



PLANNING REPORT - Minor Site and Building Plan Review / Variance

TO: Sunfish Lake Mayor and City Council
Sunfish Lake Planning Commission

FROM: Ryan Grittman

DATE: May 11, 2016

RE: Sunfish Lake – Kihdir - Minor Site and Building Plan Review; and Variance -
331 Salem Church Road

FILE: 211.01 – 16.04

**6/7/16 CC
Mtg.
Agenda
Item 6b**

Application Accepted: April 11, 2016
Planning Commission Date: May 18, 2016
Tentative City Council Review: June 7, 2016
60-day Review: June 9, 2016

BACKGROUND

Sena Kihdir is seeking City approval of a Minor Site and Building Plan and a Variance for a home addition. The addition will be above an attached garage on property located at 331 Salem Church Road. The property is zoned R-1 Single Family Residential and is within the Shoreland Overlay District.

The existing home on the property is 2,988 square feet. The home does not have a basement, only a crawl space. The addition will include a bedroom, bathroom, laundry room, and workout room.

The improvement will occur on the southwest side of the existing home, and will require the removal of the existing garage and a small part of the driveway. The project will not increase hard surface on the site. The project has been processed by the City as a Minor Site and Building Plan Review as changes are less than 1,000 square feet in total area. Minor site and building projects do not require Planning Commission or City Council approval, only verification by city staff that the proposed project is in compliance with the requirements of the Zoning Ordinance. However, the variance request will need review and recommendation by the Planning Commission, and approval of the City Council.

APPROVALS REQUIRED	
Minor Site and Building Plan Review	To review the proposed project, totaling less than 1,000 square feet in area.
Variance	Construction within the 200 foot shoreland overlay district setback.

Attached for Reference:

- Exhibit A: Existing Conditions
- Exhibit B: Site Plan
- Exhibit C: Project Narrative
- Exhibit D: Engineer's Comments

ISSUES ANALYSIS

Lot and Setback Standards. The following is an analysis of the project's conformance with R-1 and Shoreland Overlay District lot and setback standards.

R-1 District Standards	Required	Proposed	Compliant
Front Setback (south)	100 feet	Exceeds requirement	Yes
Side Setbacks (west)	50 feet	66 feet	Yes
Side Setbacks (east)	50 feet	35 feet	No*
Lot Area	2.5 Net Acres of land	1.7 Acres	Legally Non-Conforming (see discussion below)
Total Building Coverage	Maximum 10% of lot	6% (includes guest cottage)	Yes
Building Height Limitation (above average existing grade)	30 feet	28 feet (from lowest point to roof line)	Yes
Shoreland District Standards	Required	Proposed	Compliant
Impervious surface	Maximum of 30% of lot	18.5% of lot	Yes
Shoreland Overlay District setback	200 feet	26 feet	No*

*Existing condition

Lot Area. The parcel is 4.24 gross acres. The buildable area on the parcel totals 1.7 acres once the lake area is removed. Minimum net lot area in Sunfish Lake is 2.5 acres excluding drainage ways, steep slopes, and easements; therefore, the parcel is legally non-conforming. According to Zoning Ordinance Section 1215.02.L.2 an existing conforming use on a lot of substandard size may be expanded or enlarged if such expansion or enlargement meets all other provisions of the Ordinance.

It should be noted that the small lot size and its location on the lake make construction without a variance impossible.

Building Height. No building structure shall exceed 2½ stories or 30 feet in existing grade height, whichever is the lesser in height. The addition will be a total of 28 feet from the lowest grade to the top of the roof line. The proposed addition will be in compliance with the provision.

Building Materials. The home addition will be constructed of wood siding that will be painted to match the existing building. The existing home has a mix of horizontal and vertical siding.

Lighting. The applicant is proposing two lights to be mounted on the front of the garage. The lights will be hooded with a 90-degree downward angle. The proposed lighting adheres to Ordinance requirements with regards to being hooded or controlled, and being directed away from adjacent properties and right-of-ways. Upon installation the lights shall not exceed one-foot candle (meter reading) as measured from the property lines.

Accessory Structures. The site has a guest cottage in very close proximity to Sunfish Lake. This is an existing condition and is allowed to remain. This is the only accessory structure on the property. The applicants are not proposing any changes to the accessory structure.

Parking. No changes to the parking area are proposed. The site has a large parking pad to the west of the garage. The parking pad is screened from neighboring properties with pine trees.

Grading, Drainage, and Stormwater Management. The project will keep the hard surface on the site at the same percentage (18.5%), which conforms to the Shoreland Overlay District standard of 30% or less. The home addition will be constructed above the existing garage and will extend out onto the existing driveway, keeping the impervious surface at the same percentage.

A set of drainage and erosion control plans were provided to the City Engineer for review. Erosion control in the form of silt fence will surround the project area on the north, south, and west. The silt fencing will also serve as tree protection fencing for trees outside of the construction zone. The applicants have taken every precaution necessary with the silt fence due to the sensitivity of the site and its proximity to the lake.

The City Engineer recommended approval of the project from a grading, drainage, and erosion control standpoint (see Exhibit D).

Landscaping, Fencing, Screening and Site Vegetation. The proposed project will not impact existing trees, landscaping or natural vegetation on the site. The applicants are not proposing to remove or plant any trees. The applicants have noted that a small portion of the driveway will be removed during construction and will be replaced with matching pavement. The home site is already landscaped and no new landscaping or tree plantings are proposed at this time. The property is heavily wooded with mature trees. Adjacent properties are not expected to see the proposed expansion.

Septic and Well Systems. The existing septic system is located on the south side of the home, and the existing well is also located on the south side of the home. The project is not anticipated to impact well or septic systems on the subject property or adjacent properties. The septic was replaced in 2015 with this building expansion project in mind.

The City Septic Inspector was provided a set of site and building plans for review and has no comments at this time. Any future changes to the site septic system are subject to the review and approval of the City Septic Inspector.

Site and Building Plan Evaluation Criteria. As described in Section 1208.04 of the Zoning Ordinance, on minor projects the City Planner shall evaluate the effects of the proposed site and building plans. This review includes, but is not limited to, the following:

- A. Whether the proposed improvements are compatible and in harmony with the existing structures in the surrounding community.
- B. Whether the proposed improvements preserve the character and nature of the surrounding community, including the natural landscape and woodland characteristics of the community.
- C. Whether the proposed improvements are not constructed of unsightly, improper or unsuitable materials.
- D. Whether the proposed improvements will not materially adversely affect any natural resources in the community, except when there is no feasible and prudent alternative to the proposed location of the improvements. For purposes of this clause, "natural resources" shall include, but not be limited to, all mineral, animal, botanical, air, water, land, timber, soil, quietude, recreational, historical, scenic and aesthetic resources.
- E. Whether the proposed site and improvements shall have an appearance that will not have an adverse effect upon adjacent residential properties.
- F. Whether the proposed site improvement complies with drainage requirements, as provided in Section 1216.04 of the Zoning Ordinance.

- G. Whether the proposed site and improvements are consistent with the purposes of this Ordinance, and the Property Owner Reference and Development Guide Manual, as established by City Council Resolution.

The proposed addition will blend visually with the existing home, and employ exterior materials and design that conforms to site structures; zoning ordinance requirements; and the surrounding community. Due to its location on the front of the home, and given existing tree coverage and screening in the rear yard, the proposed project is not anticipated to be overly visible from adjacent properties. The addition will be the least non-conforming part of the structure since it will be away from the lakeside; in addition, the project is not making the home broader and still conforms to the side yard setback.

Further, the project minimizes impacts to site grading, drainage, and natural vegetation, and has met the City Engineer's requirements in that regards. Staff feels that the project adequately meets the Ordinance criteria for approval of site and building plans by the City and that the project does not conflict with the zoning ordinance or Comprehensive Plan.

Variance Criteria. The applicants are requesting a variance approval in order to construct an addition to a home that sits entirely within the required shoreland setback. The lot is a legal non-conforming lot of record.

As indicated in the provided variance narrative (Exhibit C), the applicants believe the project meets the variance criteria described in Ordinance Section 1206.01.C in that the variance request will not:

- a. Impair an adequate supply of light and air to adjacent property.

Staff Comment: The proposed house will still be approximately 100-feet away from the home to the southeast.

- b. Unreasonably increase the congestion in the public street.

Staff Comment: The project includes the addition of one bedroom, one bathroom, a laundry room, and a workout room. Traffic is not expected to be increased as a result.

- c. Have the effect of allowing any district uses prohibited therein, permit a lesser degree of flood protection than the flood protection elevation for the particular area, or permit standards which are lower than those required by State law.

Staff Comment: While the project does result in a slightly larger home footprint, the amount of impervious surface will not be increased. The proposed use of a bedroom, bathroom, laundry room, and workout room are all permitted uses.

- d. Increase the danger of fire or endanger the public safety.

Staff Comment: The existing home is 2,988 finished square feet. The building will not be protected by a fire sprinkler system. The addition is not expected to increase fire danger or public safety.

- e. Unreasonably diminish or impair established property values within the neighborhood, or in any way be contrary to the intent of this Title.

Staff Comment: The project is expected to increase the property value of the subject parcel and will conform to the quality of development within the neighborhood.

- f. Violate the intent and purpose of the Comprehensive Plan.

Staff Comment: The Comprehensive Plan supports low impact residential projects such as this. The project is not expected to violate the intent or purpose of the Comprehensive Plan.

A variance from the terms of this Ordinance shall not be granted unless it can be demonstrated that:

- a. Practical difficulties will result if the variance is denied due to the existence of special conditions and circumstances which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures or buildings in the same district.

- 1) Special conditions may include exceptional topographic or water conditions or, in the case of an existing lot or parcel of record, narrowness, shallowness, insufficient area or shape of the property.

- 2) Practical difficulties caused by the special conditions and circumstances may not be solely economic in nature, if a reasonable use of the property exists under the terms of this Title.

- 3) Special conditions and circumstances causing practical difficulties shall not be a result of lot size or building location when the lot qualifies as a buildable parcel.

Staff Comment: The subject lot is a legal non-conforming lot that does not meet the minimum requirements for buildable lot space. The lot has approximately 1.7 acres of buildable space. The topography of the lot includes a hill on the west side of the property. When factoring in a location for a septic system and drain field, the only feasible location to expand is above the garage. The lot is also narrow, which limits the buildable space. Due to the irregular shape, and the location of the existing home, a variance is necessary.

- b. Compliance with the requirements of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance or deny the applicant the ability to put the property in question to a reasonable use and the proposed variance permits the owner to use the property in a reasonable manner.

Staff Comment: The project consists of demolishing the existing garage and building a new garage and addition. The variance allows the property owner to use the property in a similar manner to how it's used now, as well as a manner similar to adjacent properties. The home will also be similar in size to properties to the north and south of the subject site. The home is very close to the lake, but the applicants are taking measures to prevent impact to the lake including a silt fence that wraps around the driveway on the north, west, and south side.

- c. The special conditions and circumstances causing the practical difficulties do not result from the actions of the applicant.

Staff Comment: The original home was built in 1929. The property owner purchased the land and existing home. The conditions are not the result of actions from the applicant.

- d. Granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures or buildings in the same district under the same conditions.

Staff Comment: The proposed project is an addition to an existing home and does not include any accessory structures. Therefore, the variance does not grant any special privileges.

- e. The request is not a use variance.

Staff Comment: The request is a setback variance, not a use variance.

- f. The variance requested is the minimum variance necessary to accomplish the intended purpose of the applicant.

Staff Comment: The applicant is proposing to expand above the garage. The proposal does not encroach toward the shoreland setbacks, or side yard setbacks.

- g. The request does not create an inconvenience to neighboring properties and uses.

Staff Comment: The expansion of the single family home will not increase traffic, and still maintains a distance of over 100-feet from the home to the southwest.

- h. The variance requested is in harmony with the purpose and intent of the Ordinance.

Staff Comment: The purpose of the ordinance is to allow reasonable use of a property that cannot physically meet the strict standards of the zoning ordinance. Staff feels that the variance request is consistent with this requirement.

- i. The variance requested is consistent with the Comprehensive Plan.

Staff Comment: The Comprehensive Plan supports low impact residential projects such as this. The variance request does not contradict the goals of the Comprehensive Plan.

- j. The variance requested will not alter the essential character of the locality.

Staff Comment: The proposal includes the expansion of an attached garage and the addition of a bedroom, laundry room, bathroom, and workout room above the garage. The variance will not alter the character of the locality. The current home has a mix of horizontal siding and vertical siding which match in color. The subject site is heavily wooded and the proposed addition will not be visible from the lake.

DNR Hydrologist. DNR Area Hydrologist Jennie Skancke reviewed the plans and the requested variance and had no comments or concerns regarding the project.

SUMMARY AND RECOMMENDATION

The applicants are requesting approval of a Minor Site and Building Plan and Variance to permit a home addition at 331 Salem Church Road. Planning Staff approves the Minor Site and Building Plans based on the finding that the project will have minimal impact on site conditions related to vegetation, land alteration, or neighboring property, and that the project complies with the intent of the Zoning Ordinance and Comprehensive Plan. This approval is conditioned upon the following:

1. The applicants adhere to any concerns by the City Engineer as they may arise.
2. Upon installation, glare from the proposed lights shall not exceed one-foot candle (meter reading) as measured from the property lines.
3. The exterior building materials used must match existing exterior building materials in material type and color.
4. The applicants shall contact planning and engineering staff to arrange pre- and post-construction site visits, whereby staff can confirm that site and building plans and associated approval conditions have been implemented accordingly. The inspections are separate from other inspections that may be necessary by

the City Building Inspector, City Septic System Inspector, City Engineer, or other individuals. The cost of site inspections is \$75.00 each and payment of this amount shall be the responsibility of the property owner.

5. The applicants obtain a building permit from the City Building Official prior to commencing any construction of the proposed project.

Variance. To approve a variance, the City must find that the applicants propose to use the property in a reasonable manner that would not be allowed without approval of the variance. The applicants must also show practical difficulties in meeting the requirements of the Zoning Ordinance. The City should take into consideration whether the proposal will be in keeping with the existing conditions in the neighborhood, and continue to be consistent with the intent of the City's zoning regulations.

The acceptability of the requested variance request is considered a policy matter to be determined by City Officials, however staff recommends that the City consider approving the requested variance based on the following findings:

- A. Practical difficulties result from unique topographic and lot configuration conditions on the subject parcel. The parcel is nonconforming in size and is very thinly shaped. The applicant is proposing no changes to natural vegetation that would result from the expansion being in a different location.
- B. The applicants propose to use the parcel in a reasonable manner. They are proposing an addition to a single family home. The home will be a similar size to others in the area. The applicants are proposing heavy duty erosion control along the north, south, and west side of the home. This will also protect trees and along the driveway next to the proposed addition.
- C. The applicant's request is consistent with the spirit and intent of the City's Comprehensive Plan and Zoning Ordinance by proposing an addition which, with the exception of the shoreland setback, meets design and performance requirements of the City.
- D. Given approval of the shoreland setback variance, the home is not anticipated to impact the character of the locality. The proposed home is typical in size relative to other homes in the immediate area. In addition, the split level design reduces the overall visual impact from the lake and neighboring properties. Further, the addition has been sited away from the lake side and will maintain all significant trees.

c:	Cathy Iago, City Clerk Mike Andrejka, City Building Official Don Sterna/Eric Eckman, City Engineers Jim Naves, City Forester Timothy Kuntz, City Attorney Ron Wasmund, Septic Inspector John Maczko, Fire Chief	Sena Kihitir, Owner Erick Rockstad, Rockstad Construction LLC
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Date 4-4-16
 Contractor Rockstead Construction
 License # BC 694158
 23315 Cedar Dr.
 Oak Grove MN 55011
 Erik Rockstead 612-282-0071
 Job address
 331 Salem Church Rd
 Sunfish Lake MN 55118
 Owner
 Sena Khatir 701-471-9672

① New Septic was installed in 2015
 See attached Septic Diagram for
 observed case tank and Tank locations

② Kristina's Rock Bed

③ Kristina's House

④ Kristina's Guest House

⑤ See Photo

All trees and vegetation are on
 South side of Drive way and
 protected by a steep slope and
 will not be affected by excavation

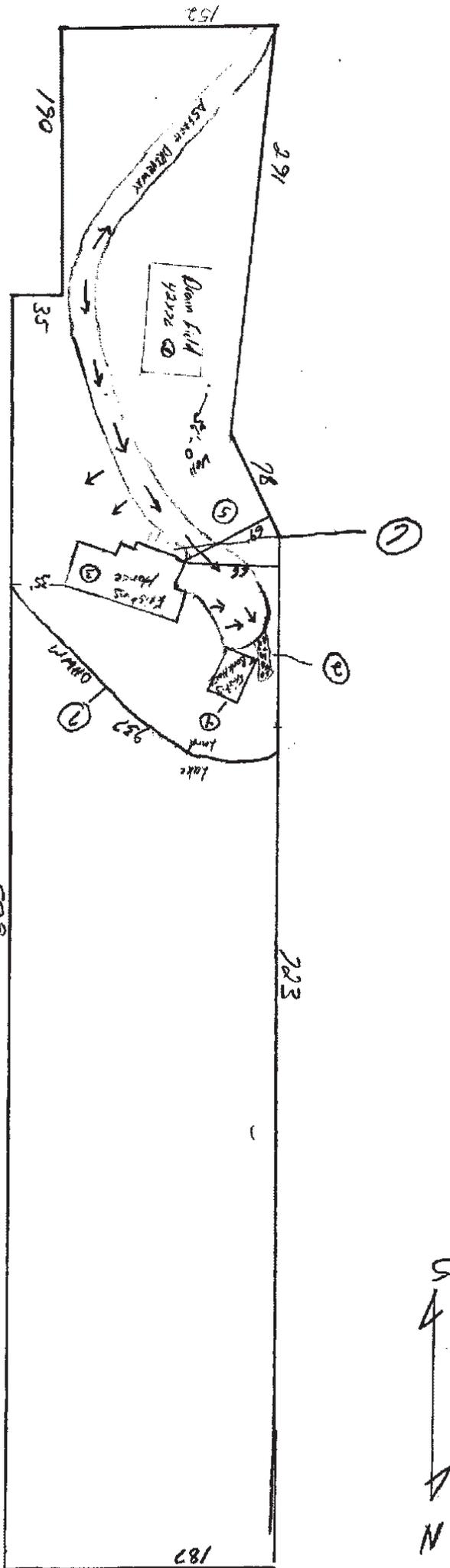
⑥ Proposed addition site 8'x21'

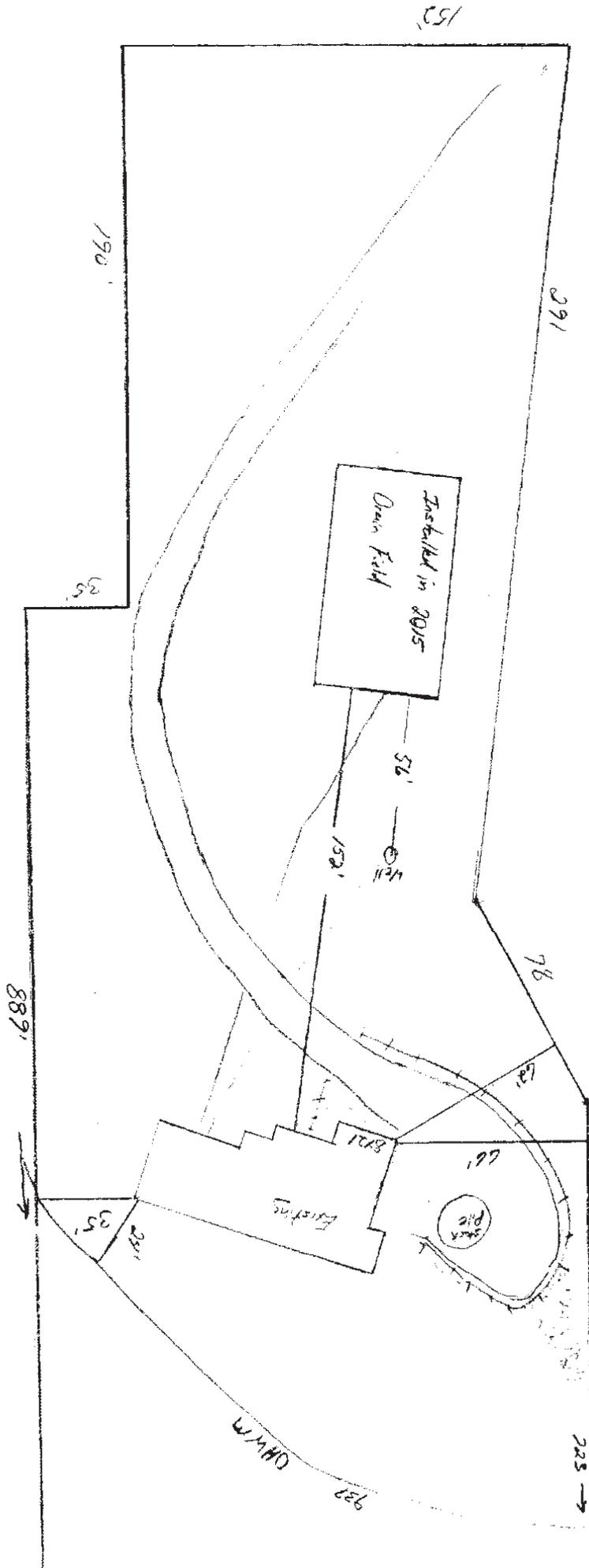
Existing topography and contours will
 not be changed by the addition we
 will maintain the same grade of

Existing Drive way see attached photo
 see attached DNR report

⑧ → Direction of water run off
 see water shed map

Scale 1/8" = 10'





Scale 1/4" = 10'

8x21 Proposed Addition Site
 Remove Floor Bed Between
 Existing Garage and Driveway
 Frost Control Ferring
 Site On Asphalt for
 Excess Dirt while Foundation
 is Under Construction
 SINK PILE

Dear City of Sunfish Lake,

I would like to request a two part variance to build an addition above our garage at 331 Salem Church Road, Sunfish Lake. The addition would have a bedroom and bathroom, a laundry room, and a small work out area to better suit our family's needs.

Our three bedroom home is very old and built in the 1920's and although it is on a legal lot, the lot is relatively small and narrow. The house itself is close to the lake, and there is no other buildable area if we exclude the wetland. The configuration is unique and difficult, and if we apply the setbacks the only place to improve upon is above the garage.

Looking at the Dakota county website GIS mapping site, the garage addition would still be >50 feet from the side setbacks, so it would be a single variance for being close to the lake. The end of the addition would have a distance of >115 feet from the closest setback to the lake.

Our home is a split level house and we have a second story over the center part of the house. Adding the second story over the garage would keep to the character of the home and surroundings. The mature trees wouldn't be impacted from this addition, and we don't believe there would be any need for tree protection during the construction. The tall mature trees around the property actually shield the whole garage area from both neighboring homes and the lake. I will provide many pictures to this effect, and I don't believe that it would impact the site. We plan to use wood siding that compliments the style of our home, and using downlights around the home,

avoiding flood lights. I have two children and aging parents and need an additional fourth bedroom since my main home only has three bedrooms. My mother lives with me for six months each year so it is important I have a comfortable space for her. She has both severe knee and back problems and needs an accessible bedroom and bathroom. She is unsteady and prone to falls. My children are still in school and live with me full time, each needing their own bedrooms. Therefore, four bedrooms are a true necessity for my family. Also, the current home does not have a laundry room, the washer and dryer is set up in the kitchen, retrofitted to a home that is over 90 years old. There is no basement that we could move the laundry into and we would like to set up a designated laundry space above the garage. The crawlspace is not suitable for a laundry room. Although there is a separate small guest house on the property, it is not set up for daily living, and is not safe or convenient for my children or mother.

Researching the site, we don't believe that the new septic system that was built in the end of August 2015 would be impacted. This is located farther back and south of the property road. The well is also south of the property road, away from any construction. There is a small strip of landscaped area on the south part of the garage, away from the lake that we would like to include in the garage. This area is 8x 21 feet for a total of 168 feet. There are a few shrubs, and what appears to be one small but dead tree in this area, I have included this area in the pictures as well. Currently the garage floor is many decades old, deeply cracked, and caved in. Water pools in the center and a new foundation is required to fix this problem. The road to the property would not be impacted and we would not be proposing any new landscaping. We don't believe that we would need to change the driveway either.

We are looking forward to being a part of the Sunfish Lake community and hope we are allowed to make these changes. We hope you will find our variance request reasonable, appropriate for our unique lot, and in character with the surroundings. I believe most of the addition would even be out of sight from the lake and our neighbors (please

4/3/2016

see the photographs). Adding the 4th bedroom and the above described space would greatly improve the function, safety, and comfort of our home.

Sincerely,

Sena Kihtir

331 Salem Church Road

Sunfish Lake, MN 55118

cell 701-471-9672

CITY ENGINEER COMMENTS

Ryan,

The size will be fine, but I'm wondering if there is enough information provided for the variance request. The setbacks should be drawn in to scale and they should identify the distance between the septic and well locations to the construction area. Even though it is clear in the letter, I would also recommend that they note that the septic sketch that is provided was from the 2015 replacement and not a new proposed system. Ron W. should also be involved to confirm that no additional updates to the system are needed based on the proposed addition.

From: Ryan Grittman [<mailto:rgrittman@nacplanning.com>]

Sent: Friday, April 08, 2016 8:08 AM

To: Eric Eckman

Cc: Don Sterna; Michelle Barness

Subject: 331 Salem Church Road

Eric,

Let me know if these will work. If not, we'll ask for a large plan set. Thanks!

Ryan Grittman

Northwest Associated Consultants

4150 Olson Memorial Highway, Suite 320

Golden Valley, MN 55422

Phone: (763) 957-1100

Email: rgrittman@nacplanning.com

Website: <http://www.nacplanning.com/>

CITY OF *Sunfish Lake* MINNESOTA

**Planning Commission
Findings of Fact &
Recommendation
(Approval)**

Applicant's Name: Sena Kihitir

Request: The applicant requests City approval of a variance to allow construction of an addition above an attached garage at 331 Salem Church Road to encroach upon the 200 foot shoreland setback requirement. The addition and existing home are completely within the 200-foot setback.

Planning Commission Meeting Date: May 18, 2016

Findings of Fact: Based on review of the application and evidence received, the Sunfish Lake Planning Commission now makes the following findings of fact and recommendation:

1. The address of the subject property is as follows:

331 SALEM CHURCH ROAD, SUNFISH LAKE, MINNESOTA 55118

2. The planning report dated May 11, 2016 prepared by Northwest Associated Consultants, Inc. and the engineer's comments dated April 8, 2016 prepared by WSB Associates are incorporated herein by reference.
3. The applicants are proposing to construct a garage addition with second floor living space upon the subject property. The second floor living space will include a bedroom, bathroom, laundry room, and workout room.
4. The proposed addition and existing home are located entirely within the 200-foot shoreland setback. The addition is above the existing garage and extends out the south side of the home by eight feet.
5. The Sunfish Lake Planning Commission held a public hearing to review the applicant's request for variance approval at the May 18, 2016 Planning Commission meeting.
6. After hearing staff, applicant and public testimony on the project, the Planning Commission recommended approval of a shoreland variance to permit the requested garage setback encroachment at 331 Salem Church Road, based on conditions set forth in the referenced planning and engineering reports.

The following findings support the Planning Commission recommendation for approval:

- a. Practical difficulties result from the unique configuration of the subject parcel. The 200' shoreline setback extends across a significant portion of the lot, leaving only a limited area in which to construct the proposed garage.
- b. The applicant's request to construct a garage and second floor living space is reasonable and common to other single family homes in the City of Sunfish Lake.
- c. The applicant's request is consistent with the spirit and intent of the City's Comprehensive Plan and Zoning Ordinance by proposing a home addition project which, with the exception of the garage setback, meets all area, material, and aesthetic requirements of the City.
- d. Provided screening is installed on the shoreland side of the home via large mature trees, its construction within the shoreland setback area is not anticipated to impact the character of the locality.

Recommendation:

Based on the foregoing considerations and applicable ordinances, the Planning Commission recommends approval of the applicant's request for variance to allow the encroachment of a garage within the 200 foot shoreland setback.

Approved, subject to the following conditions:

1. City approval of site and building plans (for the addition) and satisfaction of all related conditions of approval.
2. The exterior building materials used must match existing exterior building materials in material type and color.
3. The applicants shall contact planning and engineering staff to arrange pre- and post-construction site visits, whereby staff can confirm that site and building plans and associated approval conditions have been implemented accordingly. The inspections are separate from other inspections that may be necessary by the City Building Inspector, City Septic System Inspector, City Engineer, or other individuals. The cost of site inspections is \$75.00 each and payment of this amount shall be the responsibility of the property owner.
4. The applicants obtain a building permit from the City Building Official prior to commencing any construction of the proposed project.

5. The applicants adhere to the City Engineer's recommendations for construction, as addressed in his comments dated April 8, 2016.

Adopted by the Sunfish Lake Planning Commission this 18th day of May 2016.

City of Sunfish Lake

By: _____
Tom Hendrickson
Planning Commission Chair

ATTEST

Catherine Iago, City Clerk