

**CITY OF LINO LAKES
PLANNING & ZONING BOARD MEETING**

Wednesday, June 12, 2019

6:30 p.m.

Council Chambers

Please be courteous and turn off all electronic devices during the meeting.

AGENDA

1. CALL TO ORDER AND ROLL CALL
2. APPROVAL OF AGENDA
3. SWEARING IN OF BOARD MEMBERS
4. ELECTION OF CHAIR & VICE CHAIR
5. APPROVAL OF MINUTES: May 8, 2019
6. OPEN MIKE
7. ACTION ITEMS
 - A. 6626 Enid Trail-Variance for Curb Cut/Driveway Width
 - B. 6650 Enid Trail-Variance for Impervious Surface Coverage
 - C. 1393 Hunters Ridge-Variance for Curb Cut/Driveway Width
8. DISCUSSION ITEMS
 - A. Project Update
9. ADJOURN

Meeting guidelines on reverse side.

City of Lino Lakes Planning & Zoning Board MEETING GUIDELINES

Open Mike – The purpose of a Board Meeting is to accomplish the business of the city. When presenting at a meeting please remember to be respectful, and follow these guidelines:

- Please address the meeting chair.
- State your name and address for the record.
- Please observe a 4-minute limit.
- The topic must relate to city business.
- Open Mike is for items not on the agenda.
- A spokesperson must represent a group of five or more – groups will have 8 minutes.
- The Presiding Officer may limit duplicative presentations.
- Remember, the meeting is to discuss city business only.

Public Hearing - Held as a separate item of business on the agenda. The public hearing segment is your opportunity to tell the Board how you feel about issues scheduled to be heard. Typically, a hearing follows these steps:

- The Presiding Officer (Chair or Vice-Chair) will announce the proposal to be reviewed and ask for the staff report. The presiding Officer shall maintain strict order and etiquette at all meetings.
- Staff will present their report on the proposal.
- Board members will then ask City Staff questions about the proposal.
- The Presiding Officer will then open up the public hearing for anyone present who wishes to comment on the proposal. This is the time for the public to make comments or ask questions about the proposal.
Comments should be limited to four (4) minutes unless further time is granted by the Presiding Officer. All comments should be directed to the Board as a body and not to any individual Board Member or City Staff Member unless permission is granted by the Presiding Officer. No person shall be permitted to enter into any discussion, either directly or through a member of the Board without the permission of the Presiding Officer.
- After everyone in the audience wishing to speak has given his/her comments, the Presiding Officer shall close the public hearing.
- The Board will then discuss the proposal. No further public comments are allowed.
- The Board will then make a recommendation(s) and/or a decision.

When you are called upon for your comments, please step to the microphone at the podium and state your name and address for the record.

Occasionally, the Board may continue a hearing to another meeting before taking action.

Meeting Etiquette

The Planning & Zoning Board must preserve order and decorum while the meeting is in session. A resident shall not, by conversation or otherwise, delay or interrupt the proceedings or the business of the Board, nor disturb any resident or Board Member while speaking or refuse to obey the orders of the Board.

**CITY OF LINO LAKES
PLANNING & ZONING BOARD MINUTES**

DATE	: May 08, 2019
TIME STARTED	: 6:30 P.M.
TIME ENDED	: 6:46 P.M.
MEMBERS PRESENT	: Paul Tralle, Michael Ruhland, Michael Root, Sue Peacock, Neil Evenson, Perry Laden, Jeremy Stimpson
MEMBERS ABSENT	: Michael Ruhland
STAFF PRESENT	: Katie Larsen, Mara Strand

PLANNING & ZONING BOARD MEETING

I. CALL TO ORDER AND ROLL CALL:

Chair Tralle called the Lino Lakes Planning and Zoning Board meeting to order at 6:30 P.M. on May 8, 2019.

II. APPROVAL OF AGENDA

Items 3 and 4 were tabled and the Agenda was approved.

V. APPROVAL OF MINUTES

Mr. Root made a MOTION to approve to the April 10, 2019 meeting minutes. Motion was supported by Mr. Stimpson. Motion carried 5-0.

VI. OPEN MIKE

Chair Tralle declared Open Mike at 6:31 P.M.

There was no one present for Open Mike.

Mr. Stimpson made a MOTION to close Open Mike at 6:31 P.M. Motion was supported by Mr. Evenson. Motion carried 5 - 0.

VII. ACTION ITEMS

A. Saddle Club 4th Addition PUD Final Plan/Final Plat

Katie Larsen, City Planner, presented the staff report.

DRAFT MINUTES

Mr. Root asked for clarification on the deck options for Lot 2 Block 2. The applicant demonstrated a house with a deck on the property.

Mr. Root asked staff to describe the wetland banking process. The process and validity of wetland banks was explained.

Mr. Stimpson asked if staff have heard from the property owners of Lot 5 and Lot 2. Staff have not heard from the property owners during the final plat/final plan process.

Mr. Laden stated the property set back on Lot 1, Block 3 looks to be 40 feet. Ms. Larsen confirmed Outlot A and Lot 1, Block 3 were approved during Saddle Club 3rd Addition approval process..

Chair Tralle noted the applicant changed from Royal Oaks Reality. Staff explained Royal Oaks and DuPont Holdings are different business entities operated by the applicant.

Mr. Root made a MOTION to approve the Saddle Club 4th Addition PUD Final Plan/Final Plat. Motion was supported by Ms. Peacock. Motion carried 5-0.

VIII. DISCUSSION ITEMS

A. Project updates

All Seasons Rental broke ground on May 2, 2019.

A model home and townhome is framed and under construction in Watermark.

Eastside Villas, Saddle Club 4th Addition, and Lino Lakes Mini Storage pre-construction meeting recently took place.

IX. ADJOURNMENT

Mr. Stimpson made a MOTION to adjourn the meeting at 6:46 P.M. Motion was supported by Mr. Evenson. Motion carried 5 - 0.

Respectfully submitted,

Mara Strand

**PLANNING & ZONING BOARD
AGENDA ITEM 7A**

STAFF ORIGINATOR: Katie Larsen, City Planner

P & Z MEETING DATE: June 12, 2019

REQUEST: 6626 Enid Trail
Variance for Curb Cut/Driveway Width

CASE NUMBER: VR2019-003

APPLICANT: Adam Neeck
6626 Enid Trail
Lino Lakes, MN 55014

OWNER: Same

REVIEW SCHEDULE:

Complete Application Date:	May 10, 2019
60-Day Review Deadline:	July 7, 2019
120-Day Review Deadline:	September 5, 2019
Environmental Board Meeting:	NA
Park Board Meeting:	NA
Planning & Zoning Board Meeting:	June 12, 2019
Tentative City Council Work Session:	July 1, 2019
Tentative City Council Meeting:	July 8, 2019

BACKGROUND

The property owner of 6626 Enid Trail, Adam Neeck, submitted a Land Use Application for a curb cut/driveway width variance. He is requesting a 34 foot curb cut/driveway width be allowed. City ordinance allows for a maximum 26 foot curb cut/driveway width.

ANALYSIS

Sharper Homes was issued a building permit in May 2018 to construct a new home at 6626 Enid Trail in the St. Claire Estates subdivision. The certificate of survey submitted with the building permit indicated a proposed curb cut/driveway width at the right-of-way line of 25.5 feet (Attachment #3).

The Grading As-built survey dated November 1, 2018 indicated the constructed curb cut/driveway width at 34 foot (Attachment #4). This was also field verified by the City Engineer's department. The driveway is 8 feet wider than allowed.

Per the applicant's narrative, the closing date to purchase the home was on November 15, 2018 and it was too late in the year to have the driveway replaced (Attachment #2). A temporary certificate of occupancy was issued on November 13, 2018 and a \$1,000 escrow was collected from the property owner until the driveway issue is resolved.

The parcel is a 16,139 sf corner lot on a platted cul de sac. The paved road and curb are approximately 60 feet from the lot line (aka right-of-way line). The existing driveway is 34 feet wide at the property line and tapers to 20 feet at the curb. The ordinance allows for a 26 foot wide driveway from the property line to the curb. The applicant states in their narrative several reasons why it is hard to comply with the ordinance due to the distance from the curb to the property line. Staff will note that platted cul duc sacs and 4 stall garages are not unique (Attachment #6). The distance from the curb to the property line is not relevant and the Certificate of Survey submitted with the building permit showed that a compliant driveway is possible. A 26 foot wide driveway from the curb to the property line is feasible and would be compliant.

The property is zoned R-1, Single Family Residential and is located in an urban residential subdivision. The City Engineer does not approve widening of the curb cut. The property owners would be required to cut out an 8 foot wide section of the driveway. They are requesting a variance instead of having to cut out a section of the driveway.

Zoning Ordinance

Per Section 1007.044(3)(h):

7. Curb Cut/Driveway Width. No curb cut shall exceed twenty-six (26) feet in width within a residential zoning district, or thirty-six (36) feet in width if the property is in a commercial, industrial, or public/semi-public zoning district, as measured at the street right-of-way line unless approved by the City Engineer. The driveway associated with such curb cut may increase in width at an angle not greater than forty-five (45) degrees.

At the March 5, 2018 Council Work Session, staff presented a report regarding driveway widths. The staff report detailed that driveway width restrictions are fairly common and serve a number of purposes. These include:

- Maintain front yard green space and enhance the streetscape.
- Preserve areas for on-street parking.
- Minimize impact and maintenance costs to public right-of-way and utility corridors.
- Preserve street snow storage.
- Minimize conflicts with vehicle, pedestrian and bicycles using street.
- Minimize impervious surfaces.

The Council concurred that the current regulations are fine and the ordinance was not amended to allow for wider driveways.

Attachment #5 is a Driveway Exhibit depicting a 26 foot wide curb cut and 45 degree angle.

CRITERIA AND FINDINGS OF FACT

No variance shall be granted unless it meets all the criteria in paragraphs 1. through 7. below. The City shall make findings regarding compliance with these criteria.

1. The variance shall be in harmony with the general purposes and intent of the ordinance.

The general purpose and intent of the ordinance is to alleviate or prevent congestion of the public right-of-way and to promote the safety and general welfare of the public, by establishing minimum requirements for off-street parking of motor vehicles upon various parcels of land or structures. The variance to allow for a 34 foot curb cut/ driveway width is not harmonious with the general purposes and intent of the ordinance.

2. The variance shall be consistent with the comprehensive plan.

Per the Comprehensive Plan, the property is guided for Low Density Residential land use. The variance request is consistent with the comprehensive plan. The applicant's property is intended for single family dwellings with houses, garages and driveways.

3. There shall be practical difficulties in complying with the ordinance. "Practical difficulties," as used in connection with the granting of a variance, means that the property owner proposes to use the property in a reasonable manner not permitted by the ordinance. Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems.

The property owner proposes to use the property in a reasonable manner; however, there is no practical difficulty in complying with the required 26 foot curb cut/driveway width.

4. The plight of the landowner shall be due to circumstances unique to the property not created by the landowner.

The plight of the landowner was created by the home builder installing a 34 foot wide driveway. There are no unique circumstances to the property causing them to not be able to comply with the ordinance.

5. The variance shall not alter the essential character of the locality.

The variance will not alter the essential character of the locality which is a single family residential neighborhood with houses, garages and driveways.

6. A variance shall not be granted for any use that is not allowed under the ordinance for property in the zoning district where the subject site is located.

The variance will not be granted for any use that is not allowed under the ordinance for property in the zoning district. The property is zoned R-1, Single Family Residential for a residential subdivision and driveways are consistent with residential uses.

7. In accordance with MN Stat. 462.357, Subp. 6, variances shall be granted for earth sheltered construction as defined in MN Stat. 216C.06, Subd. 14, when in harmony with the zoning ordinance.

Not applicable.

RECOMMENDATION

Staff recommends denial of the variance to allow for a 34 foot curb cut/driveway width at 6626 Enid Trail.

ATTACHMENTS

1. Site Location Map
2. Applicant's Narrative
3. Certificate of Survey
4. Grading As-Built Survey
5. City's Driveway Exhibit
6. Driveway Photos

6626 Enid Trail



1 in = 600 ft



June 4, 2019

Map Powered by DataLink
from WSB & Associates

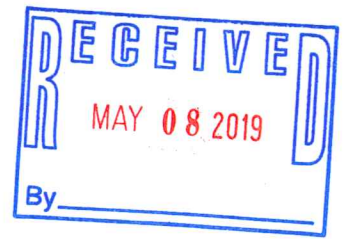
5/5/2019

Applicant: Adam & Rebecca Neeck, Phone: (763) 228-2313

Property Address: 6626 Enid Trail, Lino Lakes MN 55014

Legal Description of Property: Lot 9, Block 2, St. Claire Estates, Anoka County, MN

Request: Driveway Variance



Background

During the construction of our new home, our builder (Sharper Homes) installed a driveway that is outside of the city ordinance. Our closing date was November 15th 2018, and to late in the year to have the driveway replaced. In order to close on time it was recommended to us to set up an escrow account for the driveway, and apply for a variance, of which we were unable to get the builder to agree to pay the fees for.

Analysis

Being that the home is built with a 4 car garage, it is hard to comply with the ordinance based off the space constraints of how the house sits on the lot. The home is built on a lot with a dedicated ROW significantly set into the property. Being that the house is on a corner lot, with a radial ROW line, this poses further challenges to access the garage without driving on the yard if the driveway where in compliance with ordinance. The driveway is 20-0 at the curb cut which is 6-0 less than the max cut. Where the driveway first hits the property line if you went across the driveway at a perpendicular angle, the driveway is 26-0. It is only when you follow the radial ROW when the driveway becomes non-compliant. Despite the driveway being in outside of the city ordinance, it does not negatively impact the aesthetics of St. Claire Estates, or the physical landscape of the property.

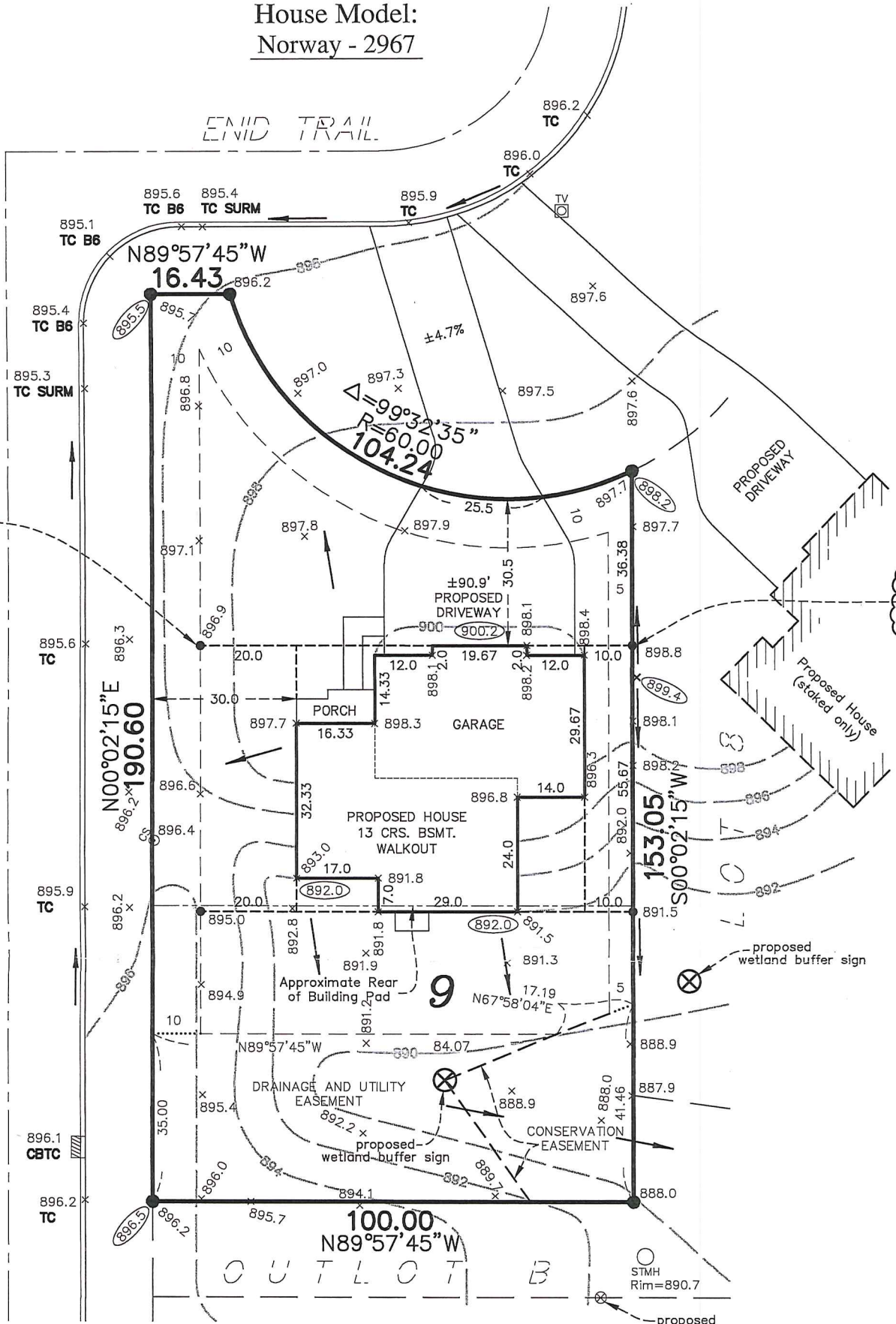
Adam Neeck

Located in the NW 1/4 of Sec. 29, Twp. 31, Rge. 22

Certificate of Survey for: SHARPER HOMES, INC.

House Address:
6626 Enid Trail, Lino Lakes, MN

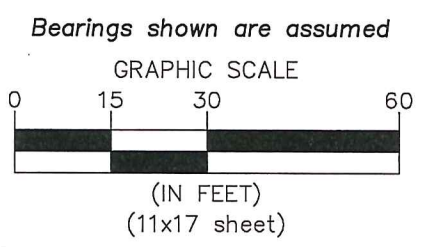
House Model:
Norway - 2967



20.0 ft. Offset
BENCHMARK
TOP OF SPIKE
EL = 896.92

BENCHMARK
TOP OF SPIKE
EL = 898.80

- Denotes Proposed Contour
- Denotes Existing Hydrant
- Denotes Existing Electric Box
- Denotes Existing Television Box
- Denotes Existing Telephone Box
- Denotes Existing Light Pole
- Denotes Existing Service
- Denotes Existing Curb Stop
- Denotes Existing Elevation
- Denotes Proposed Elevation
- Denotes Direction of Drainage
- Denotes Drainage & Utility Easement (per recorded plat)
- Denotes Iron Monument



Total Lot Area	±16,139 sq.ft.
House and Porch Area	±2,700 sq.ft.
Driveway Area to Right of Way Line	±1,203 sq.ft.
Sidewalk Area	±79 sq.ft.
Total Impervious	±3,982 sq.ft.
Total Impervious Coverage	±24.7%

LEGAL DESCRIPTION:

Lot 9, Block 2, ST CLAIR ESTATES,
Anoka County, Minnesota

*** DROP GARAGE DOWN, AS SHOWN ***

Minimum Lowest Floor Elevation: 892.5

PROPOSED BUILDING ELEVATIONS

Lowest Floor Elevation: 892.5

Top of Foundation Elevation: 901.3

Garage Slab Elevation (at door): 900.2

- NOTES:
- Proposed building site grading is in accordance with the grading plans prepared by Plowe Engineering, Inc., last revised 7/28/17.
 - Contractor must verify sewer depth.
 - Driveways shown are for graphic purposes only. Final driveway design and location to be determined by owner/builder.
 - All building foundation dimensions shown on this survey include exterior foundation insulation widths, if applicable. Refer to final building plans for foundation details.

I hereby certify to Sharper Homes, Inc., that this survey, plan or report 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.

Dated this 20th day of March, 2018.

APPROVED

Signed: Carlson McCain, Inc.

By: Peter J. Blomquist
Thomas R. Balluff, L.S. Reg. No. 40361
Peter J. Blomquist, L.S. Reg. No. 51676

Revised: Restake/House Flipped - 5/14/18
Revised: City Comments - 4/27/18

1568 7186.011 MEP

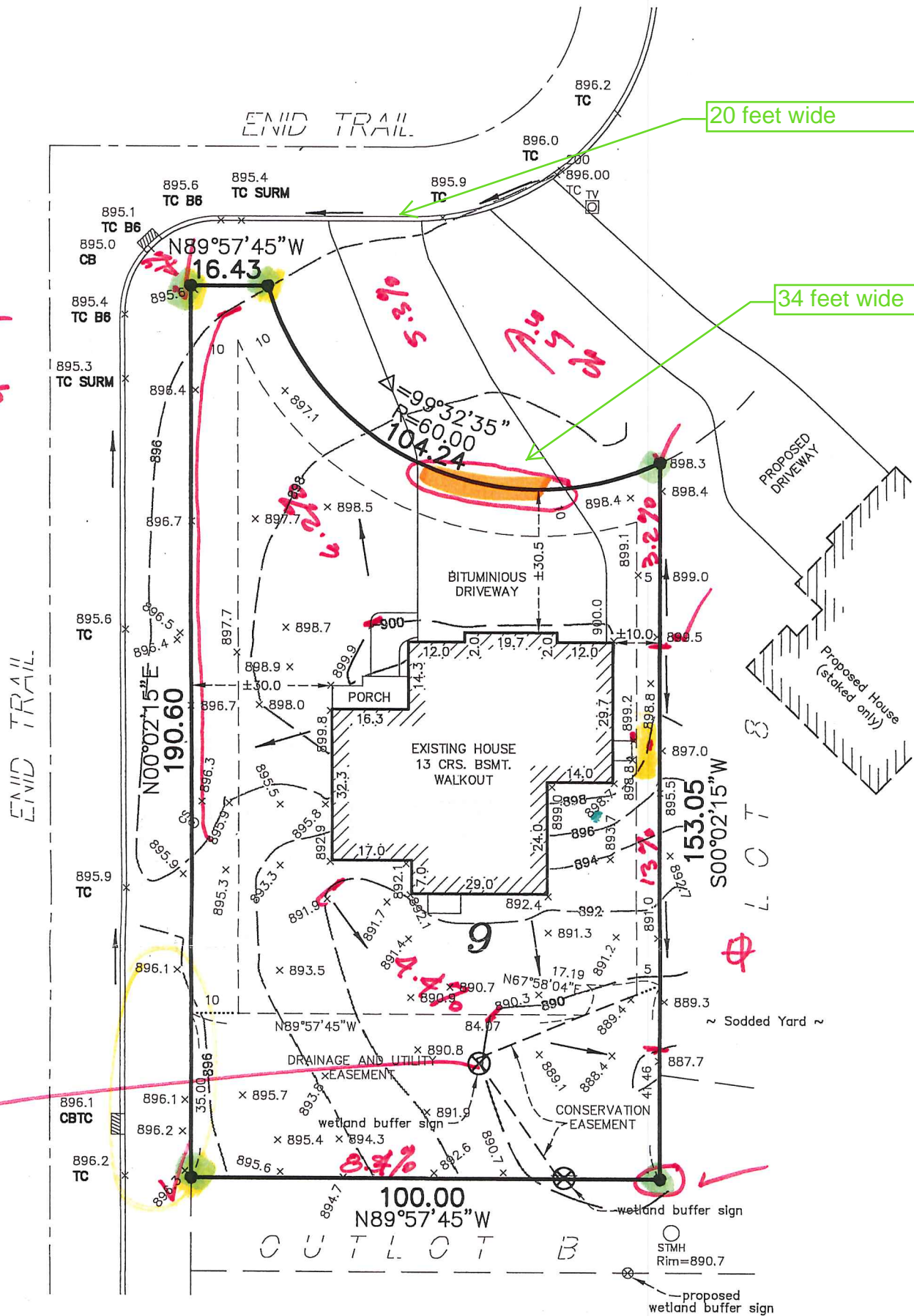
**Carlson
McCain**

ENVIRONMENTAL • ENGINEERING • SURVEYING
3890 Pheasant Ridge Drive NE,
Suite 100, Blaine, MN 55449
Phone: 763-489-7900 Fax: 763-489-7959

Save Date: 05/15/18 | P:\jobs\181 - st. clair estates\card cd\survey\186.011.dwg

Grading As-built for: SHARPER HOMES, INC.

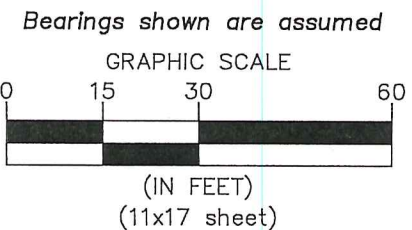
House Address:
6626 Enid Trail, Lino Lakes, MN



PC - 5
DW - 34 +/-
RW - HA
SOD - YES
GT - NO

Knocked
down
REINSTALLED
11/2/18

- Denotes Existing Contour
- Denotes Existing Hydrant
- Denotes Existing Electric Box
- Denotes Existing Television Box
- Denotes Existing Telephone Box
- Denotes Existing Light Pole
- Denotes Existing Service
- Denotes Existing Curb Stop
- Denotes Existing Elevation
- Denotes Direction of Drainage
- Denotes Drainage & Utility Easement (per recorded plat)
- Denotes Iron Monument



LEGAL DESCRIPTION:
Lot 9, Block 2, ST CLAIR ESTATES,
Anoka County, Minnesota

Minimum Lowest Floor Elevation: 892.5
AS-BUILT BUILDING ELEVATIONS
Lowest Floor Elevation: 892.5 892.5 ✓
Top of Foundation Elevation: 901.3 901.2 ✓
Garage Slab Elevation (at door): 900.2 900.1 ✓

NOTES:
1. Building site grading is in accordance with the grading plans prepared by Plowe Engineering, Inc., last revised 7/28/17.

1568 7186.011gab NJP

**Carlson
McCain**
ENVIRONMENTAL • ENGINEERING • SURVEYING
3890 Pheasant Ridge Drive NE,
Suite 100, Blaine, MN 55449
Phone: 763-489-7900 Fax: 763-489-7959

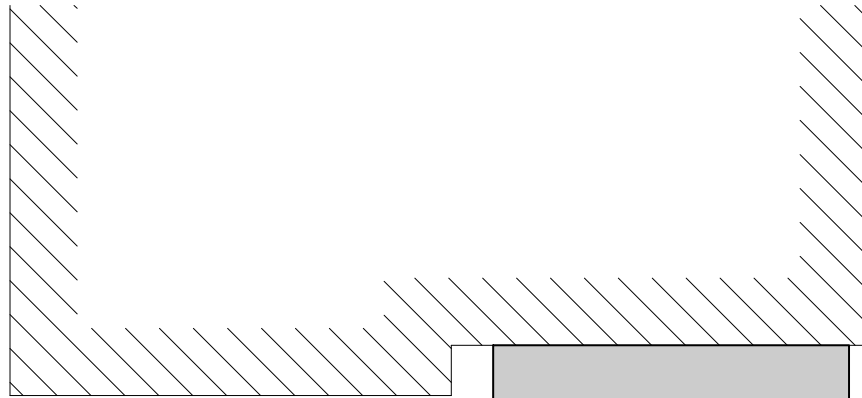
I hereby certify to Sharper Homes, Inc., that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly licensed land surveyor under the laws of the State of Minnesota.
Dated this 1st day of November, 2018.

Signed: Carlson McCain, Inc.
By:
Thomas R. Balluff, L.S. Reg. No. 40361
Peter J. Blomquist, L.S. Reg. No. 51676

Save Date: 11/05/18 | T:\Jobs\7186 - 7200\7186 - st. clair estates\cad\survey\7186.011gab.dwg

PROPERTY LINE

PROPERTY LINE



DRIVEWAY MAY INCREASE AT AN ANGLE NOT GREATER THAN 45°.

45°

RIGHT OF WAY LINE

26'

CURB

CURB CUT WIDTH AT RIGHT OF WAY LINE:
26 FT. MAXIMUM IF RESIDENTIAL
36 FT. MAXIMUM IF COMMERCIAL

STREET A



DRIVEWAY
EXHIBIT
LINO LAKES, MINNESOTA

Nov. 2018

6626 Enid Trail: Non-compliant driveway width



Example: 4 car garage compliant driveway width



**PLANNING & ZONING BOARD
AGENDA ITEM 7B**

STAFF ORIGINATOR: Katie Larsen, City Planner

P & Z MEETING DATE: June 12, 2019

REQUEST: 6650 Enid Trail
Variance for Impervious Surface Coverage

CASE NUMBER: VR2019-002

APPLICANT: Sharper Homes
14840 Aberdeen Street NE
Blaine, MN 55449

OWNER: Same

REVIEW SCHEDULE:

Complete Application Date:	May 7, 2019
60-Day Review Deadline:	July 6, 2019
120-Day Review Deadline:	September 4, 2019
Environmental Board Meeting:	NA
Park Board Meeting:	NA
Planning & Zoning Board Meeting:	June 12, 2019
City Council Work Session:	July 1, 2019
City Council Meeting:	July 8, 2019

BACKGROUND

The property owner of 6650 Enid Trail, Sharper Homes, submitted a Land Use Application for an impervious surface coverage variance. They are requesting an impervious surface coverage of 43.7% be allowed. The City’s Shoreland Management Overlay ordinance allows for a maximum impervious surface coverage of 30%.

ANALYSIS

Existing Lot and Proposed House Plans

Sharper Homes submitted a building permit application in April 2019 to construct a new 5,030 sf home (2,512 sf basement + 2,518 sf main floor) at 6650 Enid Trail in the St. Clair Estates

subdivision (Attachment #8). The legal description of the parcel is Lot 3, Block 2, St. Clair Estates. The subdivision is a standard R-1, Single Family Residential zoned subdivision platted in 2017. All lots meet the required 80 foot lot width, 135 foot lot depth and minimum 10,800 square foot lot size. The approved grading plan for this lot includes a 65 foot wide x 55 foot deep house pad with the garage/driveway on the south. The proposed house plan is 64 feet wide x 75 feet deep (this includes a 3 stall garage). The garage/driveway was also flipped to the north side creating more impervious surface.

The certificate of survey submitted with the building permit indicated an impervious surface coverage of 43.7% (Attachment #7). Per the survey:

Total Lot Area =	10,819 sf
House, Porch & Future Shed Area =	3,756 sf
Driveway Area to ROW Line =	862 sf
Sidewalk Area =	107 sf
Total Impervious =	4,725 sf
Total Impervious Coverage =	43.7%

As defined by both State Statute and City Ordinance, shoreland is land located within 1,000 feet from the ordinary high water level of a lake. The subject site, 6650 Enid Trail, is located within 1,000 feet of Rice Lake and is in the Shoreland Management Overlay district (Attachment #2). The maximum allowed impervious surface is 30%.

Shoreland Management

The Minnesota Department of Natural Resources (MNDNR) is the state agency that administers Minnesota Administrative Rule, Chapter 6120, Shoreland and Floodplain Management. MNDNR drafted a model Shoreland Management Ordinance that was adopted in 1995 by the City as required by State Statute 103F.201 to 103F.221. The City ordinance is Chapter 1102: Shoreland Management Overlay and the City is responsible for administration of the ordinance. The City and MNDNR work together in reviewing shoreland land use applications such as variances.

Per the City’s Shoreland Management Overlay ordinance:

Section 1102.01 Statutory Authorization and Policy:

(1) *Statutory authorization.* Local government units are required to adopt shoreland management ordinances in M.S. §§ 103F.201 to 103F.221, as it may be amended from time to time. This Shoreland Overlay District chapter is adopted pursuant to these authorizations and policies and the planning and zoning enabling legislation in M.S. Ch. 462, as it may be amended from time to time.

(2) *Policies.* The uncontrolled use of shorelands of the city affects the public health, safety and general welfare not only by contributing to pollution of public waters, but also by impairing the local tax base. Therefore, it is in the best interests of the public health, safety and welfare to provide for the wise subdivision, use and development of shorelands of public waters. The

Legislature of Minnesota has delegated responsibility to local governments of the state to regulate the subdivision, use and development of shorelands of public waters and thus preserve and enhance the quality of surface waters, conserve the economic and natural environmental values of shorelands, and provide for the wise use of waters and related land resources. The responsibility for the management of shoreland areas is hereby recognized by the city.

Section 1102.03 Definitions. SHORELAND. Land located within 1,000 feet from the ordinary high water level of the lakes and land located within 300 feet from the streams classified in § 1102.05 or the landward extent of a flood plain designated by ordinance on a river or stream, whichever is greater. The limits of shorelands may be reduced whenever the waters involved are bounded by topographic divides which extend landward from the waters for lesser distances and when approved by the Commissioner.

Section 1102.07(1)(c)4. Impervious surface coverage of lots must not exceed the following percentages of lot area:

	<i>NE</i>	<i>RD</i>	<i>GD</i>	<i>R</i>
Single-family	30%	30%	30%	30%
Two-family/duplex	30%	30%	30%	30%
Triplex/quad/townhomes	35%	35%	35%	35%
Commercial/industrial	60%	60%	60%	60%

The subject site, 6650 Enid Trail, is a single-family lot located within the shoreland overlay of Rice Lake which is classified as a Natural Environment (NE) lake. Therefore, the maximum allowed impervious surface is 30%. It should be noted that even if this lot were not in the shoreland overlay district, the standard R-1 allowed impervious surface coverage is only 40%. The proposed house plan with 43.7% impervious would not meet either of these minimum requirements.

As explained in the MNDNR Shoreland & Floodplain Variance Guidance handout (Attachment #6), in the protection of water quality, the management of rainwater on individual lots is one of our most important tasks. As impervious surface coverage increases, the rate and amount of runoff and pollutants entering the public waters increases. The handout also details “Considerations for Findings”, “Range of Outcomes” and “Conditions on Variances”.

Applicant’s Narrative

See Attachment #3 for the Applicant’s Narrative. The following summarizes the applicant’s variance arguments followed by City’s response in *italics*.

1. The lot is irregular with an atypically long driveway.

The lot is a standard 80’ wide x 135’ deep R-1 lot. The applicant chose to “flip” the house and relocate the driveway to the north causing it to be longer and larger.

2. The applicant proposes a rain garden/infiltration basin in the rear yard, gutter and downspouts and side yard swale.

Reasonable conditions such as rain gardens, porous pavers or downspouts could be required only if all variance criteria are met. As detailed below, these variance criteria are not met.

3. A paver driveway and sidewalk could reduce the total impervious coverage but the upfront costs make this option the expensive partial solution.

As discussed above, these could be reasonable conditions to require only if findings support granting the variance. Staff has the same concerns regarding annual maintenance and costs for any proposed mitigation such as rain gardens, infiltration basin and/or pavers.

4. The Client's ability to make different choices is limited with regard to floor plan and lot choice due to limited lot selection and health issues.

The client prefers this rambler house plan; however, this is not a unique circumstance. The MNDNR handout clearly states unique circumstances do not include physical limitations or personal circumstances created by the property owner such as size of home or design preferences.

5. The Applicant's ability to market this lot is reduced by nearly half due to lot selection, Sharper's PlanBook and private covenants.

The Applicant noted the proposed house is a custom built rambler; therefore, a custom built rambler or two (2) story dwelling that meets requirements can be designed. The City is not obligated to approve house plans in order to meet private development covenants.

Engineering Comments

The City Engineer reviewed the revised grading exhibit that was submitted with the variance application (Attachment #4). The revised grading exhibit provided shows a proposed swale along the southerly property line directing water towards the rear lot line, discharging into a small infiltration basin/rain garden located in the northeast corner of the lot. The City Engineer does not recommend the practice of stormwater management for individual lots within a subdivision to accommodate non-compliant site construction for the following reasons:

- a. Overall functionality and longevity of the storm sewer system (BMP) in question.
- b. Tracking of potential BMP modification by current or future homeowner an issue.
- c. Need for private stormwater maintenance agreement recorded against the property in perpetuity.
- d. Need for additional drainage and utility easements.
- e. Who is responsible for maintenance?
- f. Are sureties secured for potential maintenance costs?

Minnesota Department of Natural Resources (MNDNR) Comments

MNDNR reviewed the variance application and recommends denial due to lack of unique circumstances, not in harmony with intent of ordinance and no practical difficulty (Attachment #5). As noted in their letter and handout and consistent with City ordinance, all variance criteria must be satisfied to approve a variance. Not all criteria are met; therefore, the variance should be denied.

CRITERIA AND FINDINGS OF FACT

No variance shall be granted unless it meets all the criteria in paragraphs 1. through 7. below. The City shall make findings regarding compliance with these criteria.

1. The variance shall be in harmony with the general purposes and intent of the ordinance.

The general purpose and intent of the Shoreland Management Overlay ordinance is to protect public waters. Per the ordinance Policy statement, the uncontrolled use of shorelands of the city affects the public health, safety and general welfare not only by contributing to pollution of public waters, but also by impairing the local tax base. Therefore, it is in the best interests of the public health, safety and welfare to provide for the wise subdivision, use and development of shorelands of public waters. Impervious surface coverage limits are important because as coverage increases, the rate and amount of runoff and pollutants entering the public waters increases.

The variance to allow for 43.7% impervious surface coverage is not harmonious with the general purposes and intent of the ordinance. The variance requested does not seek minimal relief of the maximum allowed impervious surface but is a substantial deviation that is not in harmony with the purposes and intent of the City's Shoreland Ordinance.

2. The variance shall be consistent with the comprehensive plan.

Goal#1 of the Comprehensive Plan's 2030 Vision for Natural Resources and Amenities is to identify, protect and preserve the desirable natural areas and ecological and aquatic resources of the community.

The variance request is not consistent with the comprehensive plan. Increased impervious surface coverage is a detriment to natural areas and water quality.

3. There shall be practical difficulties in complying with the ordinance. "Practical difficulties," as used in connection with the granting of a variance, means that the property owner proposes to use the property in a reasonable manner not permitted by the ordinance. Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems.

The property owner does not propose to use the property in a reasonable manner. There is no practical difficulty in complying with the required 30% impervious surface coverage

requirement. The lot is a standard 10,800 sf, R-1, Single Family Residential that meets lot width, depth and size requirements.

4. The plight of the landowner shall be due to circumstances unique to the property not created by the landowner.

The plight of the landowner is not due to circumstances unique to the property. The lot is a standard 10,800 sf, R-1, Single Family Residential parcel that meets lot width, depth and size requirements. There are no unique circumstances to the property causing them to not be able to comply with the ordinance. The plight is created by the landowner's preference to construct a single family home too large for the parcel. The City is not obligated to approve house plans in order to meet private development covenants.

5. The variance shall not alter the essential character of the locality.

The variance will alter the essential character of the locality. The adjacent lots are 12,000 sf + lots with 2,500-2,800 sf homes. Impervious surface coverage on these lots is less than 30%. The subject lot is 10,819 sf with a proposed 5,030 sf house.

6. A variance shall not be granted for any use that is not allowed under the ordinance for property in the zoning district where the subject site is located.

The variance will not be granted for any use that is not allowed under the ordinance for property in the zoning district. The property is zoned R-1, Single Family Residential for a residential subdivision and driveways are consistent with residential uses.

7. In accordance with MN Stat. 462.357, Subp. 6, variances shall be granted for earth sheltered construction as defined in MN Stat. 216C.06, Subd. 14, when in harmony with the zoning ordinance.

Not applicable.

RECOMMENDATION

Staff and MNDNR recommend denial of the variance to allow for 43.7% impervious surface coverage at 6650 Enid Trail.

ATTACHMENTS

1. Site Location Map
2. Shoreland Management Overlay District Map
3. Applicant's Narrative and Supporting Documents
4. WSB Engineering Letter dated June 3, 2019
5. MNDNR Letter dated June 5, 2019
6. MNDNR Variance Guideline Handout
7. Certificate of Survey
8. House Plans

6650 Enid Trail

**RICE CREEK
CHAIN OF LAKES
PARK RESERVE**



Disclaimer: Map and parcel data are believed to be accurate, but accuracy is not guaranteed. This is not a legal document and should not be substituted for a title search, appraisal, survey, or for zoning verification.

Map Scale
1 inch = 400 feet
6/5/2019

Shoreland Management Overlay District



1 in = 600 ft

 Shoreland District



June 5, 2019

Map Powered by DataLink
from WSB & Associates

Variance for address: 6650 Enid Trail Lino Lakes MN 55014

Legal Description: Lot 3 Block 2 St. Clair Estates



Applicant and fee Owner: Sharper Homes, Inc. 14840 Aberdeen St NE Ham Lake MN 55014

Applicant is a homebuilder currently on contract with a client to build a custom Rambler on a choice lot in St. Clair Estates. Applicant seeks variance to the impervious surface maximum of 30% applicable to this lot.

As drawn, the plans show total impervious coverage is 43.7%. This is an irregular city lot with an atypically long driveway in the front and long views of Rice Lake in the rear.

Applicant proposes "measures for the treatment of storm water runoff and prevention of storm water from entering a public water" in the following forms:

- a rain garden/infiltration basin in the rear yard
- gutters with downspouts to direct runoff toward infiltration basin
- side yard swale to direct drainage toward infiltration basin

To be in harmony with the general intent of the ordinance, the engineered drawing shown on Exhibit A provides for an infiltration basin of .6' deep which would sufficiently control the runoff volume for a 1.1" rainfall event to the 30% impervious standard. The infiltration basin would consist of well-draining native sand, no sod, and appropriate seed mix/plantings.

A paver driveway and sidewalk could reduce the total impervious coverage and get closer to the target of 30%. These measures would reduce the total impervious impact to 34.7%. However, the additional upfront costs for a paver driveway and sidewalk as well as annual maintenance costs for merely an incremental difference, knowing an infiltration basin would completely and totally compensate for the excess runoff without the use of pavers, make this option the expensive partial solution. An infiltration basin would be a complete, ecofriendly, attractive, and cost-efficient solution.

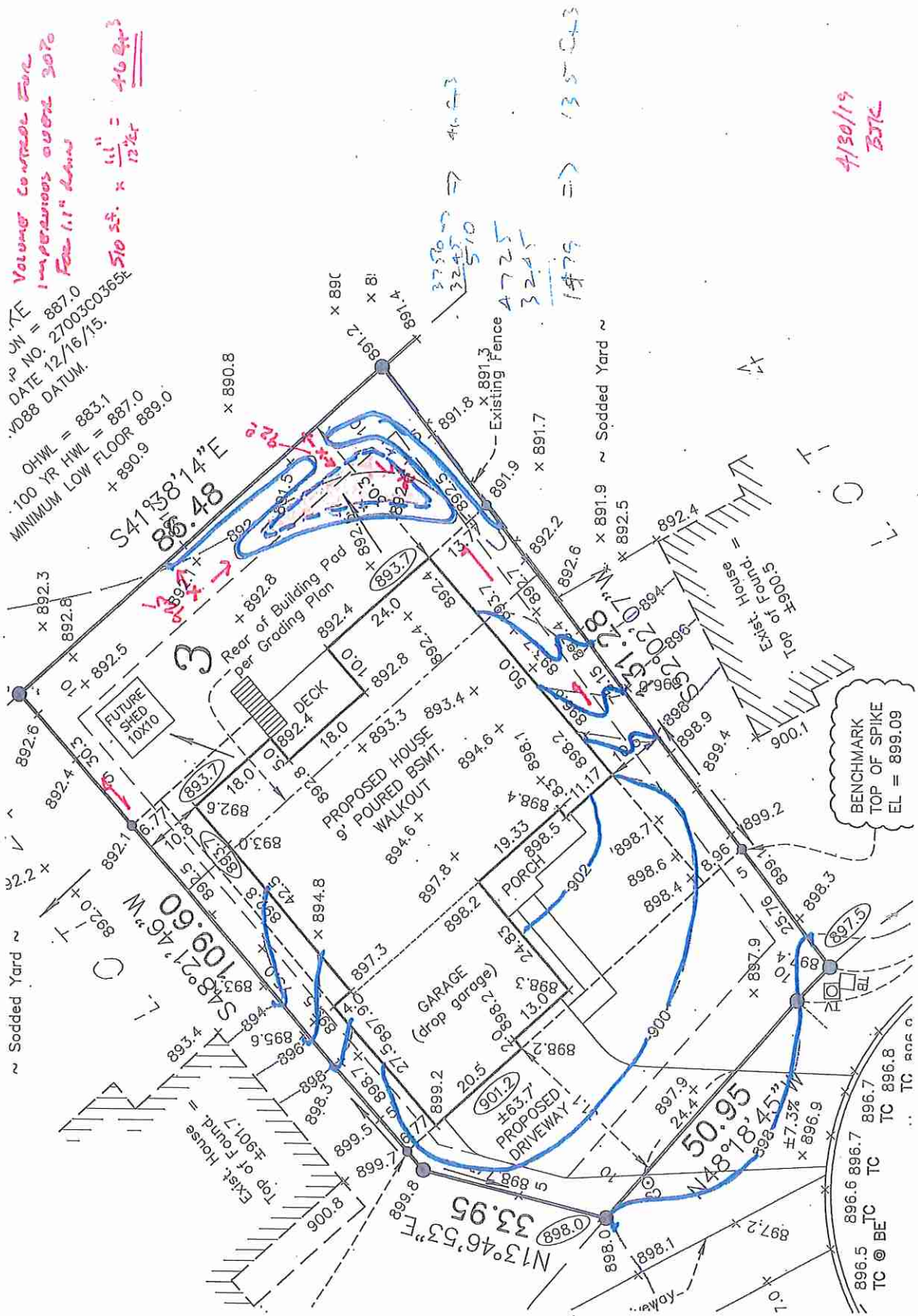
The Client's ability to make different choices are limited with regard to floor plan and lot choice. This is Applicant's last remaining lot in the development. Therefore, there's no option for client to choose a lot that doesn't have the shoreland's impervious requirements. While Rambler floor plans are wider and have significantly greater impervious area than two-story plans, the main floor living of a Rambler floor plan is a condition of client's decision to build a new home. Family health issues require reducing the number of stairs the client has to daily navigate.

If a Rambler isn't feasible and the current client cancels this contract to build in another city, Applicant's ability to market this lot is reduced by nearly half. During Applicant's tenure building in St. Clair Estates, applicant has built 4 different Rambler floor plans for 10 of our 22 St. Clair Estates customers. It is important to note, none of the 10 Ramblers that Applicant sold in St. Clair would meet the total impervious maximum allowed on this lot. Furthermore, when the impervious square footage of the long driveway and standard sidewalk is added to any of the Rambler style floorplans in our PlanBook, zero of our standard floor plans could comply. The square footage of the house cannot be less than 1600 square feet according to recorded development covenants. Therefore, any potential buyer seeking a new construction Rambler on this prime lot with the long driveway would have difficulty meeting both the recorded covenants and the city ordinance.

Exhibit A

Volume Control Valve
 Impervious over 30%
 For 1.1" Rain
 $510 \text{ sq. ft.} \times \frac{1.1"}{12"} = 46 \text{ cfs}$

UN = 887.0
 NO. 27003C0365L
 DATE 12/16/15
 V088 DATUM
 OHWL = 883.1
 100 YR HWL = 887.0
 MINIMUM LOW FLOOR 889.0
 + 890.9



4/30/19
 BJK

EXHIBIT A

Lots 1, 3, 5 and 6, Block 2 and Lots 4, 5, 6, 7 and 8, Block 4, St. Clair Estates, Anoka County, Minnesota.

13

DECLARATION OF BUILDING COVENANTS FOR
ST. CLAIR ESTATES

WHEREAS, St. Clair Land Company, Minnesota corporation, is the fee owner of certain land located in the City of Lino Lakes, Anoka County, Minnesota, legally described as:

Lots 1 and 2, Block 1,

Lots 1 through 9, Block 2,

Lots 1 through 14, Block 3, and

Lots 1 through 10, Block 4, all in St. Clair Estates.

AND WHEREAS, St. Clair Land Company is desirous of creating building covenants, restrictions, and easements affecting all of the lots located in St. Clair Estates, Anoka County, Minnesota;

NOW, THEREFORE, the party above named does hereby establish and create the following building covenants, restrictions and easements affecting the lots, meaning and intending to establish a uniform plan for the benefit of all the owners of the lots and to continue as covenants running with the land:

1. The provisions herein shall be binding on all parties hereto and all parties claiming under them for a period of thirty (30) years from the date these covenants are recorded, at which time they shall be extended for a ten-year (10) period unless the majority of the then owners of the lots desire to change these covenants, and in that event the changes shall be made by use of a recorded document.
2. All the lots shall be used only as residential lots and shall be improved and occupied in accordance with these restrictions and covenants.
3. With respect to Lots 1 and 2, Block 1, and Lots 1 through 14, Block 3, St. Clair Estates, no dwelling shall be erected, altered, placed, or permitted to remain on any lot other than one story (1) dwelling at a minimum of one thousand five hundred (1500) finished square feet above grade or a two (2) story dwelling at a minimum of two thousand (2000) finished square feet above grade or a modified two-story dwelling at a minimum of one thousand four hundred (1400) finished square feet, excluding garages and porches. Split-Level and Multi-Level designs shall not be permitted
4. With respect to Lots 1 through 9, Block 2, and Lots 1 through 10, Block 4, St. Clair Estates, no dwelling shall be erected, altered, placed, or permitted to remain on any lot other than one story (1) dwelling at a minimum of one thousand six hundred (1600) finished square feet above grade or a two (2) story dwelling at a minimum of two thousand four hundred fifty (2450) finished square feet above grade.

5. No dwelling shall be erected, altered, placed, or permitted to remain on any lot without an attached three (3) car garage.
6. No recreational nor sport vehicles including but not limited to boats, snowmobiles, all-terrain vehicles nor their appropriate trailers, nor trucks with slide-on campers, camper, or travel trailers or motor homes shall be parked for more than a forty-eight (48) consecutive hour period.
7. No fences shall be installed in any front yard. No obstructions shall be placed in drainage or utility easements. Fence style may be picket style and utilize maintenance-free materials or may be black vinyl-coated chain link or painted wood. Fence height shall not exceed forty-eight (48) inches.
8. Yards are to be fully sodded over top soil required by city ordinance and irrigated.
9. Landscaping shall include trees required by city ordinance.
10. Architectural shingles shall be used on all roofs. Eight twelfths (8/12) minimum roof pitch for all street-facing sides of the house and the garage with the exception of front stoop or entry porch roofs which may have four twelfths (4/12) minimum roof pitch.
11. Use of premium materials such as brick, natural stone, stucco, James Hardie, cementious, fiber, or engineered wood siding or shake shingle siding are to be used on all front elevations. Vinyl/Metal siding can be used on the side and rear elevations.
12. Invalidations of any one or more of the provisions herein by judgement or Court Order shall not affect any of the other provisions, and these shall remain in full force and effect until the date of expiration.
13. Enforcement of the foregoing shall be by proceeding at law or in equity against any person or persons violating or attempting to violate any covenant or provision herein, either to restrain violation or to recover damages by any party hereto or party claiming under them.

IN WITNESS WHEREOF, the party hereto has caused these presents to be executed this 31st day of July, 2017.

St. Clair Land Company

By: [Signature]

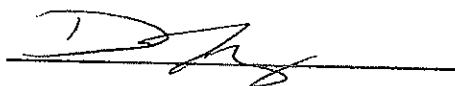
It's: President

State of Minnesota

County of Ramsey

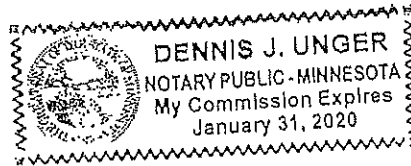
On 7-31-17, before me, the undersigned authority personally appeared,

Jamie Jensen, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the foregoing instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s) executed the instrument.



(Signature of notary)

DRAFTED BY
Sharper Homes, Inc.
14840 Aberdeen St NE
Ham Lake MN 55304



Memorandum

To: Katie Larsen, City Planner

From: Ed Youngquist, WSB & Associates
Diane Hankee, City Engineer

Date: June 3, 2019

Re: 6650 Enid Trail – Lot Impervious Variance

As requested by City Staff, WSB and Associates, Inc. has reviewed the grading revisions for 6650 Enid Trail (Lot 3, Block 2, St. Clair Estates) prepared by Sharper Homes and received on May 7, 2019. The following documents were reviewed:

- Project Narrative
- Exhibit A - Grading Concept Sketch with Infiltration/Rain Garden Area
- Declaration of Building Covenants for St. Clair Estates

Project Background

The property owner of 6650 Enid Trail, Sharper Homes, submitted a Land Use Application for an impervious surface coverage variance. They are requesting an impervious surface coverage of 43.7% be allowed. The City's Shoreland Management Overlay ordinance allows for a maximum impervious surface coverage of 30%. The grading exhibit provided shows a proposed swale along the southerly property line directing water towards the rear lot line, discharging into a small infiltration basin located in the northeast corner of the lot. This basin has a proposed emergency overflow of 902.0. The basin discharges northerly – onto adjacent property.

Comments:

1. Exhibit A suggests the infiltration basin is sized for 30% impervious lot coverage. The proposed lot coverage is 43.7% impervious.
2. Soils information and stormwater modeling not provided to support infiltration basin design.
3. Infiltration basin design required (cross section, materials, infiltration calcs)
4. The E.O.F. of the basin meets the requirement for separation from low opening.
5. Stormwater maintenance agreement required for the infiltration basin.
6. Drainage and utility easement required if city maintained.
7. Proposed house falls off the constructed house pad – correction needed.
8. Revised grading plan for St. Clair Estates will be required.

Conclusions:

1. A stormwater management plan was reviewed and approved for the entire St. Clair Estates development. We do not recommend the practice of stormwater management for individual lots within a subdivision to accommodate non-compliant site construction for the following reasons:
 - a. Overall functionality and longevity of the storm sewer system (BMP) in question.
 - b. Tracking of potential BMP modification by current or future homeowner an issue.
 - c. Need for private stormwater maintenance agreement recorded against the property in perpetuity.

- d. Need for additional drainage and utility easements..
- e. Who is responsible for maintenance?
- f. Are sureties secured for potential maintenance costs?

If you or the applicant has any questions regarding these comments, please contact Ed Youngquist at (763) 287-7167 or eyoungquist@wsbeng.com.

Minnesota Department of Natural Resources
Ecological and Water Resources Division
Central Region Headquarters
1200 Warner Road, St Paul MN 55106

June 5, 2019

Katie Larsen
City Planner
City of Lino Lakes
600 Town Center Pkwy
Lino Lakes, MN 55014-1182

Re: Variance Application for 6650 Enid Trail

Dear Ms. Larsen,

Thank you for the opportunity to review the impervious surface variance application for 6650 Enid Trail in Lino Lakes, MN.

As impervious surface coverage increases, the rate and amount of runoff and pollutants entering public waters increases. When runoff from impervious surface coverage is not addressed, pollution increases and the diversity of aquatic life is reduced. Regulating the amount of impervious surface allowed is important for all areas where development occurs in order to limit the amount and maintain the quality of water that runs off and into lakes, wetland and rivers. In the protection of water quality, the management of rainwater on individual lots is one of the most important tasks local governments can undertake.

Variances to shoreland ordinance standards are an important tool for balancing property rights with the public's right to clean water and healthy habitats. However, variances to shoreland standards should be rare and only for exceptional situations. The variance criteria in Minnesota Statutes must be used for determining these exceptional situations. Note that **ALL** five variance criteria must be satisfied to approve a variance. These five criteria are:

- Is the variance consistent with the comprehensive plan?
- Are there unique circumstances to the property not created by the landowner?
- Is the variance in harmony with the purposes and intent of the ordinance?
- Will the variance, if granted, alter the essential character of the locality?
- Does the proposal put property to use in a reasonable manner?

I reviewed the application against the five criteria above and below is a summary of how the application compares to three of them that the City may want to review the variance request against.

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

Unique circumstances relate to physical characteristics of the land - such as lot dimensions, steep slopes, poor soils, wetlands, and trees. These do not include physical limitations or personal circumstances created by the property owner that prevent compliance with the impervious surface provision, such as size of home or design preferences.

The only unique circumstances presented in the application are the minimum house size requirements contained in the declaration of building covenants for St. Clair estates. The covenant states that the minimum house size is 1500 sq. ft. The house that is proposed (excluding garage) is approximately 2650 sq. ft. The 1150 sq. ft. difference between the minimum house footprint allowed in the development covenants, and the footprint selected by the landowner, results in the impervious surface percentage increasing from 33.0% to the requested 43.7% (this assumes the garage and driveway area are unchanged). A smaller house, along with a small change in driveway length or garage location or dimensions, could keep impervious below the 30% maximum impervious allowed. Therefore, there are not unique circumstances that justify the variance.

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

The purpose and intent of restricting impervious surface is to limit the rate and amount of runoff and pollutants entering public waters as development increases. When runoff from impervious surface coverage is not addressed, pollution increases and the diversity of aquatic life is reduced.

The variance requested does not seek minimal relief of the maximum allowed impervious surface but is a substantial deviation that is not in harmony with the purposes and intent of the City's Shoreland Ordinance. The proposed variance for a large increase in impervious surface sets a precedent for other less developed areas of the City.

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

There are alternative home designs that would allow development to occur on the property without needing a substantial deviation to the allowed impervious surface. The proposed footprint of the selected home is very large for the size of the lot and incorporates a long driveway due to the garage being placed on the left side of the home.

When evaluated against the purpose and intent of the City's Shoreland Ordinance the proposed development does not use the property in a reasonable manner.

Recommendation

After reviewing the application, it appears that the variance request is being driven by the design preference of the landowner. Legal standards require that variances may only be granted when the applicant establishes that there are "practical difficulties" in complying with the official control.

The DNR recommends **denial** of the variance request to increase the allowed impervious surface to 43.7% of the lot at 6650 Enid Trail, Lino Lakes, MN 55014.

As you review this application, we suggest you consider the questions in the attached Impervious Surfaces fact sheet, which was developed to specifically address the statutory criteria as they pertain to impervious surface.

State rule requires that final decisions regarding variances be sent to the DNR within 10 days of the decision. The DNR monitors the circumstances and frequency under which local governments approve variances to shoreland ordinances and may take legal action in situations where variances that don't meet the statutory criteria, and result in negative impacts to shoreland areas and adjacent public waters, are approved.

Please notify me within 10 days of the planning commission and city council's decisions, including the rationale or "findings of fact" and a summary of the public record and testimony. If you have any questions please call me at 651-259-5822.

Sincerely,

A handwritten signature in black ink that reads "Jason Spiegel". The signature is written in a cursive, flowing style.

Jason Spiegel
North Metro Area Hydrologist

Attachment

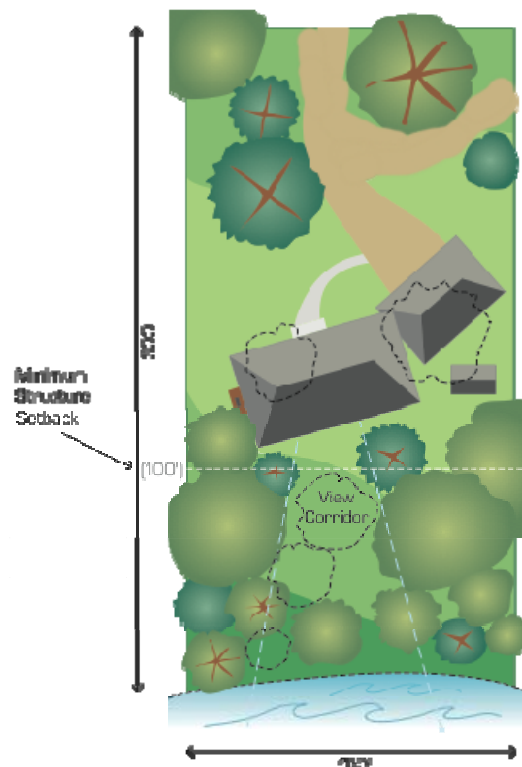
This is one of a series of examples developed as guidance for considering variance requests along lakes and rivers. Consult your local shoreland and floodplain ordinances.

Why are impervious surface coverage limits important?

In the protection of water quality, the management of rainwater on individual lots is one of our most important tasks. Rainwater that does not infiltrate into the ground or evaporate runs downhill to lakes, wetlands, or rivers. As impervious surface coverage increases, the rate and amount of runoff and pollutants entering public waters increases. When runoff from impervious surface coverage is not addressed, pollution increases and the diversity of aquatic life is reduced. Local governments have limited discretion to deviate from - or grant a variance to - impervious surface limits. They may do so only if *all* of the variance criteria established in state statutes and their local ordinances are met. In evaluating such requests, local governments must examine the facts, determine whether all statutory and local criteria are satisfied, and develop findings to support the decision. If granted, local governments may impose conditions to protect resources. An example impervious surface variance request, with considerations, is provided below.

Example Impervious Surface Variance Request

A property owner wishes to build a large lakehome on a conforming lot. The lake lot includes a private driveway with a spur to the neighbor's lot, which was placed to avoid an adjacent wetland. The building plans for the new construction plus the existing private road spur to the neighbor's property would exceed the impervious surface limit provision in the local ordinance.



Considerations for Findings

A good record and findings help keep communities out of lawsuits and help them prevail if they find themselves in one. In evaluating the facts and developing findings for this variance request, *all* of the following statutory criteria must be satisfied, in addition to any local criteria:

- Is the variance in harmony with the purposes and intent of the ordinance?**
Considering a variance request is a balancing test that requires weighing the need of an individual property owner against the purposes of the shoreland regulations for protecting the public interest. These purposes are derived from Minnesota Shoreland Rules, which established impervious surface caps to prevent excessive runoff from constructed surfaces. Such excessive runoff causes erosion, transport of pollutants to public waters thereby degrading water quality. **Considerations:** *Will deviating from the required limit on this property undermine the purposes and intent of the ordinance? Why or why not? Is it possible to mitigate the consequences of additional impervious surface on-site such that additional runoff will not be produced? Would this mitigation be in harmony with the purposes and intent of the ordinance? Why or why not?*
- Is the variance consistent with the comprehensive plan?**
The local comprehensive plan establishes a framework for achieving a community's vision for the future. Most plans contain goals and policies for protecting natural resources and shorelands, as well as maps that identify areas of high risk or with high ecological value where development should be avoided. The variance request must be considered with these goals and policies in mind. Maps should be consulted to determine if the property is within any areas identified for protection. **Considerations:** *Which goals and policies apply? Is allowing additional impervious surface and runoff consistent with these goals and policies? Why or why not?*

- **Are there *unique circumstances* to the property not created by the landowner?**

Unique circumstances relate to physical characteristics of the land - such as lot dimensions, steep slopes, poor soils, wetlands, and trees. These *do not* include physical limitations or personal circumstances created by the property owner that prevent compliance with the impervious surface provision, such as size of home or design preferences. Consider what distinguishes this property from other shoreland properties to justify why the applicant should be able to deviate from the provision when others must comply. **Considerations:** *What physical characteristics are unique to this property that prevent compliance with the requirement? Were any difficulties in meeting the impervious surface limit created by some action of the applicant? Has the applicant demonstrated no other feasible alternatives exist that would not require a variance, such as increasing the setback to reduce driveway length or reducing the lakehome's footprint?*

- **Will the variance, if granted, alter the essential character of the locality?**

Consider the size of the proposed structure, the extent of encroachment, and how it relates to the shoreline and hydrology of the riparian area. A large addition located close to the shoreline can detract from the natural appearance and character of the lake and its riparian areas and degrade water quality by altering topography, drainage, and vegetation in the riparian area, negatively affecting recreational, natural, and economic values. **Considerations:** *Does the variance provide minimal relief or a substantial deviation from the required setback? Does it affect the natural appearance of the shore from the lake? Does it affect the hydrology of the riparian area?*

- **Does the proposal put property to use in a reasonable manner?**

Examine the reasons that the variance is requested and evaluate them in light of the purposes of the local shoreland ordinance and the public water resource at stake. Since the impervious surface cap is generally intended to reduce runoff to public waters, it may not be appropriate to allow large areas of constructed surfaces so close to the water. **Considerations:** *Has the applicant demonstrated that the proposed construction is reasonable in this location given the sensitive nature of the area and the purposes of the regulations? Why or why not?*

Note: *The last three criteria address practical difficulties. Economic considerations alone cannot create practical difficulties*

Range of Outcomes

Based on the findings, several outcomes can occur:

- If the applicant fails to prove that *all* criteria above are met, then the variance must be denied. For example, the local government could find that the building plans itself created the circumstances necessary for a variance rather than the any unique physical characteristics of the property.
- If the applicant demonstrates that *all* criteria are met, then the variance may be granted. For example, the local government could find that the construction footprint is reasonable, the circumstances are unique given the adjacent wetland, and the minor deviation in the impervious surface coverage does not alter the hydrology of the area (as determined through runoff calculations).
- If the variance is granted and the impervious surface in any way alters the hydrology of the area, then conditions may be imposed, such as to increase the structure setback from the lake by 15 feet to reduce the extent of the driveway and minimize the amount of impervious surface coverage over the limit.

Conditions on Variances

If findings support granting the variance, consideration must be given to the impacts on the public water and the riparian area and appropriate conditions to mitigate them. Conditions must be directly related and roughly proportional to the impacts created by the variance. Several examples are provided below:

- Modify construction designs (to minimize impact);
- Use permeable pavement systems for walkways, driveways, or parking areas (to reduce effective impervious surface area and infiltrate runoff);
- Direct rain gutter discharges away from the public waters and into infiltration basins (to reduce connected impervious coverage to allow additional areas for infiltration);
- Preserve and restore shoreline vegetation in a natural state (to intercept and filter runoff coming from structures and driveways); and/or
- Increase setbacks from the ordinary high water level (to provide infiltration near public waters).

More information at: www.dnr.state.mn.us/waters/watermgmt_section/shoreland/variances.html

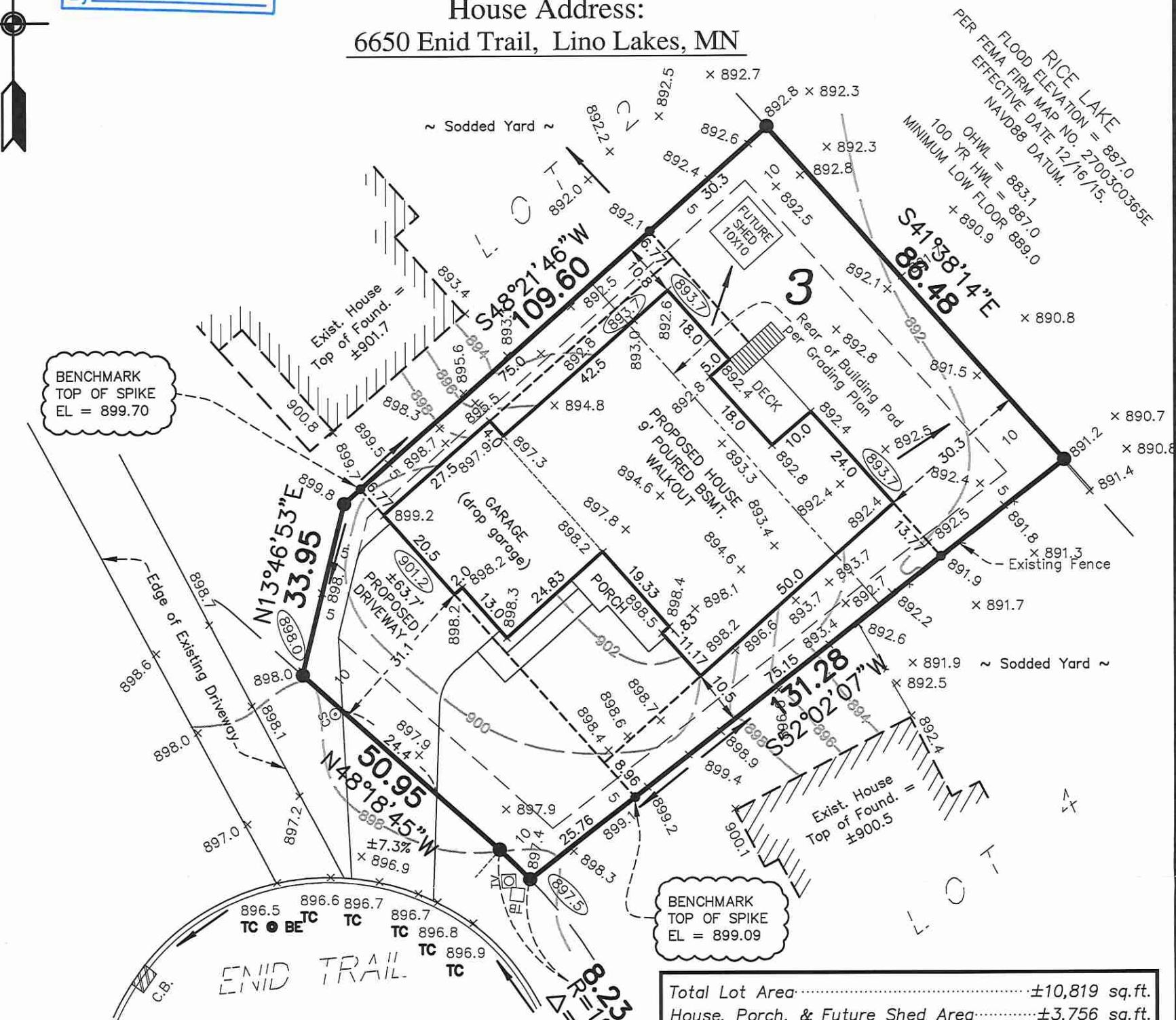


RECEIVED
MAY 07 2019
By _____

Certificate of Survey for: SHARPER HOMES, INC.

Located in the NW 1/4 of
Sec. 29, Twp. 31, Rge. 22

House Address:
6650 Enid Trail, Lino Lakes, MN



RICE LAKE
FLOOD ELEVATION = 887.0
PER FEMA FIRM MAP NO. 27003C0365E
EFFECTIVE DATE 12/16/15.
NAVD88 DATUM.
OHWL = 883.1
100 YR HWL = 887.0
MINIMUM LOW FLOOR 889.0

BENCHMARK
TOP OF SPIKE
EL = 899.70

BENCHMARK
TOP OF SPIKE
EL = 899.09

Total Lot Area	±10,819 sq.ft.
House, Porch, & Future Shed Area	±3,756 sq.ft.
Driveway Area to Right of Way Line	±862 sq.ft.
Sidewalk Area	±107 sq.ft.
Total Impervious	±4,725 sq.ft.
Total Impervious Coverage	±43.7%

LEGAL DESCRIPTION:

Lot 3, Block 2, ST CLAIR ESTATES,
Anoka County, Minnesota

DROP GARAGE DOWN, AS SHOWN

Minimum Lowest Floor Elevation: 894.2

PROPOSED BUILDING ELEVATIONS

Lowest Floor Elevation: 894.2

Top of Foundation Elevation: 902.9

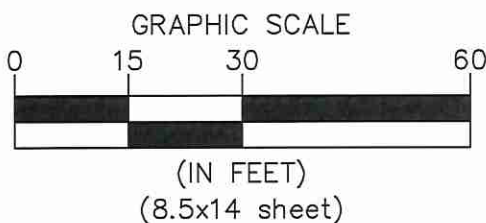
Garage Slab Elevation (at door): 901.2

NOTES:

- Proposed building site grading is in accordance with the grading plans prepared by Plowe Engineering, Inc., last revised 7/28/17.
- Contractor must verify sewer depth.
- Driveways shown are for graphic purposes only. Final driveway design and location to be determined by owner/builder.
- All building foundation dimensions shown on this survey include exterior foundation insulation widths, if applicable. Refer to final building plans for foundation details.

- Denotes Proposed Contour
- Denotes Existing Hydrant
- Denotes Existing Electric Box
- Denotes Existing Television Box
- Denotes Existing Telephone Box
- Denotes Existing Light Pole
- Denotes Existing Service
- Denotes Existing Curb Stop
- Denotes Existing Elevation
- Denotes Proposed Elevation
- Denotes Direction of Drainage
- Denotes Drainage & Utility Easement (per recorded plat)
- Denotes Iron Monument

Bearings shown are assumed



1568 7186.018 NJP



**Carlson
McCain**
ENVIRONMENTAL • ENGINEERING • SURVEYING
3890 Pheasant Ridge Drive NE,
Suite 100, Blaine, MN 55449
Phone: 763-489-7900 Fax: 763-489-7959

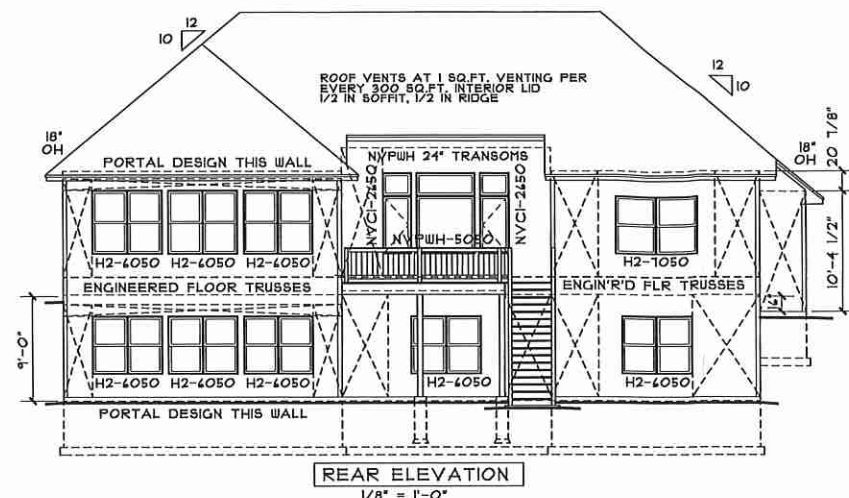
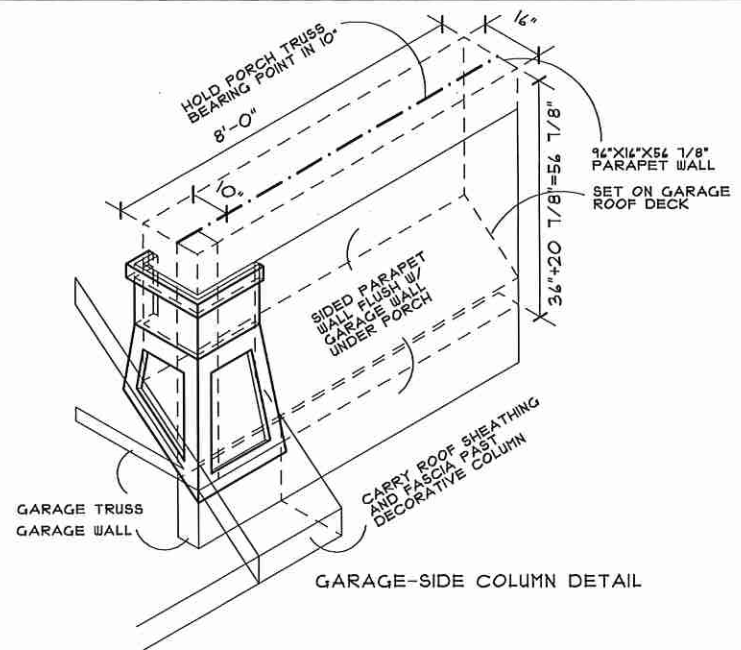
I hereby certify to Sharper Homes, Inc. that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly licensed land surveyor under the laws of the State of Minnesota.

Dated this 29th day of March, 2019.

Signed: Carlson McCain, Inc.

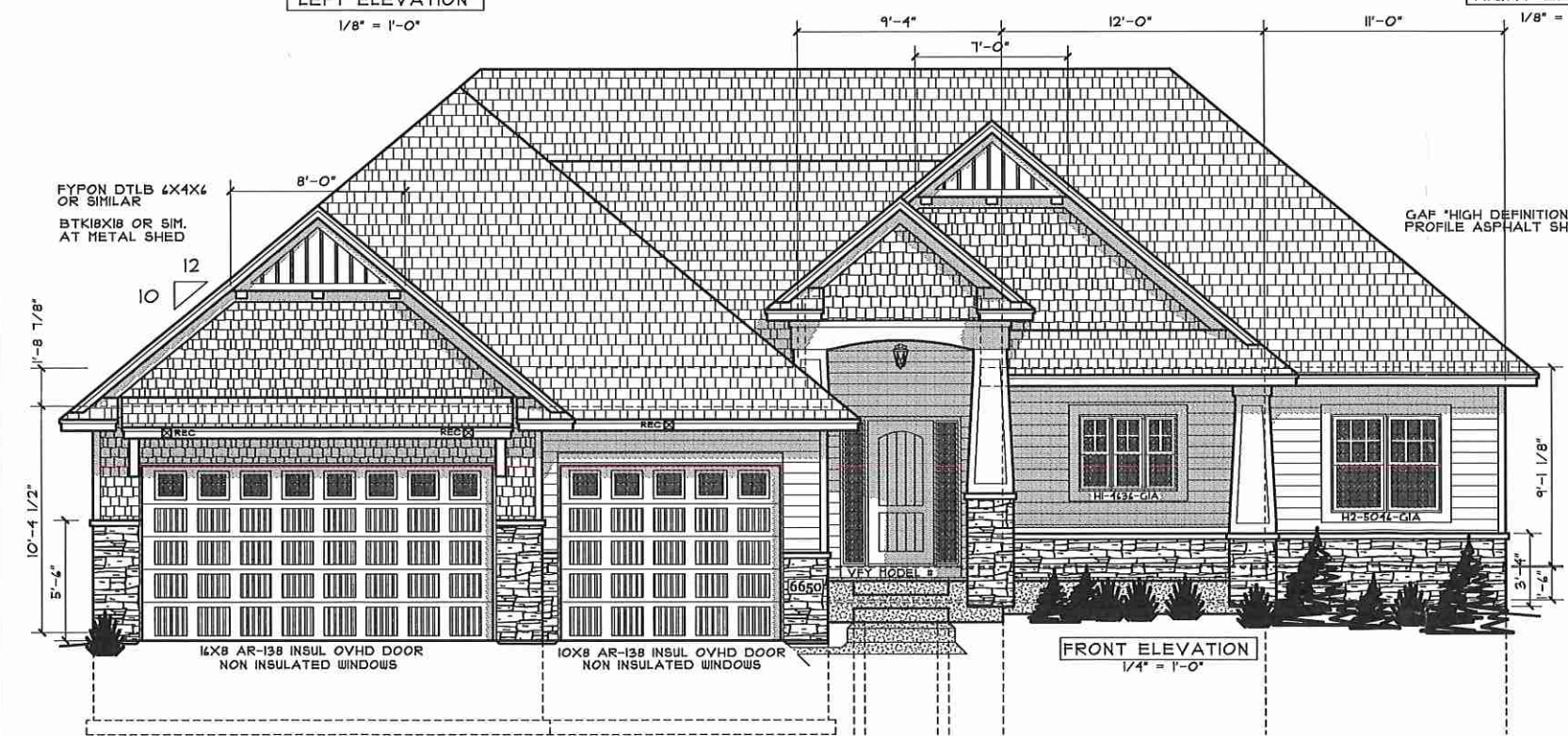
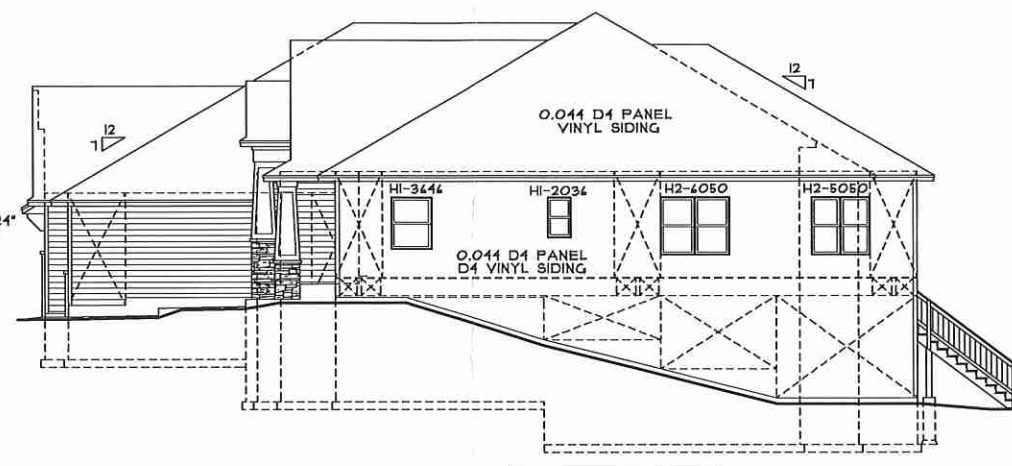
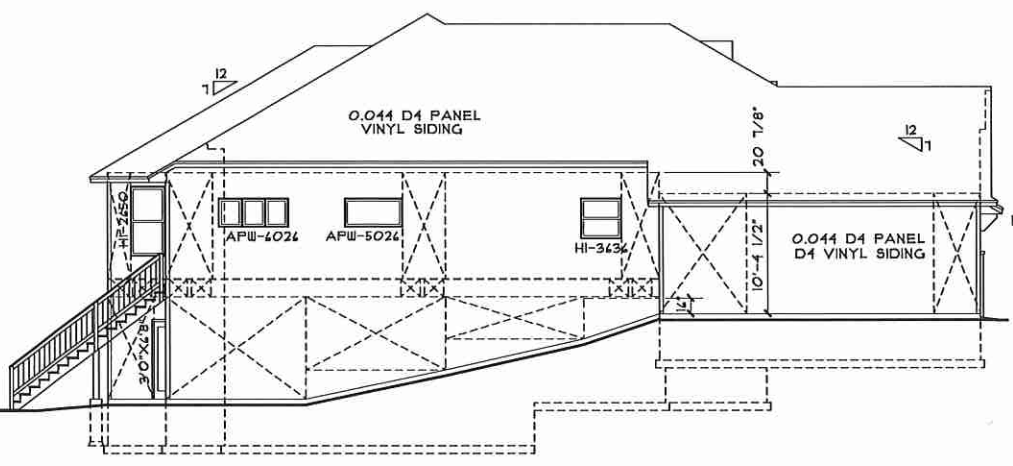
By:
Thomas R. Balluff, L.S. Reg. No. 40361
Peter J. Blomquist, L.S. Reg. No. 51676

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By _____



HEATING, ELECTRICAL AND CABINET LAYOUTS ARE SHOWN FOR EXAMPLE ONLY, PLACEMENT AS-BUILT MAY VARY FROM THESE PLANS AND SPECIFICATIONS
ALL BEAM, POST AND FOOTING SIZES TO BE VERIFIED BY SUBCONTRACTOR OR SUPPLIER FOR ADHERENCE TO APPLICABLE BUILDING CODE PRIOR TO ORDERING, DELIVERY AND INSTALLATION
IN THE EVENT THAT SPECIFIC BRAND NAMES OR PRODUCTS LISTED HEREIN ARE NOT AVAILABLE, SIMILAR PRODUCTS OF EQUAL OR BETTER QUALITY MAY BE SUBSTITUTED BY CONTRACTOR

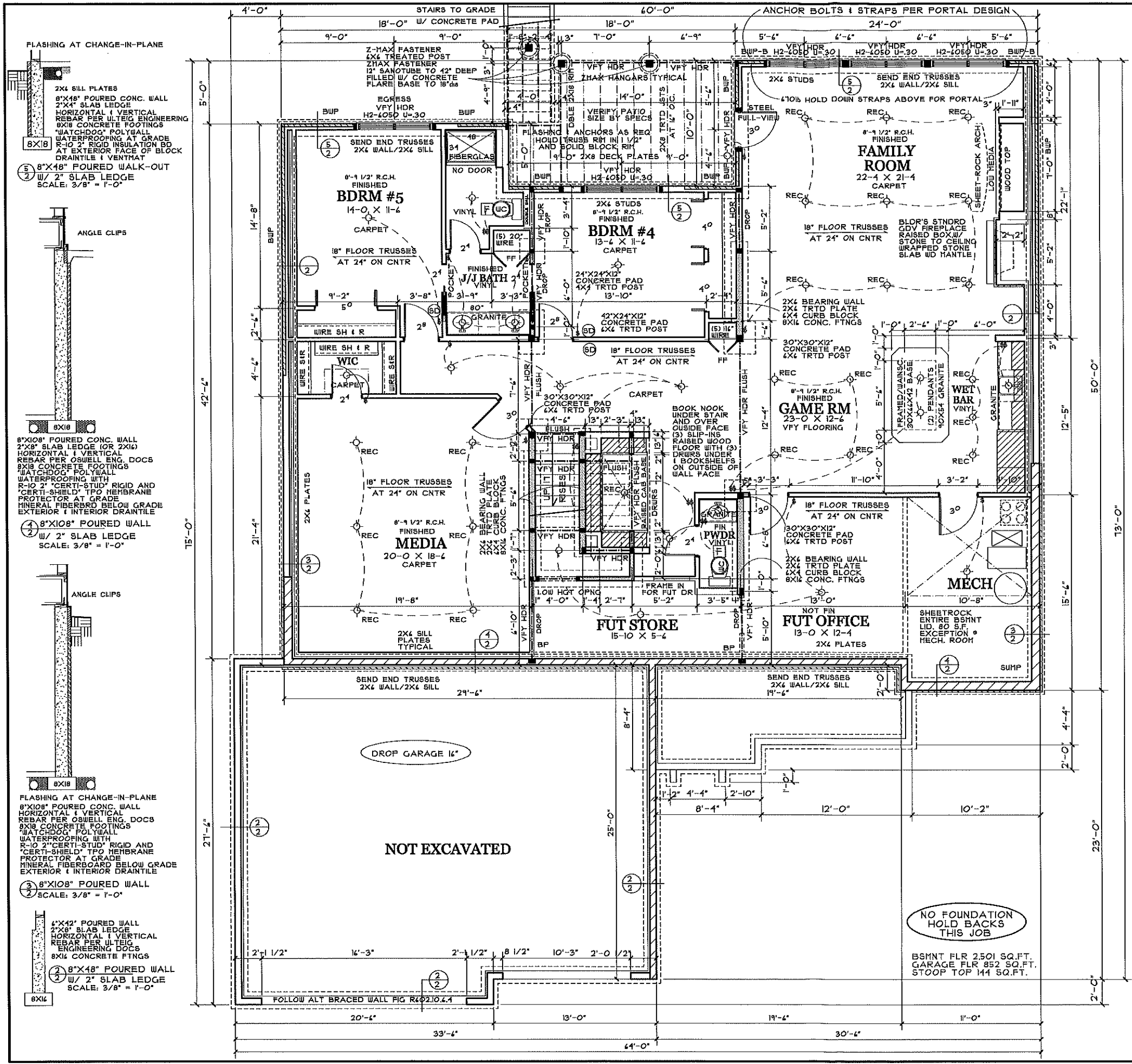
2015 MINNESOTA RESIDENTIAL CODE
FIRE SUPPRESSION FTG
BASEMENT 2,512 SQ.FT.
MAIN FLOOR 2,518 SQ.FT.
TOTAL: 5,030 SQ.FT.
SYSTEM NOT REQUIRED



ALUMINUM SOFFIT & FASCIA
VERIFY WRAP MATERIAL AND METHOD
PREFINISHED HARDIE-BOARD ENTIRE FRONT ELEVATION & INSIDE GARAGE RETURN; HARDIE-BOARD TYPICAL
0.044 D4 PANEL VINYL SIDING REAR AND SIDES
CULTURED STONE

"BRAZIER"
LINDEN 2093
LOT 3 BLOCK 2
ST. CLAIR ESTATES
4450 END TRAIL
LINO LAKES, MN

REVISIONS 4/5/2019
DATE: 3/26/2019
SCALE: AS NOTED
PLAN # 6650 END TRAIL
2,632/2,110/4,742 SQ.FT.FIN
SHARPER HOMES INC.
1/6
ELEVATIONS



FLASHING AT CHANGE-IN-PLANE

2X4 SILL PLATES
 8"X18" POURED CONC. WALL
 2"X8" SLAB LEDGE
 HORIZONTAL & VERTICAL REBAR PER ULTEIG ENGINEERING
 8X18 CONCRETE FOOTINGS
 WATCHDOG POLY WALL WATERPROOFING AT GRADE
 R-10 2" RIGID INSULATION BD AT EXTERIOR FACE OF BLOCK DRAINTILE & VENTHAT

8"X18" POURED WALK-OUT
 W/ 2" SLAB LEDGE
 SCALE: 3/8" = 1'-0"

ANGLE CLIPS

8"X18" POURED CONC. WALL
 2"X8" SLAB LEDGE (OR 2X10)
 HORIZONTAL & VERTICAL REBAR PER OSWELL ENG. DOCS
 8X18 CONCRETE FOOTINGS
 WATCHDOG POLY WALL WATERPROOFING WITH R-10 2" CERTI-STUD RIGID AND CERTI-SHIELD TPO MEMBRANE PROTECTOR AT GRADE
 MINERAL FIBERBOARD BELOW GRADE EXTERIOR INTERIOR DRAINTILE

8"X18" POURED WALL
 W/ 2" SLAB LEDGE
 SCALE: 3/8" = 1'-0"

ANGLE CLIPS

8"X18" POURED CONC. WALL
 2"X8" SLAB LEDGE (OR 2X10)
 HORIZONTAL & VERTICAL REBAR PER OSWELL ENG. DOCS
 8X18 CONCRETE FOOTINGS
 WATCHDOG POLY WALL WATERPROOFING WITH R-10 2" CERTI-STUD RIGID AND CERTI-SHIELD TPO MEMBRANE PROTECTOR AT GRADE
 MINERAL FIBERBOARD BELOW GRADE EXTERIOR INTERIOR DRAINTILE

8"X18" POURED WALL
 W/ 2" SLAB LEDGE
 SCALE: 3/8" = 1'-0"

ANGLE CLIPS

8"X18" POURED CONC. WALL
 2"X8" SLAB LEDGE (OR 2X10)
 HORIZONTAL & VERTICAL REBAR PER OSWELL ENG. DOCS
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 WATCHDOG POLY WALL WATERPROOFING WITH R-10 2" CERTI-STUD RIGID AND CERTI-SHIELD TPO MEMBRANE PROTECTOR AT GRADE
 MINERAL FIBERBOARD BELOW GRADE EXTERIOR INTERIOR DRAINTILE

8"X18" POURED WALL
 W/ 2" SLAB LEDGE
 SCALE: 3/8" = 1'-0"

FLASHING AT CHANGE-IN-PLANE

8"X18" POURED CONC. WALL
 HORIZONTAL & VERTICAL REBAR PER OSWELL ENG. DOCS
 8X18 CONCRETE FOOTINGS
 WATCHDOG POLY WALL WATERPROOFING WITH R-10 2" CERTI-STUD RIGID AND CERTI-SHIELD TPO MEMBRANE PROTECTOR AT GRADE
 MINERAL FIBERBOARD BELOW GRADE EXTERIOR INTERIOR DRAINTILE

8"X18" POURED WALL
 SCALE: 3/8" = 1'-0"

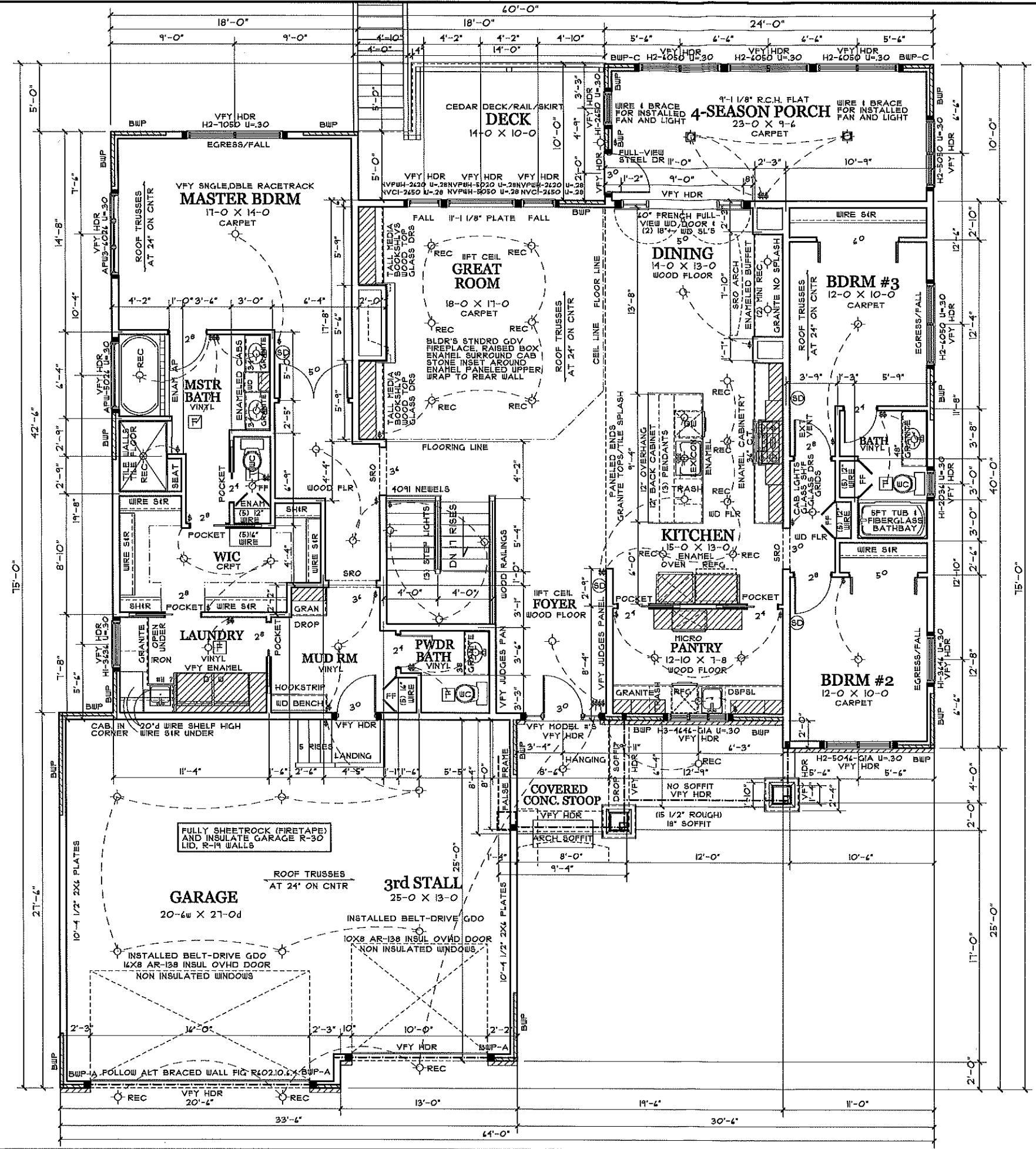
4"X42" POURED WALL
 2"X8" SLAB LEDGE
 HORIZONTAL & VERTICAL REBAR PER ULTEIG ENGINEERING
 8X18 CONCRETE FTNGS

8"X18" POURED WALL
 W/ 2" SLAB LEDGE
 SCALE: 3/8" = 1'-0"

FOUNDATION 2/6 SHARPER HOMES INC. 2,110 SQ.FT. FIN (PROPOSED) SCALE: 1/4"=1'-0" DATE: 3/26/2019 PLAN # 6660 ENID TRAIL

NO FOUNDATION HOLD BACKS THIS JOB

BSMNT FLR 2501 SQ.FT.
 GARAGE FLR 852 SQ.FT.
 STOOP TOP 144 SQ.FT.



MAIN FLOOR PLAN 3/8 SHARPER HOMES INC. 2,632 SQ. FT. FIN. REVISED 4/5/2019
 SCALE: 3/8"=1'-0" DATE: 3/26/2019 PLAN # 6650 END TRAIL

**PLANNING & ZONING BOARD
AGENDA ITEM 7C**

STAFF ORIGINATOR: Katie Larsen, City Planner

P & Z MEETING DATE: June 12, 2019

REQUEST: 1393 Hunters Ridge
Variance for Curb Cut/Driveway Width

CASE NUMBER: VR2019-004

APPLICANT: Michael Settimi
1393 Hunters Ridge
Lino Lakes, MN 55014

OWNER: Same

REVIEW SCHEDULE:

Complete Application Date:	June 3 2019
60-Day Review Deadline:	August 2, 2019
120-Day Review Deadline:	October 1, 2019
Environmental Board Meeting:	NA
Park Board Meeting:	NA
Planning & Zoning Board Meeting:	June 12, 2019
City Council Work Session:	July 1, 2019
City Council Meeting:	July 8, 2019

BACKGROUND

The property owner of 1393 Hunters Ridge, Michael Settimi, submitted a Land Use Application for a curb cut/driveway width variance. He is requesting a 30 foot curb cut/driveway width be allowed. City ordinance allows for a maximum 26 foot curb cut/driveway width.

ANALYSIS

The applicant submitted a narrative that describes the need for a 30 foot wide curb cut (See Attachment 2). In summary, their family has several vehicles parked in the driveway and ingress/egress is difficult without damaging other vehicles or the lawn.

The existing driveway is 18 feet wide at the property line. The ordinance allows for a 26 foot wide driveway from the property line to the curb. The owner could widen the driveway an additional 8 feet and be compliant at 26 feet wide but they are requesting an addition 12 feet to go to 30 feet wide.

The property is zoned R-1X, Single Family Executive Residential and is located in an urban residential subdivision. The parcel is 0.52 acres, 95 feet wide and platted in 1996 as Pheasant Hills Preserve 7th Addition. The City Engineer does not approve widening of the curb cut. A 26 foot wide driveway from the curb to the property line is feasible and would be compliant.

Zoning Ordinance

Per Section 1007.044(3)(h):

7. Curb Cut/Driveway Width. No curb cut shall exceed twenty-six (26) feet in width within a residential zoning district, or thirty-six (36) feet in width if the property is in a commercial, industrial, or public/semi-public zoning district, as measured at the street right-of-way line unless approved by the City Engineer. The driveway associated with such curb cut may increase in width at an angle not greater than forty-five (45) degrees.

At the March 5, 2018 Council Work Session, staff presented a report regarding driveway widths. The staff report detailed that driveway width restrictions are fairly common and serve a number of purposes. These include:

- Maintain front yard green space and enhance the streetscape.
- Preserve areas for on-street parking.
- Minimize impact and maintenance costs to public right-of-way and utility corridors.
- Preserve street snow storage.
- Minimize conflicts with vehicle, pedestrian and bicycles using street.
- Minimize impervious surfaces.

The Council concurred that the current regulations are fine and the ordinance was not amended to allow for wider driveways.

Attachment 5 is a Driveway Exhibit depicting a 26 foot wide curb cut and 45 degree angle.

CRITERIA AND FINDINGS OF FACT

No variance shall be granted unless it meets all the criteria in paragraphs 1. through 7. below. The City shall make findings regarding compliance with these criteria.

1. The variance shall be in harmony with the general purposes and intent of the ordinance.

The general purpose and intent of the ordinance is to alleviate or prevent congestion of the public right-of-way and to promote the safety and general welfare of the public, by establishing minimum requirements for off-street parking of motor vehicles upon various parcels of land or

structures. The variance to allow for a 30 foot curb cut/ driveway width is not harmonious with the general purposes and intent of the ordinance.

2. The variance shall be consistent with the comprehensive plan.

Per the Comprehensive Plan, the property is guided for Low Density Residential land use. The variance request is consistent with the comprehensive plan. The applicant's property is intended for single family dwellings with houses, garages and driveways.

3. There shall be practical difficulties in complying with the ordinance. "Practical difficulties," as used in connection with the granting of a variance, means that the property owner proposes to use the property in a reasonable manner not permitted by the ordinance. Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems.

The property owner proposes to use the property in a reasonable manner; however, there is no practical difficulty in complying with the required 26 foot curb cut/driveway width. The parcel is a standard R-1X, Single Family Executive lot.

4. The plight of the landowner shall be due to circumstances unique to the property not created by the landowner.

The plight of the landowner is created by the landowner and the numerous vehicles needed to be parked in the driveway. There are no unique circumstances to the property causing them to not be able to comply with the ordinance.

5. The variance shall not alter the essential character of the locality.

The variance will not alter the essential character of the locality which is a single family residential neighborhood with houses, garages and driveways.

6. A variance shall not be granted for any use that is not allowed under the ordinance for property in the zoning district where the subject site is located.

The variance will not be granted for any use that is not allowed under the ordinance for property in the zoning district. The property is zoned R-1X, Single Family Executive Residential for a residential subdivision and driveways are consistent with residential uses.

7. In accordance with MN Stat. 462.357, Subp. 6, variances shall be granted for earth sheltered construction as defined in MN Stat. 216C.06, Subd. 14, when in harmony with the zoning ordinance.

Not applicable.

RECOMMENDATION

Staff recommends denial of the variance to allow for a 30 foot curb cut/driveway width at 1393 Hunters Ridge.

ATTACHMENTS

1. Site Location Map
2. Applicant's Narrative
3. Property Survey
4. Applicant's Existing vs Proposed Driveway Sketch
5. City Driveway Exhibit

1393 Hunters Ridge



Disclaimer: Map and parcel data are believed to be accurate, but accuracy is not guaranteed. This is not a legal document and should not be substituted for a title search, appraisal, survey, or for zoning verification.

Map Scale
1 inch = 400 feet
6/4/2019

To whom it may concern:

I am submitting a variance application so I may increase the capacity of my driveway by increasing the width at the curb from 18 feet to 30 feet. I would like to do this since the current configuration makes it difficult to maneuver numerous cars in and out of the garages and driveway without the risk of doing damage to the vehicles and or the lawn surrounding the driveway. Since I have two Daughters living at home with cars, plus my car and my Wife's car if we do not have any visitors, which are rare, things work out ok. The addition of any more vehicles requires movement to ensure that all of the vehicles cars safely move out of the driveway without risk of damaging a vehicle. Both my Mother and Mother In-law, both recent Widows, are coming and staying with us, adding cars to the driveway. My Mom and Mother in law are not good backers. In addition, since we live in the Twin Cities area we have many situations where cars are left at our home for extended periods of time when friends and relatives from out of town fly out of the Minneapolis /St. Paul Airport. The issue is worst in the winter with calendar parking preventing over night street parking. The additional width will make our situation a little less stressful. I have be given approval for this configuration from the Architectural committee for our development, who oversees any new construction to insure new construction does not significantly differ from other properties in the development. I have provided documentation that confirms that other properties within sight of my home have driveway configurations with curb widths exceeding the 26 foot current maximum specification. I have also seen in my development, but not provided documentation of several more. It would be greatly appreciated if you would allow me to proceed with this variance. Thank you for your time and consideration.

Best regards,

Mike Settimi



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HY-LAND SURVEYING, P.A.

LAND SURVEYORS

902.0 Proposed Top of Block
901.5 Proposed Garage Floor
894.0 Proposed Lowest Floor

8700 Jefferson Highway
 Osseo, Minnesota 55369
 493-5761

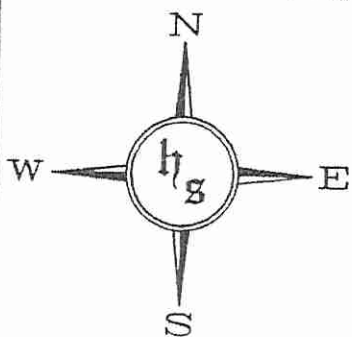
INVOICE NO. 16356-128
 F.B. NO. _____
 SCALE 1" = 30'

Type of Building -
Full Basement Walkout

Surveyors Certificate

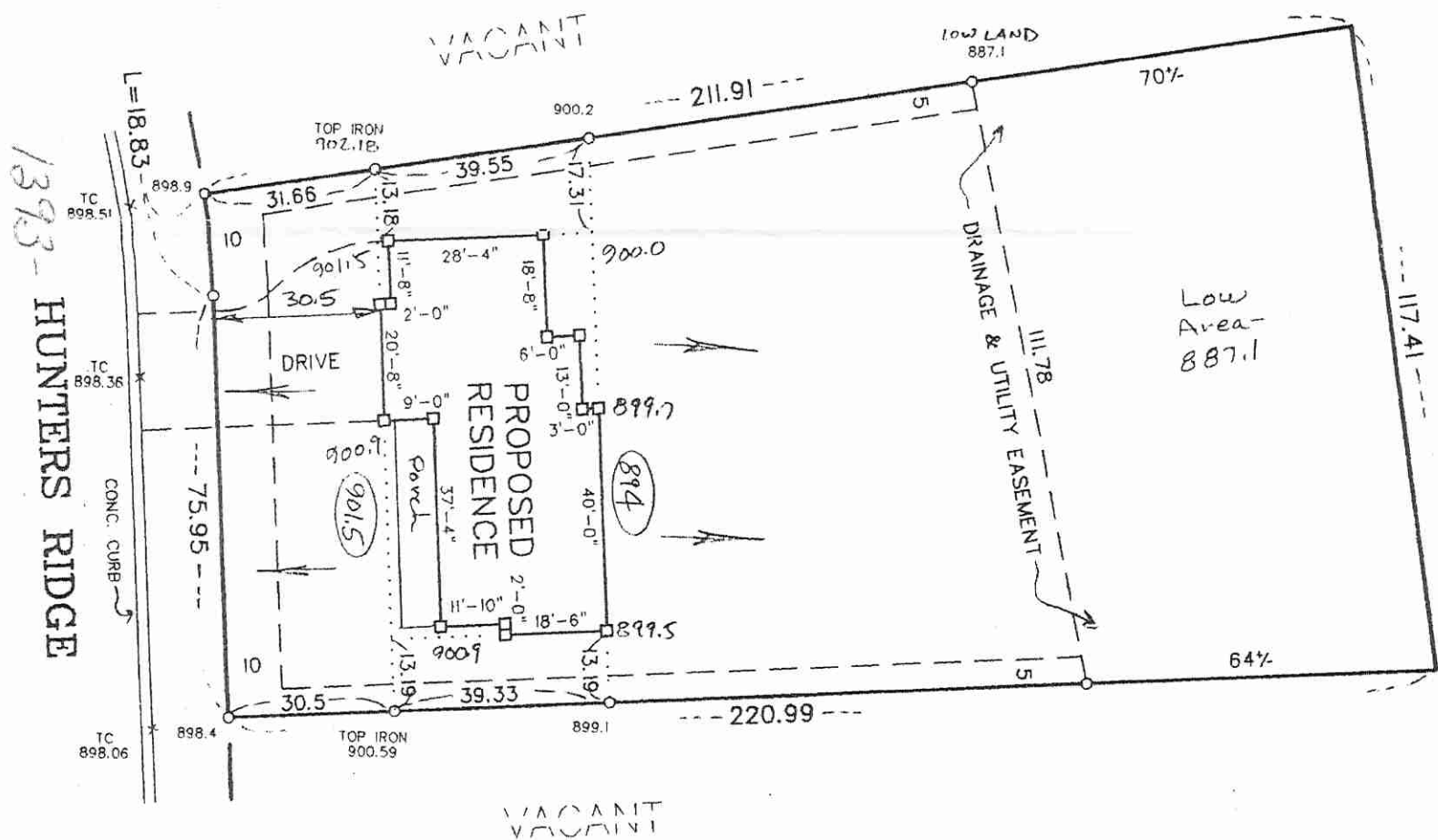
- Denotes Iron Monument
- Denotes Wood Hub Set For Excavation Only

- x000.0 Denotes Existing Elevation
- Denotes Proposed Elevation
- ← Denotes Surface Drainage



TURN KEY HOMES

Lowest Opening - 894.0



LOT 2, BLOCK 3, PHEASANT HILLS PRESERVE 7TH ADDITION

The only easements shown are from plats of record of information provided by client.

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

Surveyed by us this 25TH day of JANUARY, 19 99

Signed Milton E. Hyland
 Milton E. Hyland, Minn. Reg. No. 20262

EXISTING

New

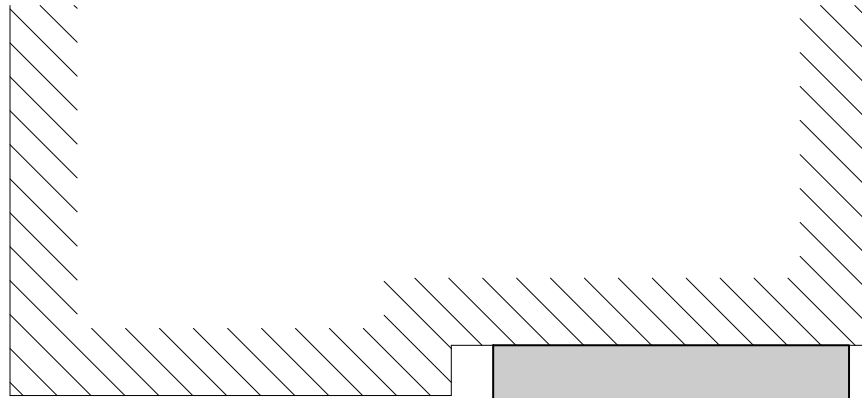


Existing Width = 18 ft

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PROPERTY LINE

PROPERTY LINE



DRIVEWAY MAY INCREASE AT AN ANGLE NOT GREATER THAN 45°.

45°

RIGHT OF WAY LINE

26'

CURB

CURB CUT WIDTH AT RIGHT OF WAY LINE:
26 FT. MAXIMUM IF RESIDENTIAL
36 FT. MAXIMUM IF COMMERCIAL

STREET A



DRIVEWAY
EXHIBIT
LINO LAKES, MINNESOTA

Nov. 2018