MAHTOMEDI PLANNING COMMISSION
AGENDA
MAY 13, 2020
6:30 P.M.
Meeting to be held via teleconference pursuant to Minn. Stat. Sec. 13D.021

Join Zoom Meeting via Zoom teleconferencing website: https://tinyurl.com/MahtoMayPC
You will be prompted to enter the meeting password: 920861
OR
Join Meeting Via Telephone:
Dial: 1-312-626-6799
Enter Meeting ID: 938 8861 1371    Password: 920861

1. CALL TO ORDER

   a. ORGANIZATIONAL BUSINESS

2. APPROVAL OF THE AGENDA

3. APPROVAL OF THE JANUARY 8, 2020 REGULAR PLANNING COMMISSION MEETING MINUTES

4. PUBLIC HEARINGS

   a. CONSIDER APPROVAL – Request from Jon Wollak on behalf of James Flink and Diane Uecker-Flink for a variance to allow for an increase in allowable accessory structure size for the purpose of constructing an addition on to the existing detached garage at 1829 Park Avenue and described as PID 20.030.21.22.0024.

   b. CONSIDER APPROVAL – Request from Darren Taylor for a minor subdivision, conditional use permit and variances at 141 Rose Street and 165 Tamarack Street as described at PID 20.030.21.21.0013 and 20.030.21.21.0014

5. STAFF REPORT – None Scheduled

6. UPDATE - CITY COUNCIL AND OTHER COMMISSION ACTIVITIES AND INFORMATIVE ITEMS.

7. ADJOURNMENT
To: Members of the Planning Commission  
From: Scott Neilson, City Administrator  
Date: May 6, 2020  
Subject: PLANNING COMMISSION MEETING MAY 13, 2020

The meeting of the Mahtomedi Planning Commission will be held on Wednesday, May 13, 2020, 6:30 p.m. via teleconference. Please contact me at 651-426-3344 if you will not be unable to attend this meeting via teleconference. In addition to reviewing the material below, please visit the site(s) that are subject to the business items and contact staff if you have any questions or require additional information prior to the meeting.

1a. ORGANIZATINAL BUSINESS

Following Commission appointments each year, the Commission acts on organizational Items:

- **Election of Chair and Vice Chair** – The Commission elects a chair to work with city staff in preparing the monthly agenda, facilitate the Commission meetings and act as a spokesperson for the Commission at appropriate times. The Commission also elects a Vice Chair to perform the same duties in the absence of the Chair. Over the past year, Alex Rogosheske served as Chair and Dan Soler served as Vice-Chair.

**ACTION TO BE CONSIDERED:** To elect a Chair and Vice-Chair to serve through March 31, 2021.

**BACKGROUND:**

- Planning Commission roster on page 3
- Meeting procedures on page 4 + 5
<table>
<thead>
<tr>
<th></th>
<th>Appointed</th>
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<tbody>
<tr>
<td>Alex Rogosheske, Chair</td>
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<td>3-31-23</td>
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<tr>
<td>183 View Road</td>
<td></td>
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<tr>
<td>Dan Soler, Vice Chair</td>
<td>3-18-14</td>
<td>3-31-23</td>
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<tr>
<td>372 Jesse James Lane</td>
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<td>Greg Maples</td>
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<tr>
<td>541 Warner Ave. So</td>
<td></td>
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<tr>
<td>Chantell Knauss</td>
<td>3-20-18</td>
<td>3-31-21</td>
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<td>92 Wedgewood Dr.</td>
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<td>Susan Stewart</td>
<td>3-21-06</td>
<td>3-31-21</td>
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<td>240 Hazel Ave.</td>
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<td>VACANT</td>
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<td>VACANT</td>
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<td>3-31-22</td>
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</tbody>
</table>

CC Liaison – Jud Marshall

4/2020
General Planning Commission Hearing Procedures

1. The presiding officer introduces the item.

2. Staff describes the proposal and presents the staff report.

3. The applicant, if any, offers additional comments on the proposal.

4. The presiding officer asks the Commission members if they have questions of the applicant or staff.

5. The presiding officer opens the public hearing.

6. Those wishing to comment are heard.

7. The presiding officer closes the public hearing and asks staff or the applicant to respond to questions that have been asked by the public.

8. The Commission takes action on the issue or continues the matter to a future meeting.
Each commission member and City Council will have their own city e-mail address. The new policy stipulates that no individual council member or commission member should reply to all, but only reply to each individual. This way the "Open Meeting Law" is not violated. Please set up your city e-mail as soon as possible and don't use your personal e-mails when it relates to city business.
MAHTOMEDI PLANNING COMMISSION
MEETING MINUTES
JANUARY 8, 2020

Chairperson Rogosheske convened the regular Planning Commission meeting at 6:30 p.m. with the following members in attendance: Dan Soler, Greg Maples, Chantell Knauss and Susan Stewart. Also in attendance were City Planner Hannah Rybak, City Engineer John Sachi, Mayor Jud Marshall and Office Assistant Luann Tembreull.

APPROVAL OF THE AGENDA

Commissioner Maples moved, and Commissioner Knauss seconded the motion to approve the agenda as presented. The motion was unanimously approved.

APPROVAL OF THE DECEMBER 11, 2019 REGULAR PLANNING COMMISSION MEETING MINUTES

Commissioner Soler moved, and Commissioner Stewart seconded the motion to approve the minutes of the December 11, 2019 regular Planning Commission meeting as written. The motion was approved.

4. PUBLIC HEARING

4a. CONSIDER APPROVAL – Request from Erin and Steve Berens for a conditional use permit in order to allow for a reduction in the front yard setback requirement and an increase in allowable building coverage for the purpose of constructing an attached garage at 1157 Park Avenue and described as PID 20.030.21.32.0030.

Planner Rybak introduced the item and provided a power point presentation. She said the applicant is requesting a conditional use permit in order to allow for a reduction in the front yard setback requirement and an increase in allowable building coverage for the purpose of constructing an attached garage at 1157 Park Avenue.

The house was constructed in 1920 as a summer cabin, and the owners currently rent the home but wish to cease renting and reside there fulltime.

The area is currently zoned R1-E, so the building coverage is based on a formula derived from the size of the lot. According to this proposed project, the attached garage would be under the allowable impervious surface coverage of the lot.

The house currently sits 18.7 feet from the property line and the existing driveway is entirely within the boulevard area in front of the property.
The proposed garage will be situated in the yard area in front of the home, with no reduction to the length of the existing driveway.

Therefore, the proposed garage conforms to all ordinance requirements, except for the two areas for which the Conditional Use Permit is requested. The proposed garage is not a safety issue for drivers on Park Avenue, as there is a twenty six (26) foot strip of boulevard between the property line and the edge of the Street. The garage is similar to others in the vicinity, and is designed to integrate well with the existing home. The driveway serving the home will remain the same length as what exists today, and the addition of the parking stalls within the garage will improve the parking on the property and lessen the need for street parking.

Engineer Sachi reviewed the plans and stated that the boulevard area from Park Avenue is adequate for a full-size car so doesn’t have any concerns with the zero-front setback. Nor does he anticipate any issues with the grading plan around the garage, porch or deck, which will be reviewed again at the time the building permit is applied for.

Three letters from neighboring property owners in opposition to the application have been received in the last few days and have been provided to the Commissioners at this meeting. (See Attachments A – C). Three other neighboring property owners have signed off on the application with their approval.

Based on the Conditional Use permit criteria, staff recommends approval, as submitted, of the requested Conditional Use Permit for a reduction in the front yard setback and an increase in allowable building coverage at 1157 Park Avenue.

Discussion ensued and upon a question by Commissioner Soler, Engineer Sachi stated that there are no current plans to widen Park Avenue in this area, and that there is additional right-of way on this west side of Park Avenue. Upon a question by Chair Rogosheske, Engineer Sachi stated that there will only be signage for the bike route, no painted lines nor depiction of a bike in the roadway itself.

Upon a question from Chair Rogosheske, Engineer Sachi stated that when parking on the boulevard, vehicles need to be 3 feet from any driveway and 20 feet from an intersection.

Upon another question from Chair Rogosheske, Engineer Sachi stated that the applicants are only proposing an addition, not rebuilding the home.
Applicant, Steve Berens, stated that he and his wife currently live on Dahlia Street and rent out the house at 1157 Park, but would like to sell their house on Dahlia and live at 1157 Park Avenue.

Upon a question by Chair Rogosheske, Mr. Berens indicated that the proposed garage color will be consistent with the house.

Chair Rogosheske opened the public hearing to the audience for commentary.

Marilyn Kaplan, 1165 Park Avenue, indicated that when she moved in many years ago, there was a stop sign at the corner of Locust and Park. She stated that when the street was currently improved, they made the street much narrower. She wanted to know where all the construction trucks are going to park during construction. She wanted to make sure there will be no parking on the street in front of this home, since this would be a safety hazard being so close to the corner of Locust and Park.

Pat Schultz, 1158 & 1160 Park Avenue stated that she has lived here for 47 years and has no objection to the proposed garage, but would like to know how many trees will be cut down. She also wanted to make sure none of the construction trucks park on her property. She is also concerned about the City pushing snow onto her property.

Roxanne Hodgeson, 1161 Park Avenue indicated that when she built her house in 1992 she had to be eight (8) feet off the side property line. She has a problem with young people driving down the street at Forty (40) miles per hour. She is asking the applicant what compelled her to buy this property. She noted that she wanted to buy the property in the past and the owner at that time didn’t want to sell. She stated that the proposed garage seems larger than the house and is wondering why it is proposed to be built asymmetrical. She is concerned about the width of the garage and feels the size of the garage is not justified. She also feels it hits the site line from her driveway, and that it does not meet the historic character and will be intrusive.

Applicant, Erin Berens stated that they purchased the property because they have always wanted to live on the lake. They are requesting a three (3) car garage for additional storage area since there is not a basement in this house, and that she is not proposing to ever put a second story on the house.

Applicant, Steve Berens stated that the garage exceeds the driveway slightly, but they are still within the side yard setbacks. He stated that the entrance from the garage into the house is the reason why there will no longer be a second bedroom, since that entrance will be at that point.

There being no further comment, Chair Rogosheske closed the public hearing.
4a. (Continued)

Planner Rybak stated that if the owner of this property wanted to add a second story to this house, the applicant would need to apply for another Conditional Use Permit, and that staff would recommend denial.

Engineer Sachi noted that construction truck(s) will more than likely just park on the existing driveway of this property since it will be just construction of a garage.

Planner Rybak stated that there is an existing oak tree that will be removed, and perhaps the Maple tree in the boulevard, but the City requires a replacement of at least two (2) inch caliber or greater for each tree removed. She also noted that asymmetrical in size does not make any difference to how it is placed on the property as long as it meets the setback ordinance.

Engineer Sachi stated that this proposed garage may be wider along the front, but shorter in depth. There will be no encroachment on the northern side of the property since the proposed garage will still be six feet 7 inches (6'7") off that property line.

Chair Rogosheske stated that the proposed garage fits in with the neighborhood.

Commissioner Knauss agrees with chair Rogosheske and stated that it is designed to fit and is by no means unique to the area. She feels this is a reasonable request and supports the request.

Commissioner Soler stated that he was involved with the creation of the Historic District R-1E zoning and that the City would rather not see cabins replaced with huge homes, so Conditional Use Permits were created for this area. He indicated that zero setbacks don’t bother him and that this request meets the intent of the Historic District, so is in support of this request.

Commissioner Maples is also in support.

Commissioner Stewart has the same views at Commissioner Knauss.

Engineer Sachi stated that the width of the street at Locust and Park needs to be brought to the City Council’s attention, not at the Planning Commission.

Upon motion by Commissioner Knauss, seconded by Commissioner Stewart, the Commission recommends the City Council approve a resolution approving a conditional use permit in order to allow for a reduction in the front yard setback requirement and an increase in allowable building coverage for the purpose of constructing an attached garage at 1157 Park Avenue as outlined in Exhibit C with the wording amended to state the above approval. The motion was unanimously approved.
5. STAFF REPORT - NONE

6. UPDATE – CITY COUNCIL AND OTHER COMMISSION ACTIVITIES AND INFORMATIVE ITEMS.

7. ADJOURNMENT

There being no further discussion, Commissioner Soler moved, and Commissioner Knauss seconded the motion to adjourn the regular Planning Commission meeting at 7:40 p.m. The motion was unanimously approved.

Respectfully submitted by Luann Tembreull, Office Assistant.

APPROVED:

ALEX ROGOSHESKI
CHAIRPERSON

ATTESTED:

LUANN TEMBREULL
OFFICE ASSISTANT
Unfortunately, I will not be able to attend the January 8th meeting due to a previous engagement. I do have some major concerns regarding the request for a conditional use permit in order to allow for a reduction in the front yard setback requirement and increasing the allowable building coverage for the purpose of constructing an attached garage at 1157 Park Avenue.

My concerns are as follows:

SAFETY:
The road at the corner of Park and Locust is already a hazard. My children and their Nanny got into a car accident the Summer of 2016 at this corner—luckily no one was seriously hurt. Drivers tend not to stay in their lane when they go around the corner at higher speeds than the speed limit. Constructing a garage and taking away the homeowners driveway will likely cause more on street parking (which there already is a shortage of in front of this property) and congestion. This will make an already dangerous corner worse. Lots of joggers, walkers and children on bikes would be impacted by this. Also, I thought I heard the new bike path will be at this corner?

The Lot Size and Appearance:
This is a very small lot! Constructing a garage on this lot would change the appearance of the neighborhood and set a bad precedence re: allowable building coverage in Mahtomedi.

Given the above reasons—I am not in favor of these requests.

Please feel free to call me if you would like to discuss further.

Thanks
Erick Ricker
1151 Park Ave
(651) 808-0182
January 6, 2020

To: Scott Neilson, City Administrator

Re: Planning Commission Meeting, January 8, 2020; Berens Conditional Use Permit

Please deliver the following letter to the Planning Commission for consideration during the hearing regarding the Berens’ Conditional Use Permit.

Thank you.

To the Mahtomedi Planning Commission, and Steve & Erin Berens:

While we would have preferred to talk to you about it in person, here are our thoughts on your variance request to build a garage onto 1157 Park Avenue.

You called not having a garage a hardship for home ownership. We don’t have a garage either, and while it is inconvenient sometimes, it is not a deal breaker for living in our home. We read your note that said if this variance is not approved, you will continue to rent the property, so the current configuration is workable, but perhaps not favorable to you.

Your plans call for a triple car garage, at the expense of one bedroom in your home. You said the larger garage was to accommodate storage, since 1157 Park does not have a basement. While we appreciate the design effort of blending the garage into the house, since you need a lot building coverage variance due to the triple stall garage, why not build a double car garage and keep the bedroom?

A zero setback, street facing, triple car garage does not blend into the “historic charm of the neighborhood”, even if that is a generous description of this historic district.

We could support a double car garage configuration, but not a triple car garage.

Sincerely,

Steven & Julie Neujahr
1154 Park Avenue
Mahtomedi, MN 55115
Luann Tembreull

From: Scott Neilson  
Sent: Monday, January 6, 2020 1:06 PM  
To: Luann Tembreull  
Cc: Hannah Rybak (Hrybak@wsbeng.com)  
Subject: FW: Notification of variance request at 1157 Park

Luann,

Could you distribute to the Planning Commission.

Thanks,

Scott

-----Original Message-----
From: Norbert Conzemius <conzemius@me.com>
Sent: Monday, January 6, 2020 12:41 PM
To: Alex Rogosheske <ARogosheske@ci.mahtomedi.mn.us>
Cc: Jane Schneeweis <JSchneeweis@ci.mahtomedi.mn.us>; Scott Neilson <SNeilson@ci.mahtomedi.mn.us>
Subject: Notification of variance request at 1157 Park

Caution: This email originated outside our organization; please use caution.

This is to notify you regarding the “notice of variance request” agenda item at the January 8th 2020 Planning Commission meeting. While we would like to give you our approval, we cannot for the following reasons:

Such approval requires a FURTHER increase in allowable building coverage.
City snow plows will push snow in front of the garage creating difficulty with snow removal.
Additional parking will be on street, and create a potential violation of overnight parking.
The Park and Maple intersection is frequently difficult to maneuver, this addition could add to the issue.
The city has accommodated older buildings and small lots, however this additional variance is too accommodating and will harm future property values and tax revenues.

We believe that many, if not all nearby neighbors are opposed.
Norb Conzemius
1125 Park Ave.

Sent from my iPad
EXHIBIT C:

CITY OF MAHTOMEDI
WASHINGTON COUNTY, MINNESOTA
RESOLUTION NO. __________

RESOLUTION APPROVING A CONDITIONAL USE PERMIT FOR A FRONT YARD SETBACK REDUCTION AND INCREASE IN ALLOWABLE BUILDING COVERAGE FOR A PRINCIPAL STRUCTURE ON THE PROPERTY LOCATED AT 1157 PARK AVE., PID 20.030.21.32.0030

WHEREAS, the City of Mahtomedi received a request from the Applicants Erin and Steve Berens on November 12, 2019 for a conditional use permit to allow for the following deviations:

- a reduction in the required front setback from 20-feet to 0-feet; and
- an increase in allowable building coverage from 29.2% to 30.2%

The property is legally described as follows:

All that part of Lot 6, Block 1, East Shore Park, Washington County, Minnesota, according to the plat thereof on file of record in the office of the Register of Deeds in and for said County, described as follows: Beginning at a point on the west line of said Lot 6, distant 40 feet north of the southwest corner of said Lot 6; thence north along said west line 10 feet to the Northwest corner of said Lot 6; thence east along the northerly line of said Lot 6 to the northeast corner of said Lot 6; thence southerly along the easterly line of said Lot 6; 62.7 feet to a point; thence at an angle of 90 degrees 40 minutes to the right a distance of 105 feet to a point; thence westerly in a straight line to the point of beginning. Together with a perpetual easement for the benefit of grantee, his heirs and assigns, and their invitees, for all lakeshore purposes and access to White Bear Lake over, across and upon that part of Lot "A" in said Block 1 lying northerly of the south line of said Lot 6 extended west to White Bear Lake and southerly of a line which if extended would run in a straight line from the southwest corner of Lot 6 in said Block 1 to the point of intersection of the northerly line of said Lot 5 and the southerly line of said Lot 6 both extended westerly, subject to all existing rights and easements of any and all owners of land in said East Shore Park in, to and upon the easterly 15 feet of said Lot "A", according to the plat thereof on file and of record in Register of Deeds of Washington County, Minnesota.

WHEREAS, the Applicants have requested a conditional use permit for a reduction in the required front yard setback, and an increase in allowable building coverage to allow for the construction of a new attached garage and two porches; and

WHEREAS, the proposed attached garage and porches meet all other zoning requirements for the R1-E Historic Mahtomedi District; and

WHEREAS, the Planning Commission reviewed and considered the request based on the related documents shown in the Applicants’ Application at their regular meeting on January 8, 2020; and

WHEREAS, the City Council acting as the Board of Adjustments and Appeals, reviewed and considered the reports, documents, testimony, and other materials presented; and
WHEREAS, the City Council, acting as the Board of Adjustments and Appeals, can approve a conditional use permit if it finds that the standards for granting a conditional use permit as described in Chapter 11, Section 8.21 C.1 a through f of the Mahtomedi City Code have been met.

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Mahtomedi approves the Applicants’ request for a conditional use permit for a reduction in the required front yard setback and an increase in allowable building coverage.

The requested conditional use permit is consistent with all the standards for granting a conditional use permit as described in Section 11.01, Subdivision 8.21, C., 1, a through f of the Mahtomedi Zoning Ordinance. More specifically, the City Council finds that the requested conditional use permit is justified for the following reasons:

1. Lack of a garage is a hardship for a residential property;

2. The proposal conforms to the District and conditional use provisions and all general regulations of the Ordinance;

3. The proposal does not involve any element or cause any conditions that may be dangerous, injurious, or noxious to any other property or persons;

4. The proposed attached garage is sited, oriented and landscaped to produce a harmonious relationship of buildings and grounds to adjacent buildings and properties;

5. The proposed attached garage produces a total visual impression and environment which is consistent with the environment of the District and neighborhood in which it is located;

6. The proposal promotes the objectives of this Ordinance and the overall Comprehensive Land Use Plan of the City;

Adopted by the City Council of the City of Mahtomedi on _____________, 2020.

________________________
Judson Marshall, Mayor

Attested:

________________________
Jerene Rogers, City Clerk
MEETING DATE: May 13, 2020

AGENDA ITEMS 2 & 3

APPROVAL OF AGENDA

The agenda, as presented or modified, is in order for adoption by the Commission.

APPROVAL OF MINUTES

The minutes of the January 8, 2020 regular Planning Commission meeting are enclosed on pages 7-16 for your review. These minutes, as presented or modified, are in order for adoption by the Commission.
MEETING DATE: May 13, 2020

4a. **CONSIDER APPROVAL** - A request from Jon Wollak on behalf of James Flink and Diane Uecker-Flink for a variance to allow for an increase in allowable accessory structure size for the purpose of constructing an addition on to the existing detached garage at 1829 Park Avenue.

**ACTION TO BE CONSIDERED:** To recommend the City Council approve or deny a request from Jon Wollak on behalf of James Flink and Diane Uecker-Flink for a variance to allow for an increase in allowable accessory structure size for the purpose of constructing an addition on to the existing detached garage at 1829 Park Avenue.

**FACTS:**
- The City is in receipt of an application from Jon Wollak on behalf of James Flink and Diane Uecker-Flink for the requests as outlined above.
- The application has been reviewed by City staff and consultants and is in order for consideration at this time.

**BACKGROUND:**
- City Planner’s report on pages 18-22
- Location map on page 23
- Application on pages 24-30
- Draft resolution approving size variance on pages 35-37
CITY OF MAHTOMEDI MEMORANDUM

To: Planning Commission Members
   Scott Neilson, City Administrator
From: Erin Perdu, AICP, City Planner
       Hannah Rybak, City Planner
Date: May 7, 2020
      Planning Commission Regular Meeting May 13, 2020
Request: Request for approval of a variance to allow for an oversized accessory
          structure at the property located at 1829 Park Ave., PID:
          20.030.21.22.0024.

GENERAL INFORMATION
Applicant: Jon Wollak
Owners: James Flink & Diane Uecker-Flink
Location: 1829 Park Ave.
Existing Land Use / Zoning:
          Single-Family Residential / zoned R1-E – Historic Mahtomedi District &
          Shoreland Overlay District
Zoning:
Surrounding Land Use / Zoning:
          North: Single-Family Residential / zoned R1-E – Historic Mahtomedi
          District & Shoreland Overlay District
          East: Single-Family Residential / zoned R1-E – Historic Mahtomedi
          District & Shoreland Overlay District
          South: Single-Family Residential / zoned R1-E – Historic Mahtomedi
          District & Shoreland Overlay District
          West: White Bear Lake

Comprehensive Plan: The Comprehensive Plan 2040 guides this property for Low Density
Residential land use.
Deadline for Agency Action:
          Application Date: 03-02-2020
          60 Days: 05-01-2020
          Extension Letter Mailed: 03-23-2020
          120 Days: 06-30-2020

CONSIDERATIONS RELATING TO THE REQUEST
1. Overview. The Applicant is proposing to add on to the existing detached garage. The
   addition would include additional garage space and a covered staircase/breezeway area.
   The existing garage is 504 square feet. The staircase that is currently used to get from
street-level to the home is fully outdoors. There is a grade change of almost nine (9) feet between the street and the front door to the home.

The addition would include 161 square feet of usable garage space, and 252 square feet for the breezeway/covered staircase. The additional garage space would not allow for a third car to park in the garage; it would provide space for two vehicles to park, with adequate space to open doors and allow people to maneuver in and out. The breezeway/covered staircase would be unenclosed by walls, but because it has a roof it must be included as building coverage. The Applicant has indicated that if an electric lift were to be necessary in the future to allow the property owners to access the home, it could be installed on the proposed covered stairway.

The proposed garage addition would not create any additional impervious surface, as the area where the addition is located is already paved. The building coverage of the lot would increase over existing but would not exceed the property’s allowable coverage.

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<th>R1-E &amp; Shoreland Requirement</th>
<th>Existing</th>
<th>Proposed</th>
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<tr>
<td>Accessory Structure Footprint Size</td>
<td>750 sq. ft. maximum</td>
<td>504 sq. ft.</td>
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<tr>
<td>Accessory Structure Compared to Principal</td>
<td>80% of principal structure max.</td>
<td>34.4%</td>
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<tr>
<td>Building Coverage</td>
<td>26.6% of total lot area max.</td>
<td>21.9%</td>
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<tr>
<td>Height</td>
<td>Cannot exceed height of principal structure (21.6 ft.)</td>
<td>~9 ft.</td>
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<tr>
<td>Impervious Surface Coverage</td>
<td>35% maximum of total lot area</td>
<td>38.7%</td>
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<tr>
<td>Rear yard (street side) setback</td>
<td>8 ft.</td>
<td>~14 ft.</td>
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<tr>
<td>North side yard setback</td>
<td>4.7 ft.</td>
<td>~16 ft.</td>
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The Applicant has requested a variance of 167 square feet from the maximum allowable accessory structure size of 750 square feet, to allow the detached garage to total 917 square feet.

2. **Ordinance Authority.**

*Chapter 11, Section 11.01, Subdivision 9.6 2 provides size requirements for accessory structures in all districts.*

*Chapter 11, Section 11.01, Subdivision 11.5 provides setback requirements in the R1-E District.*

*Chapter 11, Section 11.01, Subdivision 8.20, Section C provides for variances from the terms of the Zoning Ordinance if the City Council finds failure to grant the variance will result in*
practical difficulties on the applicant. The burden of proof is on the applicant to show that all of the variance standards have been met.

3. Consistency of the Request with the Standards for Granting a Variance

1. Practical difficulties as opposed to mere inconvenience.

The ‘practical difficulties’ test requires that the property owner proposes to use the property in a reasonable manner. This factor means that the landowner would like to use the property in a reasonable way but cannot do so under the rules of the ordinance.

The Applicant’s request to create a more functional situation for accessing their garage is reasonable. The proposed staircase is not enclosed or indoors, but because it is covered by a roof, the Ordinance states that it must be included in the building coverage calculation. Currently, the property owners have difficulty using the existing unenclosed staircase in the winter, as ice tends to buildup and they become very slippery. This creates a hazardous situation for accessing the home. Criterion met.

2. Conditions unique to the land.

The conditions upon which the applications for the variances are based are unique to the parcel of land and are not applicable, generally, to other property throughout the City.

The unique conditions in this case is the steep grade change between the access point of the property (driveway and garage) and the access point of the home. A staircase is the only mechanism that can be used for this property, and if it is not covered these can be dangerous during winter. Criterion met.

3. Purpose is not solely financial.

The purpose of the variance is not based exclusively upon a desire to increase the value or income potential of the parcel of land.

The purpose of the variance is to allow the property owners to make modifications to safely access their home. Criterion met.

4. Difficulties are posed by the Ordinance, not the property owner.

The difficulty is posed by the Ordinance in that it limits accessory structure size to a hard maximum based on lot size. The proposed addition would not cause the property to exceed allowable building coverage. Additionally, the Ordinance definition for “building” requires us to include the covered staircase in the building coverage calculation, even though it is not technically inside of the building. It is reasonable to allow flexibility in this regard. Criterion met.

5. Granting the variance is not detrimental and it does not alter the essential character of the locality.

The proposed garage is similar in character to many other structures in the area. Due to the steep topography in this area, there are other structures in the vicinity that are taller than the proposed garage. Criterion met.
6. **Variance is in keeping with the spirit and intent of the Ordinance.**

   While a variance is being requested for the size of the accessory structure, the intent of the Ordinance is upheld by the fact that the allowable building coverage for the property is not exceeded. **Criterion met.**

7. **Variance will not impair adequate light and air or result in additional congestion, fire danger or harm to public safety.**

   The garage is situated between two other garages, with the living space of the neighboring homes set back further toward the lake. Light and air to neighboring properties will not be impaired. The proposed addition meets all setbacks and the location of the addition is exceptionally far from the neighboring structure to the north, when compared to many other properties in the R1-E District, thus not causing additional risk for fire damage. **Criterion met.**

8. **Consistency with the Comprehensive Plan.**

   The requested variance would not change the single-family residential use of the property. Additionally, allowing long-time residents to age in place is consistent with the Comprehensive Plan. **Criteria met.**

**ENGINEERING CONSIDERATIONS**

The City Engineer has reviewed the application and provides the following comments:

Since, there is no change in the grading of the site, according to the Applicant, no grading plan was submitted. Any ground disturbance, as minimal as it might be, that requires erosion control will be handled as part of the building permit. It should be noted that the City’s street construction project this year with the installation of concrete curb and gutter should alleviate the drainage concern stated by the applicant regarding street drainage entering their property. However, if they wish to add the trench drain as suggested in the narrative, this is acceptable and will be reviewed as part of the building permit.

**RECOMMENDATION**

Because the variance includes both the addition of garage space and a covered stair, staff evaluated the merit of recommending approval of a reduced variance – to allow the covered stairway, but not allow the garage space addition. The practical difficulty pertains to safer mobility in accessing the home. If the garage space addition were not permitted, the problem of the property owners’ inability to park both vehicles in the garage and also have the ability to maneuver in and out of the vehicles would remain. The additional off-street parking pad that is situated along the side of the garage would be taken away by the staircase. The driveway is extremely short and does not provide adequate length for off-street parking. Ultimately, the project would not function if only part of the requested variance were to be approved.

Based on the criteria in this report and submitted plans, staff recommends approval as of the requested variance, as submitted.
POTENTIAL ACTION

1. **Request Additional Information and Continue the Meeting.** The Applicant appears to have provided enough information for the Planning Commission to make a recommendation to approve or deny the request. Should the Planning Commission request additional information from the Applicant, the Planning Commission should continue the meeting until a later time.

2. **Approval (with or without conditions) of the Requests.** In the event of a decision for approval (with or without conditions), the Planning Commission may refer to Exhibit C and should clearly state its reasons for the approval.

3. **Denial of the Requests.** In the event the Planning Commission chooses denial of the requested variance, the Planning Commission should clearly state its reasons for the denial and direct staff to prepare a resolution of denial.

**ATTACHMENTS**

Exhibit A: Location Map  
Exhibit B: Application  
Exhibit C: Draft Resolution of Approval
STREET ADDRESS OF PROPERTY: 1829 Park Ave, Mahtomedi MN 55115

LEGAL DESCRIPTION: See Last Page
(from your deed)

OWNER: Name James R Flink
Address 1829 Park Ave, Mahtomedi MN 55115
Phone: Home 612.426.0904 Business 651-245-9137 Email: jrflink2000@yahoo.com

APPLICANT: (if other than owner)
Name Jon Wollak
Address 9232 68th St N, Grant MN 55082
Phone: Home Business 612.532.4148 Email: jwollak@hw2design.com

TYPE OF STRUCTURE: single unit double unit multiple unit
GARAGE: single double x addition

DESCRIPTION OF BUILDINGS, ADDITIONS AND ALTERATIONS (INCLUDE BUILDING PLANS):
Increase the size of the garage by 160sf of interior space, cover the exterior stair and breezeway for increased winter safety, and improve site drainage with a new trench drain

PROVIDE A DESCRIPTION OF THE OVERALL PROJECT INCLUDING ITS HEIGHT AND DIMENSIONS:
A 7'x25' expansion of the footprint of the garage, with a 6'-6" overhang will allow all rain water at the roof to be directed to pervious space and gutters. A 20'x4' eave over the exterior stair will keep them ice free in the winter for safety. Overall height of the garage will increase from 12' to 16' to create the required roof slopes and character matching the house.

STATEMENT OF THE PRACTICAL DIFFICULTY/REASONS FOR THIS VARIANCE. ATTACH LETTERS, PHOTOGRAPHS OR OTHER EVIDENCE IF APPROPRIATE:
The reason for the variance is the dangerous icy conditions present. As the homeowners age, another fall is even more likely. The combination of the covered stairway and covered breezeway help prevent hazardous conditions. The trench drain will keep runoff from the street and the garage from causing icy conditions. The expansion of the garage will allow two cars to fit more easily in it. Also, increased south facing roof area allows the addition of solar panels.

IF POSSIBLE, OBTAIN THE SIGNATURES OF ALL ADJACENT PROPERTY OWNERS:

<table>
<thead>
<tr>
<th>SIGNATURE</th>
<th>ADDRESS</th>
<th>GIVEN</th>
<th>NOT GIVEN</th>
<th>UNDECIDED</th>
</tr>
</thead>
<tbody>
<tr>
<td>Solar Wollak</td>
<td>1837 Park</td>
<td>Yes</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Karen Ostrom</td>
<td>1837 Park</td>
<td>Yes</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Jennifer Tracy</td>
<td>1829 Park</td>
<td>Yes</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

(SEE OTHER SIDE)
Legal Description of Tract:
LOT 10 EXCEPT THE SOUTHEASTERLY 3 FEET, BLOCK 2, MAHTOMEDI ASSEMBLY, AS SURVEYED
AND PLATTED AND NOW OF RECORD IN THE OFFICE OF THE REGISTER OF DEEDS IN AND FOR
THE COUNTY OF WASHINGTON AND STATE OF MINNESOTA. THE MOST NORTHERLY AND
EASTERLY CORNERS THEREOF ARE MARKED BY JUDICIAL LANDMARKS BEING 3 1/2 INCH
DIAMETER ALUMINUM DISKS MARKED JUDICIAL LANDMARK MN REG. NO. 19527 DO NOT REMOVE
SET PURSUANT TO ORDER OF DISTRICT COURT TENTH JUDICIAL DISTRICT, STATE OF
MINNESOTA, COUNTY OF WASHINGTON, FILE NO. C1-96-1720. TOGETHER WITH THAT PART OF
GOVERNMENT LOT 1, SECTION 20, TOWNSHIP 30 NORTH, RANGE 21 WEST, WASHINGTON
COUNTY, MINNESOTA WHICH LIES WITHIN THE PLAT OF MAHTOMEDI ASSEMBLY, WASHINGTON
COUNTY, MINNESOTA AND WHICH LIES WEST OF THE WEST LINE OF BLOCK 2, MAHTOMEDI
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DISTANT 58.90 FEET SOUTHWESTERLY OF THE NORTHWESTERLY CORNER OF SAID
SOUTHEASTERLY 3.00 FEET, AND ARE AS AFOREDESCRIBED. SUBDIVISIONNAME MAHTOMEDI
ASSEMBLY LOT 10 BLOCK 2 SUBDIVISION CD 49955
Dear Sirs and Madams of the Planning Commission and City Council

Please find included with this letter documents showing the request for a variance for work at 1829 Park Ave in Mahometdi. The variance being requested is for an increase in the allowable square footage of the accessory structure. This overage would keep us under the maximum built area allowable on the site.

The rework of the garage started as a safety issue for the homeowners, one of whom fell last year. Being an older couple who still loves the property they are looking at ways to safely occupy it for years to come. The ice building up on both the hardscape adjacent to the garage and the wooden stairs used to get from street level to the level of the house are the main issues of concern.

We have proposed to address these with two approaches. The first is to install a trench drain along the entire front of the garage apron to catch and direct the waterproof from the street down to the yard and lake. Currently it sits and collects at the bottom of the apron due to the slope of the road and the ice has caused concern. The second is to create a new roof line that extends to the current north retaining wall and extends over a new wider stair to protect both locations from ice buildup. The wider stair will also be able to accommodate an electric lift if it needs to be added in the future.

In conjunction with these safety improvements the garage itself is also being made 6’-6” wider to ease getting in and out of cars, currently no vehicle can open its doors all the way when the garage is full and subsequently one is left outside of the garage on the narrow street fairly often. The expanded south facing roof will also allow the homeowners to look at installing a solar array in the future.

Thank you for your time in reviewing this matter and please feel free to contact me with additional questions

Sincerely,

Jon Wollak, RA
CITY OF MAHTOMEDI  
WASHINGTON COUNTY, MINNESOTA  
RESOLUTION NO. ________

RESOLUTION APPROVING VARIANCE FOR ACCESSORY STRUCTURE SIZE FOR THE PURPOSE OF CONSTRUCTION AN ADDITION TO THE DETACHED GARAGE ON THE PROPERTY LOCATED AT 1829 PARK AVE., PID 20.030.21.22.0024

WHEREAS, the City of Mahtomedi received a request from the Applicant, Jon Wollak on behalf of the property owners, James Flink and Diane Uecker-Flink, on March 7, 2020 for a variance from the maximum allowable accessory structure size to allow for an addition to the existing detached garage at the property located at 1829 Park Ave., PID 20.030.21.22.0024. The property is legally described as follows:


WHEREAS, the Applicant has requested a variance of 167 square feet from the maximum allowable accessory structure size for the purpose of building an addition onto the existing detached garage; and

WHEREAS, the Planning Commission reviewed and considered the request based on the related documents shown in the Applicants’ Application at their regular meeting on May 13, 2020; and

WHEREAS, the City Council acting as the Board of Adjustments and Appeals, reviewed and considered the reports, documents, testimony, and other materials presented; and
WHEREAS, the City Council, acting as the Board of Adjustments and Appeals, can approve a variance if it finds that the standards for granting a variance as described in Chapter 11, Section 11.01, Subdivision 8.20, C., 1 through 8 of the Mahtomedi City Code have been met.

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Mahtomedi approves the variance request of 167 square feet from the maximum allowable accessory structure square footage based upon the following findings of fact:

The requested variance is consistent with all the standards for granting a variance as described in Section 11.01, Subdivision 8.20, C., 1 through 8 of the Mahtomedi Zoning Ordinance. More specifically, the City Council finds that the requested variance is justified for the following reasons:

1. The grade change between street level and the entry point of the home is unique to the property and presents practical difficulties that require an exception from the ordinance to allow better access to the property;

2. The purpose of the variances is not based exclusively upon a desire to increase the value or income potential of the parcel of land;

3. The difficulties are presented by the parcel are not posed by the property owner;

4. Granting the requested variance would not be detrimental to the public welfare or injurious to other land or improvements in the vicinity of the parcel;

5. The proposed variance is in keeping with the spirit and intent of the Ordinance;

6. Allowing the requested variance will not impair an adequate supply of light and air to adjacent property, or increase the congestion of the public street, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood; and

7. The variance is consistent with the Comprehensive Plan.

Adopted by the City Council of the City of Mahtomedi on May 19, 2020.

____________________________
Judson Marshall, Mayor

Attested:
4b. **CONSIDER APPROVAL** – A request from Darren Taylor for a minor subdivision, conditional use permit and variances at 141 Rose Street and 165 Tamarack Street.

**ACTION TO BE CONSIDERED:** To recommend the City Council approve or deny a request from Darren Taylor for a minor subdivision, conditional use permit and variances at 141 Rose Street and 165 Tamarack Street.

**FACTS:**
- The City is in receipt of an application from Darren Taylor for the requests as outlined above.
- The application has been reviewed by City staff and consultants and is in order for consideration at this time.

**BACKGROUND:**
- City Planner’s report on pages 39, 40, 41
- Location map on page 48
- Application on pages 49, 50
- Draft resolution approving minor subdivision request on pages 65, 66
CITY OF MAHTOMEDI MEMORANDUM

To: Planning Commission Members
    Scott Neilson, City Administrator
From: Hannah Rybak, City Planner
      Erin Perdu, AICP, City Planner
      John Sachi, City Engineer
Date: May 7, 2020
      Planning Commission Regular Meeting May 13, 2020
WSB Project No. 015205-000
Request: Request for approval of a minor subdivision, four variances and a
          conditional use permit at the properties located at 141 Rose St. and

GENERAL INFORMATION
Applicant/Owner: Darren Taylor
Location: 141 Rose St. & 165 Tamarack St.
Existing Land Use / Zoning: Residential / zoned R1-E Historic Mahtomedi District & S Shoreland Overlay District
Surrounding Land Use / Zoning:
    Northwest: Residential / zoned R1-E Historic Mahtomedi District & S Shoreland Overlay District
    Northeast: Parkland / zoned P Park Lands/Public
    Southwest: Residential / zoned R1-E Historic Mahtomedi District & S Shoreland Overlay District
    Southeast: Residential / zoned R1-E Historic Mahtomedi District & S Shoreland Overlay District
Comprehensive Plan: The 2040 Comprehensive Plan guides this property for Low-Density Residential land use.
Deadline for Agency Action:
    Application Date: 04-17-20
    60 Days: 06-16-20
    Extension Letter Mailed: N/A
    120 Days: 08-15-20

OVERVIEW
The Applicant is requesting a minor subdivision to accommodate a lot line adjustment between the two subject parcels. Currently, each property contains a single-family residence. The homes on each property are a century old and in need of repair/replacement.
165 Tamarack St. (Parcel B), is very undersized, containing a lot area of less than half of the lot size that the current Zoning Ordinance requires. 141 Rose St. (Parcel A) exceeds the minimum required lot area within the R1-E and Shoreland districts. The Applicant’s intent is to reconfigure the two properties to provide two reasonably sized lots for residential redevelopment.

The two subject parcels have a total area of 18,473 square feet. The following adjustments to minimum lot standards have been requested to allow the lot reconfiguration, through the minor subdivision process, to occur:

1. A variance of 1,900 square feet from the minimum required lot area of 10,400 square feet in the Shoreland District for proposed Parcel 1.
2. A variance of 427 square feet from the minimum required lot area of 10,400 square feet in the Shoreland District for proposed Parcel 2.
3. A variance of 22.76 feet from the minimum required lot width of 80 feet in the Shoreland District for proposed Parcel 1.
4. A variance of 16.95 feet from the minimum required lot area of 80 feet in the Shoreland District for proposed Parcel 2.
5. A conditional use permit to allow for the same reductions to standards (1-4 above), but within the R1-E District. The lot standards of 10,400 square feet in area and 80 feet in width apply to both the Shoreland and R1-E Districts.

The Applicant’s intent is to prepare the properties for new homes by reconfiguring the lot lines. A concept plan has been provided showing that reasonable homes, which meet the coverage and setback requirements of the applicable districts, could be constructed on the resulting properties. Demolition of the existing homes will likely be performed by the future purchaser of the lots, not the Applicant.

**MINOR SUBDIVISION REVIEW**

1. **Ordinance Authority.**

   *Chapter 11, Section 11.02, Subdivision 10, E: Minor Subdivision,* allows minor divisions of an existing lot with several conditions:

   1. *The division will result in no more than three (3) new lots;*
      Two lots are proposed. **Criterion met.**

   2. *The lot to be divided is in a location where conditions are well defined;*
      **Criterion met.**

   3. *The newly created property lines will not cause any resulting lot to be in violation of the Zoning Code;*
      A conditional use permit and variances have been requested to address the areas where the lots do not meet Ordinance standards. **Criterion met if CUP and variances are approved.**

   4. *The proposed division must be prepared by a registered land surveyor and must show the original lot and the proposed subdivision.*
      **Criterion met.**
2. **Consistency of the Request with the 2040 Comprehensive Plan.** The Comprehensive Plan guides this property for Low Density Residential land use. Low density residential allows single-family residences at 1-5 dwelling units per acre. The proposed minor subdivision is consistent with the Comprehensive Plan.

3. **Consistency of the Request with Lot Requirements of the R1-E Zoning District.**

<table>
<thead>
<tr>
<th>Standard</th>
<th>Required in R1-E Zoning District</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot Area</td>
<td>10,400 SF</td>
<td>Parcel 1: 8,500 SF</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Parcel 2: 9,973 SF</td>
</tr>
<tr>
<td>Lot Width</td>
<td>80 feet</td>
<td>Parcel 1: 57.24 feet</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Parcel 2: 63.05 feet</td>
</tr>
<tr>
<td>Lot Depth</td>
<td>120 feet</td>
<td>Parcel 1: 146.28 feet</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Parcel 2: 147.99 feet</td>
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</table>

4. **Consistency of the Request with Lot Requirements of the Shoreland District.**

<table>
<thead>
<tr>
<th>Standard</th>
<th>Required in R1-E Zoning District</th>
<th>Proposed</th>
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</thead>
<tbody>
<tr>
<td>Lot Area</td>
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</tr>
<tr>
<td></td>
<td></td>
<td>Parcel 2: 63.05 feet</td>
</tr>
<tr>
<td>Impervious Surface Coverage*</td>
<td>25% of total lot area</td>
<td>Parcel 1: 2,125 SF (25%)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Parcel 2: 2,493 SF (25%)</td>
</tr>
</tbody>
</table>

*The site plan shows concept homes, which could be built on the property. The Applicant intends to sell the lots for future development, so plans for the homes would be evaluated at the time of building permit application. The concept home plans show that a reasonable home could be built, respecting the impervious surface coverage limit.

5. **Parkland Dedication.** *Section 11.02, Subdivision 10, B (4) [a]: Land Requirements – Residential,* states that ‘In all new residential subdivisions, a minimum of ten percent (10%) of the gross area subdivided shall be dedicated for a public recreation space or open space. In the City’s sole discretion, the ten percent (10%) may be calculated on the net area, which shall be the gross area of the subdivided property minus the area of wetlands, lakes, and streams below the ordinary high water mark. The land dedicated for public use shall be in addition to property dedicated for streets, alleys, easements, or other public ways.’

*Section 11.02, Subdivision 10, B (5)[a]: Cash Requirements: Amount of Payment Required states that, 'When the subdivision is too small for practical dedication of public land or if no land in the subdivision is suitable for such use, the subdivider shall be required to pay a cash*
fee in lieu of such land dedication. The subdivider shall be required to pay a fee equal to ten percent (10%) of the fair market value of the land prior to subdivision or pay a cash fee as established by Ordinance of the City Council, whichever is the lesser of the two. The market value of land shall be determined by utilization of tax assessment records, a report from a certified appraiser, or by agreement between the City Council and the subdivider.

In this case, there is no increase in the number of lots. Staff therefore recommends that no parkland dedication fee be required.

VARIANCE REVIEW

1. Ordinance Authority

Chapter 11, Section 11.36, provides requirements for properties within the Shoreland District.

Chapter 11, Section 11.01, Subdivision 8.20, Section C provides for variances from the terms of the Zoning Ordinance if the City Council finds failure to grant the variance will result in practical difficulties on the applicant. The burden of proof is on the applicant to show that all of the variance standards have been met.

2. Consistency of the Request with the Standards for Granting a Variance.

1. Practical difficulties as opposed to mere inconvenience.

The ‘practical difficulties’ test requires that the property owner proposes to use the property in a reasonable manner. This factor means that the landowner would like to use the property in a reasonable way but cannot do so under the rules of the ordinance.

The requests for reduced lot width and area are logical, given in the context of the existing lots. As they sit today, there is one parcel that is severely undersized, but still serves the use of a single-family home. The other parcel, also containing a single-family home, is larger than the applicable zoning districts require. The desire to create more evenly sized lots in this situation is reasonable. The use of the properties will not change; two single-family homes exist, and two single-family homes are proposed. **Criterion met.**

2. Conditions unique to the land.

The conditions upon which the applications for the variances are based are unique to the parcel of land and are not applicable, generally, to other property throughout the City.

The unique conditions in this case are the sizes of the historically platted lots, and the topography of the site. If the subdivision were to configure the parcels in a north/south orientation, the request for lot width variances would be greatly reduced. Each lot would have approximately seventy-six (76) feet in width. The Applicant has proposed an east/west orientation in order to work with the existing grades of the properties. The variance to lot area would allow an existing lot that is uniquely tiny to come much closer to conformance with zoning district size standards. **Criterion met.**

3. Purpose is not solely financial.
The purpose of the variance is not based exclusively upon a desire to increase the value or income potential of the parcel of land. The lot line adjustment also serves a purpose to allow the redevelopment of aging, deteriorated homes. Additionally, the single-family use of existing Parcel B would be greatly enhanced by the home being located on a reasonably sized lot. No additional homesites are being created. **Criterion met.**

4. **Difficulties are posed by the Ordinance, not the property owner.**

The difficulties are posed by current Ordinance standards being imposed on historically platted lots. If the Applicant were so inclined, he would be able to tear down and rebuild a home on the existing footprint of existing Parcel B, provided there would be no increase in size. This, despite the fact that the existing home on Parcel B does not meet any setback, building coverage and impervious surface coverage standards, because it is considered legal nonconforming. The variance requests to more evenly allocate space between the two properties are an improvement over existing conditions and allow for conforming setbacks. **Criterion met.**

5. **Granting the variance is not detrimental and it does not alter the essential character of the locality.**

The granting of this variances will not be detrimental to the public welfare or injurious to other land or improvements in the vicinity of the parcel of land. The redevelopment of the properties would be an aesthetic improvement to the area over the homes that exist on the properties today. The width and area of the proposed properties is similar to many properties in the neighborhood and the zoning districts as a whole. **Criterion met.**

6. **Variance is in keeping with the spirit and intent of the Ordinance.**

The proposed variance is in keeping with the spirit and intent of the Ordinance. While variances to lot size and area have been requested, the Applicant has demonstrated that homes could be constructed on both resulting parcels that meet all setback and coverage requirements of the applicable zoning districts. Both existing homes do not meet current setback requirements. Bringing two existing properties into better conformance with Ordinance requirements serves the intent. **Criterion met.**

7. **Variance will not impair adequate light and air or result in additional congestion, fire danger or harm to public safety.**

The resulting new homes would be scaled appropriately to the size of the lots, meet all setbacks and would not increase the density over what exists today. **Criterion met.**

8. **Consistency with the Comprehensive Plan.**

The use of the properties would remain the same, which is consistent with the Low-Density Residential designation of the Comprehensive Plan. **Criterion met.**

**CONDITIONAL USE PERMIT REVIEW**

1. **Ordinance Authority**

   *Chapter 11, Section 11.5* provides requirements for properties within the R1-E Historic Mahtomedi District.
Chapter 11, Section 11.01, Subdivision 8.21, Section C states in determining whether to approve, approve with conditions, or deny a request for issuance of a conditional use permit, the Planning Commission and the City Council shall consider all relevant factors and all conditional use permit approval criteria.

2. **Consistency of the Request with the Standards for Granting a Conditional Use Permit**
   a. **Conforms to the District and conditional use provisions and all general regulations of this Ordinance.**
      The reconfiguration of the properties and resulting single-family homes conform to all Ordinance standards, except for the width and area of the lots, for which the CUP has been requested. **Criterion met.**
   
   b. **Does not involve any element or cause any conditions that may be dangerous, injurious, or noxious to any other property or persons, and shall comply with the performance standards in Provision D: Performance Standards herein.**
      **Criterion met.**
   
   c. **Is sited, oriented and landscaped to produce a harmonious relationship of buildings and grounds to adjacent buildings and properties.**
      The proposed configuration of the lots is logical in the context of the area. Additionally, the proposed homes will meet setback requirements, which is an improvement over the existing conditions of the subject properties. **Criterion met.**
   
   d. **Produces a total visual impression and environment which is consistent with the environment of the District and neighborhood in which it is located.**
      The redevelopment of the two single-family homes will be a visual improvement over the existing homes. Their size will fit well within the context of the lots and the neighborhood and will conform to ordinance requirements. **Criterion met.**
   
   e. **Organized vehicular access and parking to minimize traffic congestion in the District.**
      The request will not create any additional traffic in the area as the use of the properties will remain the same. **Criterion met.**
   
   f. **Promotes the objectives of this Ordinance and the overall Comprehensive Land Use Plan of the City.**
      The conditional use permit request is consistent with the objectives of the Zoning Ordinance and Comprehensive Plan. The properties within the R1-E Historic Mahtomedi District often have challenges in terms of lot size. The Applicant’s proposal in keeping with the City’s goal of responsible and reasonable redevelopment of aging properties within the Historic District.

**WOODLAND PRESERVATION**

The Applicant has provided a tree inventory along with the application. The City Forester has reviewed the inventory and visited the site. There are twenty-five (25) significant trees on the subject properties, therefore the site is classified as "heavily wooded". A significant number of
trees would need to be removed to construct the new homes. Tree removals and replacement will be evaluated at the time of a grading or building permit. The required replacement rate for heavily wooded properties is 1:3.

ENGINEERING CONSIDERATIONS
The City Engineer has reviewed the application and provides the following comments:

Overall:
The site plan for this property involves a lot line adjustment and reorientation of two lots along Rose and Tamarack Streets. The existing homes will be demolished in order to facilitate the new proposed lot configuration and new home constructions. The existing City utility services for the house come off of Rose Street for the larger home and Tamarack Street for the smaller home.

Grading, Erosion Control and Stormwater:
Although the narrative suggests there is not significant grade changes planned for the site, the submitted site grading plan would contradict that assertion. The grades on the entire site are going to be altered with this proposed grading plan. What is also evident by this grading plan is that the entire site will be required to be graded at one time as the graces on one lot are highly dependent on the adjacent lot being graded at the same time. It is suggested by the Applicant that it can be done at the time of each building permit, that is just not possible. While minor changes from this plan could be implemented at the time of each building permit, depending on the new home’s design, the staff will require the entire site to be graded when the first building permit is requested or prior to that time. The submitted erosion control plan appears to be acceptable. It is critical that erosion control be provided around the north, south and east sides of the lot as active City right-of-way exists on three sides and grading is occurring over the entire lot. The grading plan also shows rain gardens for each lot. These gardens are great additions in meeting storm water management issues for the site. Each garden will be required to be built as part of the building permit for each lot.

Street and Utility Reconstruction:
In 2021 the City is planning on reconstructing Rose and Tamarack Streets adjacent to these parcels. The City will also be replacing the watermain at that same time. If needed, the City can provide new services at requested locations, however some of these new services may have to be specially assessed to the parcels.
The existing sewer and water service for 141 Rose St. would be oriented to the back of the new proposed home on Parcel 2. The existing sewer service elevation may not work for the new home. Therefore, if a new service off of Tamarack St. is desired, it can be installed as part of the City work in 2021 and assessed to the parcel. Likewise, the existing sanitary sewer and water service for 165 Tamarack St. could be re-used. If the Applicant wishes to have a new service installed, that can also be done as part of the 2021 construction work by the City and assessed to the new parcel.
Each lot will be subject to a street reconstruction assessment for the City’s proposed street reconstruction work in 2021.

Driveways:
Since the City will be installing new drive-over curbing along Tamarack Street there is no need to site the driveway locations at this time. Those locations will be reviewed at time of the building permit.

RECOMMENDATION

Based on the criteria in this report and submitted plans, staff recommends approval as of the requested minor subdivision, conditional use permit and four variances, subject to the following six (6) conditions:

1. The existing homes must be demolished prior to the recording of the minor subdivision.

2. Tree preservation and replacement plan must be approved prior the issuance of any grading or building permit.

3. The future homes to be constructed on the resulting parcels must meet all setback, height, building coverage, and impervious surface coverage requirements, as prescribed by the Zoning Ordinance.

4. All preliminary grading must be done in accordance with the submitted grading plan and the work must be done on the entire parcel and all erosion control installed prior to commencement of the grading. Rain garden installation, in accordance with the submitted grading plan, will be required to be installed as part of the building permit for each lot.

5. The applicant should indicate where they would desire the new sewer and water connections to be placed for Parcel 1 and these services will be assessed to Parcel 1 as part of the City’s 2021 Historic District Phase 4 East project.

6. If the applicant desires new sewer and water connections for Parcel 2, the desired location for these connections should be submitted and these services will also be assessed to Parcel 2 as part of the City’s 2021 Historic District Phase 4 East project.

POTENTIAL ACTION

1. **Request Additional Information and Continue the Meeting.** The Applicant appears to have provided enough information for the Planning Commission to make a recommendation to approve or deny the request. Should the Planning Commission request additional information from the Applicant, the Planning Commission should continue the meeting until a later time.

2. **Approval (with or without conditions) of the Request.** In the event of a decision to recommend approval (with or without conditions), the Planning Commission may refer to Exhibit C, and may modify the draft resolution for approval to include any conditions that it deems necessary.
3. Denial of the Request. In the event the Planning Commission chooses denial of the requested conditional use permit, it should clearly state its reasons for the denial and direct staff to prepare a resolution of denial.

ATTACHMENTS

Exhibit A: Location Map
Exhibit B: Application
Exhibit C: Draft Resolution – Approving the Minor Subdivision, Conditional Use Permit and Variance
APPLICATION FOR CONSIDERATION OF REQUEST
CITY OF MAHTOMEDI, MINNESOTA

STREET ADDRESS OF PROPERTY:  141 Rose Street and 165 Tamarack Street

LEGAL DESCRIPTION OF PROPERTY:  See Attachment A

OWNER: Name  Darren Taylor          Address  9740 Justen Trail N., Grant, MN

Phone: Home          Business        651.355.5756       FAX

APPLICANT: (if other than owner)
Name                                 Address

Phone: Home          Business        FAX

Type of Request

  X  Rezoning
  X  Conditional Use
  X  Minor Subdivision
  X  Plan for Subdivision
     (more than 3 lots)
  X  Site Plan
  X  Concept Plan Review
  X  Amendment to Ordinance
  X  Interim Use Permit
  X  Administrative Site Plan Review
  X  Appeal of an Administrative Decision

Description of Request  Lot line rearrangement of two lots in the Historic Mahtomedi District.

   See attached narrative for further description.

IF POSSIBLE, OBTAIN THE SIGNATURES OF ALL ADJACENT PROPERTY OWNERS:

<table>
<thead>
<tr>
<th>SIGNATURE</th>
<th>ADDRESS</th>
<th>GIVEN</th>
<th>NOT GIVEN</th>
<th>UNDECIDED</th>
</tr>
</thead>
<tbody>
<tr>
<td>See attachment C.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Information Provided:

  Preliminary Plat
  X  Grading/Drainage Plan
  X  Utilities Plan
  X  Site Plan
  X  Landscape Plan
  X  Building Elevation
  X  Sign Plan
  X  Registered Land Survey
  X  Narrative of Project
  X  Copy of Property Deed(s) (For Conditional Use Permit Applications)

(SEE OTHER SIDE)
As the applicant, I agree to reimburse the City for all expenses incurred by the City in employing planning, engineering, legal, and other professional consultants in reviewing this application. Such costs shall be paid by me, the applicant, regardless of the outcome of the review and prior to commencing any work on the project.

Owner's Signature

4/13/2020

Date

4-13-2020

Applicant's Signature

BELOW IS FOR USE BY CITY OFFICIALS

Application received with fee of $250 on 4-13

Amount of cash deposit for City consultant costs $2,550.00

Action by Planning Commission on

Action by City Council on

(Revised January 2011)
CITY OF MAHTOMEDI  
600 STILLWATER ROAD  
TELEPHONE: 651-426-3344  
PETITION FOR VARIANCE

STREET ADDRESS OF PROPERTY: 141 Rose Street & 165 Tamarack Street

LEGAL DESCRIPTION: Attachment A  
(from your deed)

OWNER: Name Darren Taylor  
Address 9740 Justen Trl N, Saint Paul MN, 55115

Phone: Home  
Business 651-355-5756  
FAX

APPLICANT: (if other than owner)  
Name  
Address

Phone: Home  
Business  
FAX

TYPE OF STRUCTURE:  
X single unit  
double unit  
multiple unit  

GARAGE:  
single  
double  
addition

DESCRIPTION OF BUILDINGS, ADDITIONS AND ALTERATIONS (INCLUDE BUILDING PLANS):  
See attached narrative for description.

PROVIDE A DESCRIPTION OF THE OVERALL PROJECT INCLUDING ITS HEIGHT AND DIMENSIONS:  
See attached narrative for description.

STATEMENT OF THE PRACTICAL DIFFICULTY/REASONS FOR THIS VARIANCE. ATTACH LETTERS, PHOTOGRAPHS OR OTHER EVIDENCE IF APPROPRIATE:  
See attached narrative for description.

IF POSSIBLE, OBTAIN THE SIGNATURES OF ALL ADJACENT PROPERTY OWNERS:

<table>
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<tr>
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<th>UNDECIDED</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>See attachment regarding adjacent properties.</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

(SEE OTHER SIDE)

October 2012  
H:Forms:Variance Application Form

-51-
As the applicant, I agree to reimburse the City for all expenses incurred by the City in employing planning, engineering, legal and other professional consultants in reviewing this application. Such costs shall be paid by me, the applicant, regardless of the outcome of the review and prior to commencing any work on the project. In addition, to the best of my knowledge, the above statements are true and correct.

Owner’s Signature: [Signature]

4/13/2020
Date

Applicant’s Signature: [Signature]

4-13-2020
Date

Fee Received: $2,250
Receipt #: 41375

PC Approve: ____________
PC Deny: ____________

CC Approve: ____________
CC Deny: ____________
Attachment A: Legal Descriptions

141 Rose Street
PID: 2003021210013
Lots 16 and 17, Block 2, Mahtomedi Heights, Washington County, Minnesota, also all that part of Lot 18 in said Black lying South and West of a line drawn parallel to and 10 feet Northeasterly from the Southwesterly line of said Lot, measured at right angles to Mahtomedi Heights, Washington County, Minnesota

165 Tamarack Street
PID: 2003021210014
All that part of Lot 18, Block 2, Mahtomedi Heights, lying north and east of a line drawn parallel to and 10 feet northeasterly from the southwesterly line of said lot, measured at right angles, all according to the plat of said Mahtomedi Heights on file and of record in the office of the Register of Deeds, Washington County, Minnesota
Attachment B: Narrative

Lot Line Adjustment (minor subdivision), Variance and Conditional Use Permit (CUP) for Property Located at 141 Rose Street and 165 Tamarack Street, Mahtomedi, MN

Date: April 13, 2020

Applicant and Owner: Darren Taylor
("Owner")

Applicant Representative: Jennifer Haskamp, AICP
Principal Planner
Swanson Haskamp Consulting, LLC (SHC)

Subject Properties: 141 Rose Street and 165 Tamarack Street

Existing Zoning: Historic Mahtomedi District (R1-E)

Existing Lot Sizes: 15,544 SF & 3,929 SF

Background and Project Objectives

The Owner purchased the subject properties several years with the intent of eventually redeveloping the parcels with a more modern housing type. For the past several years both homes have been rental properties and the Owner is now interested in selling the properties for redevelopment for single family uses. The current configuration of the lots is awkward, and we believe they can be significantly improved if a lot line adjustment is approved.

The subject properties are part of the Historic Mahtomedi zoning district and are within the Shoreland Overlay District. This area of the City is unique and full of character, which makes it both desirable and challenging for redevelopment. The two (2) subject properties are no exception. The historic plat for the two lots shows three historically platted lots, of which historic lots 16 and 17 were part of 141 Rose Street and historic lot 18 is 165 Tamarack Street. The historic configuration made some sense, though 165 Tamarack Street was the smallest of the three lots containing only 3,929 square feet of area. As the lots lay out today 141 Rose street includes 14,544 square feet, while Tamarack remains significantly undersized based on the City’s current zoning standards.
The objectives of this application are 1) to create two similarly sized lots; 2) to improve the marketability of the lots so that redevelopment is more likely therefore supporting the City's tax base; 3) to use the existing topography to site the homes; and 4) to create lots that are in character with the surrounding neighborhood.

Attached to this narrative are:

- Survey of Existing Conditions including identification of Significant Trees
- Lot Line Adjustment Exhibit
- Conceptual Grading Plan based on Conceptual Housing Pad
- List of Adjacent Neighbors and Method to Inform/Solicit Feedback

Project Description

The following summary of the proposed project is provided for your review and consideration. We are proposing a simple lot line adjustment, and no new lots are created as a result of our Application. It is our hope and intent to create two similarly sized lots so that two new single-family homes can be constructed on the lots. By creating lots of similar size and scale, the homes that can be constructed on the lots will likewise be of similar scale. This will help ensure that the new homes are consistent with the character of the surrounding neighborhood. At this time the Owner/Applicant does not intend to construct or develop the lots, but if granted the lot line adjustment he will sell the lots to a builder or private party. The plans contained in this Application, and any approval conditions will be provided to the buyer.

A summary of the attached Lot Line Adjustment exhibit shows the following:

- The arrangement and reconfiguration will create two (2) more similarly sized lots. There are no additional units proposed as part of this Application.
- The orientation of the lots is changed from the existing east-west configuration to north-south orientation and proposes to use Tamarack Street as the front. This orientation allows for an attached tuck-under garage as well as driveway for each new home. This design will allow for at least a 2-car attached garage as well as driveway parking for visitors of each home.
  - While the proposed adjustment changes the “front” for the subject properties, it is consistent with the neighborhood as there are properties both north and south of the subject lots with their primary frontage/access on Tamarack Street.
- Our plan works with the existing topography of the site, and we plan to match housing type to the site.
  - By working with the grades, we have the opportunity to minimize the amount of constructed stormwater management needed on site. For example, significantly less retaining wall will be necessary since the tuck-under will be constructed into the hill. This has several benefits, including the ability to coordinate grading and stormwater management on both lots collectively.
- We were focused on creating lots that fit into the neighborhood.
  - By creating two lots that are similar in size and dimension we are able to better match the character of existing lots in the neighborhood. Both lots are sized to fit modest sized single-
family houses, as opposed to larger lots that could support much larger footprints. As shown the concept housing pads are between 1,400 and 1,575 square-feet which includes the tuck-under garage. While this is “conceptual” and there are no construction plans developed, the following images are representative of the housing scale and type that could fit within the shown housing pad. It is worth noting that the representative images have smaller footprints than what is currently on the existing 141 Rose Street property (see CUP description). Please note, that we understand that any new home will be required to meet the maximum height requirements and the roof pitch may be flat or similar to that shown in the craftsman or prairie/modern examples below.

[Images of representative housing pads]

**Conditional Use Permit (CUP) Summary**

It is our understanding that the City’s Ordinances require a conditional use permit (CUP) to redevelop the subject property in the RI-E zoning district with a similar use (existing single-family) if the reconfigured lots do not meet the dimensional standards. The property at 141 Rose Street is developed with an existing single-family home and detached garage that are approximately 2,320 square feet. The property at 165 Tamarack Street is developed with an existing single-family home that is approximately 960 square feet.

If the lot line adjustment is approved, the Applicant intends to sell the lots for redevelopment. The attached Certificate of Survey, Conceptual Site Grading and Lot Line Adjustment show all existing and proposed site conditions. A building plan has not been developed, but as previously noted, the representative housing types shown in this application are of similar scale and size contemplated on the attachments.

We believe that the proposed reconfiguration is consistent with the character of the neighborhood and the new structures will not only fit in but will enhance the area.
Variance Request Summary

The proposed reconfiguration of the lots will create two lots oriented north-south with primary frontage on Tamarack Street. The following lot tabulation of the created lots as shown on the attached Lot Line Adjustment exhibit are provided:

<table>
<thead>
<tr>
<th>Description</th>
<th>Lot Width (Front)</th>
<th>Lot Depth</th>
<th>Area</th>
<th>Building Coverage (%)</th>
<th>Coverage (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Proposed Parcel 1</td>
<td>57.24-feet</td>
<td>143.86-feet*</td>
<td>8,500 SF</td>
<td>1,400 SF (1.5%)</td>
<td>2,125 SF (25%)</td>
</tr>
<tr>
<td>Proposed Parcel 2</td>
<td>63.05-feet</td>
<td>143.86-feet*</td>
<td>9,973 SF</td>
<td>1,575 SF (15.8%)</td>
<td>2,490 SF (25%)</td>
</tr>
</tbody>
</table>

*Shortest dimension used for calculation; lots are slightly irregular in shape.

Our understanding of the City’s ordinance is that the proposed lot line adjustment requires a variance from the following standards:

- Lot Width
- Lot Area

Summary of Practical Difficulties

Consistent with the City’s ordinance requirements and the application, we offer the following reasons and description of Practical Difficulties in support of the requested variances:

- The existing configuration of the lots is a byproduct of the original historic plat that was developed for small cabin-like structures. The configuration results in 165 Tamarack Street being significantly undersized, and undesirable for both the market and the City. By balancing out the square footage allocated to each lot there will be greater consistency in the redevelopment of each lot for appropriately sized single-family uses. The ability to create two similarly sized lots results in both lots being slightly undersized thus requiring a variance from the lot area standard.

- The existing topography has not been significantly altered, and the slopes are unique to both parcels. We have the opportunity to work with the slope which is better for stormwater management of both parcels long-term. If we are required to develop the lots in an east-west configuration significant amounts of cut and fill, including retaining walls and other stormwater management improvements will likely be necessary to develop both lots. This can largely be avoided if the north-south orientation of the lots proposed is permitted. Due to frontage limitation, the north-south orientation requires a variance from the lot width standards for newly created lots.

- While the north-south orientation requires a variance from the lot width standard, the proposed lot widths are consistent with the existing lot sizes in the surrounding neighborhood. Granting a variance from the lot width is directly correlated to the ability to use the grades on the existing parcel, and therefore you will not be setting precedent as this is a condition that is unique to the property.
Attachment C: Adjacent Properties

Given the current COVID pandemic we did not go door-to-door to solicit feedback from the adjacent property owners for the subject application. However, we have sent the Lot Line Adjustment exhibit contained in this Application to each neighbor and requested their input by either email or mail. We will provide a copy of all correspondence we receive to the City. The communication was sent to the following list of adjacent property owners:

Wendy Wright, 140 Spruce St, Mahtomedi MN 55115
James & Barbara Carpenter, 130 Spruce St, Mahtomedi MN 55115
Lucy & Thomas Heuer, 135 Rose St, Mahtomedi MN 55115
Lucille Schultz, 132 Rose St, Mahtomedi MN 55115
Owner address: Lucille Schultz, 327 Juniper St, Mahtomedi 55115
Megan & Tyler Conroy, 138 Rose St, Mahtomedi MN 55115
CITY OF MAHTOMEDI  
WASHINGTON COUNTY, MINNESOTA  
RESOLUTION NO.______


WHEREAS, the City of Mahtomedi received a request from the Applicant, Darren Taylor, for a minor subdivision, four variances and a conditional use permit to reconfigure the property lines between the two parcels in order to reconfigure two existing lots on the properties located at 141 Rose St. & 165 Tamarack St., legally described as follows:

LOTS 16 AND 17, BLOCK 2, MAHTOMEDI HEIGHTS, WASHINGTON COUNTY, MINNESOTA, ALSO ALL THAT PART OF LOT 18 IN SAID BACK LYING SOUTH AND WEST OF A LINE DRAWN PARALLEL TO AND 10 FEET NORTHEASTERLY FROM THE SOUTHWESTERLY LINE OF SAID LOT, MEASURED AT RIGHT ANGLES TO MAHTOMEDI HEIGHTS, WASHINGTON COUNTY, MINNESOTA

ALL THAT PART OF LOT 18, BLOCK 2, MAHTOMEDI HEIGHTS, LYING NORT AND EAST OF A LINE DRAWN PARALLEL TO AND 10 FEET NORTHEASTERLY FROM THE SOUTHWESTERLY LINE OF SAID LOT, MEASURED AT RIGHT ANGLES, ALL ACCORDING TO THE PLAT OF SAID MAHTOMEDI HEIGHTS ON FILE AND OF RECORD IN THE OFFICE OF THE REGISTRAR OF DEEDS, WASHINGTON COUNTY, MINNESOTA

WHEREAS, the Applicant has requested a minor subdivision, four variances and a conditional use permit to allow for a minor subdivision of the property to reconfigure the two existing residential lots for future redevelopment; and

WHEREAS, the proposed subdivision will not result in any new residential lots, therefore no park dedication fee is necessary; and

WHEREAS, the Planning Commission reviewed and considered the request based on the related documents shown in the Applicants’ Application at their regular meeting on May 13, 2020; and

WHEREAS, the City Council, acting as the Board of Adjustments and Appeals, can approve a variance if it finds that the standards for granting a variance as described in Chapter 11, Section 11.01, Subdivision 8.20, C., 1 through 8 of the Mahtomedi City Code have been met.

WHEREAS, the City Council, acting as the Board of Adjustments and Appeals, can approve a conditional use permit if it finds that the standards for granting a conditional use permit as described in Chapter 11, Section 8.21 C.1 a through f of the Mahtomedi City Code have been met.
WHEREAS, the City Council can approve a minor subdivision if it finds that the standards for minor subdivisions as described in Chapter 11, Section 11.02, Subdivision 10, E: Minor Subdivision of the Mahtomedi City Code have been met; and

WHEREAS, the City Council acting as the Board of Adjustments and Appeals, reviewed and considered the reports, documents, testimony, and other materials presented.

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Mahtomedi approves the following variance requests: a 1,900 sf. lot area variance for Parcel 1; a 427 sf. lot area variance for Parcel 2, a 22.76 ft. lot width variance for Parcel 1, and a 16.95 ft. lot width variance based upon the following findings of fact:

The requested variance is consistent with all the standards for granting a variance as described in Section 11.01, Subdivision 8.20, C., 1 through 8 of the Mahtomedi Zoning Ordinance. More specifically, the City Council finds that the requested variance is justified for the following reasons:

1. The configuration of the parcels, their existing size and location within the Shoreland District present practical difficulties to compliance with the ordinance;

2. The proposed use of two single family lots is reasonable for the zoning district;

3. The purpose of the variances is not based exclusively upon a desire to increase the value or income potential of the parcel of land;

4. The difficulties presented by the parcels are not posed by the property owner;

5. Granting the requested variances would not be detrimental to the public welfare or injurious to other land or improvements in the vicinity of the parcel;

6. The proposed variances are in keeping with the spirit and intent of the Ordinance;

7. Allowing the requested variances will not impair an adequate supply of light and air to adjacent property, or increase the congestion of the public street, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood; and

8. The variances are consistent with the Comprehensive Plan.

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Mahtomedi approves the Applicants’ Conditional Use Permit for reductions to the lot width and area requirements of the R1-E Historic Mahtomedi District.
The requested conditional use permit is consistent with all the standards for granting a conditional use permit as described in Section 11.01, Subdivision 8.21, C., 1, a through f of the Mahtomedi Zoning Ordinance. More specifically, the City Council finds that the requested conditional use permit is justified for the following reasons:

1. The proposal conforms to the District and conditional use provisions and all general regulations of this Ordinance.

2. The proposal does not involve any element or cause any conditions that may be dangerous, injurious, or noxious to any other property or persons, and complies with the performance standards in Provision D: Performance Standards herein.

3. The proposed development is sited, oriented and landscaped to produce a harmonious relationship of buildings and grounds to adjacent buildings and properties.

4. The proposed development produces a total visual impression and environment which is consistent with the environment of the District and neighborhood in which it is located.

5. The proposed development provides organized vehicular access and parking to minimize traffic congestion in the district.

6. The proposal promotes the objectives of this Ordinance and the overall Comprehensive Land Use Plan of the City.

NOW THEREFORE BE IT FURTHER RESOLVED that the City Council of the City of Mahtomedi approves the Applicants' minor subdivision request based on the following findings of fact:

1. All required information for a minor subdivision has been supplied.

2. Along with the variance and conditional use permit requests, the minor subdivision meets the requirements for Minor Subdivision Approval;

3. The lot to be divided is in a location where conditions are well defined;

4. The proposed division was prepared by a registered land surveyor;

5. The minor subdivision request is consistent with the City's Comprehensive Plan; and

6. The minor subdivision is consistent with the City's Subdivision Regulations and Zoning Ordinance for property in the R1-E – Historic Mahtomedi Zoning District.
NOW THEREFORE BE IT FURTHER RESOLVED that the applicant must meet the following conditions for variance, conditional use permit and minor subdivision approval:

1. The existing homes must be demolished prior to the recording of the minor subdivision.

2. A Tree Preservation and Replacement Plan must be approved by the City Forester prior to the removal of any trees and issuance of any grading or building permit.

3. The future homes to be constructed on the resulting parcels must meet all setback, height, building coverage, and impervious surface coverage requirements, as prescribed by the Zoning Ordinance.

4. All preliminary grading must be done in accordance with the submitted grading plan and the work must be done on the entire parcel and all erosion control installed prior to commencement of the grading. Rain garden installation, in accordance with the submitted grading plan, will be required to be installed as part of the building permit for each lot.

5. The applicant should indicate where they would desire the new sewer and water connections to be placed for Lot 1 and these services will be assessed to Parcel 1 as part of the City’s 2021 Historic District Phase 4 East project.

6. If the applicant desires new sewer and water connections for Parcel 2 then the desired location for these connections should be submitted and these services will also be assessed to Parcel 2 as part of the City’s 2021 Historic District Phase 4 East project.

Adopted by the City Council of the City of Mahtomedi on May 19, 2020.

Judson Marshall, Mayor

Attested:

Jerene Rogers, City Clerk
6. UPDATE – CITY COUNCIL AND OTHER COMMISSION ACTIVITIES AND INFORMATIVE ITEMS.

A copy of the recent City Council and other City Commission minutes may be found the City’s website. If Commission members have questions regarding these or other City activities, staff will be happy to respond to them.

7. ADJOURNMENT