year after the approval date, subject to petition for renewal. Such petition shall be requested in writing and shall be submitted at least 30 days prior to expiration.
- 3. The applicant shall verify the property lines and have the property pins exposed at the time of inspection.
- 4. The house shall be guttered to direct run-off away from the adjacent property to the south.
- 5. A building permit shall be obtained before any work begins.

Prior to the issuance of a building permit, the applicant shall:

- 6. Submit tree preservation calculations and a replacement plan, subject to staff approval.
- 7. Provide a stormwater infiltration system plan for the excess impervious area per Section 1303.230, Subd. 5. Design to be reviewed and approved by the City Engineer.

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

Ayes:
Nays:
Passed:

Jo Emerson, Mayor

ATTEST:

Kara Coustry, City Clerk

Approval is contingent upon execution and return of this document to the City Planning Office.

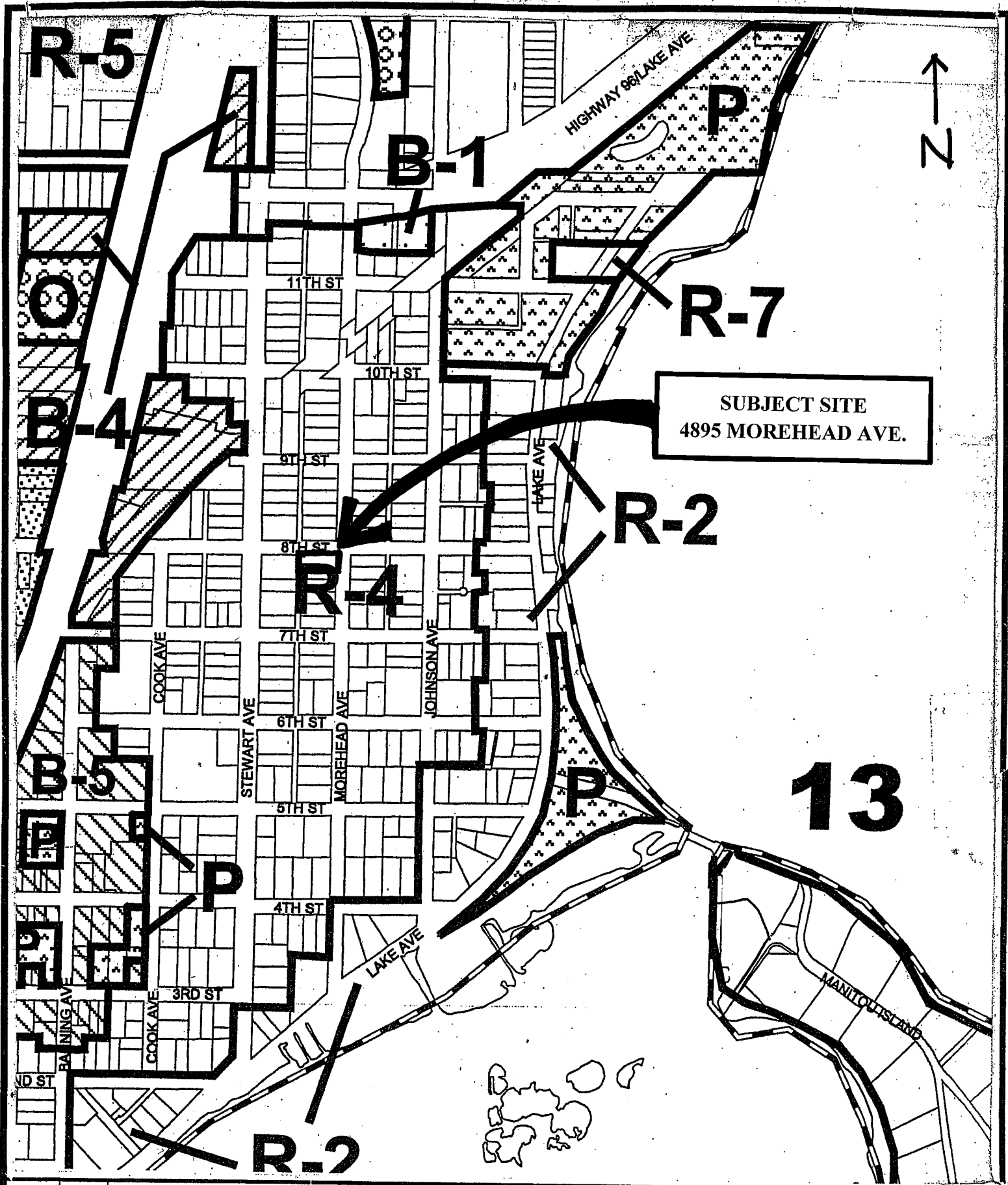
I have read and agree to the conditions of this resolution as outlined above.

Gregory M. Pariseau

Date

Mary M. Pariseau

Date



SUBJECT SITE
4895 MOREHEAD AVE.

13

City of
 White Bear Lake
 Planning and Zoning Office
 (612)-429-8561

CASE NO. : 10-8-V
 CASE NAME : Parisian
 DATE : July 30, 2010

July 20 2018

City White Bear Lake
Planning Commission
City Council
City Zoning

Re: 18-8-V = variance 4895 Morehead Ave

City,

4895 Morehead Ave is a small 141' by 50' lot. The new house needs to be sized within the code, to fit the small lot.

I live next door at 4891 Morehead Ave. I have a lower elevation yard and a 100 year old foundation. Please angle the house and garage gutter and downspouts to direct the water runoff into the 4895 Morehead Ave yard, not pointing and running toward my low elevation yard.

Is it within code to have a new garage (back) wall built only 5' from the property line.

Thank you,



Catherine M. G. McCormack
4891 Morehead Ave
White Bear Lake MN 55110

CERTIFICATE OF SURVEY

~for~ GREG PARISEAU
 ~of~ 4895 MOREHEAD AVENUE
 WHITE BEAR LAKE, MN

LEGAL DESCRIPTION

(Per Ramsey County Tax Record)

Lot 1, Block 30, AUERBACH'S REARRANGEMENT OF
 PART OF WHITE BEAR, Ramsey County, Minnesota.



NORTH

GRAPHIC SCALE



1 INCH = 20 FEET

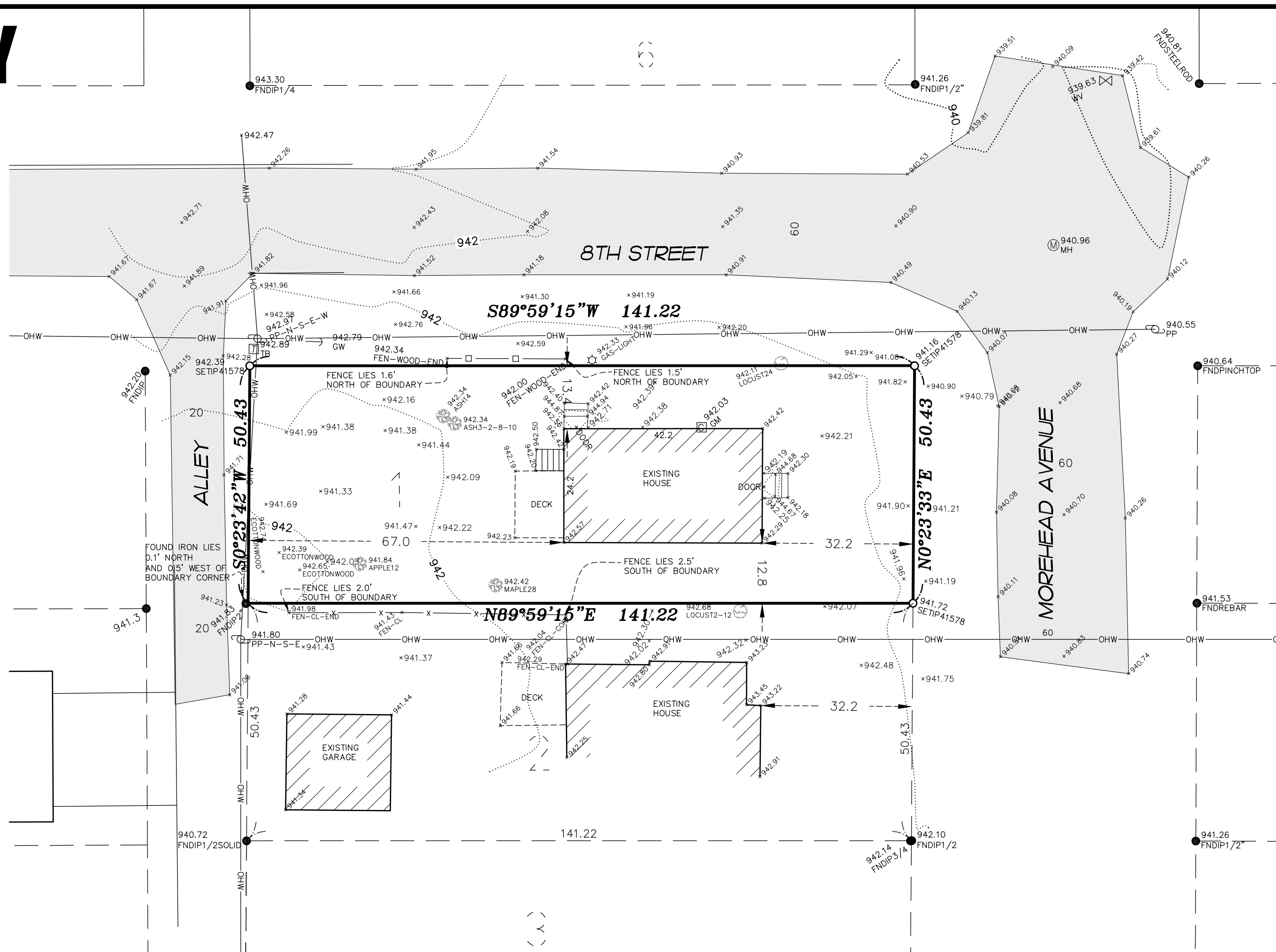
IMPERVIOUS COVERAGE

Total lot area = 7,121 sq. ft.

Existing house = 1,023 sq. ft.

Existing concrete stairs = + 56 sq. ft.

Total existing impervious area = 1,079 sq. ft.
 15.2%



LEGEND

- DENOTES IRON MONUMENT FOUND AS LABELED
- DENOTES IRON MONUMENT SET, MARKED RLS# 41578
- x 952.36 DENOTES EXISTING SPOT ELEVATION
- ⊠ DENOTES GAS METER
- ✓ DENOTES GUY WIRE
- ⊛ DENOTES LIGHT POLE
- ⊙ DENOTES POWER POLE
- x—x— DENOTES WOVEN WIRE FENCE
- DENOTES WOOD FENCE
- ⋯ DENOTES EXISTING CONTOURS
- OHW— DENOTES OVERHEAD WIRE
- ▭ DENOTES BITUMINOUS SURFACE

NOTES

- Field survey was completed by E.G. Rud and Sons, Inc. on 9/18/17 and 10/10/17.
- Bearings shown are on Ramsey County datum.
- 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.

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: 10/30/17 License No. 41578

DRAWN BY: CMB	JOB NO: 17685HS	DATE: 9/19/17	
CHECK BY: JER	SCANNED <input type="checkbox"/>		
1	10/30/17	ADD SET IRONS	CMB
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

www.egrud.com

NARRATIVE FOR RIGHT OF WAY SIDE SETBACK
VARIANCE AT

4895 Morehead Avenue, White Bear Lake, MN

July 25, 2018

To: White Bear Lake Planning Commission/
White Bear Lake City Council

We are writing today to ask for a variance to the side yard setback requirement along a right of way for the construction of a new home at 4895 Morehead Avenue. We are lifelong residents of White Bear Lake and currently reside at 4971 Bald Eagle Avenue. We have been active in the city and the community since we were children. We are looking forward to retiring in Old Town and continuing our relationship with the community that has nurtured us over the past several decades. We purchased the property on Morehead last year with the intention of removing the existing home which is no longer habitable and constructing a new residence that would complement the neighborhood and address the needs of our family.

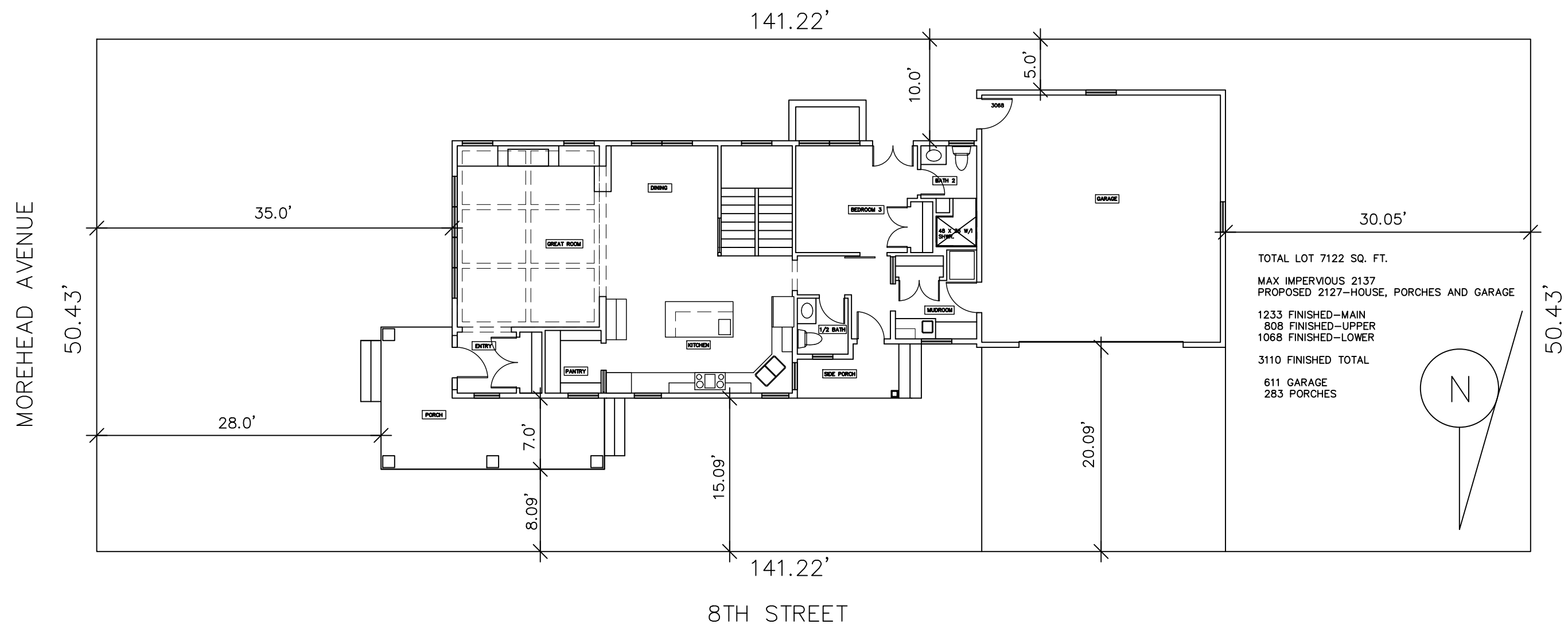
The city setback for the side yard along the right of way is currently 30' in the Shoreland overlay district where this lot is located. The lot is 50.43' in width by 141.22' in length. Under current setbacks this lot would allow for just over 10' of width to construct a new home. Not only does this width restrict the size of available rooms but it would also impact the exterior presence of the home from the street. We are asking for a variance of 15' to allow for a total building width of 25.33'. This width allows for the design of a comfortable home that would blend seamlessly with the surrounding homes in Old Town. We have designed this home with attention to the adjacent properties and have kept the front

yard setback at a modest 35' to the front. Currently the home nearest to this property is at 32' and the City requirement is the average between 30' and 32'. The design incorporates a wraparound style porch that welcomes visitors from both Morehead and 8th St. It was our intent to have a story and a half design and maintain the charm of the surrounding neighborhood. Exterior materials were selected that were similar in style to those on the existing structure. The home was also designed with consideration of preserving a very large tree along the SW corner of the property.

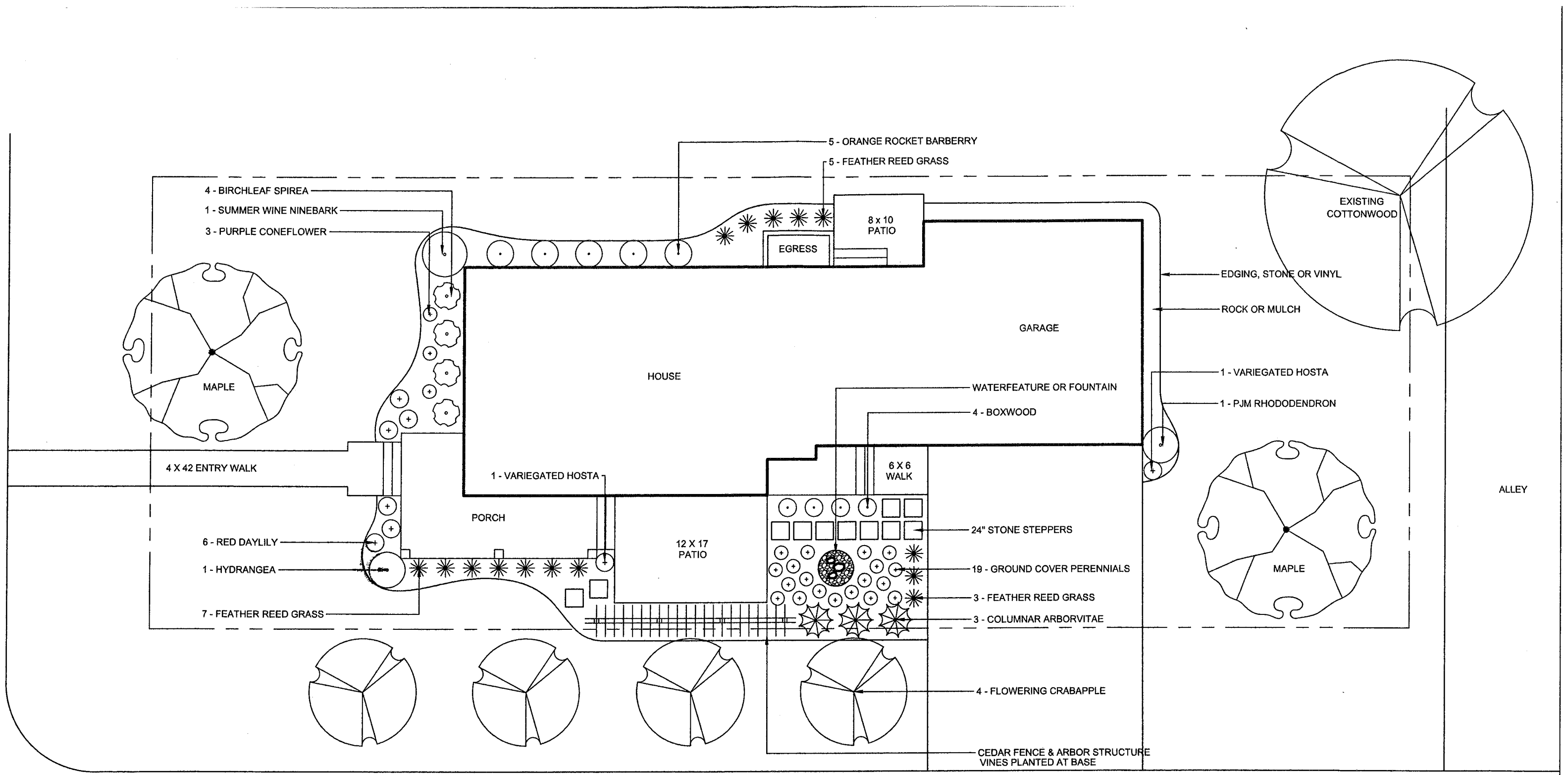
This design meets all other setbacks and requirements outlined by the city and it is our hope that with the variance we can construct our new home and provide the community with another residence that keeps with the spirit and integrity of Old Town and its vision.

Sincerely,

Greg and Mary Pariseau



1
 9 SITE PLAN
 1" = 20'-0"



- 4 - BIRCHLEAF SPIREA
- 1 - SUMMER WINE NINEBARK
- 3 - PURPLE CONEFLOWER

- 5 - ORANGE ROCKET BARBERRY
- 5 - FEATHER REED GRASS

- 6 - RED DAYLILY
- 1 - HYDRANGEA
- 7 - FEATHER REED GRASS

- WATERFEATURE OR FOUNTAIN
- 4 - BOXWOOD

- 19 - GROUND COVER PERENNIALS
- 3 - FEATHER REED GRASS
- 3 - COLUMNAR ARBORVITAE

- 4 - FLOWERING CRABAPPLE

- 1 - VARIEGATED HOSTA
- 1 - PJM RHODODENDRON

CEDAR FENCE & ARBOR STRUCTURE
VINES PLANTED AT BASE

8TH STREET

<p>8326 Wyoming Trail, Chisago City, MN 55013</p>	LANDSCAPE DESIGN		
	DRAWN FOR:		
	GREG & MARY PARISEAU		
	4895 MOREHEAD AVENUE		
	WHITE BEAR LAKE, MN 55110		
DATE:	DRAWN BY:	SCALE:	
7/17/18	ALAN S.	3/32" = 1' - 0"	

CERTIFICATE OF SURVEY

~for~ GREG PARISEAU
 ~of~ 4895 MOREHEAD AVENUE
 WHITE BEAR LAKE, MN

LEGAL DESCRIPTION

(Per Ramsey County Tax Record)

Lot 1, Block 30, AUERBACH'S REARRANGEMENT OF
 PART OF WHITE BEAR, Ramsey County, Minnesota.



NORTH

GRAPHIC SCALE

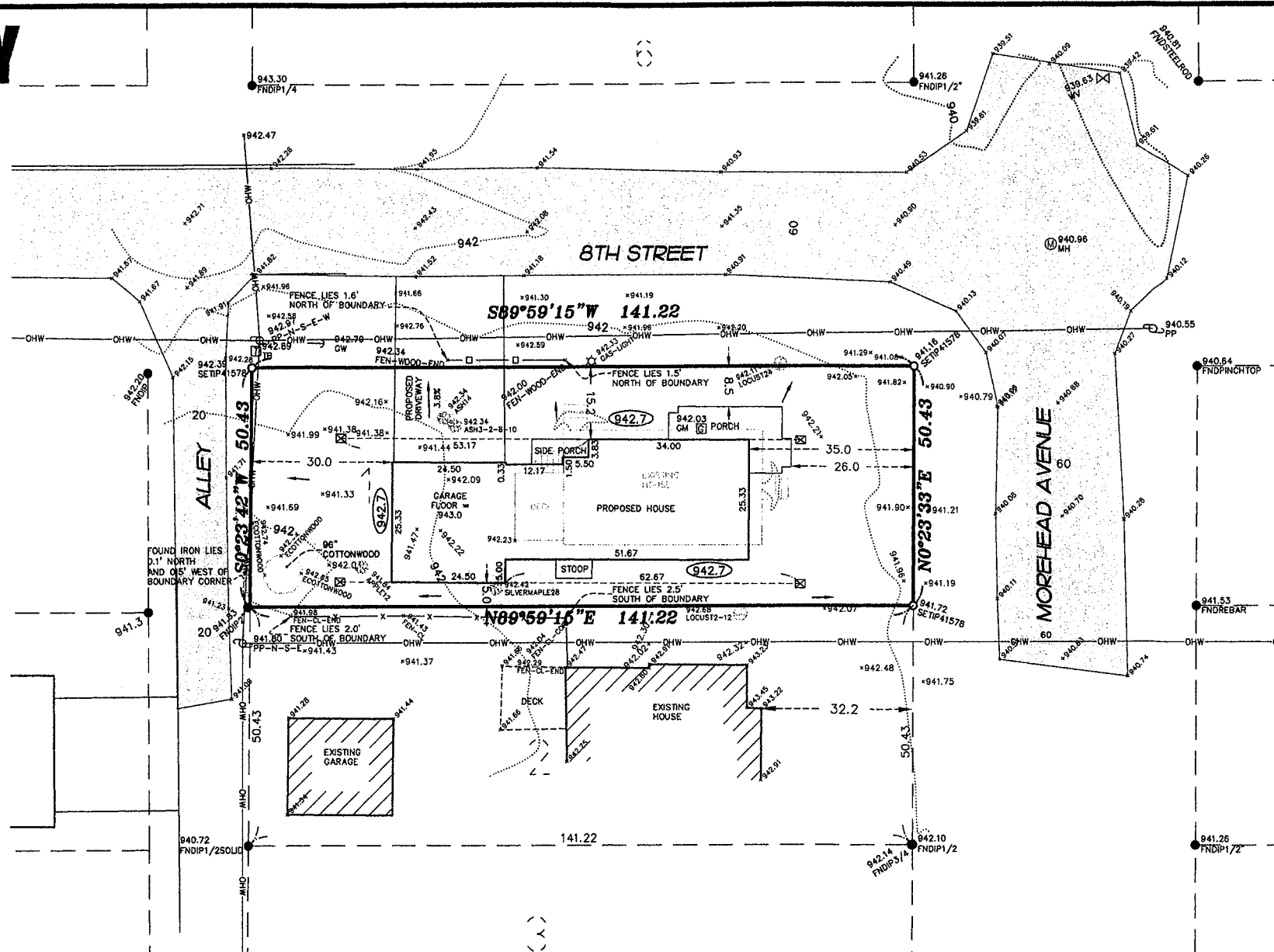


1 INCH = 20 FEET

IMPERVIOUS COVERAGE

Total lot area = 7,121 sq. ft.

Proposed house, porches, stoops, and garage: 2,125 sq. ft.
 Proposed driveway: 476 sq. ft.
 Total existing impervious area = 2,601 sq. ft.
 36.5%



LEGEND

- DENOTES IRON MONUMENT FOUND AS LABELED
- DENOTES IRON MONUMENT SET, MARKED RLS# 41578
- x 952.35 DENOTES EXISTING SPOT ELEVATION
- ⊠ DENOTES GAS METER
- ✓ DENOTES GUY WIRE
- ☆ DENOTES LIGHT POLE
- ⊙ DENOTES POWER POLE
- ⊙ 1023 DENOTES PROPOSED ELEVATION.
- ⊠ DENOTES WOOD HUB/METAL SPIKE AT 11 FOOT OFFSET. (UNLESS OTHERWISE NOTED)
- x-x- DENOTES WOVEN WIRE FENCE
- o-o- DENOTES WOOD FENCE
- - - DENOTES EXISTING CONTOURS
- OHW- DENOTES OVERHEAD WIRE
- ▨ DENOTES BITUMINOUS SURFACE

NOTES

- Field survey was completed by E.G. Rud and Sons, Inc. on 9/18/17 and 10/10/17.
- Bearings shown are on Ramsey County datum.
- 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.

DIAGONAL: 98.17 X 30.33 = 102.75
 (9 FOOT POURED WALL BASEMENT)
PROPOSED ELEVATIONS:

TOP OF BLOCK = 943.4
 GARAGE FLOOR = 943.0
 LOWEST FLOOR = 934.7
 TOP OF FOOTING = 934.4

- * BUILDER TO VERIFY HOUSE DIMENSIONS, SEWER DEPTH AND FOUNDATION DEPTH.
- * DRIVEWAYS ARE SHOWN FOR GRAPHIC PURPOSES ONLY. FINAL DRIVEWAY DESIGN AND LOCATION TO BE DETERMINED BY CONTRACTOR.
- * FINISHED GRADE ADJACENT TO HOME SHALL BE 0.5 FEET BELOW TOP OF BLOCK EXCEPT AT DRIVEWAY AND PATIO.

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: 7/18/18 License No. 41578

DRAWN BY: CMB	JOB NO: 17685HS	DATE: 9/19/17
CHECK BY: JER	SCANNED <input type="checkbox"/>	
1	10/30/17	ADDED SET IRONS CMB
2	10/30/17	ADDED PROPOSED HOUSE CMB
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
 www.egrund.com

PRELIM FOR BIDDING ONLY NOT FOR CONSTRUCTION



1 REAR ELEVATION
1/4" = 1'-0"

1



2 HOUSE FRONT ELEVATION
1/4" = 1'-0"

Susan Hebert Welles
Residential Design & Consulting

3327 26th Avenue North
Golden Valley, MN 55422
P: 763.412.9888, 8404
e-mail: shebertwelles@gmail.com

NEW RESIDENCE FOR:
GREG AND MARY PARISEAU
4895 MOREHEAD AVENUE
WHITE BEAR LAKE, MINNESOTA

ISSUE DATE
MAY 25, 2018
REVISIONS

JOB #201803

SHEET
1
OF 8

PRELIM FOR BIDDING ONLY NOT FOR CONSTRUCTION

Susan Hebert Welles
Residential Design & Consulting

3327 26th Avenue North
Columbia Heights, MN 55412
Phone: 763.498.8404
e-mail: hebertwelles@gmail.com

NEW RESIDENCE FOR:
GREG AND MARY PARISEAU
4895 MOREHEAD AVENUE
WHITE BEAR LAKE, MINNESOTA

ISSUE DATE
MAY 25, 2018
REVISIONS

JOB #201803

SHEET
2
OF 8



1 RIGHT ELEVATION
2 1/4" = 1'-0"

PRELIM FOR BIDDING ONLY NOT FOR CONSTRUCTION

Susan Hebert Welles
Residential Design & Consulting

3327 26th Avenue North
Cottondale, MN 55422
Phone: 763.498.8404
e-mail: shebertwelles@gmail.com

NEW RESIDENCE FOR:
GREG AND MARY PARISEAU
4895 MOREHEAD AVENUE
WHITE BEAR LAKE, MINNESOTA

ISSUE DATE
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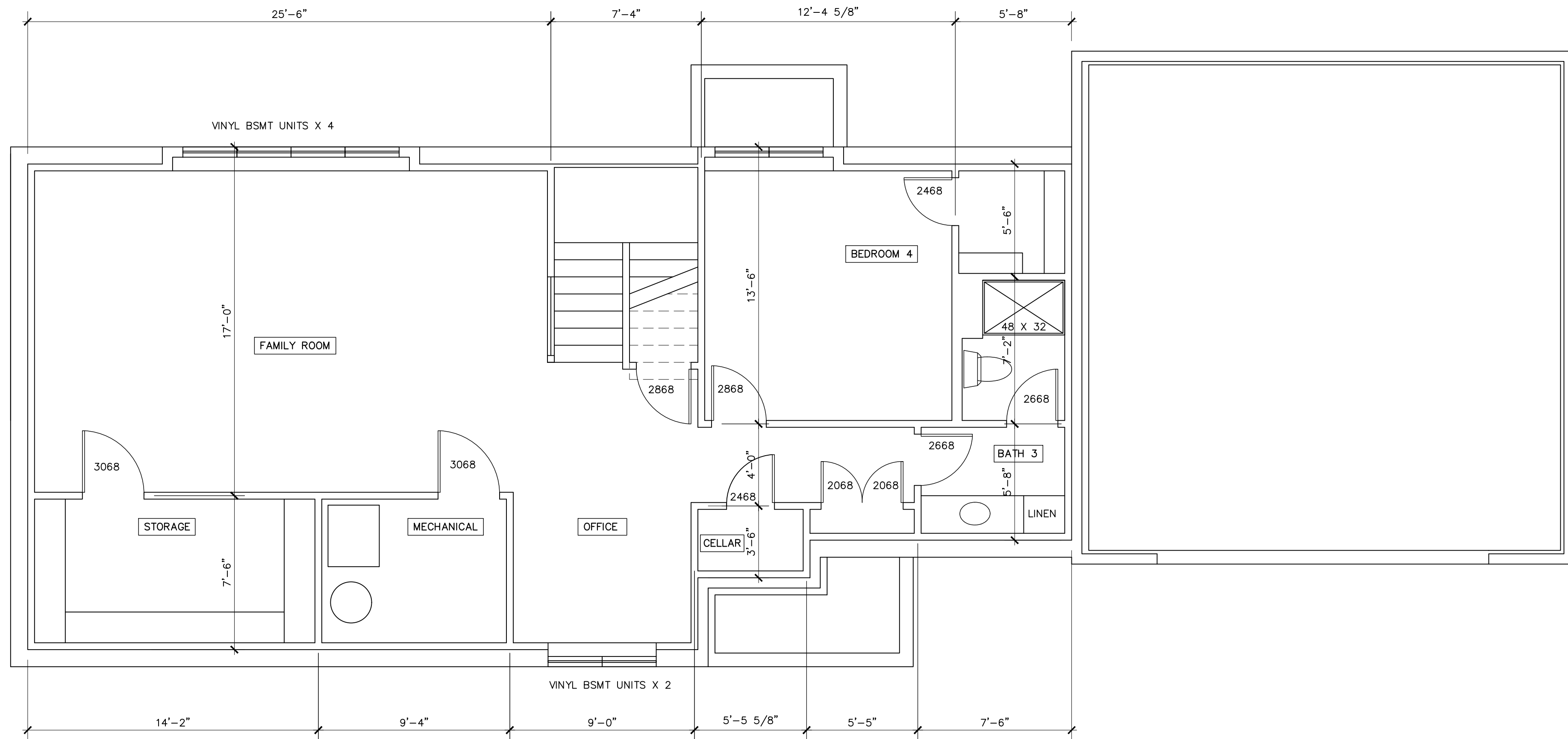
JOB #201803

SHEET
3
OF 8



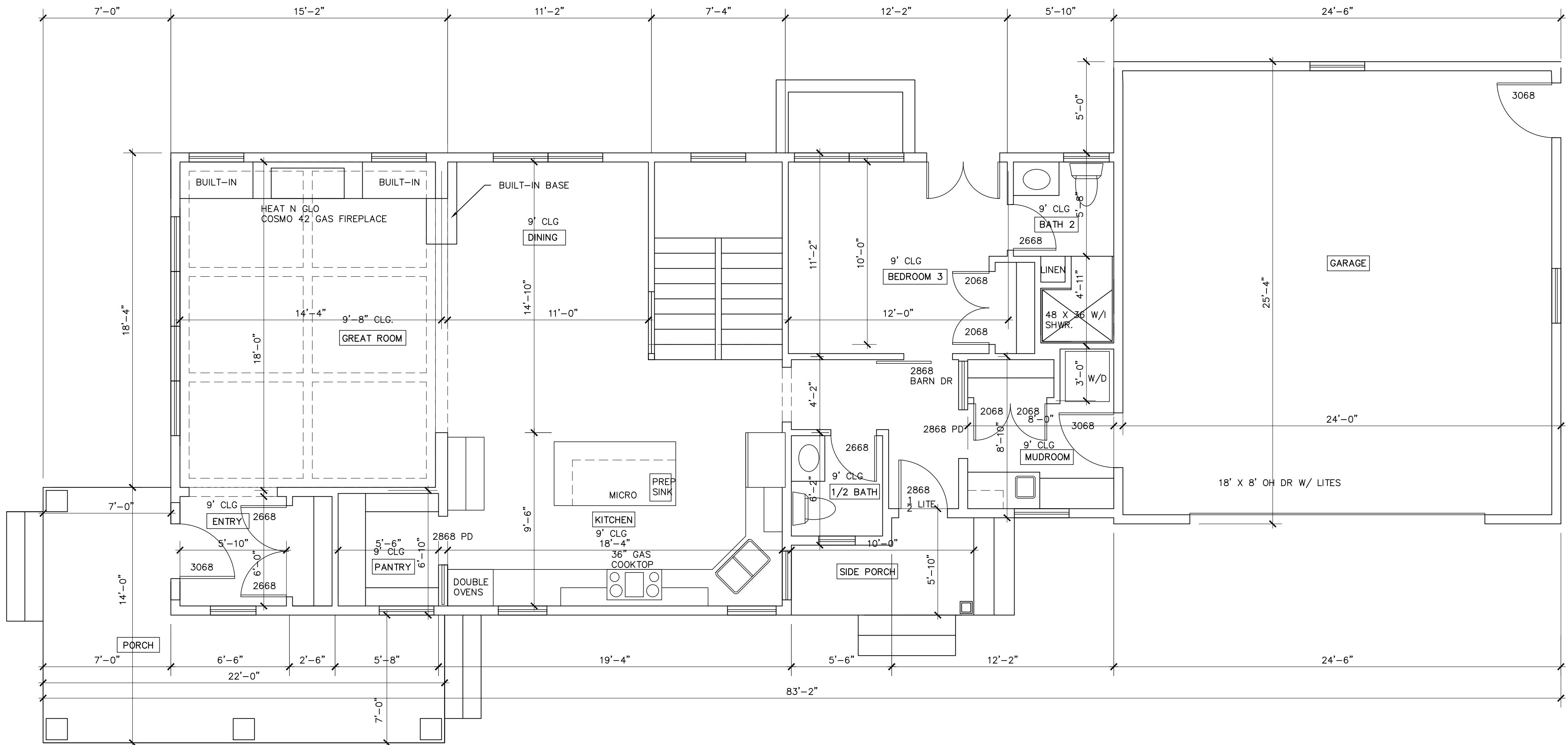
1
3 LEFT ELEVATION
1/4" = 1'-0"

PRELIM FOR BIDDING ONLY NOT FOR CONSTRUCTION



1 LOWER LEVEL PLAN
1/4" = 1'-0"

PRELIM FOR BIDDING ONLY NOT FOR CONSTRUCTION

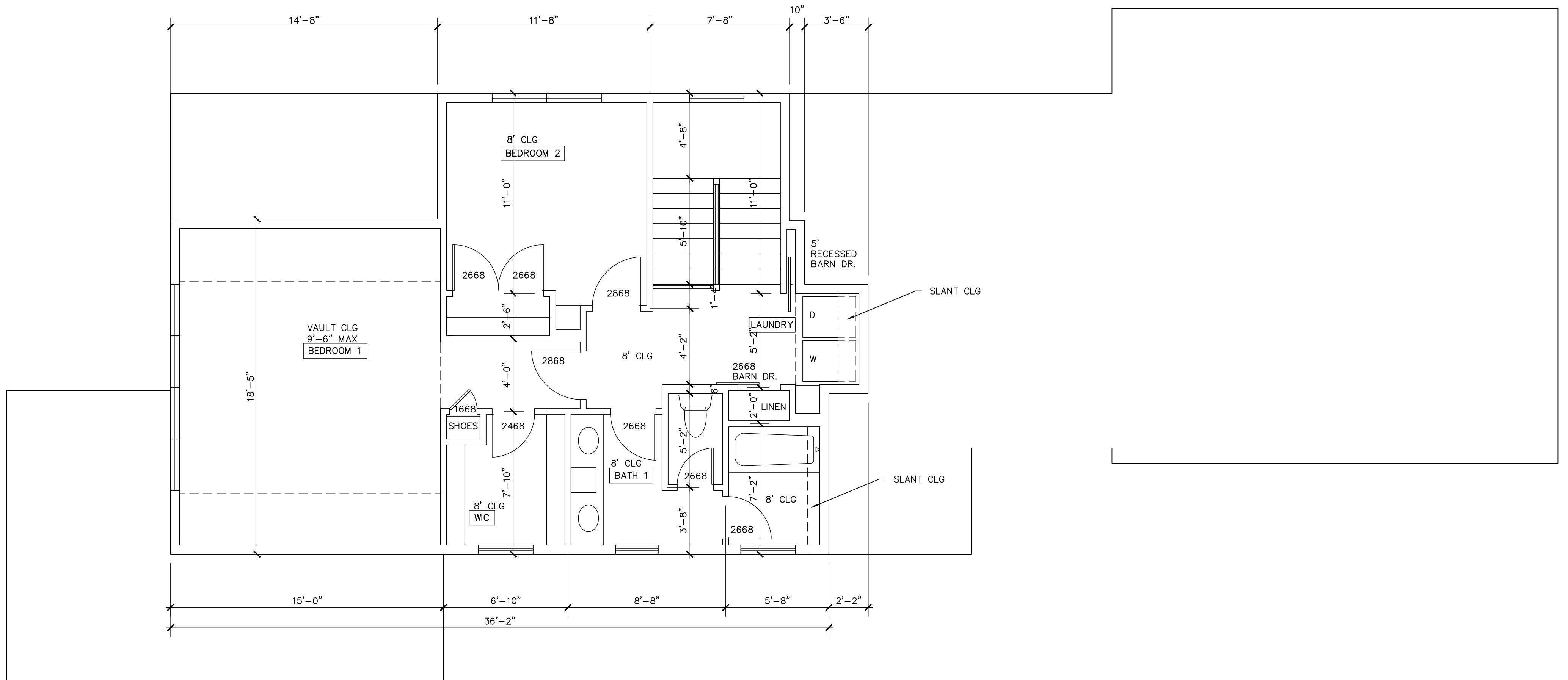


1 MAIN LEVEL PLAN
5 1/4" = 1'-0"

1233 FINISHED—MAIN
808 FINISHED—UPPER
1068 FINISHED—LOWER

3110 FINISHED TOTAL

PRELIM FOR BIDDING ONLY NOT FOR CONSTRUCTION



1
6
UPPER LEVEL PLAN
1/4" = 1'-0"

Susan Hebert Welles
Residential Design & Consulting
3327 26th Avenue North
Grand Rapids, MN 55422
P: 612.988.8404
e-mail: shebertwelles@gmail.com

NEW RESIDENCE FOR:
GREG AND MARY PARISEAU
4895 MOREHEAD AVENUE
WHITE BEAR LAKE, MINNESOTA

ISSUE DATE
MAY 25, 2018
REVISIONS

JOB #201803

SHEET
6
OF 8



City of White Bear Lake
COMMUNITY DEVELOPMENT
DEPARTMENT

MEMORANDUM

TO: The Planning Commission

FROM: Anne Kane, Community Development Director

DATE: July 26, 2018 for the July 30, 2018 Planning Commission Meeting

SUBJECT: St. Ann's Chapel, Inc., 2436 Spruce Place - Case No. 18-4-CUP & 18-10-V

REQUEST

St. Ann's Chapel, Inc., recently purchased the residence at 2436 Spruce Place to accommodate the Sisters stationed at the adjacent parish and are requesting a Conditional Use Permit to establish a convent in an R-3 Single Family Residential District; and a variance to reduce the side yard setback from 20 feet to 10 feet. See applicant's narrative.

SITE CHARACTERISTICS

The subject property is situated on Spruce Place just north of St. Ann's campus on County Road E. The 1/3 acre parcel contains a two-story residence with an attached two-car garage which according to Ramsey County was built in 1964.

ZONING

The property is zoned R-3 – Single Family Residential, as are the surrounding properties including the adjoining church and academy. The Zoning Code identifies places of worship, including churches, chapels, temples and synagogues as Conditional Uses in all residential districts. The convent is an ancillary use of St. Ann's Chapel and with up to 10 Sisters residing in the convent, requires a Conditional Use Permit.

BACKGROUND

St. Ann's has operated the church and academy on the adjoining 4 acre campus since 1987. Due to growth of the parish and increased enrollment in the school over the past 30 years, the number of Sisters needed to serve the community has also increased. Prior to the acquisition of the subject property, the Sisters have lived in residential quarters located in the church building itself. With the growing number of Sisters, physical space has become a premium.

ANALYSIS

Places of worship, including ancillary uses such as a convent, are suitably located within single-family residential neighborhoods. However, given the assembly of people, intensification of land use, and non-residential features such as playgrounds and parking lots, are subject to an additional layer of public review through the Conditional Use Permit process. The CUP ensures

the use does not negatively impact surrounding properties, is compatible with the existing uses, and does not overburden infrastructure serving the property. In addition, given the unique characteristics of places of worship and assembly in a residential neighborhood, the Zoning Code requires side yard setbacks to be double that required for the district. Therefore, the proposed convent is required to provide a 20 foot side yard setback. The existing residence provides the 10 foot side setback required in the R-3 district and the proposed expansion seeks to maintain that established side yard setback. Given that convent is residential in nature and is an existing structure in the neighborhood, Staff does not object to the variance to allow a 10 foot setback along the east property line.

The Conditional Use Permit for a “convent” also differentiates this congregate residence from other group homes which, by State Statute, are allowed by right provided they are limited to fewer than 7 residents. This is an important distinction in that this CUP would not necessarily establish a precedent in the City for other congregate residential facilities seeking to locate in single family neighborhoods (e.g. fraternities or sororities). Another key distinction, is that many of the complaints the City does receive regarding group homes, related to the number of vehicles parked on and around a residence. The Sisters collectively own two vehicles, which are typically parked upon the church property and will not significantly increase traffic or parking on Spruce Place.

SUMMARY

The City’s discretion in approving or denying a conditional use permit amendment is limited to whether or not the changes meet the standards outlined in the Zoning Ordinance. The City may impose reasonable conditions if the City deems it necessary to promote the general health, safety and welfare of the community and surrounding area. Staff has reviewed the proposal and finds the conditions have been met. Staff does not believe the proposed convent will adversely affect the neighboring properties.

The City has a high level of discretion when approving or denying a variance because the burden of proof is on the applicant to show that they meet the standards of the ordinance. If the proposal is deemed reasonable (meaning that it does not have an adverse effect on neighboring properties, it is consistent with the comp plan, and it is harmony with the intent of the zoning code) then the criteria have been met.

RECOMMENDATION

Staff finds that the CUP is consistent with the Comprehensive Plan and the variance complies with the intent of the zoning ordinance. For these reasons, staff recommends approval subject to the following standard conditions:

1. All application materials, maps, drawings, and descriptive information submitted with this application shall become part of the permit.
2. Per Section 1301.050, Subd.4, if within one (1) year after granting the conditional use permit, the use as allowed by the permit shall not have been completed or utilized, the permit shall become null and void unless a petition for an extension of time in which to complete or utilize the use has been granted by the City Council. Such petition shall be submitted in writing at least one month prior to the expiration date.

3. This conditional use permit shall become effective upon the applicant tendering proof to the City of filing a certified copy of this permit with the County Recorder pursuant to Minnesota State Statute 462.3595 to ensure the compliance of the herein-stated conditions.
4. A building permit shall be obtained before any work begins.
5. The applicant shall verify the property lines and have the property pins exposed at the time of inspection.
6. All bedrooms must have a smoke detector.
7. A carbon monoxide (CO) detector shall be installed on each level.
8. A fire extinguisher shall be installed in the kitchen.

Attachments:

1. Draft Resolution of Approval
2. Location/Zoning Map
3. Letter of Request
4. Site Plan, Floor Plans and Rendering of Addition, prepared by RDC Architects, dated June 25, 2018

RESOLUTION NO. _____

**RESOLUTION GRANTING
A CONDITIONAL USE PERMIT AND VARIANCE
FOR 2436 SPRUCE PLACE
WITHIN THE CITY OF WHITE BEAR LAKE, MINNESOTA**

WHEREAS, a proposal (18-4-CUP & 18-10-V) has been submitted by St. Ann’s Chapel, Inc. to the City Council requesting approval of a Conditional Use Permit and a Variance of the City of White Bear Lake for the following location:

LOCATION: 2436 Spruce Place

LEGAL DESCRIPTION: Lot 6, Block 13, BEL-AIR PARK PLAT 2, Ramsey County, MN (PID # 253022340097)

WHEREAS, THE APPLICANT SEEKS THE FOLLOWING PERMIT: A Conditional Use Permit, per Code Section 1303.030 Subd.4.a in order to establish a Convent in an R-3 Single-Family Residence District; and

WHEREAS, THE APPLICANT SEEKS THE FOLLOWING VARIANCE: a Variance to reduce the side yard setback from 20 feet to 10 feet per Code Section 1303.030 Subd.4.a.1; and

WHEREAS, the Planning Commission has held a public hearing as required by the city Zoning Code on July 30, 2018; and

WHEREAS, the City Council has considered the advice and recommendations of the Planning Commission regarding the effect of the proposed requests 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 that, in relation to the Conditional Use Permit, 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. Traffic generation will be within the capabilities of the streets serving the site.

FUTHER, BE IT RESOLVED, by the City Council of the City of White Bear Lake that, in relation to the Variance, the City Council adopts the following findings of the Planning Commission:

1. The requested variance will not:
 - a. Impair an adequate supply of light and air to adjacent property.
 - b. Unreasonably increase the congestion in the public street.
 - c. Increase the danger of fire or endanger the public safety.
 - d. Unreasonably diminish or impair established property values within the neighborhood or in any way be contrary to the intent of this Code.
2. The variance is a reasonable use of the land or building and the variance is the minimum required to accomplish this purpose.
3. The variance will be in harmony with the general purpose and intent of the City Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
4. The special conditions or circumstances are not the result of actions of the applicant.
5. The non-conforming uses of neighboring lands, structures, or buildings in the same district are not the sole grounds for issuance of the variances.

FUTHER, BE IT RESOLVED, that the City Council of the City of White Bear Lake hereby approves the request, subject to the following conditions.

1. All application materials, maps, drawings, and descriptive information submitted with this application shall become part of the permit.
2. Per Section 1301.050, Subd.4, if within one (1) year after granting the conditional use permit, the use as allowed by the permit shall not have been completed or utilized, the permit shall become null and void unless a petition for an extension of time in which to complete or utilize the use has been granted by the City Council. Such petition shall be submitted in writing at least one month prior to the expiration date.
3. This conditional use permit shall become effective upon the applicant tendering proof to the City of filing a certified copy of this permit with the County Recorder pursuant to Minnesota State Statue 462.3595 to ensure the compliance of the herein-stated conditions.
4. A building permit shall be obtained before any work begins.
5. The applicant shall verify the property lines and have the property pins exposed at the time of inspection.
6. All bedrooms must have a smoke detector.
7. A carbon monoxide (CO) detector shall be installed on each level.
8. A fire extinguisher shall be installed in the kitchen.

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

Ayes:
Nays:
Passed:

Jo Emerson, Mayor

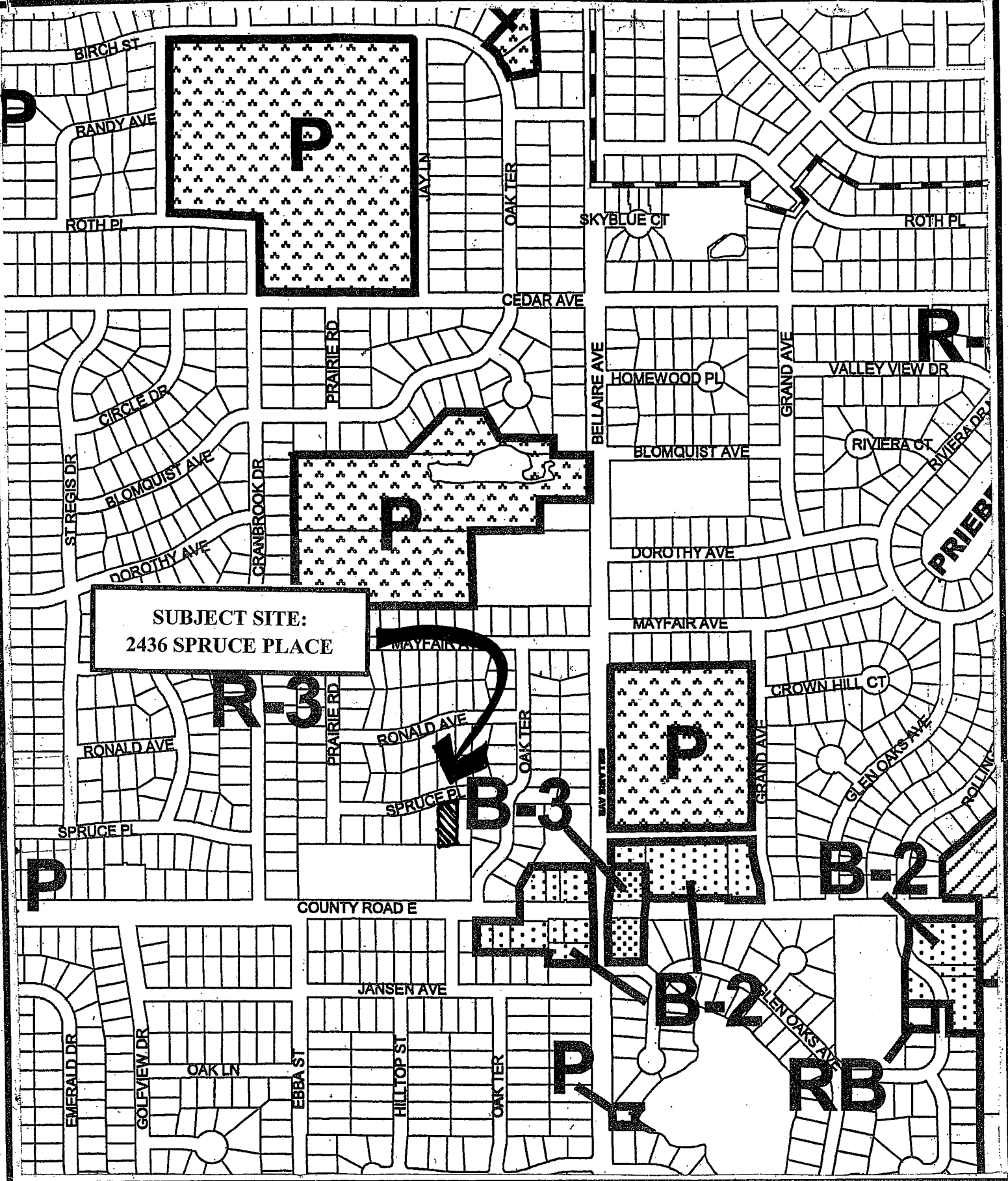
ATTEST:

Kara Coustry, 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.

Fr. Thomas Mroczka, President
St, Ann's Chapel, Inc. Date



SUBJECT SITE:
2436 SPRUCE PLACE

City of
 White Bear Lake
 Planning and Zoning Office
 (612)-429-8561

CASE NO. : 18-4-CUP & 18-10-V
 CASE NAME : St. Ann's Chapel Convent
 DATE : June 25, 2018

St. Anne's Academy

Daughters of Mary Mother of Our Savior

2445 East County Road E, White Bear Lake, Minnesota 55110

651-770-9773

For fifteen years the Daughters of Mary, a religious congregation of Catholic Sisters, have been stationed at St. Ann's Church and Academy. The Sisters are devoted to helping others through various community services, such as teaching, youth guidance, adult counseling, assisting the sick and dying, visiting nursing homes and elderly shut-ins, and services for the needy.

The character formation we offer at St. Ann's Academy, prepares our students for successful careers and important roles in their communities. Our graduates are responsible and hard-working individuals who are commended and trusted by their employers. The values they learn make them upright citizens, prepared to better the community. Though we want to accomplish much more for the welfare of youth, our limited space places restrictions on our hopes.

Because the parish has grown through the years (currently we have over 400 parishioners), the number of Sisters assigned to St. Joseph's Convent in White Bear Lake has also increased.

Last year, St. Ann's Chapel was able to purchase a new home for the Sisters on 2436 Spruce Place. The proximity of this residence, adjacent to the chapel (2445 East County Road E), enables the Sisters to carry on their works in less crowded circumstances. The rectory of the pastor (2430 Spruce Place) adjoins these properties, which are held under one corporation, and currently have tax exempt status.

Unfortunately, the new building is too small to house the Sisters under one roof. We currently have only five bedrooms. It is presently a great inconvenience to the religious community to be split into two locations. An addition to the Spruce Place home would accommodate the Sisters needed to carry on their social services

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in the White Bear Lake area. This quiet, more suitable residence would be reserved exclusively for the Sisters' use as a cloistered convent.

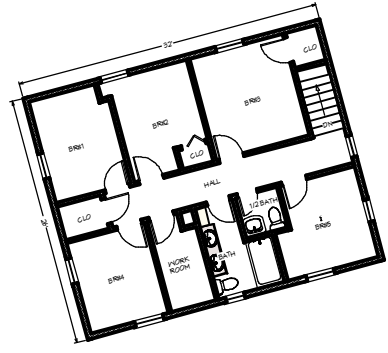
The new property would be a blessing if the Sisters were able to recreate and recuperate together in a peaceful atmosphere removed from the school and parish life. Because a sidewalk joins the school to the house situated on Spruce Place, the Sisters are able to walk to and from the school, thus not adding unneeded traffic. The Sisters live in community and do not have cars of their own. We have two cars for our use which are normally parked at the school.

Sisters throughout the history of Minnesota have always lived a community life in buildings designed to accommodate their numbers. Obviously, these buildings would be slightly larger than the average residence. Convents also were traditionally a part of the church compound. As the community of White Bear Lake was assisted in the past by Sisters who were granted a conditional use permit, we too request that the City grant a conditional use permit for more than five Sisters to live at the convent on Spruce Place so that we may live as a community and carry on our charitable works.

We appreciate your understanding and assistance to make this possible.

St Ann's Chapel Convent 2436 Spruce Place White Bear Lake, MN

EXISTING RESIDENCE	768 SQ FT 1ST FLOOR (1,600 SQ FT TOTAL)
GARAGE	672 SQ FT
DECK	460 SQ FT
DRIVEWAY/SIDEWALK	911 SQ FT
ADDITION	854 SQ FT (1,718 SQ FT TOTAL)
TOTAL.....	3,781 SQ FT



EXISTING 2ND FLOOR



ELEVATION 1/8"=1'0



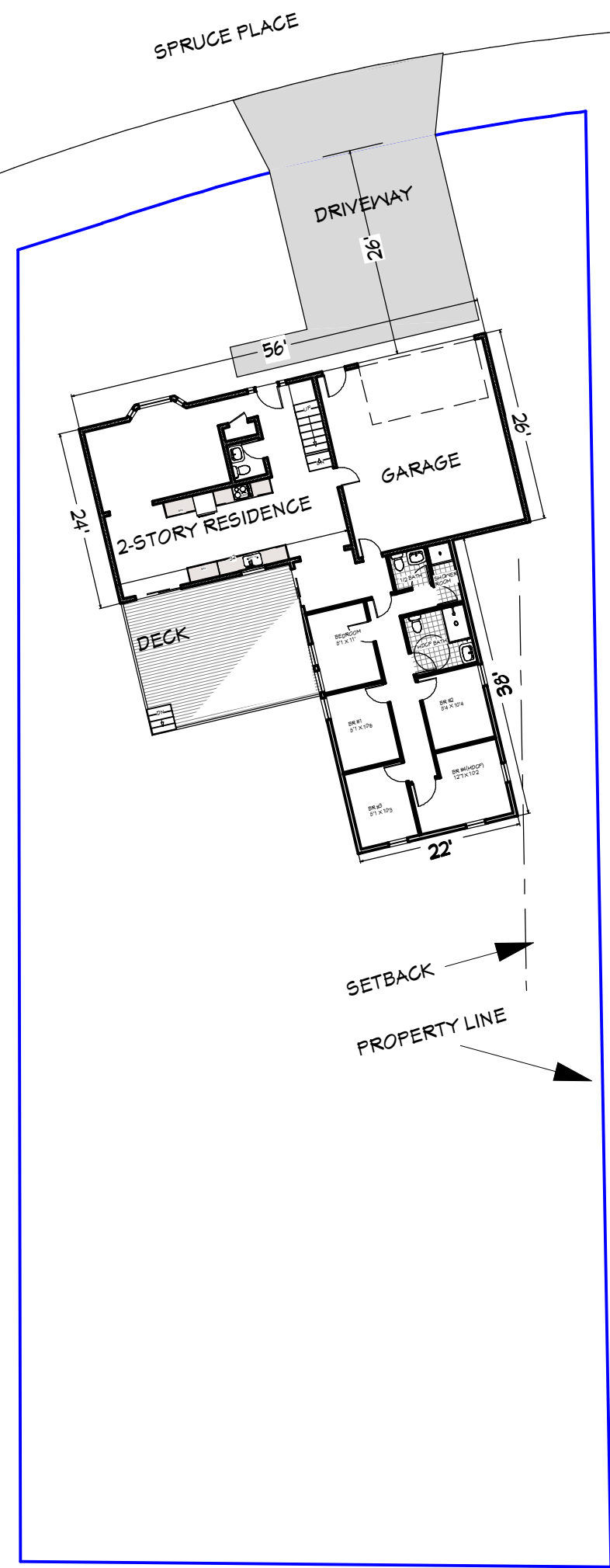
3303 EMMERT ST
SHOREVIEW, MN 55126
651-483-1090

E-MAIL: rdcarch@comcast.net

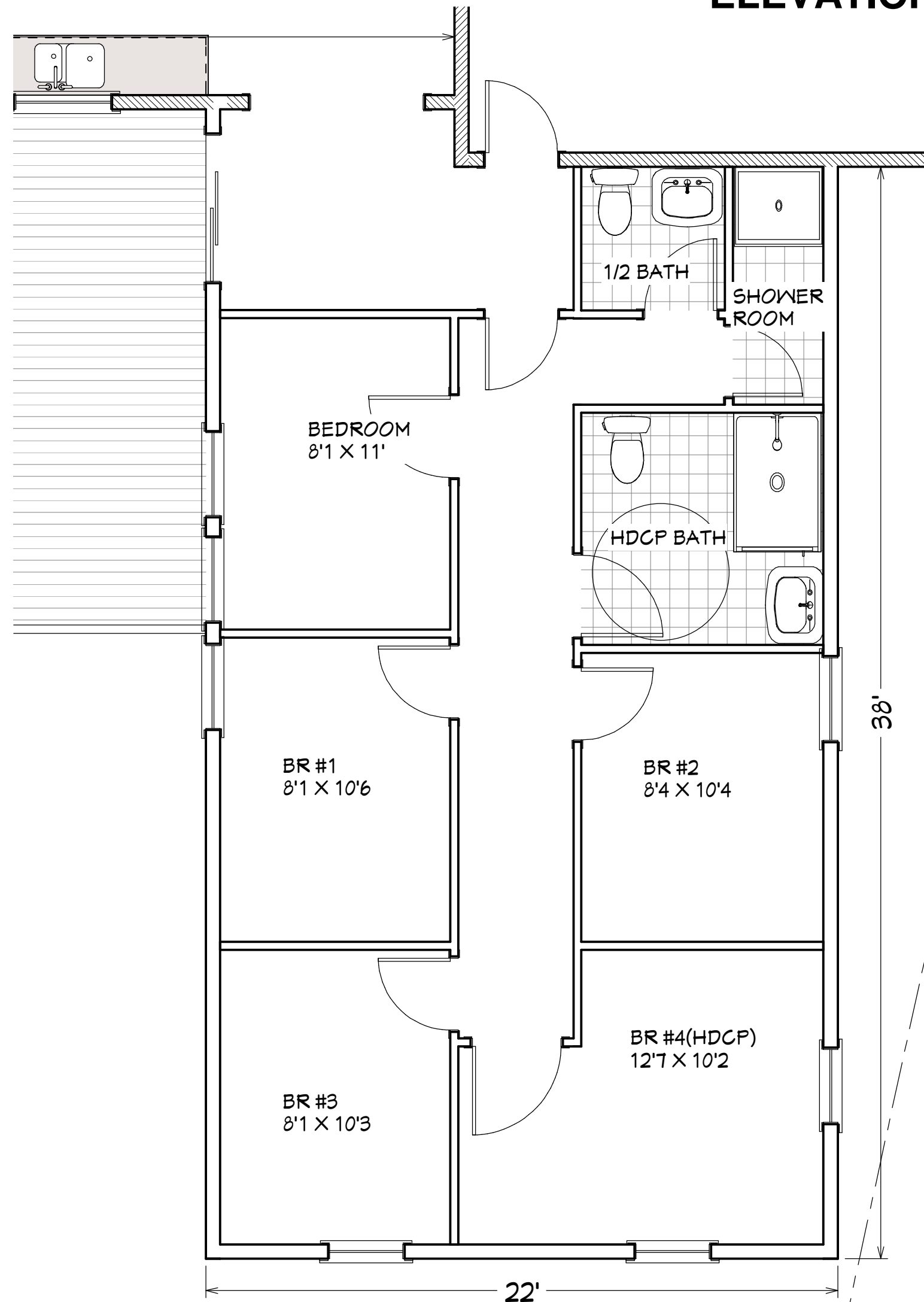
Project:

St Ann'S Chapel

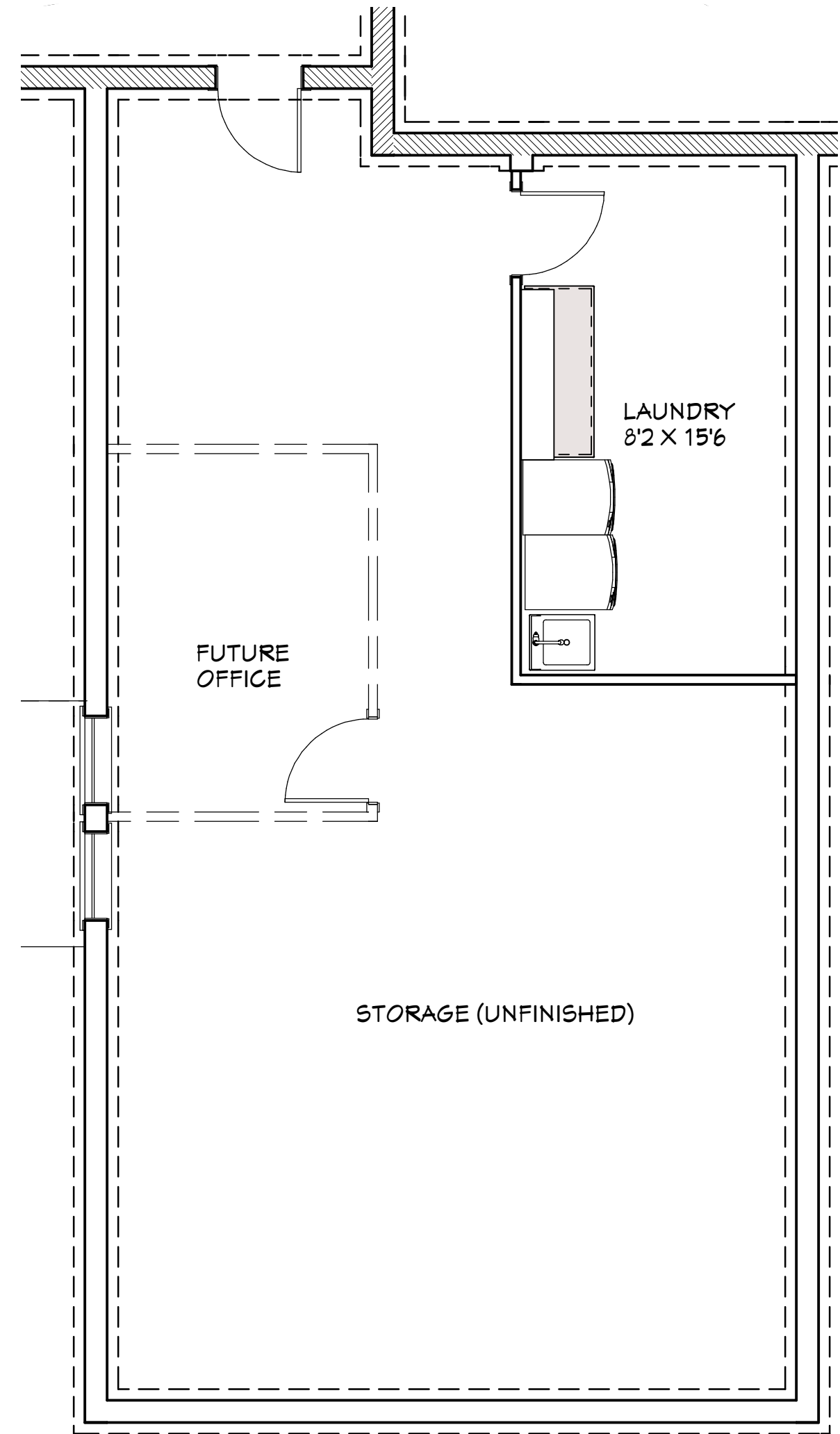
Key:



SITE PLAN 1"=20'0



1ST FLOOR PLAN 1/4"=1'0



BASEMENT PLAN 1/4"=1'0

Date:
7/18/18

Sheet:

1

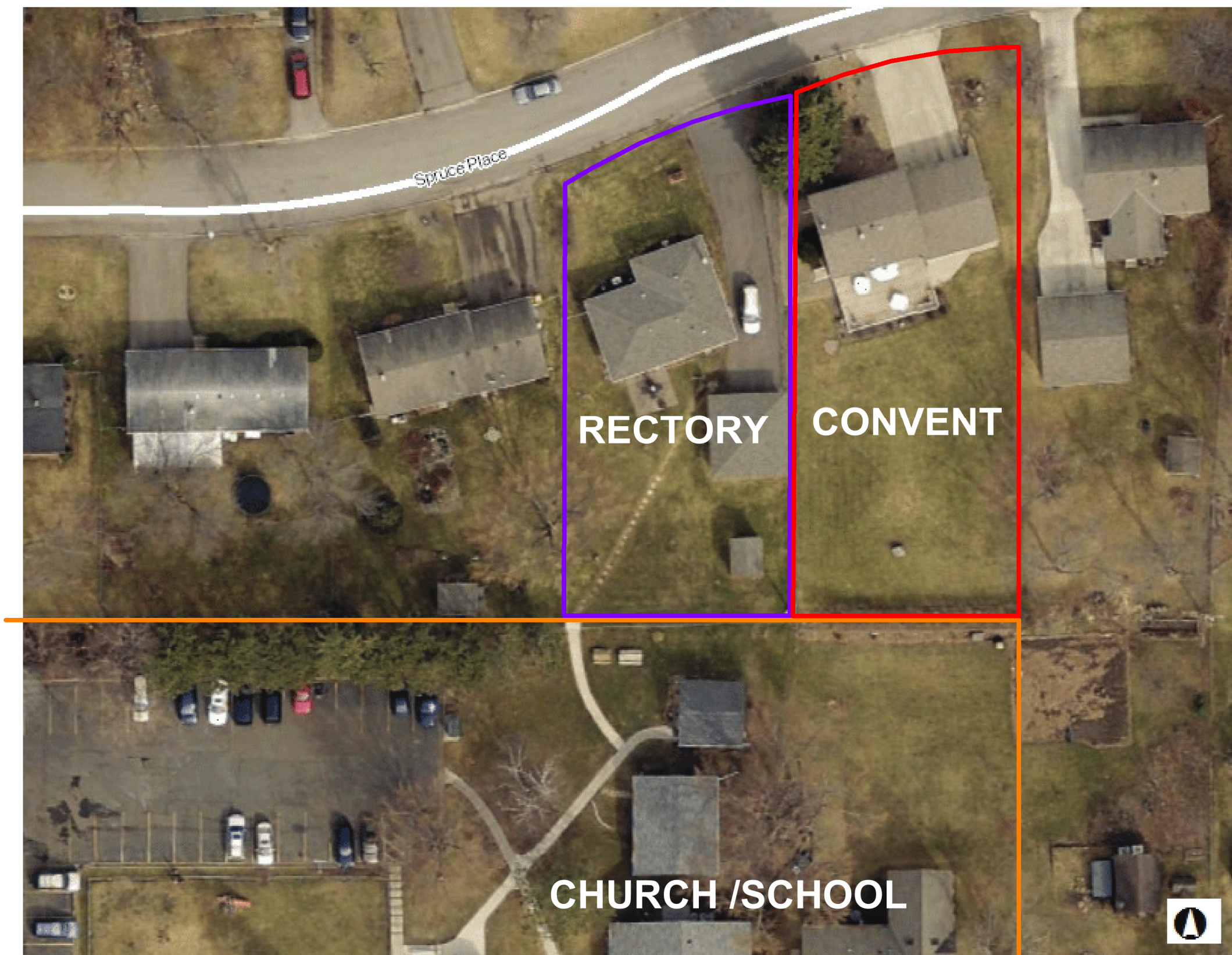
OF2



3303 EMMERT ST
 SHOREVIEW, MN 55126
 651-483-1090
 E-MAIL: rdcarch@comcast.net

Project:

Key:



IMAGE

ADJACENT
 PROPERTIES

Date:
 7/18/18

Sheet:
2
 OF2

CITY COUNCIL MEETING SUMMARY

July 10, 2018

APPROVAL OF MINUTES – Approved

APPROVAL OF AGENDA – Approved

VISITORS AND PRESENTATIONS

- A. Sara Hanson – Time Capsule from Clark Ave. Flagpole
- B. Chief Julie Swanson – Body Camera Demonstration

PUBLIC HEARINGS – Nothing scheduled

LAND USE - Approved

A. Consent

1. Consideration of Planning Commission recommendation regarding a request by Festival Foods for a sign variance (Case No. 18-6-V). **Resolution No. 11262**
2. Consideration of Planning Commission recommendation regarding a request by Gillespie for a variance (Case No. 18-7-V). **Resolution No. 11263**

UNFINISHED BUSINESS – Nothing scheduled

ORDINANCES – Nothing scheduled

NEW BUSINESS – Approved

- A. Resolution authorizing final payment to Northwest Asphalt & Maintenance for completion of the 2018 Crack Sealing Program (City Project No. 18-03). **Resolution No. 11264**
- B. Resolution authorizing extension of a rental agreement with Comcast. **Resolution No. 11265**
- C. Resolution authorizing an agreement to extend the cable franchise agreement with Comcast. **Resolution No. 11249**

CONSENT – Approved

- A. Acceptance of minutes from May White Bear Lake Conservation District; May Environmental Advisory Commission; June Planning Commission

DISCUSSION

- A. Update since the Public Safety Dispatch conversion to Ramsey County
- B. Update on Duty Crews in the Fire Department
- C. Charitable Gambling request from WB Area Hockey Association to increase the number of premises permits in the City from 3 to 4. Council was not interested in a change.

COMMUNICATIONS FROM THE CITY MANAGER

- Public Safety Updates
 - Stop sign enforcement will occur between July 27 and July 30
 - Pedestrian crosswalk enforcement will happen sometime in August and will be posted on Facebook in order to educate the public. Because White Bear Lake has chosen to enforce pedestrian crosswalks, Ramsey County will be providing \$5,000 toward this effort in 2019.

Mayor Emerson urged public to pay attention to cars that may be stopping for pedestrians. Councilmember Edberg added that more education is needed on what is permitted, what is not permitted and the standards in general.

 - The City will likely be receiving one of the state's 15 DUI Enforcement Grants, which would fund a DUI enforcement officer beginning October 1, for two (2) years.
- Pioneer Manor BBQ – next Friday, July 20th from 11:00 a.m. – 2:00 p.m.
- Solar Workshop for residents – Expansion Room City Hall this Thursday at 6:30 p.m.
- Upcoming Council meetings and work sessions:
 - August 14th Council meeting pushed back to Wednesday, August 15th to accommodate the Primary Election
 - August 21st – 5:30 p.m. Budget Work Session in the Expansion Room
- Fourth of July – music and fireworks went very well and Ms. Hiniker commended the community, all the volunteers and staff who worked to make this event happen.
- Engineering Updates – Mark Burch
 - Road construction is well underway, White Bear Avenue with decorative lighting arriving in about two weeks.
 - Pictures of the Sports Center renovation project were reviewed.
- Community Development Updates – Anne Kane
 - The number of permits and value of projects is 30 % higher over last year, which indicates great investment in the community.

ADJOURNMENT – 8:18 p.m.