

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

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The City of White Bear Lake Planning Commission will hold its regular monthly meeting on Monday, October 29, 2018, beginning at 7:00 p.m. in the White Bear Lake City Hall Council Chambers, 4701 Highway 61.

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1. Call to order and roll call.
2. Approval of the October 29, 2018 agenda.
3. Approval of the September 24, 2018 Planning Commission meeting minutes.
4. **CASE ITEMS:**  
**Unless continued, all cases will go to the City Council meeting on Tuesday, November 13, 2018**
  - A. **Case No. 18-7-CUP & 18-17-V:** A request by **Brian Bonin** for a Conditional Use Permit for a home accessory apartment, per Code Section 1302.125 and two variances, including a 25 foot variance from the 40 foot rear yard setback, and a 9.3 foot variance from the 35 foot setback from a side abutting a public right-of-way, both per Code Section 1303.040 Subd.5.c, in order to demolish the existing home and construct a new single-family residence with a mother-in-law unit above the attached garage at 4871 Lake Avenue.
  - B. **Case No. 18-3-LS:** A request by **Kim Koeppen** for a Recombination Subdivision, per Code Section 1407.040, to convey a 30-foot wide strip of land from 4942 Morehead Avenue to 2291 9th Street.
5. **DISCUSSION ITEMS:**
  - A. City Council Meeting Summary from October 9, 2018.
  - B. Park Advisory Commission Meeting Minutes from August 16, 2018.
6. **ADJOURNMENT**

Next Regular City Council Meeting ..... November 13, 2018  
Next Regular Planning Commission Meeting..... November 26, 2018

**MINUTES  
PLANNING COMMISSION MEETING  
CITY OF WHITE BEAR LAKE  
September 24, 2018**

The regular monthly meeting of the White Bear Lake Planning Commission was called to order on Monday, September 24, 2018, beginning at 7:00 p.m. in the White Bear Lake City Hall Council Chambers, 4701 Highway 61, White Bear Lake, Minnesota by Acting Chair Mark Lynch.

**1. CALL TO ORDER/ROLL CALL:**

MEMBERS PRESENT: Ken Baltzer, Mary Alice Divine, Mark Lynch, and Marvin Reed.

MEMBERS EXCUSED: Jim Berry, Peter Reis, and Erich Reinhardt.

MEMBERS UNEXCUSED: None.

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

OTHERS PRESENT: John Manship, Alexa Adams, Alicia McHugh, Jason Hoth, Tom Spee, Matthew Park, and David Phillips.

**2. APPROVAL OF THE MONTH SEPTEMBER 24, 2018 AGENDA:**

Member Baltzer moved for approval of the agenda. Member Reed seconded the motion, and the agenda was approved (4-0).

**3. APPROVAL OF THE MONTH AUGUST 27, 2018 PLANNING COMMISSION MEETING MINUTES:**

Member Reed moved for approval of the minutes. Member Divine seconded the motion, and the minutes were approved (4-0).

**4. CASE ITEMS:**

A. **Case No. 85-11-Sa:** A request by **Matthew Park** for a Conditional Use Permit Amendment, per Code Section 1301.050, in order to add an automatic indoor motorcycle wash at 2180 7<sup>th</sup> Street.

Crosby discussed the case. Staff recommended approval subject to conditions laid out in the staff report.

Member Divine asked for clarification on Condition #9 about water usage. Crosby stated that staff anticipates the 2020 review to be done administratively only.

Member Lynch requested a description of the sewer availability charge (SAC). He noted that he has not seen the west door open before, so losing access to it may not greatly affect stacking and traffic flow.

Crosby responded that a SAC is the fee one pays to discharge into the sewer and is determined by the Metropolitan Council. Recent changes to the calculation leads staff to believe that should the car wash reapply, their SAC fee may be reduced or brought to zero.

Lynch opened the public hearing.

David Phillips, Architect, appreciates the staff report. He mentioned his concern with condition #4. He thought it important to clarify that the motorcycles will have to be started to get into the building.

Phillips stated the company would like the week night hours to be extended to 8:30 pm. The summer months stay light until 9 pm or later. Summer is when motorcycles will visit the car wash and the later hours will help to accommodate more patrons.

Phillips continued that for the automatic washes, they will receive annual counts from the machinery, but for the detailing service, they will have to track the number of vehicles washed themselves. He asserted that it was important to be a successful business and not impede on the surrounding neighborhood, so they are open to feedback.

Member Reed questioned the usability of the west door. He is afraid that without access to the door, a stacking problem may occur, and asked if the applicants had considered utilizing the east door for the motorcycle wash.

Phillips responded that the car wash will lose access to the west door, that they do not expect stacking to be a problem, and that they could not use the east door due to the structure of the building.

Member Baltzer raised concern with the noise coming out of the car wash at the stop light and asked if the applicants could let their clients know that the City has a noise ordinance.

Member Lynch reiterated this concern, stating that an intensification of noise could be an intensification of use.

Phillips replied that they have no authority over customers once they are off the premises, but would be willing to put a sign up reminding patrons of the noise ordinance as they left the wash.

Member Reed suggested that when staff looks at water usage in a few years to also look at complaints. Staff concurred with this request.

Member Lynch asked if January 15 is enough time for the applicants to gather data on the number of vehicles washed per day. Phillips stated January 31 is more ideal.

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

Member Divine asked if extending the week day hours to 8:30 pm is okay. The other members affirmed that it was.

Member Lynch listed the three changes the Planning Commission discussed. Closing time on weekdays would be 8:30 pm, the deadline for providing tracking data to the City would be moved to January 31, and a sign regarding noise would be required at the exit of the wash.

Member Baltzer moved to recommend approval of Case No. 85-11-Sa with the amendments and added condition. Member Reed seconded the motion. The motion passed by a vote of 4-0.

- B. **Case No. 18-14-V:** A request by **John Manship** for a variance to allow 52% rear yard cover, above the 42% allowed per Code Section 1302.030 Subd.4.i.2.e, in order to resurface an existing driveway at 4766 Peggy Lane.

Miller discussed the case. Staff recommended approval subject to conditions laid out in the staff report.

Member Divine asked if a permit was issued when the driveway was constructed in 1986.

Miller responded that staff was only aware of a garage permit. Kane added that the City may not have required driveway permits at that time.

Member Reed questioned what the reduction in the front achieves. He agreed that a reduction along the side may be cumbersome and should be kept to the front only. Miller stated the reduction in the front is meant to offset the amount of coverage in the back.

Lynch opened the public hearing.

John Manship, applicant, 4766 Peggy Lane. He expressed his concern about the reduction along the side. He has no problem narrowing the front, but wants to keep the driveway at 12 feet along the side.

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

Baltzer agreed with the applicant regarding the side yard driveway width.

Reed suggested modifying condition #5 to remove the language requiring a reduction along the side of the house.

Member Reed moved to recommend approval of Case No. 18-14-V with the modification discussed. Member Baltzer seconded the motion. The motion passed by a vote of 4-0.

- C. **Case No. 18-16-V:** A request by **Michael McHugh** for a 5-foot variance from the 25-foot setback required from a side abutting the public right-of-way, per Code Section 1303.060 Subd.5.c.2, in order to build a new single-family residence that is 30 feet wide at its widest point at 2262 11<sup>th</sup> Street.

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

Member Lynch commented on how the old house would need a variance too. This proposed house is beautifully designed. He suggested that a second floor might be impossible due to the vaulted ceilings.

Lynch opened the public hearing.

Alicia McHugh, applicant, 2262 11<sup>th</sup> Street. She expressed gratitude for the opportunity to be heard and thanked Sam for her hard work. She is looking forward to being a part of the community.

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

Member Reed moved to recommend approval of Case No. 18-16-V. Member Baltzer seconded the motion. The motion passed by a vote of 4-0.

- D. **Case No. 18-15-V:** A request by **Alexa Adams** for a 5-foot variance from the required 10-foot side yard setback per Code Section 1303.050 Subd.5.c.2, in order to reconstruct a previously removed deck at 1880 4th Street.

Kane discussed the case. Staff recommended approval of the variance subject to standard conditions.

Member Reed asked about a comment on the deck plans regarding the movement of the stairs to the wall. Kane reported that was the applicant's change and not a staff recommendation.

Lynch opened the public hearing.

Alexa Adams, applicant, 1880 4<sup>th</sup> Street. She appreciates the effort staff has put in to the case and looks forward to being able to use her patio door.

Member Reed asked if the applicant was aware that the existing footings would need to be replaced. Adams responded that yes she was.

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

Member Reed moved to recommend approval of Case No. 18-15-V. Member Baltzer seconded the motion. The motion passed by a vote of 4-0.

**5. DISCUSSION ITEMS:**

- A. City Council Meeting Minutes of September 11, 2018.  
No discussion.
- B. Park Advisory Commission Meeting Minutes of September 20, 2018 – not available.

**6. ADJOURNMENT:**

Member Reed moved to adjourn, seconded by Member Baltzer. The motion passed unanimously (4-0), and the September 24, 2018 Planning Commission meeting was adjourned at 7:56 p.m.

DRAFT



City of White Bear Lake  
COMMUNITY DEVELOPMENT  
DEPARTMENT

4.A

## MEMORANDUM

**TO:** The Planning Commission

**FROM:** Samantha Crosby, Planning & Zoning Coordinator

**DATE:** October 24, 2018, for October 29, 2018 Planning Commission Meeting

**SUBJECT:** Bonin CUP & Variances; 4871 Lake Avenue – Case No. 18-7-CUP & 18-17-V

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### **REQUEST**

The applicant is requesting a Conditional Use Permit for a Home Accessory Apartment and two variances: a 25 foot variance from the 40-foot rear yard setback and a 9.3 foot variance from the side abutting a public right-of-way. The homeowner plans to demolish the existing single-family residence and construct a new single-family residence with a mother-in-law unit above the attached garage.

### **SITE CHARACTERISTICS**

The subject site is located on the north side of 7<sup>th</sup> Street at Lake Avenue and includes riparian rights east of Lake Avenue. The parcel currently contains a two story residence with a two car attached garage (on the west side) and two other accessory structures (on the east side).

### **ZONING**

The subject site is zoned R-2, Single-Family Residential, and S – Shoreland Overlay, as are all of the immediately abutting properties. The lot is substandard in that the buildable portion of the property is only 75 feet wide when 100 foot width is required by current code. The lot meets the 15,000 square foot size requirement.

### **BACKGROUND**

In 1978 the Council approved a variance “to construct a dwelling 29.14 feet from the side property line on a corner lot in the R-2 zoning district, ordinance requires 35 feet, variance for 5,86 feet”. The staff report for the request could not be found, so we do not know the exact reasoning behind the approval.

### **APPLICANT’S PRACTICAL DIFFICULTY**

See applicant’s narrative.

### **ANALYSIS**

Most (but not all) R-2 zoned parcels are riparian lots. Due to their proximity to the lake, the R-2 district requires both a larger lot size and a larger lot width, therefore, setback requirements are

4.A

also larger than other non-riparian lots.

#### *Side Abutting a Public ROW Variance*

As mentioned in the applicant's narrative, the proposed 9.3 foot variance from the 35 foot setback requirement is directly proportionate to the substandard width of the lot. (75.8 feet is 24.2% short of 100 feet; 25.7 feet is 26.6% shy of 35 feet.) Also, the proposed location is both staying in line with existing conditions or could even be viewed as an improvement since the garage is stepped back by an additional 4 feet. With past variances for sides abutting a public right of way, the City has required that the exterior materials incorporate stone or brick elements with a hierarchy of 3 different siding materials (including the stone or brick). The proposed residence has a stone chimney, but only one other type of siding material. Despite the lack of a third siding type, staff finds that with the decorative brackets and window box element, the level of architectural detail is comparable to past variances of a similar nature.

#### *Rear Yard Setback Variance*

The attached garage has a 732 square foot Home Accessory Apartment (aka: Accessory Dwelling Unit or ADU) above it. The living area is required to have a 40-foot rear yard setback and an attached garage is required to "maintain the principal structure's minimum setback requirement for the rear yard". In this proposal, the garage on the main level is 15 feet from the west property line and the living area above it is 26 feet from the west property line: a 25 foot and a 14 foot variance, respectively.

The applicant has pointed out that the rear yard setback variance helps to preserve the sight lines in the front, for the neighboring home to the north. Staff questions the merits of this argument in that a smaller home could certainly be constructed to both preserve the existing sight line and still provide a rear yard setback that is closer to or complies with code. The ADU does not require an enclosed parking space, it is the applicant's desire to provide one that makes the building even longer. Furthermore, the enclosed screen porch in the front, although only one story in height, is much closer to the lake than the existing residence, which reduces the neighbor's sight lines. A screen may seem transparent, but the material distorts views, particularly along with the supporting elements every few feet, versus a truly unenclosed porch. The applicant's argument is that without the rear yard setback variance, the existing home would need to be remodeled, rather than rebuilt, and then the structure would need to be both taller and further forward. (See the comparisons of proposed to remodel possible without variance graphics.) This is more of an ultimatum than a practical difficulty. There have been other cases in the past where variances that reduce sight lines have not been approved. While this case is somewhat different, in order to fully off-set the rear yard variance request, staff suggests that the Commission consider a stipulation that the front porch remain unenclosed. This has not been included as a condition of approval at this time and would need to be added if desired.

The 15 foot setback is essentially treating the rear yard as a side yard. The house to the west is setback quite a bit and with the garages and driveways between the two homes it somewhat functions more like a side yard. Since the lot is a riparian lot with recreational space or yard on the lake side of the lot – both in front of the house and on the other side of the street - this is not as significant a concern as it might be in other situations. The intent of useable outdoor greenspace is still being met.



*Conditional Use Permit*

The Accessory Dwelling Unit may not exceed 880 square feet or 40% of the habitable area of the home. According to the applicant, the proposed ADU is 732 square feet in size and 35.6% of the habitable area. At this size, the ADU could house 4 people. With a total 9 off street parking spaces available – 3 enclosed and 6 in the driveway - this still leaves 5 for the primary residence, which has 5 bedrooms. The entrance for the ADU is located on the west side of the home and the entrance to the principal structure is on the south side. The code also requires that the owner of the single family structure reside in the principal structure, so the current owner, Molly Bonin, will need to sell or transfer the property to her son, Brian.

*Other*

Each residence is allowed only two accessory structures. In this case, the property has three – the attached garage is the first, and there are two detached structures on the riparian side of the lot: a small shed and a water oriented building. In addition to exceeding code in number the shed also crosses the north lot line. With the enlargement of the attached garage, staff has included a condition that the shed be removed. Both the water oriented building and the deck around it are entirely within the shore impact zone and the deck encroaches past the OHWL into the lake. The City issued a permit for the building in 1977, so it is grandfathered in as legal non-conforming. The deck appears to be non-conforming. As such, the two may not be rebuilt, so they should be carefully maintained.

Contrary to the applicant's narrative, a tree preservation plan has not yet been approved. The grading plan appears to impact three of the four trees along the south property line. The applicant has agreed to adjust the grading to save these trees.

The height of the home is 26 feet to the mean and 31 feet to the peak. The R-2 district allows 35 feet to the mean, so the home is well-below the maximum.

If the riparian area is not included, the west side of the property alone measures 35.4% impervious. However, when the entire lot is measured, including the lakeside portion, the impervious is 29.2% and 30% is allowed by right. (The removal of the shed will further reduce impervious area to 28.8%). Rear Yard Cover (the extra hard surface parking space next to the garage) is approximately 22%, which is less than the 25% allowed by right.

**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.

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.

**RECOMMENDATION**

Although a home could be constructed that complies with code, staff is recommending approval of the variance as reasonable based on the substandard width of the lot and the amount of open yard to the east of the proposed structure.

1. All application materials, maps, drawings, and descriptive information submitted in this application shall become part of the permit, including all the architectural details of the exterior building elevations.
2. Per Section 1301.060, Subd.3, the variance and conditional use permit 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 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 four (4) tenants.
8. The owner shall sign the Rental Property Licensing Exemption for Relative Homestead Occupancy.
9. The owner shall obtain a rental license prior to renting out the unit to anyone who is not related.
10. The applicant shall verify the property lines and have the property pins exposed at the time of inspection.
11. The existing curb cut shall be removed and the street restored to the City's standard design specifications. The proposed curb cut may not exceed 24 feet in width.
12. The second shed that encroaches into the neighbor's property to the north shall be removed with the demolition of the existing home.

13. The rear yard variance of 15 feet is for a one level garage only; not subject to future Administrative Variance to extend a line of non-conformity.
14. A building permit shall be obtained before any work begins.

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

15. Submit tree preservation calculations and a replacement plan, subject to staff approval. The grading plan shall be adjusted to save the trees along 7<sup>th</sup> Street (except for the birch).

**Attachments:**

1. Draft Resolution of Approval
2. Zoning/Location Map
3. Peterson Statement
4. Applicant's Narrative
5. Site Data (1 page)
6. Site Plan, Floor Plan and Elevations (7 pages)
7. Perspective View Colored Rendering (1 page)
8. Comparison to Remodel without Variance Graphics (2 pages)
9. Staff's Graphic

**RESOLUTION NO. \_\_\_\_\_**

**RESOLUTION GRANTING  
A CONDITIONAL USE PERMIT AND TWO SETBACK VARIANCES  
FOR 4871 LAKE AVENUE  
WITHIN THE CITY OF WHITE BEAR LAKE, MINNESOTA**

**WHEREAS**, a proposal (18-7-CUP & 18-17-V) has been submitted by Brian Bonin, on behalf of Molly Bonin, to the City Council requesting approval of a Conditional Use Permit and two setback Variances from the City of White Bear Lake Zoning Code for the following location:

**LOCATION:** 4871 Lake Avenue

**LEGAL DESCRIPTION:** That part of Lot 10, Block 32, WHITE BEAR, lying East of the West 12 feet thereof, and that part of the Park, lying North of the South 11 feet thereof, abandoned, adjoining Lake Avenue, abandoned, and accretions to said Park and avenue lying East of the Easterly line of said Lot 10 and its extension and between the extensions East of the North line of said Lot 10 and the center line of adjoining 7<sup>th</sup> Street, Subject to an easement for public road purposes in favor of the City of White Bear Lake as to said part of adjoining Lake Avenue lying West of a line parallel to and 40 feet East from the Easterly line of said Lot 10 and its extension, Ramsey County, MN (PID # 133022230116 )

**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 above the garage; and

**WHEREAS, THE APPLICANT SEEKS THE FOLLOWING VARIANCES:** 25 foot variance from the 40 foot rear yard setback, and a 9.3 foot variance from the 35 foot setback from a side abutting a public right-of-way, both per Code Section 1303.040 Subd.5.c, in order to demolish the existing home and construct a new single-family residence; and

**WHEREAS**, the Planning Commission has held a public hearing as required by the city Zoning Code on October 29, 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 Variances, the City Council 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. Because of the large amount of greenspace on the east side of the lot, the variances 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 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 in this application shall become part of the permit, including all the architectural details of the exterior building elevations.
2. Per Section 1301.060, Subd.3, the variance and conditional use permit 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 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 four (4) tenants.
8. The owner shall sign the Rental Property Licensing Exemption for Relative Homestead Occupancy.
9. The owner shall obtain a rental license prior to renting out the unit to anyone who is not related.
10. The applicant shall verify the property lines and have the property pins exposed at the time of inspection.
11. The existing curb cut shall be removed and the street restored to the City's standard design specifications. The proposed curb cut may not exceed 24 feet in width.
12. The second shed that encroaches into the neighbor's property to the north shall be removed with the demolition of the existing home.
13. The rear yard variance of 15 feet is for a one level garage only; not subject to future Administrative Variance to extend a line of non-conformity.
14. A building permit shall be obtained before any work begins.

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

15. Submit tree preservation calculations and a replacement plan, subject to staff approval. The grading plan shall be adjusted to save the trees along 7<sup>th</sup> Street (except for the birch).

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

Ayes:  
Nays:  
Passed:

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Jo Emerson, Mayor

**ATTEST:**

\_\_\_\_\_  
Kara Coustry, City Clerk

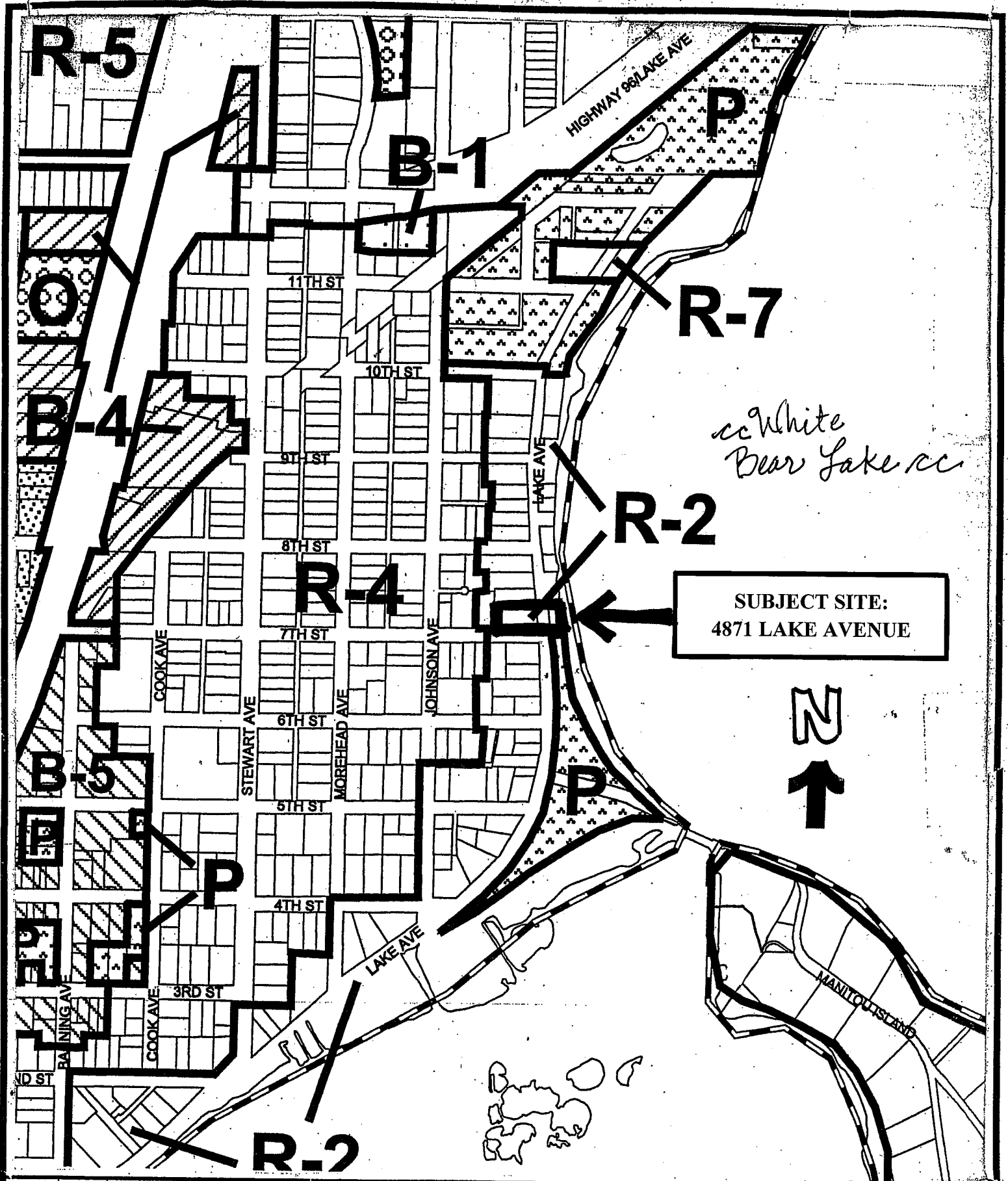
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Approval is contingent upon execution and return of this document to the City Planning Office.

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

\_\_\_\_\_  
Molly Bonin

\_\_\_\_\_  
Date



**SUBJECT SITE:**  
4871 LAKE AVENUE

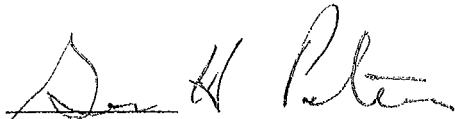


City of  
White Bear Lake  
Planning and Zoning Office  
(612)-429-8561

CASE NO. : 18-7-CUP & 18-17-V  
CASE NAME : Bonin  
DATE : October 29, 2018



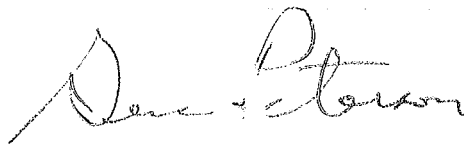
I approve the proposed new home at 4871 lake avenue with the requested variances. The alternative remodel options that require no variances would not fit with the essential character of 7<sup>th</sup> Street or Lake Avenue and are not complimentary to the area.

  
Signature

Gene H. Peterson  
Print Name

2343 7th St., White Bear Lake, 55110  
Address

My wife Susan and I are very pleased with architect's plans for the rebuild that is being planned by Brian and Rachel Bouin. It fits in with the neighborhood and will improve the neighborhood.



**9/17/2018**

**4871 Lake Avenue – Residence for Brian and Rachel Bonin**

**Making the case for the granting of a Conditional Use Permit (CUP) and two (2) Variances**

**I. MAKING THE CASE**

Brian and Rachel Bonin propose the demolition of the current home at 4871 Lake Avenue and introduce a new construction proposal for the same location. We seek a Conditional Use Permit ( CUP ) and two (2) variances for this proposal.

**A. HISTORY**

The current property at 4871 Lake Avenue is the residence of Brian's mother, Molly Bonin and is Brian's childhood home. Brian's Father passed away in March of 2017. After determining that the property is individually overwhelming for Molly and in need of repair, Brian would like to assume ownership and provide ADU living arrangements for Molly on site. Currently, Brian and Rachel reside at 2279 8th Street in White Bear Lake with their three boys.

Brian has a life long relationship with all three adjacent neighbors. Their children were his babysitter, friends and playmates. It is and has been crucial and imperative that the adjacent neighbors be consulted on the effects of this project. The adjacent neighbors have been pleasant and cooperative and not only approve the proposed variance requests but also approve of the architectural design and tree removal.

**B. 4871 LAKE AVE DEMOLITION**

Brian and Rachel interviewed several builders in the pursuit of potentially remodeling or building at this property. The following factors contributed to the unanimous suggestion for demolition.

1. The original home was built in 1976. According to multiple contractors, the building period of the current home was a weak period in construction history. Additionally, the original home owners used inexpensive and subpar methods and materials due to financial limitations at the time. The current home does not have the historical significance of one of the original cottages of White Bear Lake dictating preservation preference.

2. The original home is built on a cement slab without elevation. This creates a number of issues including lack of a basement, drainage, mold issues (we have a child with severe mold allergies) and limits or restricts home remodel options.

3. Due to inferior products, lack of maintenance, or both; the homes integrity is compromised.

Brian and Rachel agreed with the advice of many experts and propose to demolish the current property.

**II. PROFESSIONALS**

A. We have hired Ron Brenner Architects to create the plans for a future home at the site of 4871 Lake Avenue. His work will reflect attention to site plan, topography, city regulations and suggestions, neighborhood appeal, as well as our desires. Ron can be contacted at Ron Brenner Architects, 226 Myrtle Street East, Stillwater,

MN 55082, office: 651-342-1278 or cell: 612-669-6411.

B. We have hired Main Street Builders to attend to the construction of the new home. Mark Sova, the general contractor, has been collaborating with Ron, Brian, and Rachel to be prepared for the potential future demolition and build. His efforts include cooperation with arborist suggestions as well as dialogue with city engineers as roadwork is expected near the property coinciding with the potential building timeline of the home.

C. We have experienced arborists in Karl Brogren and Timberline Tree Service of White Bear Lake. We have walked the lot multiple times and he has consulted on how to keep as many trees as possible. We have a comprehensive replacement plan that exceeds the tree preservation requirements..

### III. General Information:

Per Minnesota Statute and White Bear Lake Zoning Code variances may be granted when enforcement of a zoning ordinance provision would cause the landowner "practical difficulties" and when the variance(s) are in harmony with the general purposes and intent of the ordinance, and when consistent with the comprehensive plan.

The lot is an existing substandard sized corner lot with an existing single-family residence. Due to the substandard lot conditions the applicant is seeking relief from the zoning requirements for:

- rear yard (west) setback from 40 feet to 15.1 Feet
- side yard abutting a right of way (south, 7<sup>th</sup> street) setback from 35 feet to 25.7 feet.

While seeking relief the applicant has also taken care to design a home that is appropriately scaled and architecturally complementary with the neighborhood.

#### A. Establishing that the requested variance will be in keeping with the spirit and intent of the Zoning Code:

***The requested variance, if granted, will be in keeping with the spirit and intent of the City Zoning because:*** White Bear Lake Zoning Code, Section 1303.040 states: ***"The purpose of the R-2 Single Family District is to provide for urban density single family detached residential dwelling units and directly related, complementary uses"***. The proposed structure is of a high-quality architectural design that meets the district density requirements. The proposed structure is modest in scale (a design that is well within the district height requirement) yet conveys quality; entirely appropriate within this district.

#### B. Establishing Practical Difficulty:

1. ***The landowner's (applicant's) proposes to use the property in a reasonable manner not permitted by the zoning ordinance because:***
  - a. The proposed structure is of a reasonable size and complies with all district zoning requirements other than the two setbacks in which variances are requested.

- b. The proposed west side setback is reasonable in that it allows the construction of a 3rd garage stall which could be utilized by the occupant of the Accessory Dwelling Unit. This lessens the probability of overnight street or driveway parking.
  - c. The proposed west side setback of 15.1 feet is reasonable in that it is consistent or better than the side yard setbacks of neighboring homes along the north side and south side of 7<sup>th</sup> street. If the structure was to meet the required 40 foot setback; it would be inconsistent with the prevailing street pattern.
  - d. The proposed west side setback of 15.1 feet is reasonable in that the viewshed towards the lake (for the western neighbor) improves upon the existing condition. The proposed garage is set back 4 foot further from the south property line which will result in an increased viewshed.
  - e. The proposed west side setback of 15.1 feet is reasonable in that it applies to the lowest (one-story) portion of the building structure. The 2nd story portion of the proposed structure is setback an additional 11 feet (26.1 feet from the west property line).
  - f. The proposed south setback of 25.7 feet is reasonable in that it lessens the current non-conforming condition and is consistent with or improves upon the setback of neighboring homes along the north side and south side of 7<sup>th</sup> street. The neighboring house at 2343 7<sup>th</sup> Street has a 20 foot setback. If the structure required to meet the 35 foot setback; it would be inconsistent with the prevailing street pattern.
  - g. The proposed south setback is reasonable in that it requests a similar percentage of relief as the existing lot is sub-standard in width.
  - h. The proposed structure footprint is reasonable in that it places significantly less footprint and volume ( on the parcel of the property that abuts lake avenue ) than what is possible by remodeling and adding on to the existing structure. Refer to attached diagram for a comparison of the proposed site design to a remodeling / addition that would be permitted without variance.
  - i. The proposed structure height is reasonable in that it is significantly lower than what is possible by remodeling the existing structure. Refer to attached diagram for a diagrammatic comparison of the proposed design to a remodeling / addition that would be permitted without variance.
2. ***The plight of the landowner (applicant) is due to circumstances unique to the property not created by the landowner property because:*** The property is an existing dimensionally non-conforming (sub-standard) lot in which the existing structures and site development are non-conforming. The existing lot non-conformity of a 75' lot width combined with the greater setback requirements associated with its corner lot condition provide practical difficulties in fully complying with the official controls. The landowner did not create these sub-standard lot conditions.
3. ***The variance, if granted, will not alter the essential character of the locality because:*** The essential locality is characterized by high quality single family residences; many of which are on substandard lots. Furthermore the city comprehensive plan states under its land use policy:

*“Continue the present policy of allowing residential development on substandard sized lots...”*

The proposed construction of a new, high quality design, appropriately scaled single family home will be complementary with the essential character of the locality. Proposed setback on 7<sup>th</sup> street is the same as the existing one. The scale of the home is similar to other neighborhood residences - most every residence along 7<sup>th</sup> street and Lake Avenue are of a full 2 story or 1 ½ story design (second story below sloping roofline). The exception is the subsequent two neighbors to the north which have larger 3 story homes.

#### **IV. Establishing the variance, if granted, will not adversely impact the rights of others:**

***Effect of the variance, if granted, on neighboring properties and on the neighborhood in general:*** The variance if granted will have a positive impact on neighboring properties and on the neighborhood in general. The single family use is consistent with the zoning code and the pre-existing use. The residence of high quality, architecturally appropriate design will be complementary to the neighborhood in general. We have also made an improvement to the lake view of the neighbor to the west with the garage being set back 4 feet ( and 6 feet at the southwest corner ) and an undesired tree being removed.

***Effect of the variance, if granted, on supply of light and air to adjacent properties:*** The variance if granted will have little impact on supply of light and air to adjacent properties. The 1 ½ story structure complies with the district height requirement and has been designed to minimize impact of shadowing on neighboring properties. An alternative remodeling / addition that would not require variance would have a significant increased shadowing impact on the property to the north.

***Effect of the variance, if granted, on traffic congestion in the public street:*** The variance if granted will have no impact on traffic congestion in the public street. The property as single family residential with accessory dwelling unit use will have sufficient garage and driveway space.

***Effect of the variance, if granted, on the danger of fire:*** The variance if granted will allow the construction of a structure meeting or exceeding the latest building code requirements; thereby lessening the possibilities on the danger to public safety.

***Effect of the variance, if granted, on the danger to public safety:*** The variance if granted will allow the construction of a structure meeting or exceeding the latest building code requirements; thereby lessening the possibilities on the danger to public safety.

***Effect of the variance, if granted, on established property values in the surrounding area:*** The construction of a new, high quality, architecturally significant home will have a positive impact on established property values in the surrounding area.

**LEGAL DESCRIPTION:**

(The following legal description is as shown on Certificate of Title No. 346999.)

That part of Lot 10, Block 32, White Bear, lying East of the West 12 feet thereof, and that part of the Park, lying North of the South 11 feet thereof, adjoining Lake Avenue, abandoned, and accretions to said Park and avenue lying East of the Easterly line of said Lot 10 and its extension and between the extensions East of the North line of said Lot 10 and the center line of adjoining 7th Street

**TITLE NOTES:**

Subject to an easement for public road purposes in favor of the City of White Bear Lake as to said part of adjoining Lake Avenue lying West of a line parallel to and 40 feet East from the Easterly line of said Lot 10 and its extension.

Subject to the restrictions set forth in the ordinance creating a restricted residence district recorded in Book 102 of Miscellaneous Records, page 425, as to said Lot 10.

Subject to any rights of the State of Minnesota to maintain the navigability of White Bear Lake.

**SURVEY NOTES:**

1. BEARINGS ARE BASED ON COORDINATES SUPPLIED BY THE RAMSEY COUNTY SURVEYORS OFFICE.
2. 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.
3. THERE MAY BE SOME UNDERGROUND UTILITIES, GAS, ELECTRIC, ETC. NOT SHOWN OR LOCATED.



**EXISTING AREAS (IN SQUARE FEET)**

AREA OF PARCEL WEST OF 40' ROADWAY EASEMENT = 12,552  
 AREA OF PARCEL INCLUDED IN 40' ROADWAY EASEMENT = 3,801  
 AREA OF PARCEL EAST OF 40' ROADWAY EASEMENT = 4,961  
 TOTAL AREA OF PARCEL = 21,314

**IMPROVEMENT AREAS WEST OF 40' EASEMENT:**

1. HOUSE = 2,227
  2. DECK & STAIRS = 500
  3. CONCRETE & STEPS = 868
  4. WALLS = 12
  5. STEPPERS = 80
- TOTAL = 3687 / 29.3%

**IMPROVEMENT AREAS EAST OF 40' EASEMENT:**

1. BUILDING = 193
  2. DECK & STAIRS = 382
  3. SHED = 62
  4. WALLS = 42
- TOTAL = 679 / 13.7%

**LEGEND**

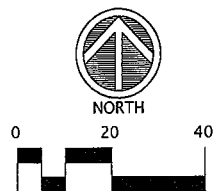
- FOUND MONUMENT
- SET 1/2" IRON PIPE MARKED PLS NO. 25718
- ▭ CABLE TV PEDESTAL
- ▭ AIR CONDITIONER
- ▭ ELECTRIC METER
- ▭ ELECTRIC PEDESTAL
- ▭ ELECTRIC TRANSFORMER
- ★ LIGHT POLE
- POWER POLE
- ▭ GAS METER
- ▭ TELEPHONE PEDESTAL
- SANITARY MANHOLE
- CATCH BASIN
- STORM MANHOLE
- HYDRANT
- CURB STOP
- SPOT ELEVATION
- UB — UNDERGROUND ELECTRIC
- UV — UNDERGROUND CABLE TV
- UF — UNDERGROUND FIBER OPTIC
- UT — UNDERGROUND TELEPHONE
- OU — OVERHEAD UTILITY
- UC — UNDERGROUND GAS
- US — SANITARY SEWER
- SS — STORM SEWER
- W — WATER MAIN
- C — CURB (TYPICAL)
- CO — CONTOURS
- 1230
- ☀ CONIFEROUS TREE
- ☀ DECIDUOUS TREE
- ▭ BUILDING LINE
- ▭ BITUMINOUS SURFACE
- ▭ CONCRETE SURFACE

**BONIN RESIDENCE**

**CONTACT:**  
 MARK SOVA  
 MAIN STREET BUILDERS

**COUNTY/CITY:**  
 RAMSEY COUNTY

**CITY OF WHITE BEAR LAKE**



**REVISIONS:**

DATE	REVISION
9-5-18	INITIAL ISSUE
9-12-18	STEPS

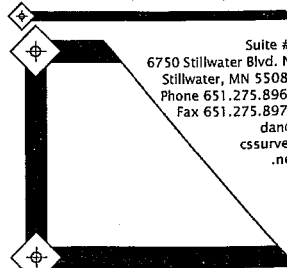
**CERTIFICATION:**

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*  
 Daniel L. Thurmes Registration Number: 25718  
 Date: 9-5-18

**PROJECT LOCATION:**

**4871 LAKE AVENUE**  
**PID#13302223116**



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: SURVMSB15  
 PROJECT NO.: MSB18015

**CERTIFICATE OF SURVEY**

**PROPOSED BUILDING ELEVATIONS:**

TOP OF FOUNDATION = 945.5(9' POURED)  
 GARAGE FLOOR = 945.0 ±  
 BASEMENT FLOOR = 936.8  
 THE ABOVE ELEVATIONS WERE DETERMINED BY THE ARCHITECT.

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

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

**PROPOSED IMPROVEMENT AREAS: (IN SQUARE FEET)**

**PROPOSED NEW WEST OF ROAD EASEMENT**

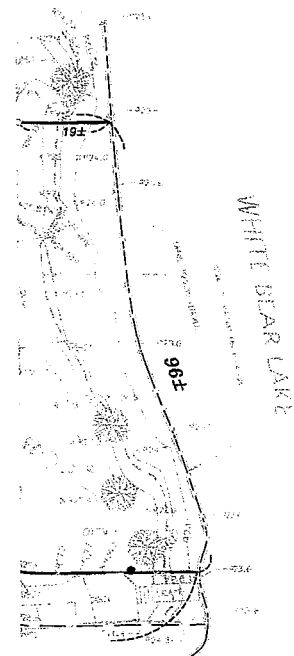
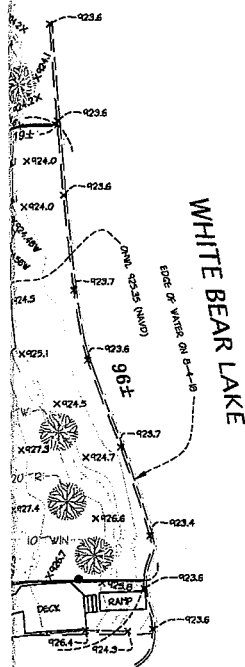
1. HOUSE = 2,767
2. DRIVEWAY = 1,162
3. FRONT STEPS/SIDEWALK = 194
4. WALLS = 33
5. PATIO = 282

**PROPOSED TO REMAIN EAST OF ROAD EASEMENT**

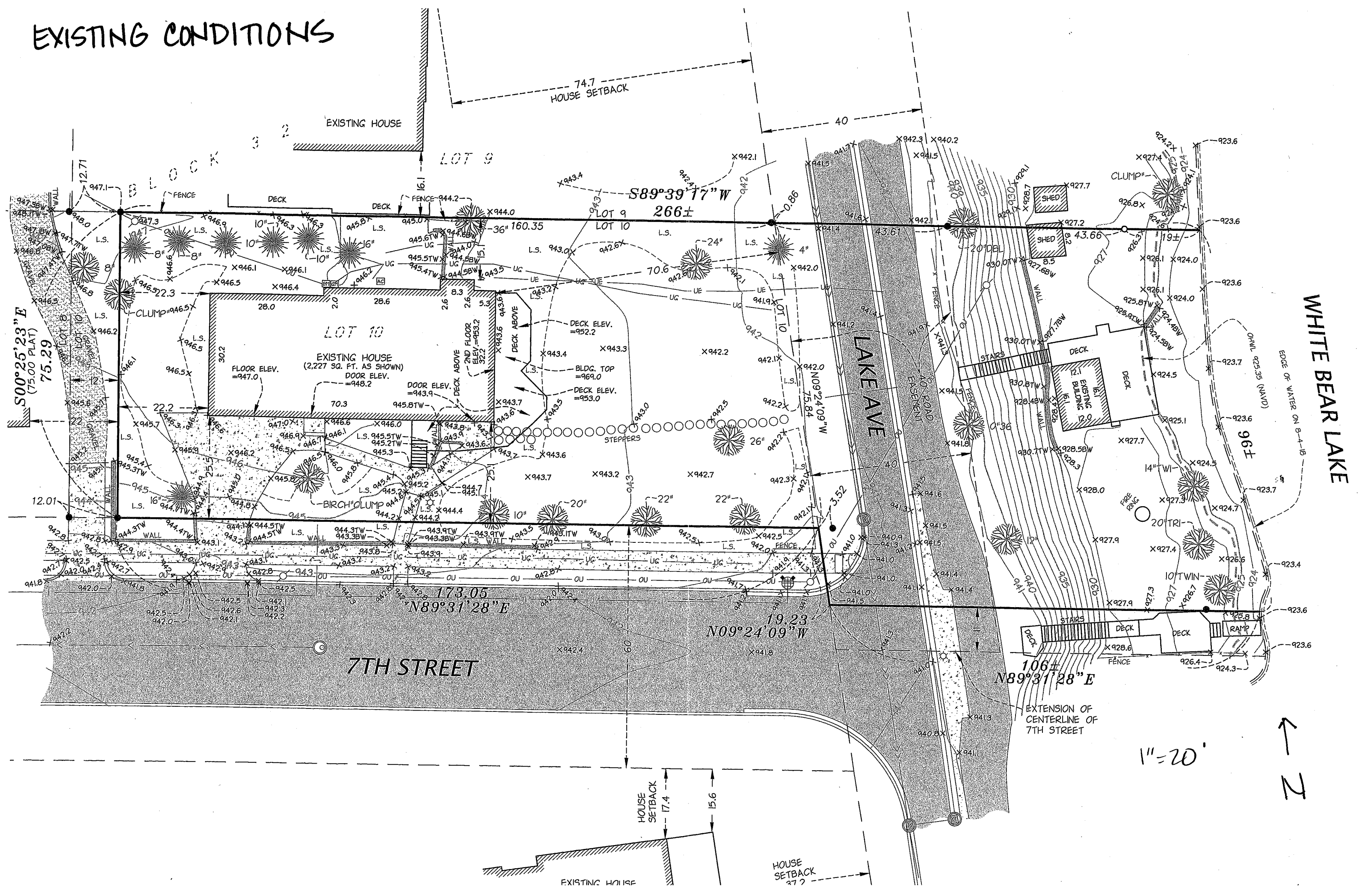
1. BUILDING = 193
2. DECK & STAIRS = 382
3. SHED = 62
4. WALLS = 42
5. ROAD, CURB & PATH = 2,529

TOTAL PROPOSED + TOTAL TO REMAIN = 5,117 SQ.FT. = 29.2% (% OF TOTAL AREA, EXCLUDING EASEMENT)

TOTAL PROPOSED = 4,438 SQ.FT. = 35.4% (% OF AREA WEST OF ROAD)

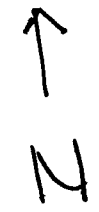


# EXISTING CONDITIONS

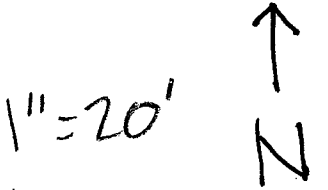
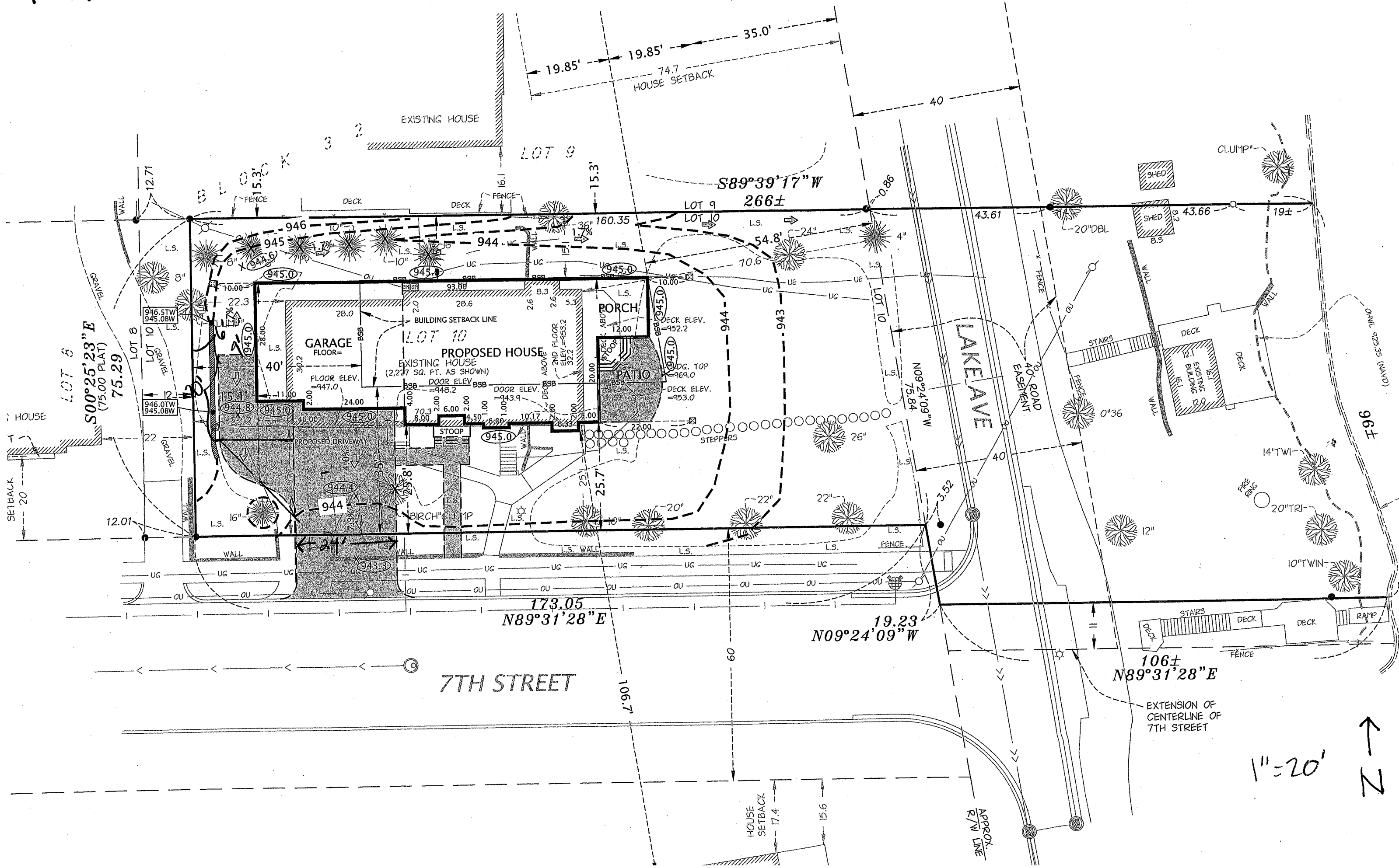


WHITE BEAR LAKE

1" = 20'



# PROPOSED SITE PLAN







226 myrtle street east, suite 1  
stillwater, mn 55082  
www.ronbrennerarchitects.com  
651-342-1278

BUILDER:

Revisions

No.	Date	Description

Date 10-16-2018

Project Plan # 15-2093

No.:

Drawn By: RLB

Project Name:

**RESIDENCE  
FOR BRIAN  
AND  
RACHEL  
BONIN**

4871 Lake Avenue  
White Bear Lake, MN

Sheet Title:

**COVER SHEET  
AND FRONT  
ELEVATION**

Progress Set - Not For

Construction

Sheet Number:

**A1.1**

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Sheet List	
Sheet Number	Sheet Name
A1.1	COVER SHEET AND FRONT ELEVATION
A1.2	EXTERIOR ELEVATIONS
A2.1	LOWER LEVEL FLOOR PLAN
A2.2	MAIN LEVEL FLOOR PLAN
A2.3	SECOND LEVEL FLOOR PLAN
A4.1	BUILDING SECTIONS
A4.2	BUILDING SECTIONS
A4.3	BUILDING SECTIONS AND ROOF PLAN
A4.4	BUILDING SECTIONS
A7.1	STANDARD FOUNDATION DETAILS

**LICENSE:**

Please read carefully. This license contains terms by which you are bound if you use this plan.

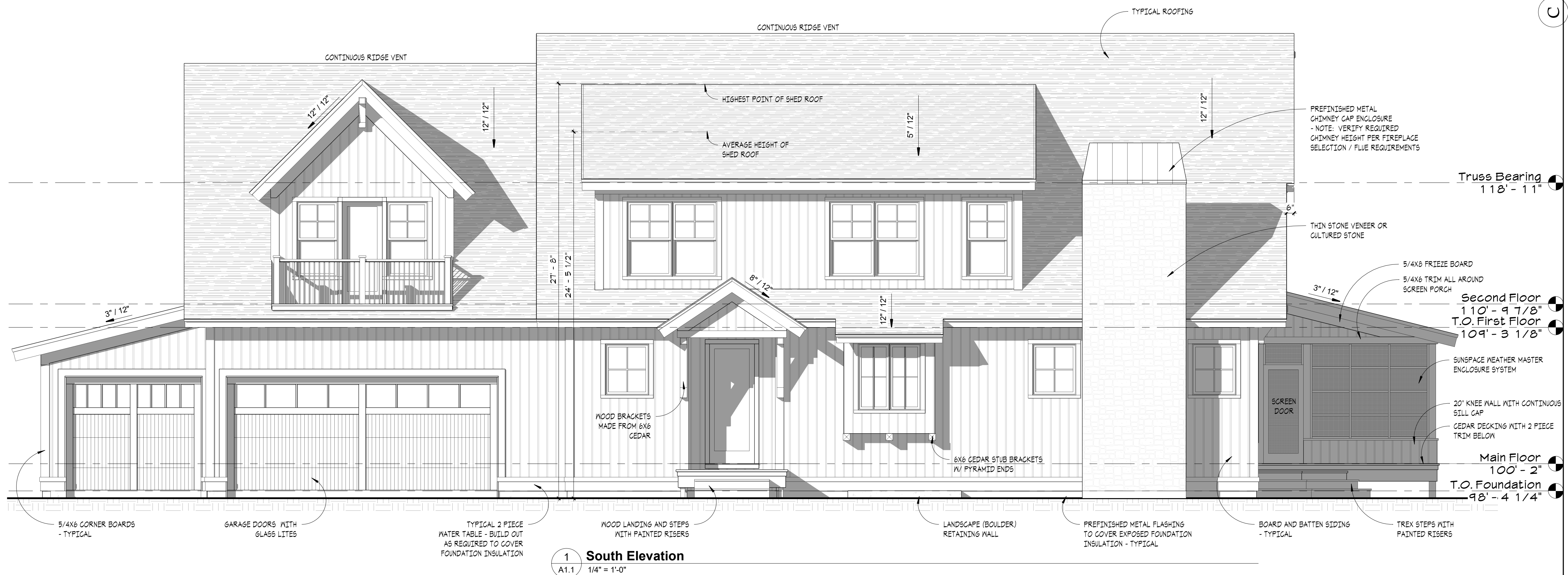
Main Street Builders is granted the right to construct one and only one home based on the plan. This right is not transferable. You may not sell or otherwise transfer the plan to another, or allow another to use or copy the plan.

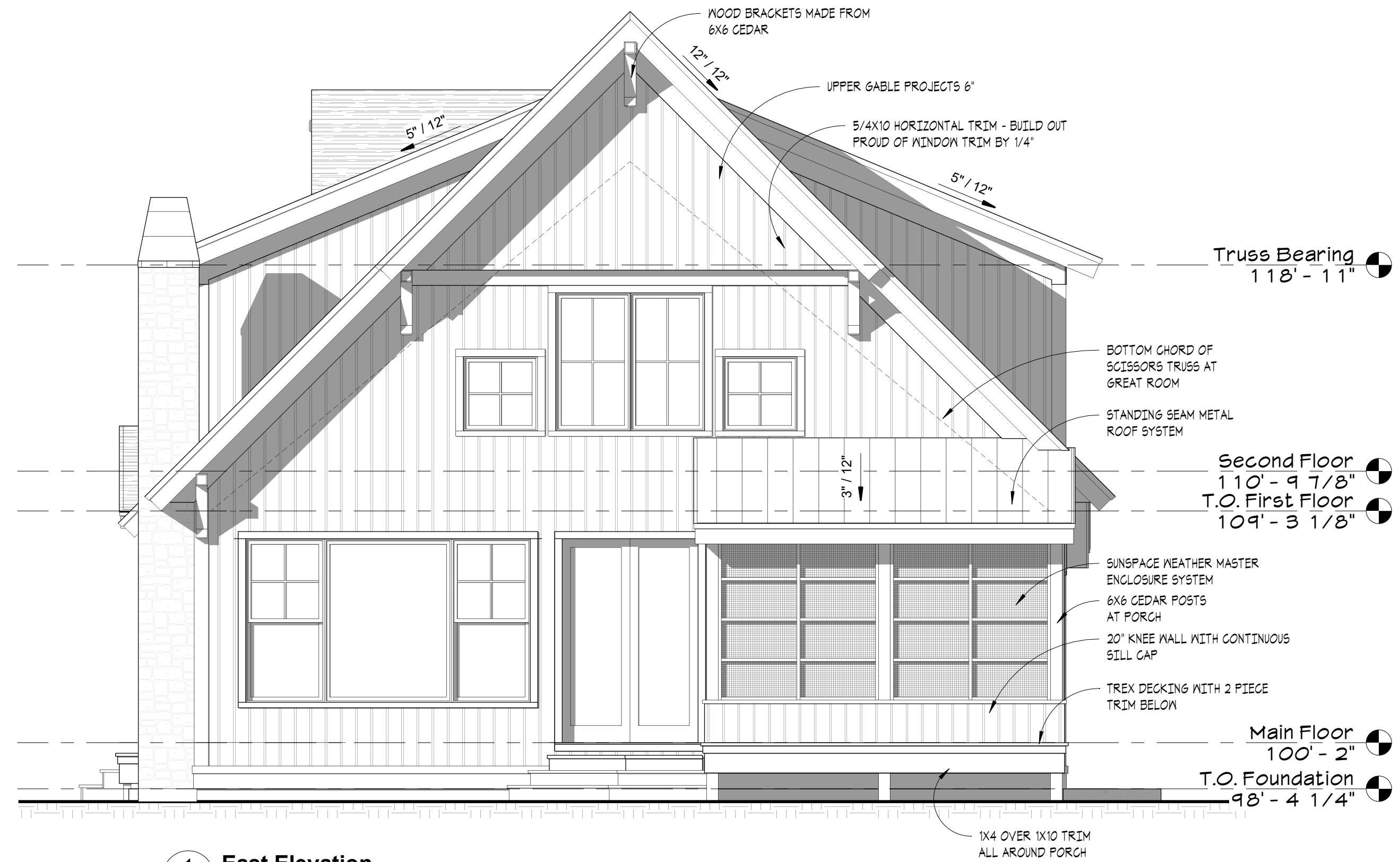
This plan is protected under federal copyright laws. Use of the plan in a manner inconsistent with this license is a violation of U.S. copyright

Structural Engineering has not been performed on this plan. Any sizes indicated on these plans are to illustrate general design intent only. Prior to construction; soils information must be verified and all structural information including roof trusses, girders, beams, headers, posts, columns and concrete foundation systems including reinforcing must be designed and verified.

Before construction begins, thoroughly review this plan, verify all dimensions, and report to the Architect any errors, omissions or questions for clarification.

These plans indicate building systems, materials and standards that are specific to Main Street Builders. Ron Brenner Architects, LLC. may not be held responsible for such standards, construction means or methods, costs, workmanship, quality of materials or equipment utilized in the construction.





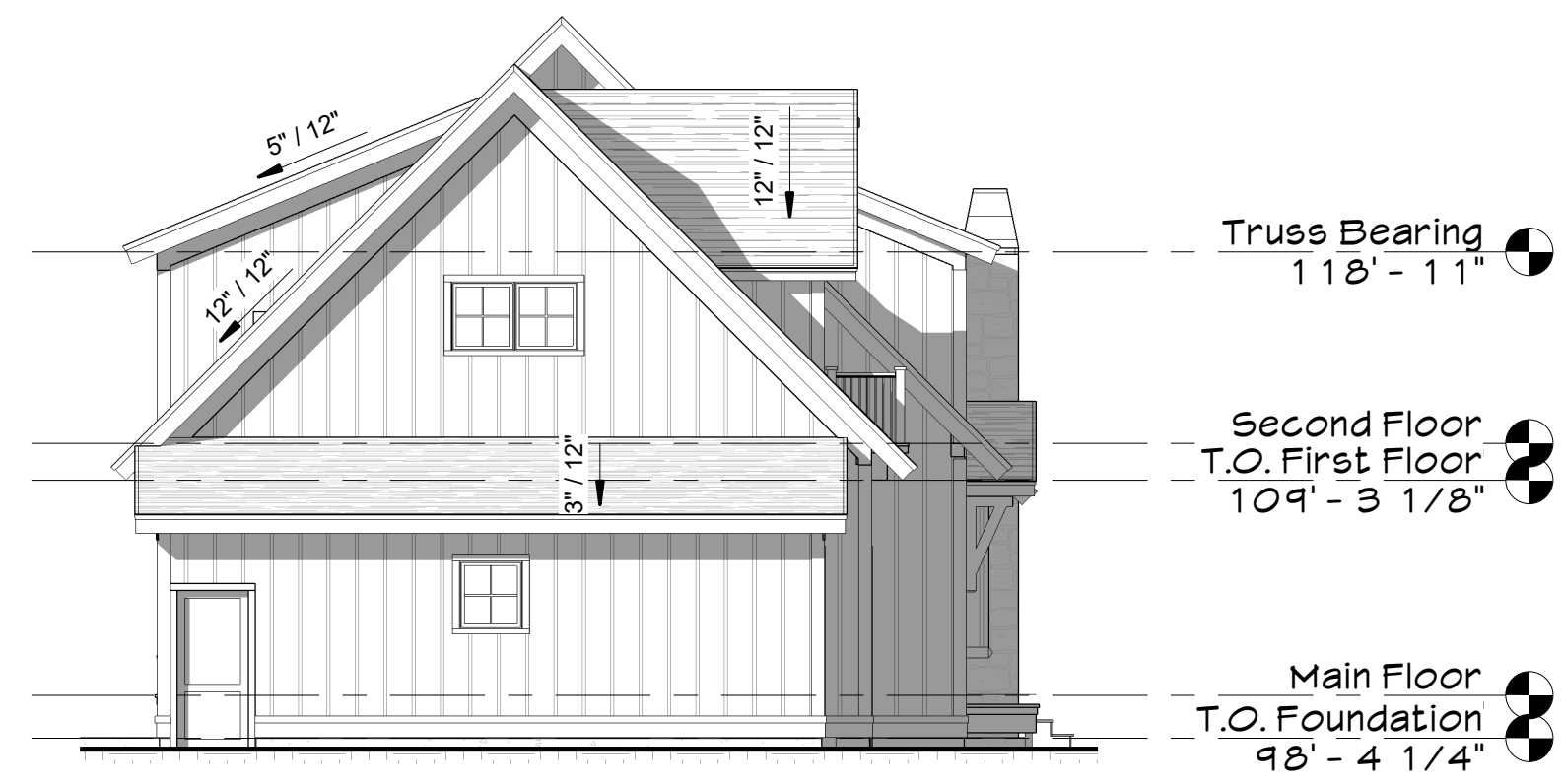
**1 East Elevation**  
A1.2 1/4" = 1'-0"

REFER TO 1/A1.1 AND EXTERIOR ELEVATION NOTES FOR TYPICAL INFORMATION



**2 North Elevation**  
A1.2 1/8" = 1'-0"

REFER TO 1/A1.1 AND EXTERIOR ELEVATION NOTES FOR TYPICAL INFORMATION



**3 West Elevation**  
A1.2 1/8" = 1'-0"

REFER TO 1/A1.1 AND EXTERIOR ELEVATION NOTES FOR TYPICAL INFORMATION

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**ron  
brenner  
architects**



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651-342-1278

BUILDER:

Revisions		
No.	Date	Description

Date 10-16-2018  
Project Plan # 15-2093  
No.  
Drawn By: Author

Project Name:  
**RESIDENCE  
FOR BRIAN  
AND  
RACHEL  
BONIN**

4871 Lake Avenue  
White Bear Lake, MN  
Sheet Title:  
**EXTERIOR  
ELEVATIONS**

Progress Set - Not For  
Construction

**A1.2**



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BUILDER:

Revisions

No.	Date	Description

Date 10-16-2018

Project Plan # 15-2093

No.:

Drawn By: ---

Project Name:

# RESIDENCE FOR BRIAN AND RACHEL BONIN

4871 Lake Avenue  
White Bear Lake, MN

Sheet Title:

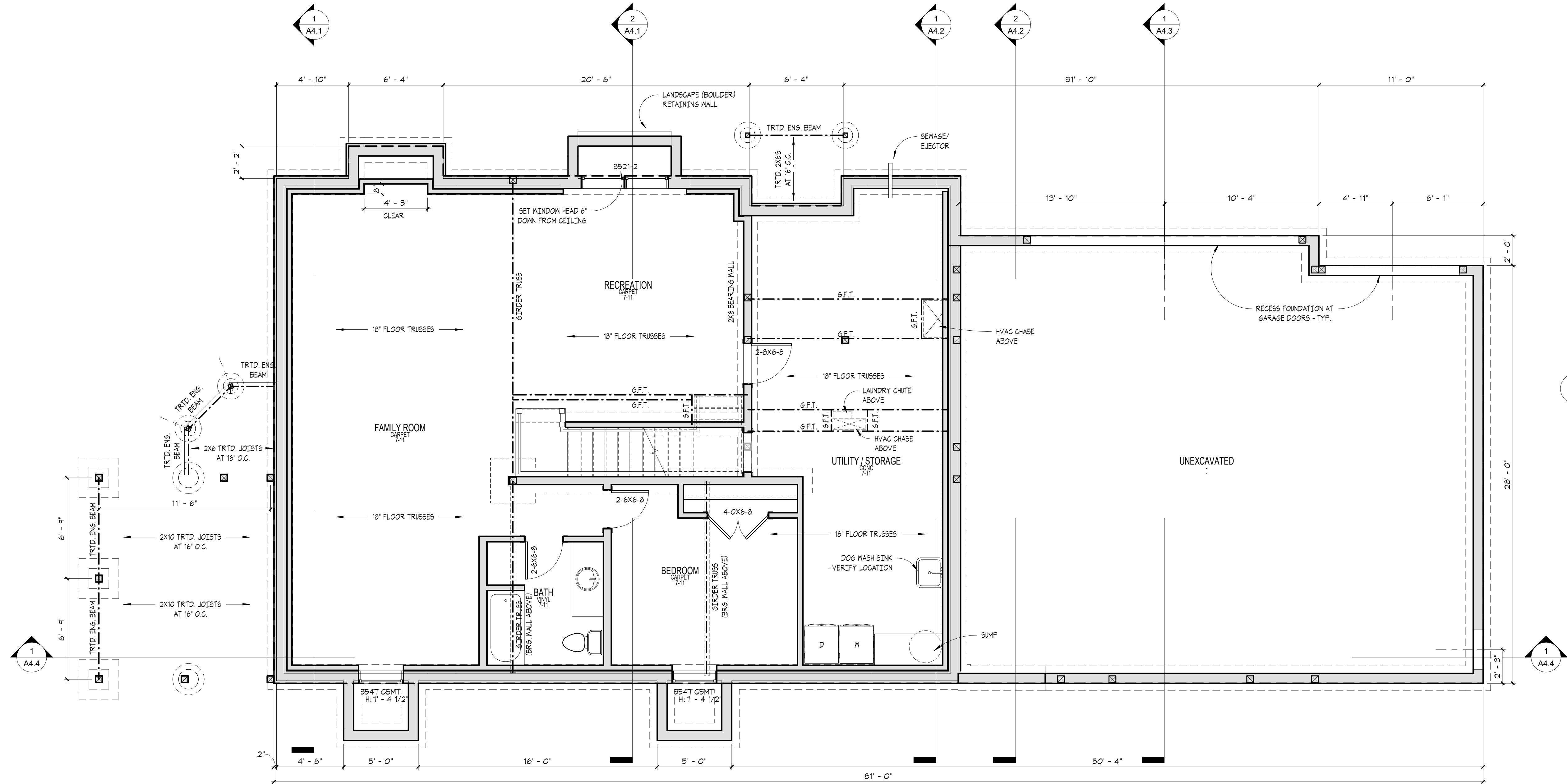
LOWER LEVEL  
FLOOR PLAN

Progress Set - Not For

Construction

# A2.1

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BUILDER:

Revisions

No.	Date	Description

Date 10-16-2018

Project Plan # 15-2093

No.:

Drawn By: Author

Project Name:

# RESIDENCE FOR BRIAN AND RACHEL BONIN

4871 Lake Avenue  
White Bear Lake, MN

Sheet Title:

MAIN LEVEL  
FLOOR PLAN

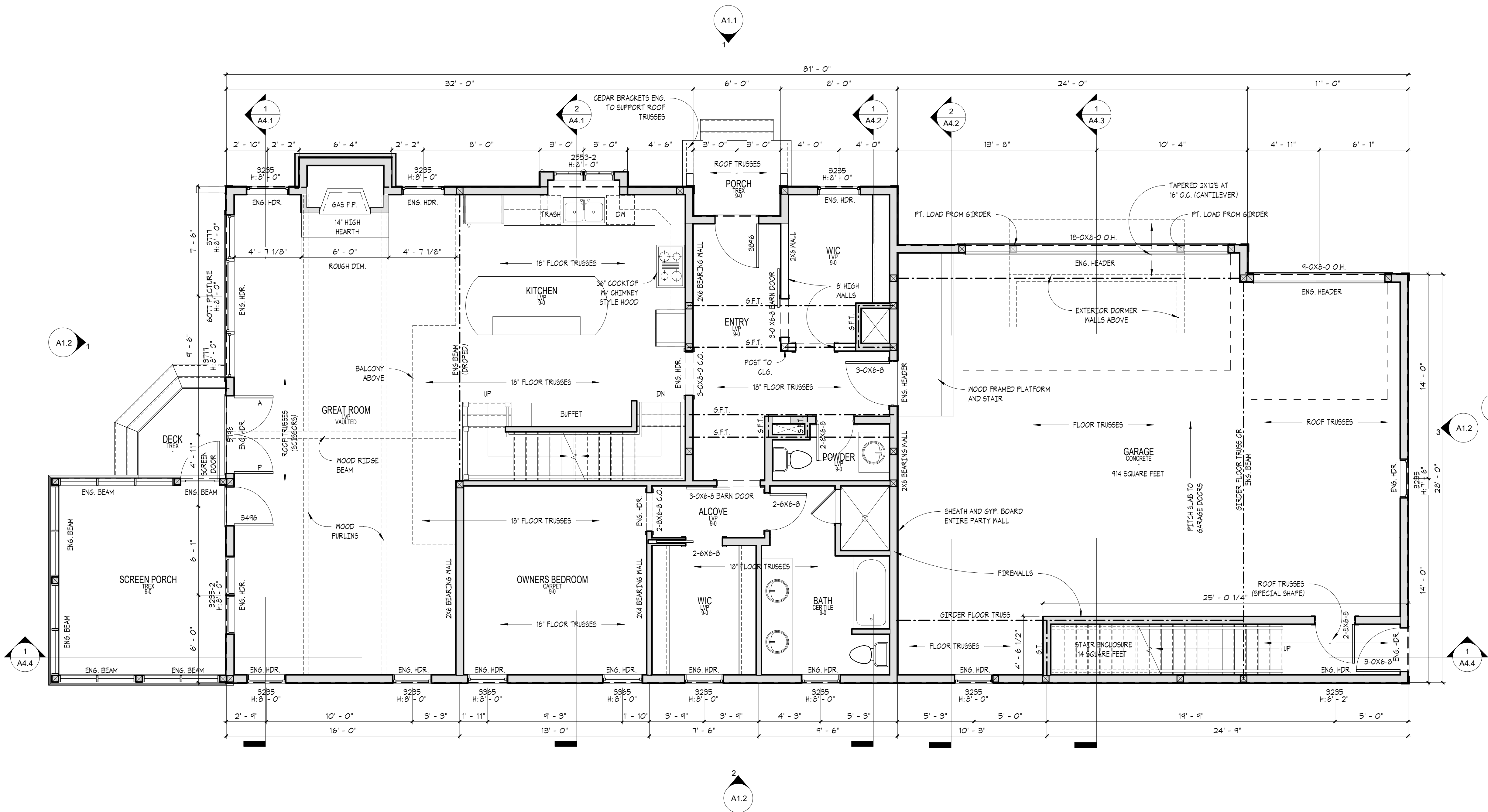
Progress Set - Not For

Construction

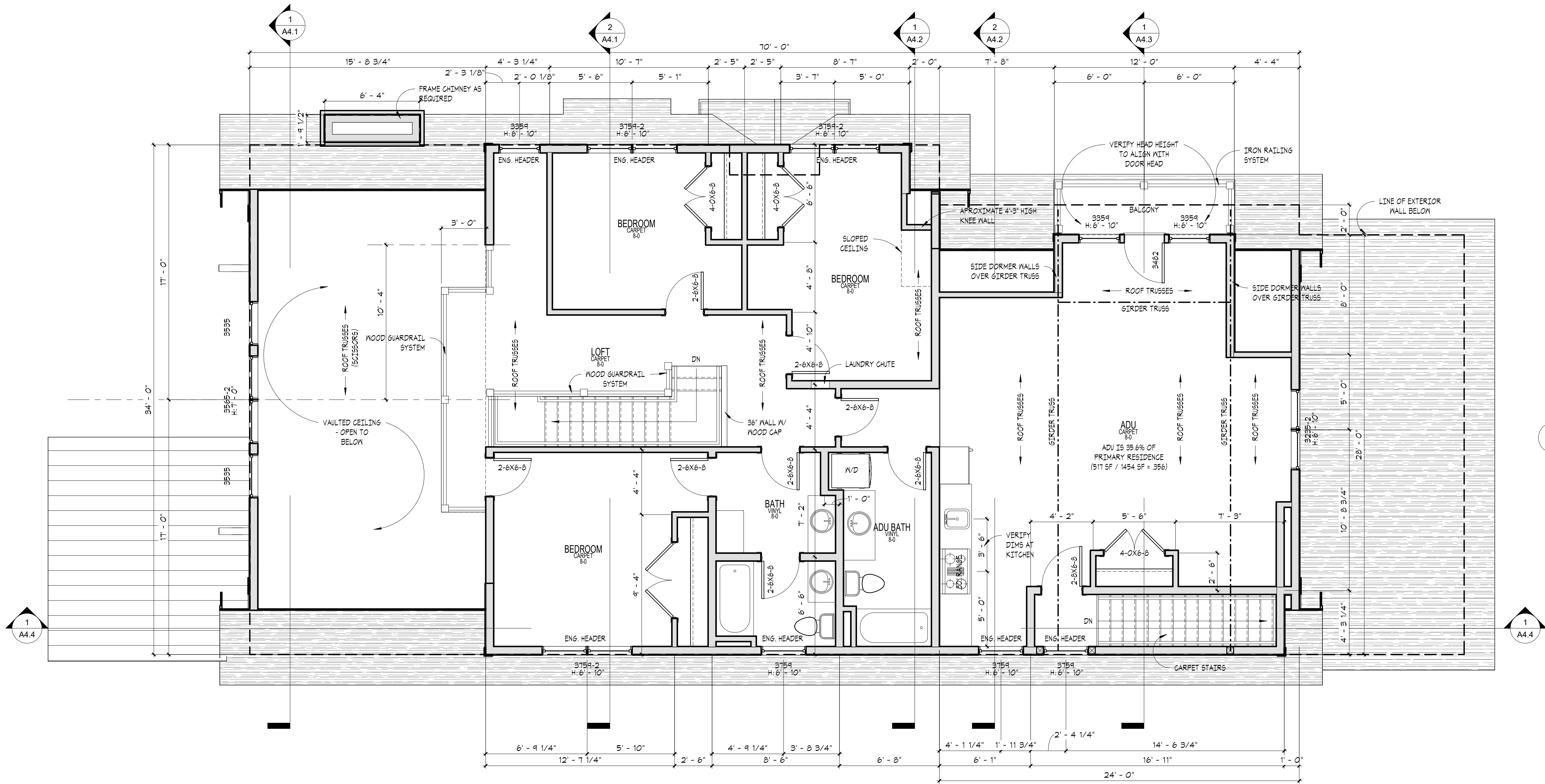
Number:

# A2.2

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1 Main Floor  
A2.2 1/4" = 1'-0"



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BUILDER:

Revisions

No.	Date	Description

Date 10-16-2018

Project Plan # 15-2093

No.:

Drawn By: Author

Project Name:

**RESIDENCE  
FOR BRIAN  
AND  
RACHEL  
BONIN**

4871 Lake Avenue  
White Bear Lake, MN

Sheet Title:

**SECOND LEVEL  
FLOOR PLAN**

Progress Set - Not For

Construction

Number:

**A2.3**



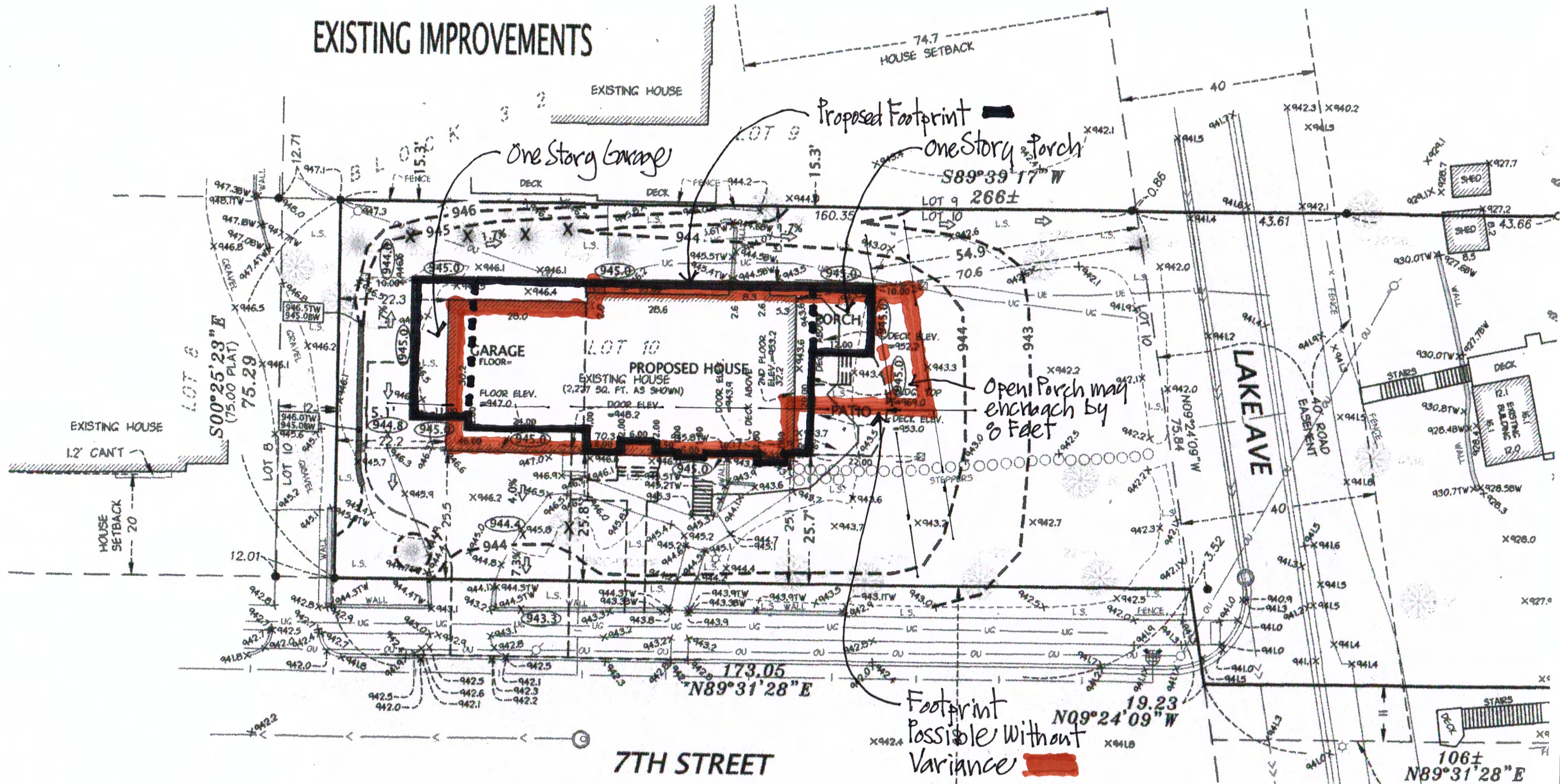
PERSPECTIVE VIEW

BONIN RESIDENCE  
by MAIN STREET BUILDERS

9/11/2018  
EXTERIOR IMAGES

COPYRIGHT 2018, RON BRENNER ARCHITECTS

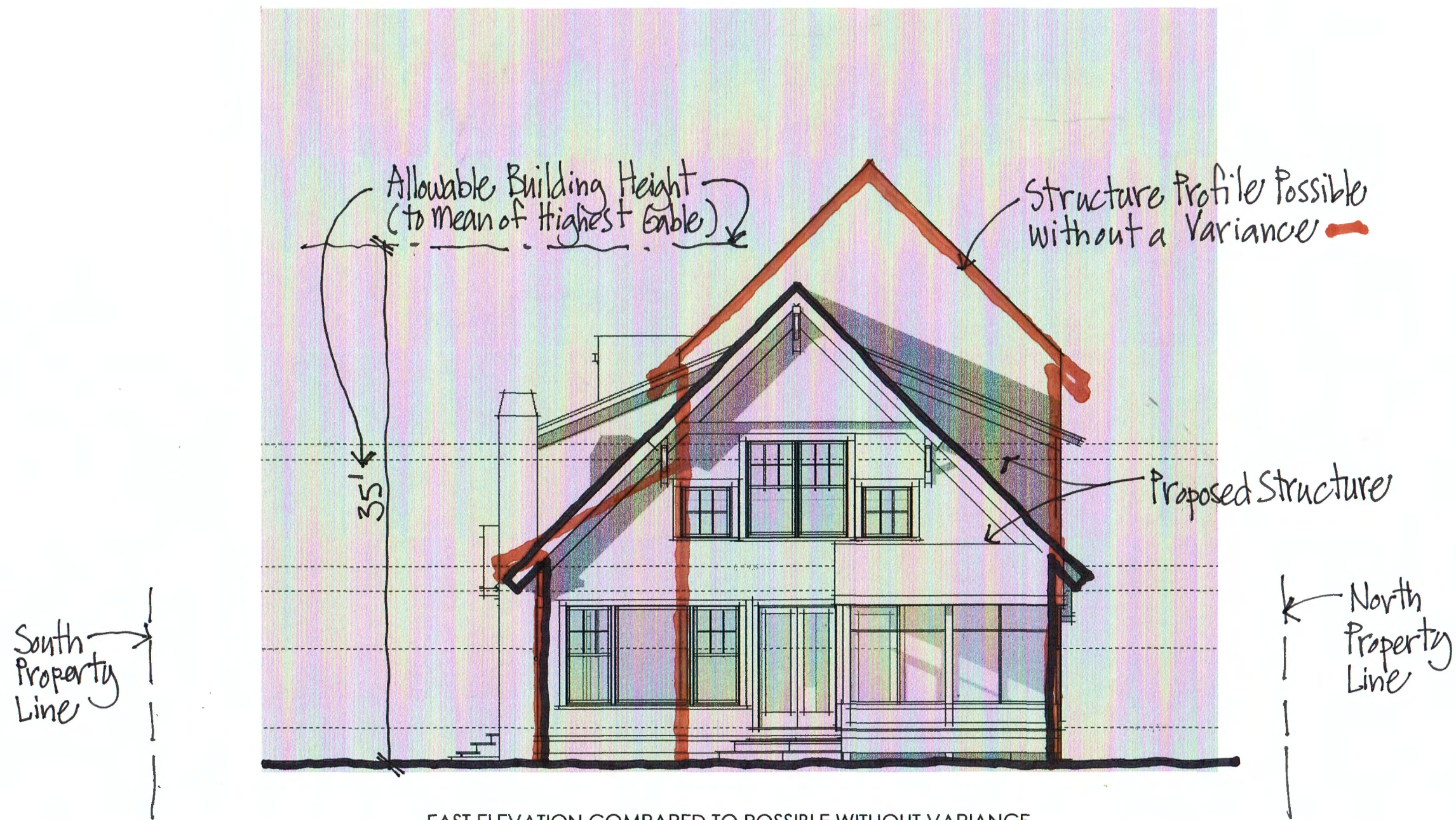
# EXISTING IMPROVEMENTS



## PROPOSED SITE PLAN COMPARED TO REMODEL WITHOUT VARIANCE

BONIN RESIDENCE  
9/11/2010  
Ron Brenner Architects





EAST ELEVATION COMPARED TO POSSIBLE WITHOUT VARIANCE

BONIN RESIDENCE  
by MAIN STREET BUILDERS

9/11/2018  
EXTERIOR IMAGES

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City of White Bear Lake  
COMMUNITY DEVELOPMENT  
DEPARTMENT

## MEMORANDUM

**TO:** The Planning Commission

**FROM:** Ashton Miller, Planning Technician

**DATE:** October 22 for the October 29, 2018 Planning Commission Meeting

**SUBJECT:** **Koeppen Lot Recombination, 4942 Morehead Avenue & 2291 9<sup>th</sup> Street - Case No. 18-3-LS**

---

### **REQUEST**

The applicant, Kim Koeppen, is requesting a recombination subdivision in order to transfer a 30-foot strip of land from 4942 Morehead Avenue (Parcel B) to 2291 9<sup>th</sup> Street (Parcel A). She is the current owner of both properties. A public hearing is not required for this type of lot split (§1407.040).

### **SITE CHARACTERISTICS**

The subject sites are located in the old White Bear neighborhood, north of 9th Street and east of Morehead Avenue. The existing garage on Parcel B is 2 feet from the northern property line and the house on Parcel A is 10 feet from the southern property line, both of which are grandfathered and not affected by the proposed lot line adjustment.

### **BACKGROUND/ZONING**

The home on Parcel B was built in 1920. The home on Parcel A was built in 1959 and remodeled by the Koeppen family in 2012. The subject properties are zoned R-4, Single Family – Two Family Residential, as are the surrounding properties. Both properties are also in the S – Shoreland Overlay district.

### **ANALYSIS**

The attached Certificate of Survey shows the proposed lot line adjustment – shifting the property line 30 feet north of its current position. The required minimum lot area in the S district is 10,000 square feet and the minimum lot width is 80 feet. Currently, Parcel A is substandard in size and width at 8,460 square feet in size and 60 feet wide. Parcel B currently meets size requirements at 14,100 square feet with a 100-foot width.

After the recombination subdivision, Parcel A will increase to 12,719 square feet in size, and have a width of 90 feet. Parcel B will decrease to 9,926 square feet and have a 70-foot width. The lots will essentially swap conformity status, however, the new smaller lot will be closer to the lot size

requirements of the Shoreland Overlay District (see table below). As stated in the applicant's narrative, she is opting for this reapportionment, rather than a uniform split, in order to preserve landscaping.

<b>Lot Requirements</b>	<b>Parcel A - 2291 9<sup>th</sup> Street</b>		<b>Parcel B - 4942 Morehead Ave</b>	
	<b>Current</b>	<b>Proposed</b>	<b>Current</b>	<b>Proposed</b>
<b>Size 10,000 square feet</b>	8,460 SF	12,719 SF	14,100 SF	9,926 SF
<b>Width 80 feet</b>	60 feet	90 feet	100 feet	70 feet

Staff finds the proposed recombination subdivision to be reasonable, considering corner lots have greater setbacks along public right-of-ways. The slightly larger lot size of Parcel A allows for setback conformity for any future development on the property.

After the recombination subdivision, Parcel B will have 30.6% impervious surface coverage, just slightly over the 30% allowed in the Shoreland Overlay District. Staff has included a condition (#6) that the 0.6% excessive impervious surface be mitigated for when a permit for a new project is submitted to the City.

The Department of Natural Resources has reviewed the proposal and has no objections or concerns.

### **SUMMARY**

The City's discretion in approving or denying a recombination subdivision is limited to whether or not the proposed subdivision meets the standards outlined in the Zoning Ordinance and Subdivision Regulations. If it meets these standards, the City must approve the subdivision.

Staff has reviewed the request for compliance with the Subdivision Regulations and the Zoning Code and finds that because the proposal reduces the non-conformity of the corner lot without adversely affecting the interior lot, all applicable requirements have been met.

### **RECOMMENDATION**

Staff recommends approval of the requested recombination subdivision 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. Within 6 months after the approval of the Survey by the City Council, the applicant shall record the Survey and the approving resolution, with the County Land Records Office or the subdivision shall become null and void. The resolution of approval shall be recorded against 4942 Morehead Avenue and notice of condition #6 shall be provided as condition of the sale of the lot.
3. The applicant shall provide the City with proof of recording (receipt) as evidence of compliance with condition #2. Within 120 days after the date of recording, the applicant

shall provide the City Planner with two final, recorded copies of the Certificate of Survey.

4. Durable iron monuments shall be set at the intersection points of the new lot line with the existing lot lines. The applicant shall have one year from the date of Council approval in which to set the monuments.
5. The applicant shall agree to reapportion any pending or actual assessments on the original parcel or lot of recording accordance with the original assessment formula on the newly approved parcels as per the City of White Bear Lake finance office schedules.
6. The excessive impervious surface at 4942 Morehead Avenue shall be mitigated for when a permit for any new project is submitted to the City.

**Attachments:**

1. Draft Resolution of Approval
2. Location/Zoning Map
3. Applicant's Request Letter
4. Recombination Subdivision Survey

**RESOLUTION NO. \_\_\_\_\_**

**RESOLUTION APPROVING A LOT RECOMBINATION FOR  
4942 MOREHEAD AVENUE & 2291 9<sup>th</sup> STREET  
WITHIN THE CITY OF WHITE BEAR LAKE, MINNESOTA**

**WHEREAS**, a proposal (18-3-LS) has been submitted by Kim Koeppen to the City Council requesting approval of a lot recombination per the City of White Bear Lake Subdivision Code at the following site:

**ADDRESS:** 4942 Morehead Avenue and 2291 9<sup>th</sup> Street

**EXISTING & PROPOSED LEGAL DESCRIPTIONS:** See Attached.

**WHEREAS THE APPLICANTS SEEK THE FOLLOWING:** Approval of a recombination subdivision to convey a 30 foot wide tract of land from 4942 Morehead Avenue to 2291 9<sup>th</sup> Street, per Code Section 1407.030; and

**WHEREAS**, the Planning Commission has reviewed this proposal on October 29, 2018; and

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

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of White Bear Lake after reviewing the proposal, that the City Council accepts and adopts the following findings of the Planning Commission for the Recombination Subdivision:

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 improves the conformance 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.

**FURTHER, BE IT RESOLVED**, that City Council hereby approves the Recombination Subdivision, 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. Within 6 months after the approval of the Survey by the City Council, the applicant shall record the Survey along with the instruments of conveyance with the County Land Records Office or the subdivision shall become null and void. The resolution of approval shall be recorded against 4942 Morehead Avenue and notice of condition #6 shall be provided as condition of the sale of the lot.
3. The applicants shall provide the City with proof of recording (receipt) as evidence of compliance with condition #2. The applicants shall provide the City Planner with two final, approved and recorded copies of the Certificate of Survey within 120 days after the date of recording.
4. Durable iron monuments shall be set at the intersection points of the new lot line with the existing lot lines. The applicant shall have one year from the date of Council approval in which to set the monuments.
5. The applicants shall agree to reapportion any pending or actual assessments on the original parcel or lot of recording accordance with the original assessment formula on the newly approved parcels as per the City of White Bear Lake finance office schedules.
6. The excessive impervious surface at 4942 Morehead Avenue shall be mitigated for when a permit for any new project is submitted.

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.

---

Kim Koeppen

Date

**EXISTING LEGAL DESCRIPTION:**

(2291 9<sup>th</sup> Street)

Lot 7 and the north 10 feet of vacated 9<sup>th</sup> Street adjoining, Block 17, AUERBACH'S REARRANGEMENT OF PART OF WHITE BEAR, Ramsey County, Minnesota.

(4942 Morehead Avenue)

Lots 8 and 9, Block 17, AUERBACH'S REARRANGEMENT OF PART OF WHITE BEAR, Ramsey County, Minnesota.

**PROPOSED LEGAL DESCRIPTIONS:**

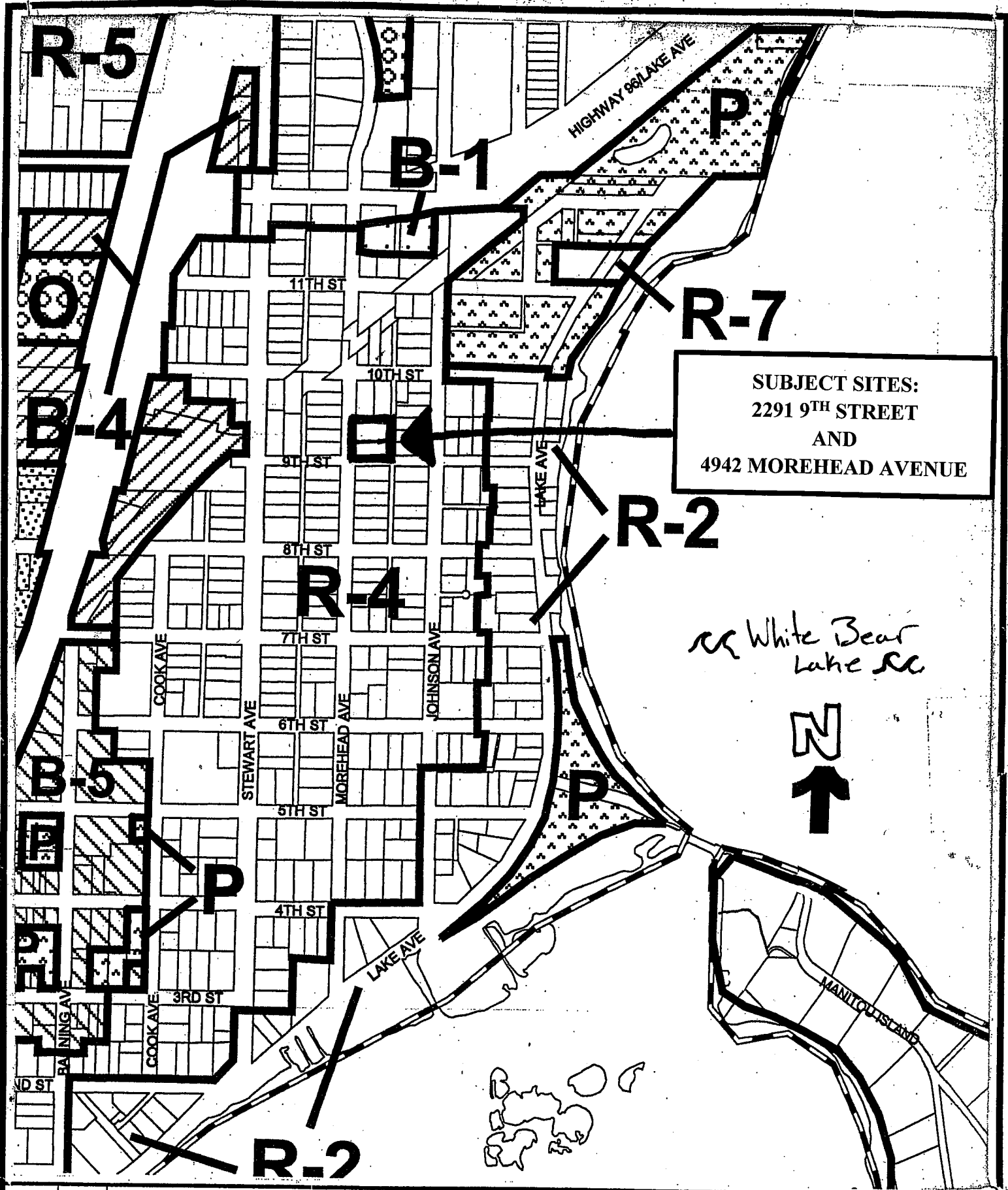
(2291 9<sup>th</sup> Street)

Lot 7, the north 10 feet of vacated 9<sup>th</sup> Street adjoining, and the south 30 feet of Lot 8, Block 17, AUERBACH'S REARRANGEMENT OF PART OF WHITE BEAR, Ramsey County, Minnesota. Subject to easements of record, if any.

(4942 Morehead Avenue)

Lot 9 and Lot 8, except for the south 30 feet thereof, Block 17, AUERBACH'S REARRANGEMENT OF PART OF WHITE BEAR, Ramsey County, Minnesota. Subject to easements of record, if any.





**SUBJECT SITES:**  
 2291 9TH STREET  
 AND  
 4942 MOREHEAD AVENUE

*NE White Bear Lake SW*



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

CASE NO. : 18-3-LS  
 CASE NAME : Koepfen  
 DATE : October 29, 2018

TO: City of White Bear Lake  
FROM: Kim Koeppen  
RE: Narrative accompanying Recombination Subdivision request  
DATE: 17 September 2018

I currently own the adjoining properties at 4942 Morehead Ave. and 2291 9<sup>th</sup> Street. My late husband, Steve and I initially purchased the property on Morehead from the Peterson's with the intent of building our dream home. Before we could begin, we were offered the right of first refusal on Ion Payette's house on 9<sup>th</sup> and were able to purchase it. Our goal then became to build on 9<sup>th</sup> (fixing up the house was not an option) and live there while we built on the Morehead property.

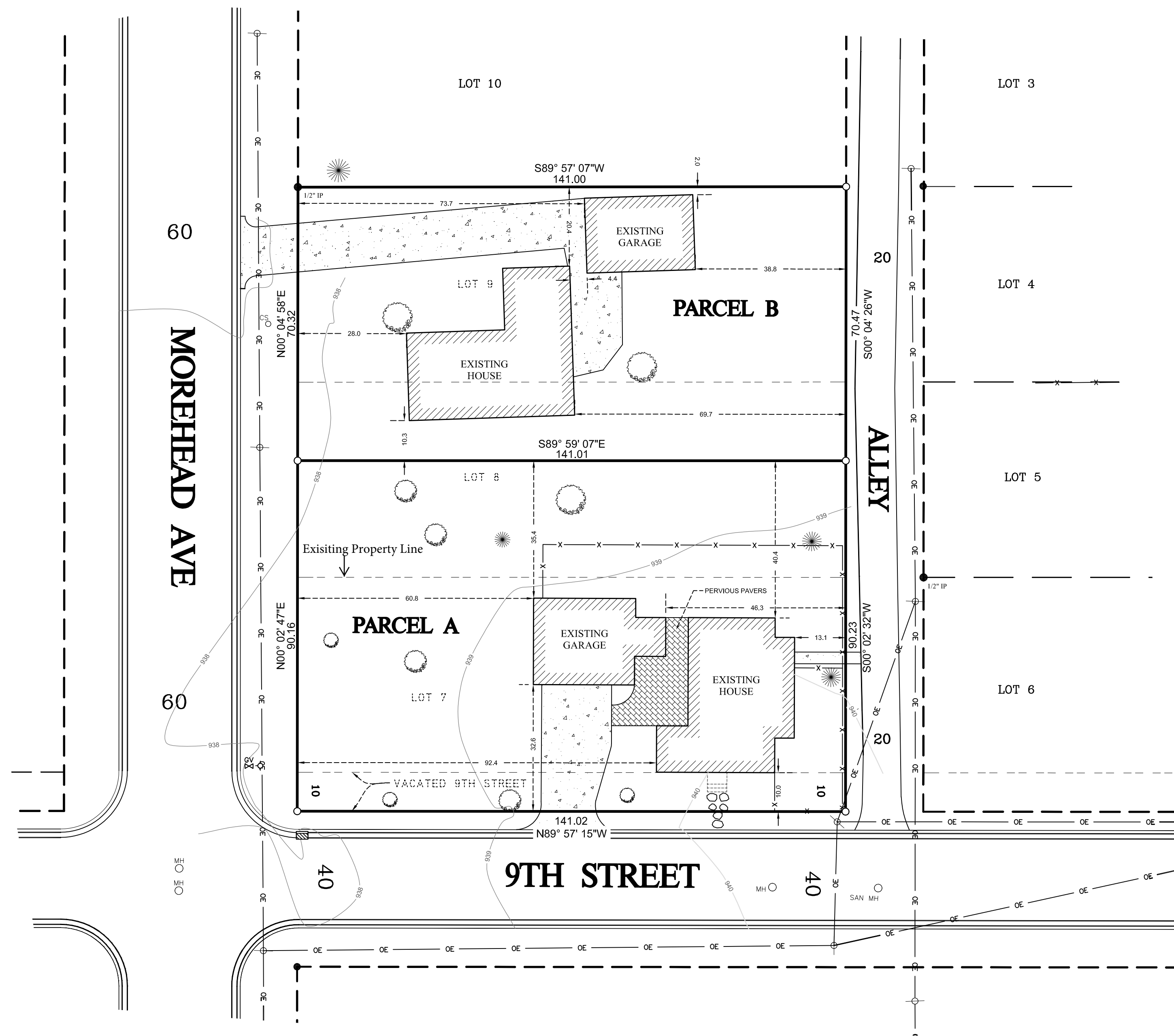
Sadly, Steve was diagnosed with cancer during the 9<sup>th</sup> Street construction. We were fortunate, however, that he lived in the house for three years, which enabled him to leave his mark. He helped plan landscaping with an eye toward aesthetics as well as environmental care for both adjoining properties.

With Steve gone, I plan to stay in our house on 9<sup>th</sup> Street. As such, I would like to split off 30 feet from the south end of the Morehead property and add it to the 9<sup>th</sup> Street property. This will allow me to maintain much of the landscaping and tree planting that we did together should it ever become necessary for me to sell the Morehead property.

As you will notice on the survey from M&P Associates (included), this recombination brings the two properties into closer alignment with the city's current lot size requirements.

The Recombination will cause the Morehead property to exceed the limit for impervious by 0.6%. While this can be mitigated with a rain garden on the property, I request to post-pone this requirement until such time as a project is planned for the Morehead property.

# Recombination Subdivision for: Kim Koeppen



### ZONING:

District: R-4/Shoreland Overlay  
Minimum Lot Area: 10,000 s.f.  
Minimum Width: 80 ft.

### Setbacks

Principle Structure  
Front: Average  
Side: 10 ft. (30 ft. corner lot)  
Rear: 30 ft.

Accessory Structure  
Side: 5 ft.

### Coverages

Impervious surface: 30% max.  
Rear yard coverage  
> 10,000 s.f.: 25% max.  
< 10,000 s.f.: 35% max.

### PARCEL A

Lot Area: 12,719 s.f.  
Lot Width: 90 ft.

### Setbacks

Principle Structure  
Front: 92.4 ft.  
Side: 10.0 ft. (south), 40.4 ft. (north)  
Rear: 13.1 ft.

Accessory Structure  
Front: 60.8 ft.  
Side: 32.6 ft. (south), 35.4 ft. (north)  
Rear: 46.3 ft.

### Coverages

Impervious surface: 20%  
Rear yard coverage: 2%

### PARCEL B

Lot Area: 9,926 s.f.  
Lot Width: 70 ft.

### Setbacks

Principle Structure  
Front: 28.0 ft.  
Side: 10.3 ft.  
Rear: 69.7 ft.

Garage  
Front: 73.7 ft.  
Side: 2.0 ft.  
Rear: 38.8 ft.

### Coverages

Impervious surface: 30.6%  
Rear yard coverage: 23%

### LEGAL DESCRIPTIONS:

#### EXISTING

2291 9th Street

Lot 7 and the north 10 feet of vacated 9th Street adjoining, Block 17, AUERBACH'S REARRANGEMENT OF PART OF WHITE BEAR, Ramsey County, Minnesota.

4942 Morehead Avenue

Lots 8 and 9, Block 17, AUERBACH'S REARRANGEMENT OF PART OF WHITE BEAR, Ramsey County, Minnesota.

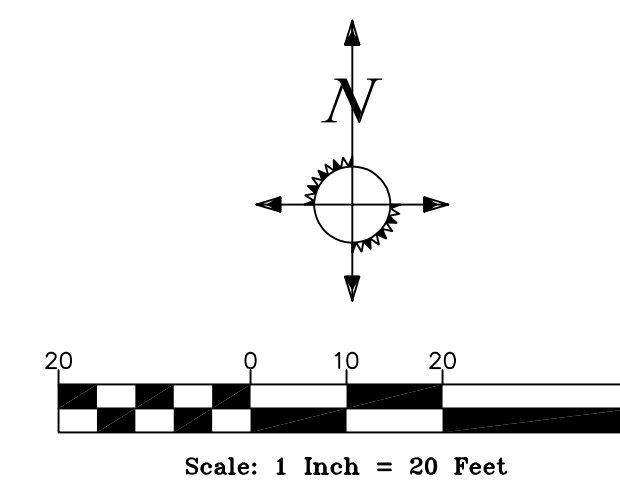
#### PROPOSED

Parcel A (2291 9th Street)

Lot 7, the north 10 feet of vacated 9th Street adjoining, and the south 30 feet of lot 8, Block 17, AUERBACH'S REARRANGEMENT OF PART OF WHITE BEAR, Ramsey County, Minnesota. Subject to easements of record, if any.

Parcel B (4942 Morehead Avenue)

Lot 9 and Lot 8 except for the south 30 feet thereof, Block 17, AUERBACH'S REARRANGEMENT OF PART OF WHITE BEAR, Ramsey County, Minnesota. Subject to easements of record, if any.



### LEGEND:

- Iron monument found
- Iron monument set #21292
- ⊕ Powerpole
- San MH Sanitary Manhole
- MH Manhole
- OE — Overhead Electric
- X — Fence

DATE	REVISIONS	Addressed City comments
9/5/18		

OWNER  
KIM KOEPPEN  
2291 9TH STREET  
WHITE BEAR LAKE, MN

MINOR SUBDIVISION  
KOEPPEN  
2291 9TH ST., WBL, MN

DRAWN: MPK  
CHECKED: ACS

PROJECT #  
3083.002

DATE  
8/7/18

SHEET #  
S1

## **CITY COUNCIL MEETING SUMMARY**

October 9, 2018

**APPROVAL OF MINUTES** – Approved

**APPROVAL OF AGENDA** – Approved

### **VISITORS AND PRESENTATIONS**

- A. Toastmasters Proclamation
- B. Greater White Bear Lake Community Foundation

**PUBLIC HEARINGS** – Nothing scheduled

**LAND USE** – Approved

- A. Non-Consent
  1. Consideration of a Planning Commission recommendation regarding a request by Matthew Park for an amendment to a Conditional Use Permit at 2180 7<sup>th</sup> Street (Case No. 85-11-Sa). **Resolution No. 12274**
- B. Consent
  1. Consideration of a Planning Commission recommendation regarding a request by John Manship for a variance at 4766 Peggy Lane (Case No. 18-14-V). **Resolution No. 12275**
  2. Consideration of a Planning Commission recommendation regarding a request by Alexa Adams for a setback variance at 1880 4<sup>th</sup> Street (Case No. 18-15-V). **Resolution No. 12276**
  3. Consideration of a Planning Commission recommendation regarding a request by Michael McHugh for a setback variance at 2262 11<sup>th</sup> Street (Case No. 18-16-V). **Resolution No. 12277**

**UNFINISHED BUSINESS** – Nothing scheduled

**ORDINANCES** – Nothing scheduled

**NEW BUSINESS** – Approved

- A. Resolution adopting revised assessment roll for 2018 Street Reconstruction Projects (City Project No. 18-01). **Resolution No. 12279**
- B. Resolution approving a deferred special assessment for properties at 4958 Stewart Avenue and 4926 Johnson Avenue. **Resolution No. 12280**
- C. Resolution accepting work and approving final payment to Park Construction Company for 2017 Mill and Overlay Project (City Project Nos. 17-01, 17-04, 17-10 & 17-13). **Resolution No. 12281**

**CONSENT** – Approved

- A. Acceptance of minutes from August Park Advisory Commission; August Environmental Advisory Commission; August White Bear Lake Conservation, August Planning Commission
- B. Resolution certifying water service repairs / replacement assessing those charges to 1900 Hinkley Street. **Resolution No. 12282**

**DISCUSSION** – Nothing scheduled

**COMMUNICATIONS FROM THE CITY MANAGER**

- Winter Parking Control – A new post card communication will be distributed this year for improved notice about winter parking during snow events. Commercial and residential properties in downtown also receive mailed reminders of the City’s snow removal policy. Councilmember Edberg asked if there was a way to educate property owners and renters. Ms. Hiniker agreed this is an opportunity and also mentioned City’s planned use of social media to spread the word.
- MICAH Affordable Housing Tour – St. Andrews at 11:15 a.m. on Oct. 16.
- Lakewood Hills Park - playground equipment improvement project is complete.
- Veterans’ Memorial Flagpole – ceremony on Veteran’s Day, Nov. 11 at 11:00 a.m.
- Bruce Vento – Both Anne Kane and Jesse Farrell attended the first open house on Oct. 4. The next meeting is on Oct. 25.
- State Historical Review Hearing – Consideration of the Armory for the National Register of Historic Places
- Cable-caster leaving – Ms. Hiniker thanked Kyle Swenson, the City’s Cable-caster of seven years of very dependable service.
- Engineering Updates – Jesse Farrell, Assistant City Engineer
  - Continues monitoring drainage and sod patching related to 2018 Street Reconstruction Projects.
  - Centerville Road Project is substantially complete with an operable traffic signal.
  - Miscellaneous concrete work is being finished around town.
  - First neighborhood meeting will be held early in November for the 2019 Street Reconstruction Project. He mentioned addressing the alley assessment more heavily in the front end to answer questions.
- Community Development Updates – Anne Kane, Director
  - White Bear Mitsubishi three-month lease extension will likely be on the Consent Agenda at the next meeting.
  - Create Space will be relocating to the former Lulu and Luigi on 3<sup>rd</sup> Street.

**ADJOURNMENT** – 7:50 p.m.

# Park Advisory Commission Meeting Minutes

AUGUST 16, 2018

6:30 P.M.

Sports Center

MEMBERS PRESENT	Bryan Belisle, Anastacia Davis, Mike Shepard, Don Torgerson, Joann Toth
MEMBERS ABSENT	Bill Ganzlin,
STAFF PRESENT	Mark Burch
VISITORS	
NOTE TAKER	Mark Burch

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## 1. CALL TO ORDER

The meeting was called to order at 6:30 pm.

## 2. APPROVAL OF MINUTES

Approval of the minutes from July 19, 2018 was moved by Bryan Belisle and seconded by Joann Toth. Motion carried.

## 3. APPROVAL OF AGENDA

Approval of the August 16, 2018 agenda was moved by Mike Shepard and seconded by Bryan Belisle. Motion carried.

## 4. COMMITTEE REPORTS

None.

## 5. UNFINISHED BUSINESS

None.

## 6. NEW BUSINESS

### a) Summer Park Tours – White Bear Lake Sports Center

The Park Advisory Commission met at the Sports Center to tour the nearly completed renovation. The project will be completed in time for the fall skating season.

## 7. OTHER STAFF REPORTS

None.

## 8. COMMISSION REPORTS

None.

**9. OTHER BUSINESS**

None.

**10. ADJOURNMENT**

The next meeting will be held on September 15, 2018 at 6:30 p.m. at Podvin Park.

There being no further business to come before the Park Commission, the meeting was adjourned. Moved by Bryan Belisle and seconded by Joann Toth.