

**LAUDERDALE CITY COUNCIL MEETING AGENDA  
TUESDAY, JUNE 24, 2003  
CITY HALL, 7:00 P.M.**

The City Council is meeting as a legislative body to conduct the business of the City according to ROBERT'S RULES OF ORDER AND THE STANDING RULES OF ORDER AND BUSINESS OF THE CITY COUNCIL. Unless so ordered by the Mayor, citizen participation is limited to the times indicated and always within the prescribed rules of conduct for public input at meetings.

1. CALL MEETING TO ORDER AT 7:00 P. M.
2. ROLL:

*Councilmembers:*

McCloskey _____	Christensen _____
Gill-Gerbig _____	Giannetti _____
Mayor Dains _____	

*Staff:*

Getschow _____	Bownik _____
----------------	--------------

3. APPROVAL OF THE AGENDA
4. APPROVAL
  - A. Approval of minutes of 6/10/03 City Council Meeting
  - B. Approval of claims totaling \$57,124.44
5. OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE COUNCIL ON ITEMS NOT ON THE AGENDA

Any member of the public may speak at this time on any item NOT on the agenda. In consideration of the public attending the meeting for specific items on the agenda, this portion of the meeting will be limited to fifteen (15) minutes. Individuals are requested to limit their comments to four (4) minutes or less. If the majority of the Council determines that additional time on a specific issue is warranted, then discussion on that issue shall be continued under Additional Items at the end of the agenda. Before addressing the City Council, members of the public are asked to step up to the microphone, give their name, address and state the subject to be discussed. All remarks shall be addressed to the Council as a whole and not to any member thereof. No person other than members of the Council and the person having the floor shall be permitted to enter any discussion without permission of the presiding officer. Your participation, as prescribed by the Council's ROBERT'S RULES OF ORDER AND THE STANDING RULES OF ORDER AND BUSINESS OF THE CITY COUNCIL, is welcomed and your cooperation is greatly appreciated.

**6. CONSENT**

**7. SPECIAL ORDER OF BUSINESS/RECOGNITIONS/PROCLAMATIONS/ CITIZENS ADDRESSING STREET AND UTILITY IMPROVEMENTS**

**8. INFORMATIONAL PRESENTATIONS**

**9. PUBLIC HEARINGS**

Public hearings are conducted so that the public affected by a proposal may have input into the decision. During hearings, all affected residents will be given an opportunity to speak pursuant to the ROBERT'S RULES OF ORDER AND THE STANDING RULES OF ORDER AND BUSINESS OF THE CITY COUNCIL.

- A. Lot Coverage Variance for the construction of a single-family house and attached garage at 1701 Eustis Street
- B. Side Setback Variance for the construction of a deck at 1951 Pleasant Street

**10. ACTION**

- A. Consideration of a Lot Coverage Variance for the construction of a single-family house and attached garage at 1701 Eustis Street
- B. Consideration of a Side Setback Variance for the construction of a deck at 1951 Pleasant Street
- C. Approval to reschedule the July 22 City Council meeting to July 29, 2003

**11. REPORTS**

- A. Day in the Park: July 12, 2003

**12. ITEMS REMOVED FROM THE CONSENT AGENDA**

**13. ADDITIONAL ITEMS**

**14. SET AGENDA FOR NEXT MEETING**

**15. ADJOURNMENT**

**Lauderdale City Council  
Meeting Minutes  
June 10, 2003**

1. Meeting called to order at 7:05 P.M.

2. ROLL

Council present: Christensen, Giannetti, McCloskey, Gill-Gerbig and  
Mayor Dains

Staff present: Administrator Getschow

3. APPROVAL OF THE AGENDA

*A. Approval of Agenda.* Motion by Christensen, second by McCloskey to approve the agenda. Motion carried unanimously.

4. APPROVAL

*A. Approval of Minutes.* Motion by Giannetti, second by Gill-Gerbig to approve the minutes of the May 27, 2003 City Council meeting. Motion carried unanimously.

*B. Approval of Claims totaling \$33,179.05.* Motion by Gill-Gerbig, second by McCloskey to approve the claims totaling \$33,179.05. Motion carried unanimously.

*C. Approval of Pay Request #2 for the 2003 Street and Utility Improvements for S.M. Hentges and Sons in the amount of \$228,495.02.* Motion by Christensen, second by Giannetti to approve Pay Request #2 for the 2003 Street and Utility Improvements in the amount of \$228,495.02. Motion carried unanimously.

*D. Water Utility Issue.* Council member Gill-Gerbig stated that she had been in contact with a resident on Malvern Street (1747 Malvern) regarding concerns that this property owner has with a private water connection and issues with the Saint Paul Water Utility. This resident currently possesses a water connection served through an adjacent lot to a side street (Ione Street), even though there is a water service connection in front of this property (Malvern Street) at the property line. She stated that the owner has been notified by the Water Utility and city staff in writing that the water connection the resident seeks is voluntary, completely the responsibility of the homeowner, and independent of the street and utility improvement project that is currently underway in this area.

5. OPPORTUNITY FOR THE PUBLIC TO ADDRESS ITEMS NOT ON THE AGENDA

6. CONSENT

7. SPECIAL ORDER OF BUSINESS/RECOGNITIONS/PROCLAMATIONS/  
CITIZENS ADDRESSING STREET AND UTILITY IMPROVEMENTS

*A. Park and Community Involvement Committee (PCIC) Membership.* Council member Giannetti, also the liaison to the PCIC, stated that new members are being sought for the PCIC. The committee is a fun group that mainly assists in planning community events and any improvements to the Community Park. Anyone interested in joining can contact City Hall for an application.

8. INFORMATIONAL PRESENTATIONS

9. PUBLIC HEARINGS

10. ACTION

*A. 1728 Malvern Hazardous Building Removal Agreement.* Administrator Getschow provided background on this issue that began with the Council directing staff to begin to go through the proper stages of the Hazardous Building Act for the property at 1728 Malvern Street. Since that time, there was an exterior inspection of the building and communication with all affected property owners that the City planned to move ahead with the nuisance abatement process. With the cooperation of the owners, everyone has agreed that an alternative route

that does not require a court order could be achieved. This involves the demolition of the building through a cooperative agreement that would be drafted by the City Attorney. This would involve the removal of the structure by the City, with all costs associated with the demolition of the house being placed on the property tax roll of the property.

The agreement was drafted by the City Attorney and executed by the property owners and is now ready for approval by the City Council. City staff will move forward with obtaining quotations for removal following the approval of this agreement.

Council member McCloskey expressed concern with this agreement because one would assume that if a property owner could afford to build on the site, he or she could afford to demolish the structure on the site without the need for the City to complete the project upfront even if all costs are assessed to the property.

The City Administrator stated that even if this were the case, and the City refused to enter into an agreement with the property owners, we would most likely end up at this point in the future. Unfortunately, it would be at least six months later and there would higher costs associated with the project due to the legal fees needed to obtain a court order or a judgment. Also, the main owner of the property that is to be assessed is not the same owner that is discussing building on the site following demolition.

Motion by Christensen, second by Giannetti to approve an agreement between the City of Lauderdale and the owners of 1728 Malvern Street to remove the hazardous structure at 1728 Malvern Street. Roll: Yes: all. Motion carried.

*B. Consideration of a Non-Intoxicating Off-Sale Malt Liquor License and Cigarette License for TEK and W, LLC (SuperUSA).* Administrator Getschow stated that Mr. Tek Hamment, the Chief Manager of STEK & W, LLC, has recently purchased the SuperUSA store located at 2424 Larpenteur Avenue and was applying for a non-intoxicating off-sale malt liquor license and a cigarette license for 2003. He has provided the City of Lauderdale with all required information, including worker's compensation and contact forms. His company has one store in Minneapolis, which is a SuperUSA store, and another store in Bloomington known as MegaMarket. Mr. Hamment does not plan on changing the way the store is set up or operated.

Motion by Giannetti, second by Gill-Gerbig to approve a Non-Intoxicating Off-Sale Malt Liquor License and Cigarette License for TEK and W, LLC (SuperUSA). Roll: Yes: all. Motion carried.

*C. Approval of City Code Revision to Title 9 (Building Regulations), Chapter 1 (Building Code).* Administrator Getschow stated that the revised and updated 2003 Minnesota Uniform Building Code has passed through the final rulemaking process and is now a part of state law. The last update to the Building Code was in 1998 with the adoption of the 1997 Uniform Building Code. As a result of this, the City needs to make revisions to City Code adopting the updated State Building Code.

Motion by Gill-Gerbig, second by McCloskey to approve and adopt the revisions Title 9- Building Regulations, Chapter 1-Building Code of the Lauderdale City Code.  
Roll: Yes: all. Motion carried.

#### 11. REPORTS

*A. MNDOT Highway 280 Reconstruction Project.* Administrator Getschow stated that he recently discussed the Highway 280 project with MNDOT Area Manager Frank Pafko. Pafko stated that MNDOT would not appeal the municipal consent resolution passed by the City Council in December 2002. This consent was conditioned on Roselawn Avenue remaining open for traffic exiting Highway 280 on to Roselawn Avenue until the Larpenteur Avenue interchange is reconstructed. MNDOT anticipates presenting final plans for review by the City Council in the fall of 2004.

Pafko also discussed the reconstruction of the Larpenteur Avenue interchange. MNDOT intends to apply for ISTEAs funds this fall for building a new interchange. The reconstruction of the bridge under the interchange is tentatively scheduled for 2008. MNDOT would like to receive federal funds through the ISTEAs program for that same year to reconstruct both the bridge and the interchange. Solicitations for ISTEAs applications are being accepted this fall. Pafko will report back to the Council at that time to seek support and assistance for the funding application.

#### 12. ITEMS REMOVED FROM THE CONSENT AGENDA

#### 13. ADDITIONAL ITEMS

14. SET AGENDA FOR NEXT MEETING

1. Two Variance Applications
2. Quotations for the Demolition of 1728 Malvern Street

A break was taken at 7:45 p.m. to transition into a work session discussion.

15. WORK SESSION DISCUSSION

The meeting resumed at 7:47 p.m.

*A. County Road Turnbacks Discussion- Ramsey County Commissioner.*  
County Commissioner Jan Weissner, County Public Works Director Ken Haider, and County Engineer Tim Mayasich were present to discuss the proposed county road turnback of Fulham Street in Lauderdale and Falcon Heights.

*B. Presentation on Falcon Heights Southeast Corner Redevelopment.*  
Heather Worthington, Falcon Heights City Administrator, gave a presentation to the City Council on Falcon Height's redevelopment project on the southeast corner of Snelling Avenue. The project will involve the construction of new mixed-use housing and commercial units.

*C. Council meeting schedule for July.* The Council discussed the dates for the Council meetings in July.

*D. 2003 Improvements.* The Council discussed construction issues related to the 2003 Improvements. The Administrator stated that the City Engineer would be present at a future Council meeting to provide a report and potential change order on opening an alley in this phase of the improvements.

16. ADJOURNMENT

Motion by Gill-Gerbig, second by McCloskey to adjourn at 10:00 P.M. Ayes: All.

**CITY OF LAUDERDALE**

**Claims for Approval**

**June 24, 2003 City Council Meeting**

Payroll

06/20/03 Payroll:	Check # 7384-7388	\$6,303.25
06/20/03 Payroll:	EFT: Federal Withholding Taxes/FICA	\$2,484.58
06/20/03 Payroll:	EFT: PERA	\$1,020.28
06/20/03 Payroll:	EFT: ICMA Retirement Fund	\$950.43
June 03 Payroll:	EFT: State Withholding Taxes	\$1,047.56

Vendor Claims

06/24/03 Claims:	Check # 16400-16418	\$45,318.34
------------------	---------------------	-------------

**Subtotal of Claims From Above** **\$57,124.44**

**Total Claims for Approval** **\$57,124.44**



CITY OF LAUDERDALE

Paid Register

Check Number	Employee Number	Employee Name	Pay Period	Pay Group Description	Check Amount	Check Date	Status
007384	000000011	BOWNIK, JAMES	13	BI-WEEKLY	\$1,257.67	6/20/03	Outstanding
007385	000000003	GETSCHOW, RICK	13	BI-WEEKLY	\$1,874.79	6/20/03	Outstanding
007386	000000002	HINRICHS, DAVID C	13	BI-WEEKLY	\$1,170.74	6/20/03	Outstanding
007387	000000005	HUGHES, JOSEPH A	13	BI-WEEKLY	\$1,187.21	6/20/03	Outstanding
007388	000000037	WALSH, KEVIN	13	BI-WEEKLY	\$812.84	6/20/03	Outstanding
007383		VOID	13		\$0.00	6/20/03	Void
					<hr/>		
					\$6,303.25		

## CITY OF LAUDERDALE

06/17/03 2:20 PM

Page 1

## Vendor Transactions

CHECK Nbr	Check Date	Batch Name Invoice	Amount	Comments
<b>Search Name AT &amp; T</b>				
016400	6/24/03	062403claims 6/24/03	\$11.43	06/03 long distance
<i>Search Name AT &amp; T</i>			\$11.43	
<b>Search Name BIFFS, INC.</b>				
016401	6/24/03	062403claims w191780	\$70.26	park biffy thru 6/10/03
<i>Search Name BIFFS, INC.</i>			\$70.26	
<b>Search Name BROWNING-FERRIS IND OF MN</b>				
016402	6/24/03	062403claims 6/24/03	\$2,415.00	05/03 recycling service
<i>Search Name BROWNING-FERRIS IND OF MN</i>			\$2,415.00	
<b>Search Name CINTAS</b>				
016403	6/24/03	062403claims 6/24/03	\$74.46	6/9, 6/16 pw uniforms
<i>Search Name CINTAS</i>			\$74.46	
<b>Search Name CITY OF FALCON HEIGHTS</b>				
016404	6/24/03	062403claims 6/24/03	\$718.00	04/03 fire calls
016404	6/24/03	062403claims 6/24/03	\$359.00	04/03 false fire calls
016404	6/24/03	062403claims 6/24/03	\$718.00	05/03 fire calls
<i>Search Name CITY OF FALCON HEIGHTS</i>			\$1,795.00	
<b>Search Name CITY OF ST ANTHONY</b>				
016405	6/24/03	062403claims 768	\$19,266.66	07/03 police services
<i>Search Name CITY OF ST ANTHONY</i>			\$19,266.66	
<b>Search Name DOCUMENT RESOURCES</b>				
016406	6/24/03	062403claims 140831	\$346.32	accounts payable checks
<i>Search Name DOCUMENT RESOURCES</i>			\$346.32	
<b>Search Name ICMA</b>				
016407	6/24/03	062403claims 6/24/03	\$575.90	rick 03 annual dues
<i>Search Name ICMA</i>			\$575.90	
<b>Search Name LILLIE SUBURBAN NEWS</b>				
016408	6/24/03	062403claims 6/24/03	\$578.00	05/03 roseville review delivery
<i>Search Name LILLIE SUBURBAN NEWS</i>			\$578.00	
<b>Search Name MET-COUNCIL ENVIRONMENTAL SER.</b>				
016409	6/24/03	062403claims 757585	\$6,612.67	07/03 wastewater services
<i>Search Name MET-COUNCIL ENVIRONMENTAL SER.</i>			\$6,612.67	
<b>Search Name MINNESOTA AFSCME</b>				
016410	6/24/03	062403claims 6/24/03	\$76.24	06/03 union dues
<i>Search Name MINNESOTA AFSCME</i>			\$76.24	
<b>Search Name MN POLLUTION CONTROL AGENCY</b>				
016411	6/24/03	062403claims 6/24/03	\$46.00	dave/joe renew mpca wastewater license
<i>Search Name MN POLLUTION CONTROL AGENCY</i>			\$46.00	
<b>Search Name NORTH STAR BANK, PETTY</b>				
016412	6/24/03	062403claims 6/24/03	\$39.96	mileage james
016412	6/24/03	062403claims 6/24/03	\$4.42	certified mail
016412	6/24/03	062403claims 6/24/03	\$4.05	keys

CITY OF LAUDERDALE

Vendor Transactions

CHECK Nbr	Check Date	Batch Name Invoice	Amount	Comments
016412	6/24/03	062403claims 6/24/03	\$6.00	nonresi reimb s nelson
016412	6/24/03	062403claims 6/24/03	\$14.00	pcic pizza
016412	6/24/03	062403claims 6/24/03	\$14.40	mileage kevin
<i>Search Name NORTH STAR BANK, PETTY</i>			<u>\$82.83</u>	
<b>Search Name RAMSEY COUNTY, PROP REC &amp; REV</b>				
016413	6/24/03	062403claims risk000575	\$956.97	06/03 employee benefits
<i>Search Name RAMSEY COUNTY, PROP REC &amp; REV</i>			<u>\$956.97</u>	
<b>Search Name SAM'S CLUB</b>				
016414	6/24/03	062403claims 005643	\$1,141.01	tables for social room
<i>Search Name SAM'S CLUB</i>			<u>\$1,141.01</u>	
<b>Search Name SPRINGSTED</b>				
016415	6/24/03	062403claims 6/24/03	\$11,038.33	03 st/util 990k go bonds
<i>Search Name SPRINGSTED</i>			<u>\$11,038.33</u>	
<b>Search Name SPRINT PCS</b>				
016416	6/24/03	062403claims 6/24/03	\$13.02	06/03 pw cell phone
016416	6/24/03	062403claims 6/24/03	\$13.01	06/03 pw cell phone
<i>Search Name SPRINT PCS</i>			<u>\$26.03</u>	
<b>Search Name WALTER'S RUBBISH</b>				
016417	6/24/03	062403claims 202632	\$38.93	06/03 garbage service
016417	6/24/03	062403claims 202632	\$38.92	06/03 garbage service
<i>Search Name WALTER'S RUBBISH</i>			<u>\$77.85</u>	
<b>Search Name XCEL ENERGY, LIFT STATIONS</b>				
016418	6/24/03	062403claims 1843114288153	\$111.72	final electric malvern lift station
016418	6/24/03	062403claims 1843114288153	\$15.66	final gas malvern lift station
<i>Search Name XCEL ENERGY, LIFT STATIONS</i>			<u>\$127.38</u>	
<b>Grand Total</b>			<u>\$45,318.34</u>	

MemosbyJames

Date: June 24, 2003  
To: Honorable Mayor and Council  
From: James Bownik, A2CA  
Re: Lot Coverage Variance Application for 1703 Eustis Street



## BACKGROUND

PROPOSAL: Request for a 2.5% lot coverage variance - to go from 30% to 32.5% for the construction of a house and attached garage. The property is zoned R-1 Residential.

## APPLICANT, PROPERTY OWNER, AND LOCATION:

Roland Karjalahti  
1703 Eustis Street  
Lauderdale, MN 55113

## VARIANCE REQUEST AND SITE PLAN

Roland Karjalahti, 1703 Eustis Street, is applying for a 2.5% variance to the lot coverage requirements to go from 30% to 32.5% for the purpose of constructing a house and attached garage.

The property is currently a vacant lot that was assigned a separate property identification number (PIN) last year. The lot is 40 feet x 119 feet for a total square footage of 4760. The new house and attached garage is proposed to be 1548 square feet, which is 32.5% of the lot coverage. The site plan shows the structure meeting front, rear, and side yard setback requirements. The front yard setback is being met using the average of the adjacent structures rule because the houses on either side of the property are set back 25 feet from the front property line.

Note: The lots on this block of Eustis Street are only 119 feet deep, compared to 129 feet for the lots directly across the alley on that block of Malvern Street. All other residential blocks in Lauderdale with alleys have congruent (or near congruent) lot depths on each side of the alley.

Note: It could be said that a lot coverage variance would not be needed if the covered porch proposed for the front of the house was changed to an open deck because only covered structures are used when calculating lot coverage.

## POLICIES AND PROCEDURES FOR VARIANCE APPROVAL

In reviewing this variance request, the Council should consider the Zoning Ordinance requirements as well as relevant State Statutes. The following should be considered:

- Chapter 3 of the Zoning Ordinance defines variances as follows: “The Board shall hear requests for variances from the literal provisions of this Title in instances where their strict enforcement would cause undue hardship because of circumstances unique to the individual property under consideration, and to grant such variances only when it is demonstrated that such actions will be in keeping with the spirit and intent of this Title. The Board of Appeals and Adjustments may not permit as a variance any use that is not permitted under this Title for property in the zone where the affected person's land is located”.
- According to State Statute 462.357, Subd. 6, the following regulations apply to variances: The board of appeals and adjustments has the following powers with respect to the zoning ordinance: “To hear requests for variances from the literal provisions of the ordinance in instances where their strict enforcement would cause undue hardship because of circumstances unique to the individual property under consideration, and to grant such variances only when it is demonstrated that such actions will be in keeping with the spirit and intent of the ordinance. “Undue Hardship” as used in connection with the granting of a variance means the property in question cannot be put to a reasonable use if used under conditions allowed by the official controls, the plight of the landowner is due to circumstances unique to the property not created by the landowner, and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of the ordinance. Undue hardship also includes, but is not limited to, inadequate access to direct sunlight for solar energy systems”.

## PLANNING COMMISSION ACTION

The Planning Commission did not meet to discuss the variance request due to the lack of a quorum. Instead, this action item was placed directly on the council agenda per Title 2-1-10-4:K of the current Zoning Ordinance. The Planning Commission received the information packet and have been invited and encouraged to attend the council meeting in order to provide input to the Council.

## PUBLIC HEARING FOR THE VARIANCE REQUEST

On June 13, 2003 property owners adjacent to this property were sent notice of tonight's public hearing.

## CITY COUNCIL ACTION REQUESTED

Approve or deny the variance request, attaching any conditions deemed necessary for approval. If the variance is approved, building and other permit applications will be submitted to and approved by the City Building Official before being issued.

# City of Lauderdale

1591 Walnut Street • Lauderdale • Minnesota 55113

Phone: 651.631.0300 Fax: 651.631.2066

## ZONING APPLICATION

Type of Request:	Amount
<input checked="" type="checkbox"/> Variance	\$ 75
<input type="checkbox"/> Zoning Amendment	\$100
<input type="checkbox"/> Conditional Use	\$165
<input type="checkbox"/> PUD	N/A
<input type="checkbox"/> Other	

Name of Applicant Roland W Karjalahti

Address 1709 Malvern Street

City Lauderdale State MN Zip 55113

Address of Property 1703 Eustis Street

(if different than above)

Day Phone 651-582-1439 Evening Phone 651-644-0924 Fax \_\_\_\_\_

Please describe why you are applying for this application. I am applying for a variance to the maximum lot coverage ordinance of 30% to allow for a coverage of 32.5%.

Roland W. Karjalahti  
Applicant's Signature

6-2-03  
Date

### For Office Use Only

Date of Application 6-2-03 Amount Paid 75.00 Receipt Number 6882  
PIN # \_\_\_\_\_

Recommendation of Planning Commission ( approve / deny ) Meeting Date \_\_\_\_\_

Date of Public Hearing \_\_\_\_\_

City Council Action Taken ( approved / denied ) Meeting Date \_\_\_\_\_

Conditions? 2

## SUPPLEMENTAL VARIANCE APPLICATION QUESTIONS

Application Number: \_\_\_\_\_

A variance to the zoning ordinance is required to provide relief to a property owner when the strict enforcement of zoning regulations for lot size, setbacks, parking requirements, etc., imposes an undue hardship on the petitioner or denies the petitioner the reasonable use of the land.

1) Please provide a short narrative to the following questions:

A) How does the ordinance deprive you of rights commonly enjoyed by other properties in the same zoning district, and leave the applicant with no reasonable use of the land, provided that the property owner shall not have created the hardship? Because the alley was not placed exactly parallel between Malvern and Eustis Streets, my property between Eustis and Malvern is approx. 10 ft. shorter than the property opposite mine which deprives me of rights enjoyed by other properties in the city because of the alley.

B) Explain if there are exceptional or extraordinary circumstances applying to your property which do not apply to other properties in the same zoning district (such as small lot size or lot shape).

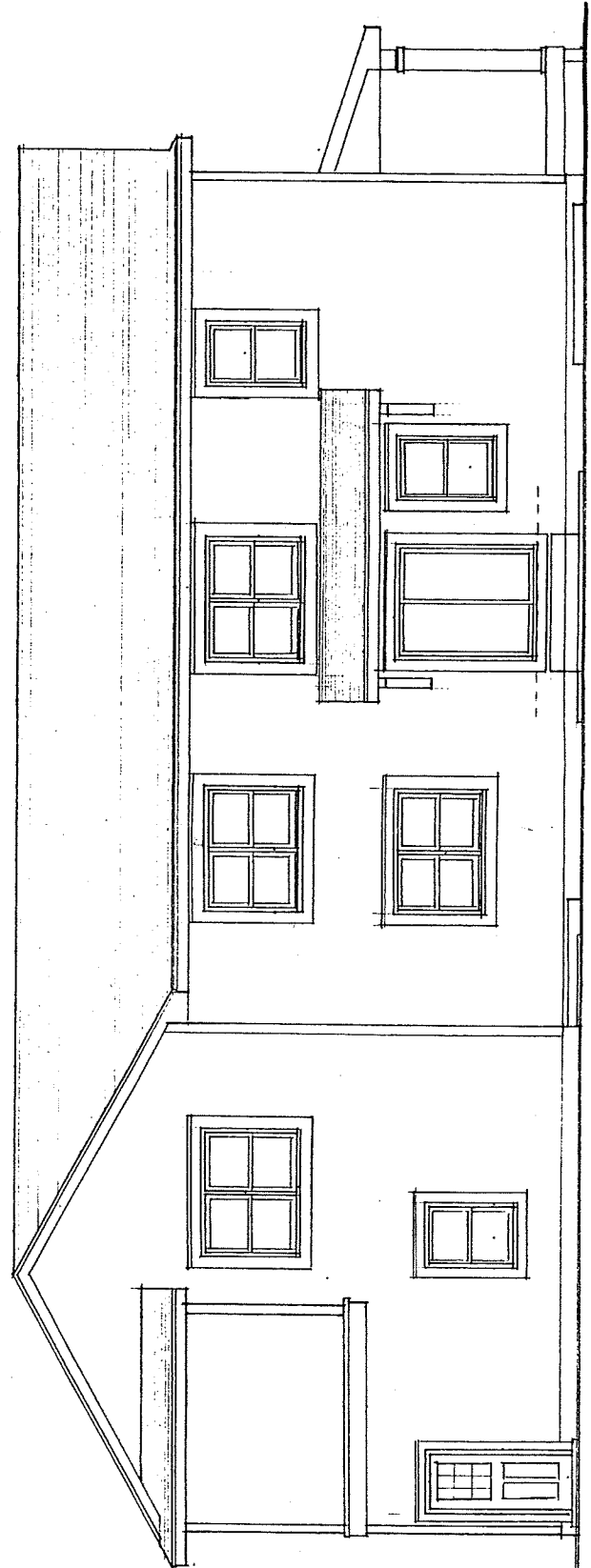
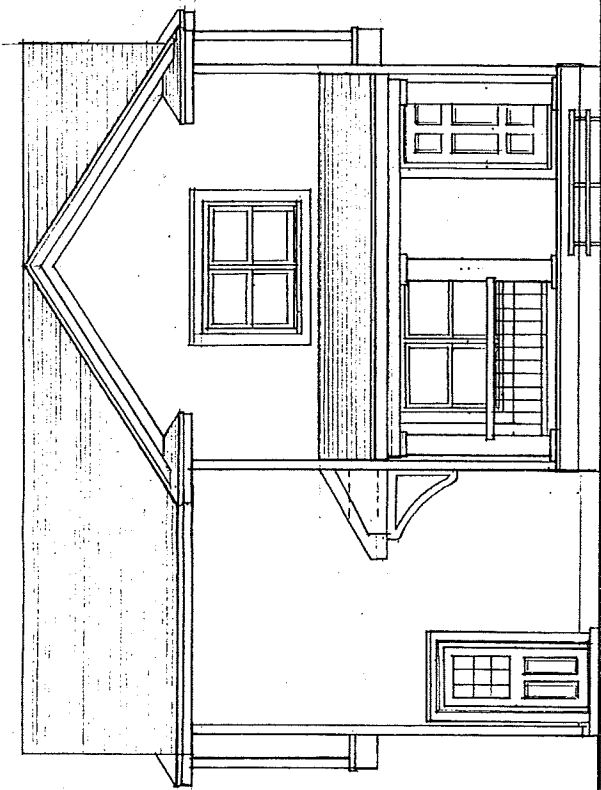
The lot shape is irregular because of the placement of the alley. Other properties in the city have a rectangular lot shape.

C) Explain how granting the variance would be in keeping with the spirit and intent of the Zoning Ordinance.

I think the ordinance was intended to be a guide to insure that homes built in Lauderdale meet certain quality standards. This home would exemplify this standard with this variance by incorporating all the elements of a safe, modern, energy efficient, latest is technology, well designed, urban residential home.

2) Please submit ten (10) copies of a site plan and supporting data which shall be drawn to scale showing the following:

the size and location of the site, existing land use, zoning, existing drainage, proposed public and private roads, structures for the subject property and adjacent properties, parking and loading areas, driveways, and property lines. The Zoning Administrator may also require additional information as needed.





Alley

Prop. line

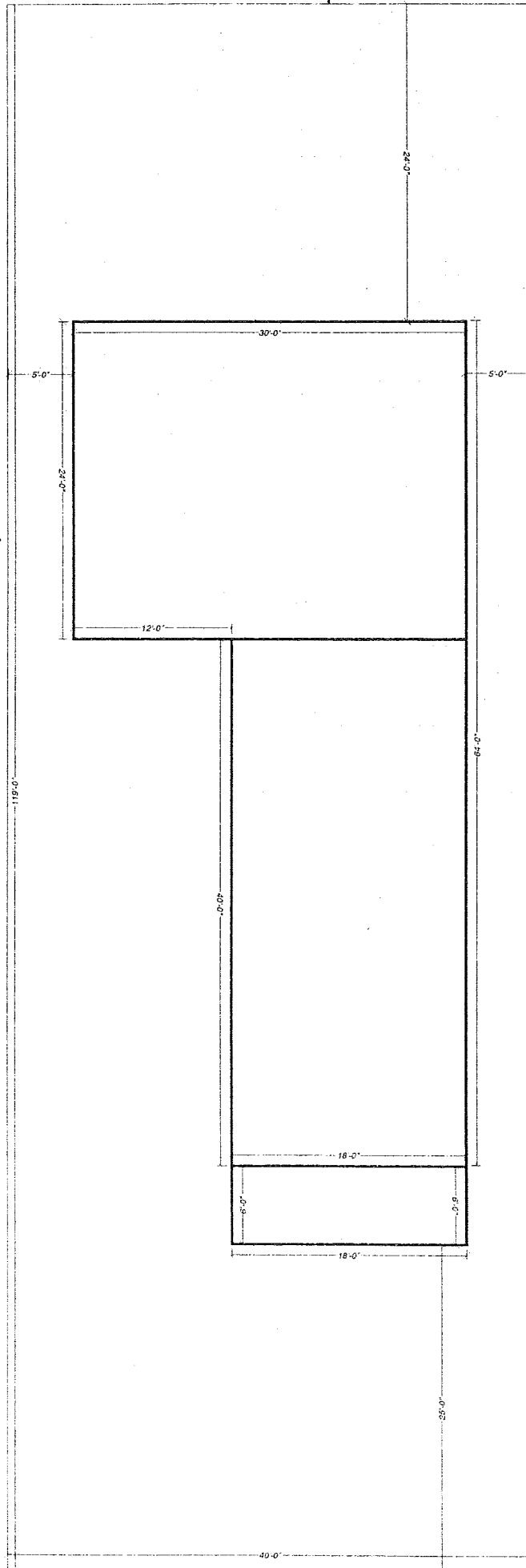
Lot Diagram  
1703 Eustis St

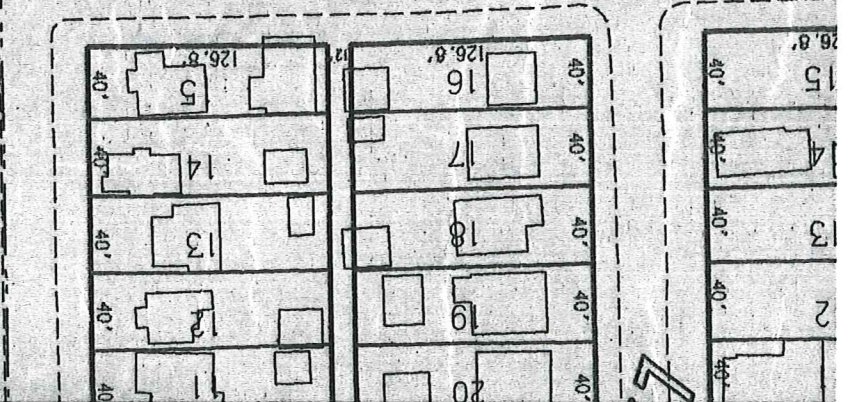
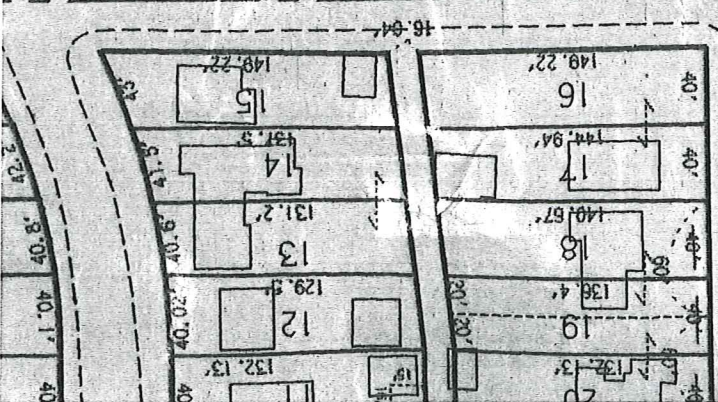
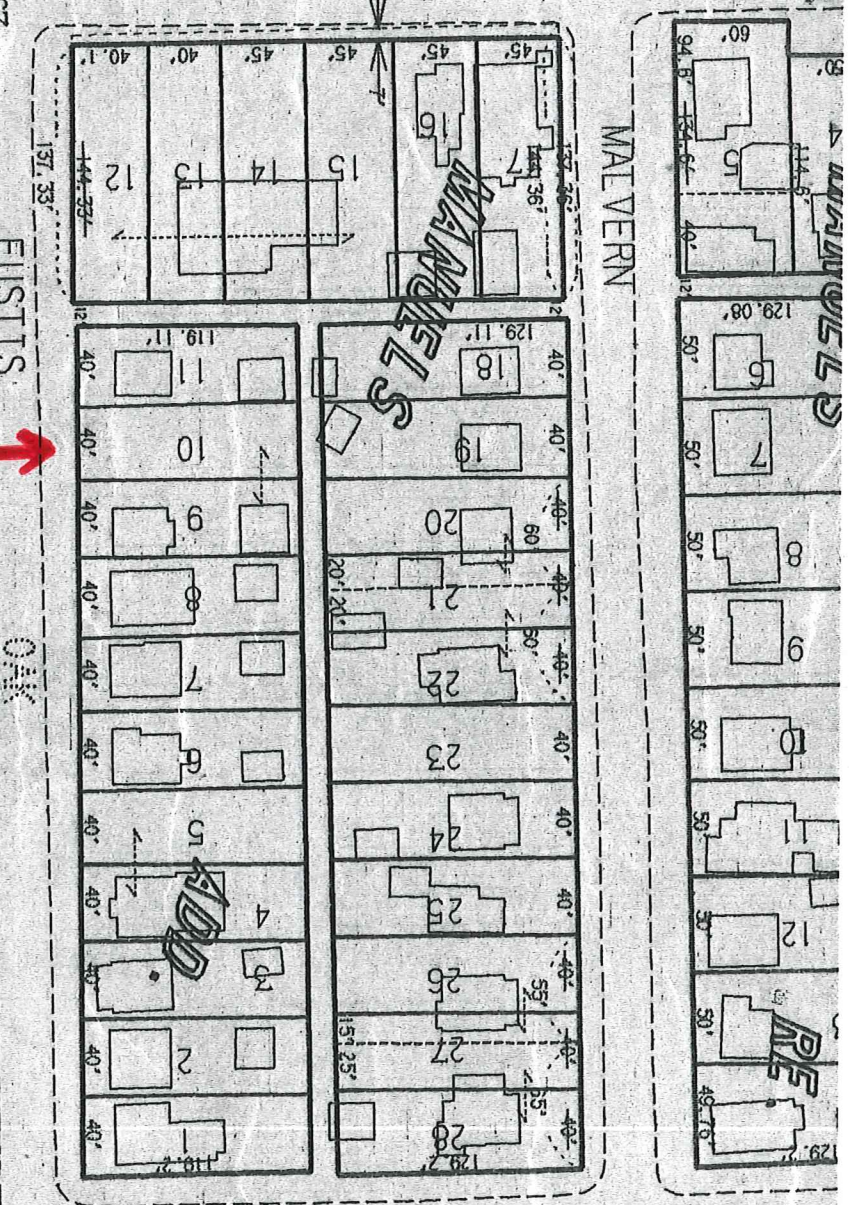
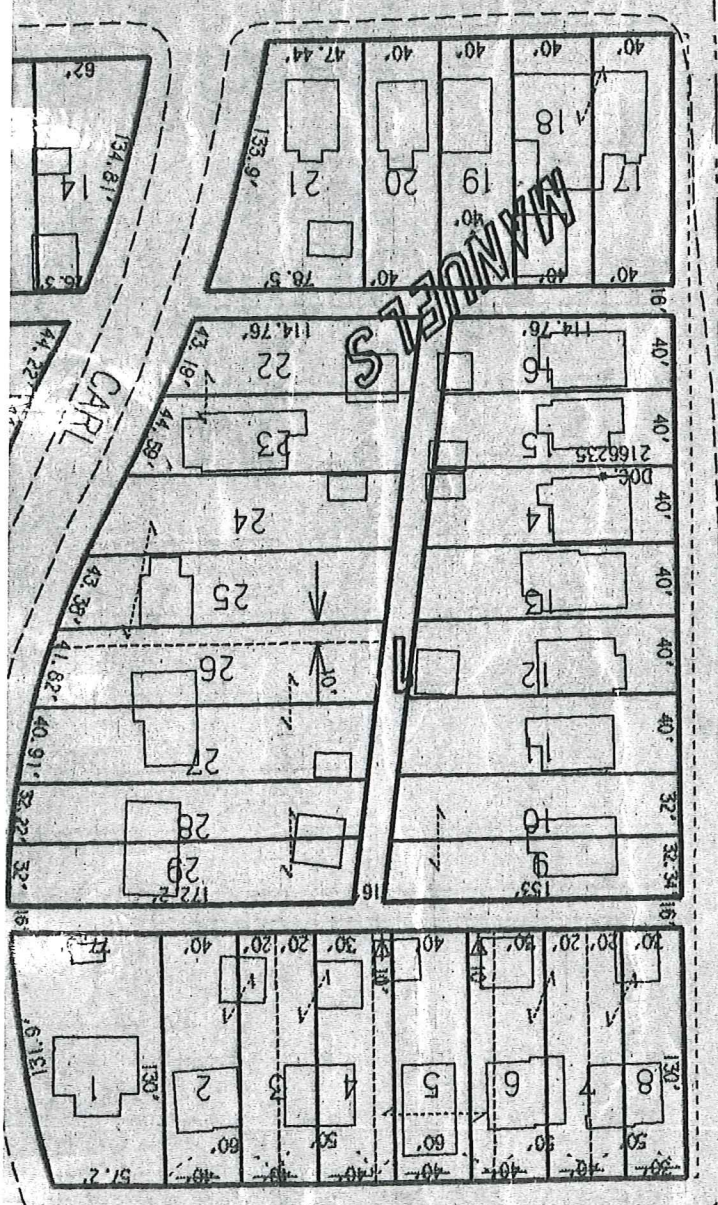
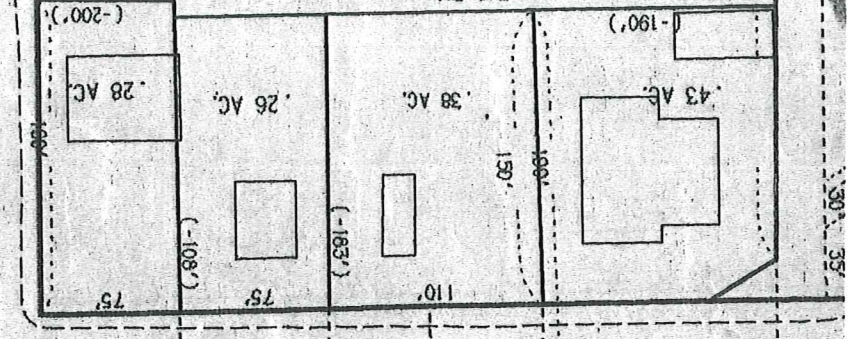
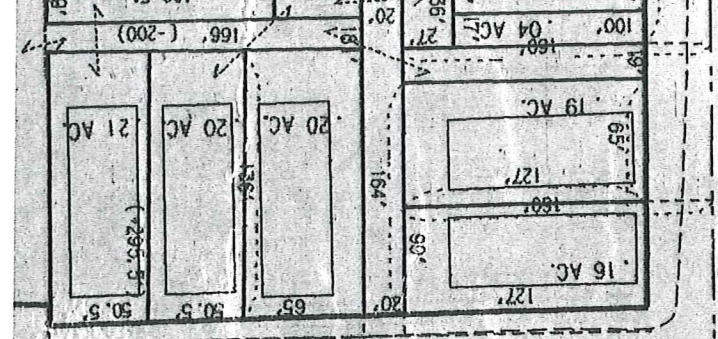
Property Line

Property line

Prop. Line

Eustis Street





R0067

EUSTIS

OK

MALVERN



ADD

DE

MemosbyJames

Date: June 24, 2003  
To: Honorable Mayor and Council  
From: James Bownik, A2CA  
Re: Side Yard Variance Application for 1951 Pleasant Street

## BACKGROUND

PROPOSAL: Request for a 2-foot variance to the side yard setback requirements - to go from 5 feet to 3 feet from the south property line for the reconstruction of an open deck. The property is zoned R-1 Residential.

### APPLICANT, PROPERTY OWNER, AND LOCATION:

Daniel Gumnit  
1951 Pleasant Street  
Lauderdale, MN 55113

## VARIANCE REQUEST AND SITE PLAN

Daniel Gumnit, 1951 Pleasant Street, is applying for a 2-foot variance to the side yard setback requirement along the south property line to go from 5 feet to 3 feet for the purpose of reconstructing an existing open deck.

The house, which is over 6 feet from the property line, has a 3-foot-wide open deck on the south side of the house that is currently 3 feet from the property line. The deck, which is a small part of a larger remodeling project, is proposed to be rebuilt at the current setback distance of 3 feet.

The deck, which has an attached staircase, serves the second story of the house and acts as an access from the house to the back yard.

Note: A shed is shown on the site plan extending beyond the north property line. This structure has been removed so that the encroachment no longer exists.

## POLICIES AND PROCEDURES FOR VARIANCE APPROVAL

In reviewing this variance request, the Council should consider the Zoning Ordinance requirements as well as relevant State Statutes. The following should be considered:

- Chapter 3 of the Zoning Ordinance defines variances as follows: "The Board shall hear requests for variances from the literal provisions of this Title in instances where their strict enforcement would cause undue hardship because of circumstances unique to the individual property under consideration, and to grant such variances only when it is demonstrated that such actions will be in keeping

with the spirit and intent of this Title. The Board of Appeals and Adjustments may not permit as a variance any use that is not permitted under this Title for property in the zone where the affected person's land is located”.

- According to State Statute 462.357, Subd. 6, the following regulations apply to variances: The board of appeals and adjustments has the following powers with respect to the zoning ordinance: “To hear requests for variances from the literal provisions of the ordinance in instances where their strict enforcement would cause undue hardship because of circumstances unique to the individual property under consideration, and to grant such variances only when it is demonstrated that such actions will be in keeping with the spirit and intent of the ordinance. “Undue Hardship” as used in connection with the granting of a variance means the property in question cannot be put to a reasonable use if used under conditions allowed by the official controls, the plight of the landowner is due to circumstances unique to the property not created by the landowner, and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of the ordinance. Undue hardship also includes, but is not limited to, inadequate access to direct sunlight for solar energy systems”.

#### **PLANNING COMMISSION ACTION**

The Planning Commission did not meet to discuss the variance request due to the lack of a quorum. Instead, this action item was placed directly on the council agenda per Title 2-1-10-4:K of the current Zoning Ordinance. The Planning Commission received the information packet and have been invited and encouraged to attend the council meeting in order to provide input to the Council.

#### **PUBLIC HEARING FOR THE VARIANCE REQUEST**

On June 13, 2003 property owners adjacent to this property were sent notice of tonight’s public hearing.

#### **CITY COUNCIL ACTION REQUESTED**

Approve or deny the variance request, attaching any conditions deemed necessary for approval. If the variance is approved, building and other permit applications will be submitted to and approved by the City Building Official before being issued.

# City of Lauderdale

1891 Walnut Street • Lauderdale • Minnesota 55113

Phone: 651.631.0300 Fax: 651.631.2066

## ZONING APPLICATION

<u>Type of Request</u>	<u>Amount</u>
<input checked="" type="checkbox"/> Variance	\$ 75
<input type="checkbox"/> Zoning Amendment	\$100
<input type="checkbox"/> Conditional Use	\$165
<input type="checkbox"/> PUD	N/A
<input type="checkbox"/> Other	

Name of Applicant DANIEL GUMNIT

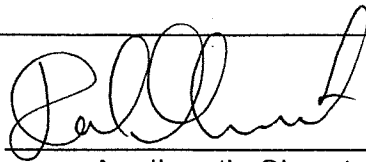
Address 1951 PLEASANT STREET NORTH

City LAUDERDALE State MN Zip 55113

Address of Property same  
(if different than above)

Day Phone 651 636 0819 Evening Phone \_\_\_\_\_ Fax 651 636 7308

Please describe why you are applying for this application We need to repair and replace the existing deck and steps which provide access to the existing exit on the south side of our house.

  
Applicant's Signature

06/02/2003  
Date

### For Office Use Only

Date of Application 6-2-03 Amount Paid 75.00 Receipt Number 6885  
PIN # \_\_\_\_\_

Recommendation of Planning Commission ( approve / deny ) Meeting Date \_\_\_\_\_

Date of Public Hearing \_\_\_\_\_

City Council Action Taken ( approved / denied ) Meeting Date \_\_\_\_\_

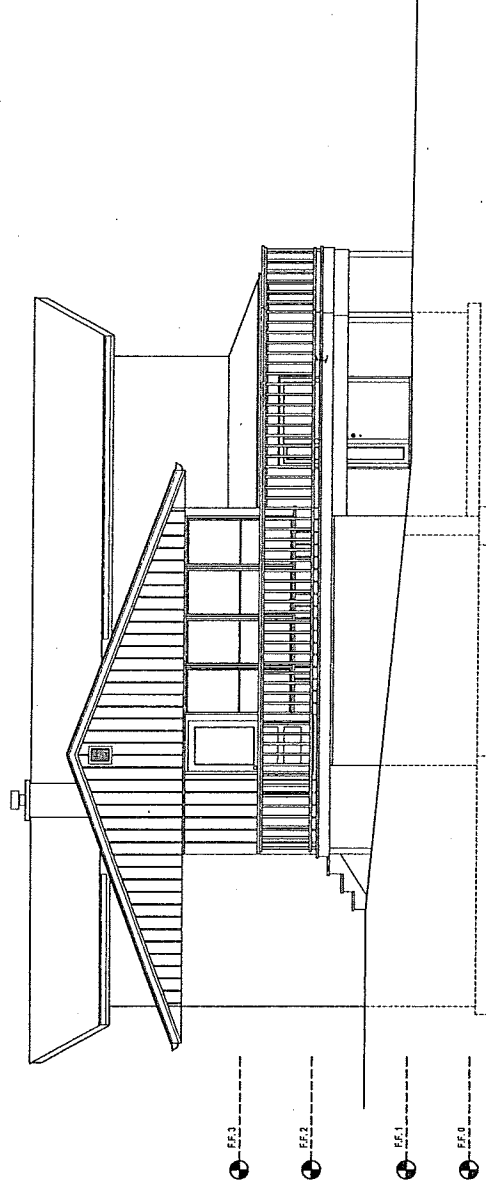
Conditions? \_\_\_\_\_

## SUPPLEMENTAL VARIANCE APPLICATION QUESTIONS

- A) The existing deck and steps need to be rebuilt and replaced. They were built many years before we purchased the home ten years ago. The deck and steps provide access to the existing side door and rear yard. The door is an exit from the house; otherwise the existing exit would have to be moved.
- B) The existing structure is currently 6' 4" from the property line and by code the existing exit door requires a minimum 3' extension from the house. This establishes the need for the continuation of the encroachment into the side yard setback for repair and replacement of the existing deck and steps.
- C) Rebuilding the deck and steps would not increase the existing non-conformity. Granting the variance will allow for the existing deck and stairs to be repaired and replaced while still allowing 3' for circulation at grade.

Lewis Design Studios  
2218 Scheffer Ave.  
St. Paul, MN 55116  
T: 651.690.9587  
F: 651.493.9587

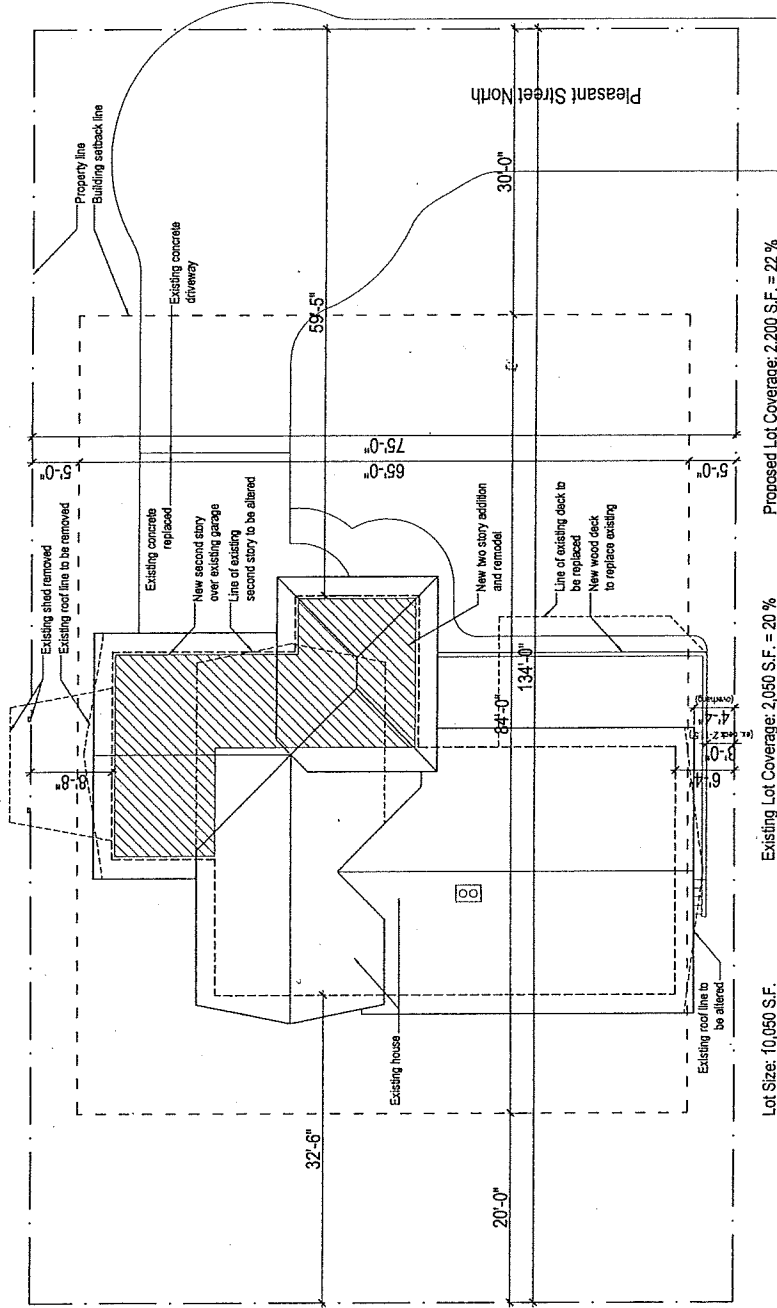
Gurnit Residence  
Remodel and Addition  
1951 Pleasant St. N.  
Saint Paul, MN 55113  
6.3.2003



Existing Side Elevation  
1/8" = 1'-0"

Lewis Design Studios  
 2218 Scheffer Ave.  
 St. Paul, MN 55116  
 T: 651.690.9587  
 F: 651.493.9587

Gummit Residence  
 Remodel and Addition  
 1951 Pleasant St. N.  
 Saint Paul, MN 55113  
 6.3.2003



Proposed Lot Coverage: 2,200 S.F. = 22 %

Existing Lot Coverage: 2,050 S.F. = 20 %

Lot Size: 10,050 S.F.

Proposed Site Plan  
 1/16" = 1'-0"



# Lauderdale City Council Memorandum

---

Council Meeting Date: June 10, 2003  
To: Mayor and City Council  
From: Rick Getschow, City Administrator  
Agenda Item: Move July 22 Council meeting to July 29

---

## **BACKGROUND:**

At the Council work session of June 10<sup>th</sup>, the Council discussed the meeting schedule for the month of July. Based on this discussion, it would be appropriate to take official action in the form of a motion on the City Council meeting date change from July 22<sup>th</sup> to July 29<sup>th</sup>.

A notice will be placed in the official paper indicating this meeting date change.

## **COUNCIL ACTION REQUESTED:**

Motion to approve the City Council regular meeting date change from July 22, 2003 to July 29, 2003.