

CITY OF *Sunfish Lake* MINNESOTA

Planning Commission Findings of Fact & Recommendation (Approval)

Applicant's Name: Joe and Linda Schaefer

Request: The applicants request City approval of a shoreline and side yard setback variance to allow construction of a garage addition on their home at 345 Salem Church Road. The variance will permit the garage expansion to occur entirely within the required shoreline setback, and to intrude approximately 10 feet into the required side yard setback.

Planning Commission Meeting Date: August 20, 2014

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:

345 SALEM CHURCH ROAD, SUNFISH LAKE, MINNESOTA 55118
2. The Planning Report dated July 9, 2014 and the report addendum dated August 13, 2014 prepared by Northwest Associated Consultants, Inc. is incorporated herein by reference.
3. The existing home is a legal non-conforming structure in that it fails to meet the required shoreline setback of 200 feet.
4. The Sunfish Lake Zoning Ordinance allows for a non-conforming home to be expanded in order to improve livability.
5. The proposed project will include the construction of a 528 square foot third stall garage addition on the south end of the existing attached garage.
6. A variance is required to allow building expansion within the shoreland setback, and to permit the garage expansion to intrude 10 feet into the required surface building side yard setback.
7. The Sunfish Lake Planning Commission reviewed the applicant's request for variance approval at both the July 16, 2014 and the August 20, 2014 Planning Commission meetings.
8. At the July 16, 2014 meeting the Planning Commission tabled consideration of the application until new grading, drainage and stormwater information could be reviewed by the City Engineer.

9. At the August 20, 2014 meeting, the Planning Commission heard information pertaining to revised plans and the review of grading, drainage, and stormwater information by the City Engineer, and recommended approval of a shoreland and side yard setback variance to allow a one stall garage expansion on the existing home and attached garage at 345 Salem Church Road, based on conditions set forth in the referenced planning and engineering reports.
10. Upon review of the planning report and application information the Planning Commission found that the proposed variance requests meet Ordinance requirements. The following findings support the Planning Commission recommendation for approval:
 1. Practical difficulties result from the unusual configuration of the 345 Salem Church Road parcel. The parcel is wider near the shoreline, and narrows farther away from the shoreline. Once the 200 foot setback from the ordinary high water level is applied, in addition to the 50 foot side yard setbacks for the Shoreland District, the legally conforming buildable area on the lot is severely diminished.
 2. The applicants propose to use their property in a reasonable manner:
 - a. The applicants are proposing a garage expansion. Garages are an allowed accessory use in the R-1 District.
 - b. The request to expand from a two car garage to a three car garage in order to create a more functional garage space is reasonable within the context of what has been allowed and expected for these structures on other properties in the community.
 - c. Ordinance permits attached garages up to 1,250 square feet in area. The existing attached garage with proposed addition will be approximately 1,000 square feet in area, meeting ordinance size requirements.
 3. The project complies with the intent of the City's Zoning Ordinance and Comprehensive Plan by proposing a project that meets the size, material, use, and aesthetic requirements that the City has provided.
 4. The applicants are willing to improve the compatibility of the garage expansion with adjacent properties and the lake by providing additional screening, and agreeing to implement the minimal expansion necessary for one additional garage stall.
 5. Several existing accessory and principal structures on nearby properties are unable to meet setback requirements. The applicant's proposed setback intrusion is comparable, and in some cases less than, structure setback intrusions that can be observed on nearby properties. As such,

the setback intrusion will not significantly impact the character of the locality with regards to location of structures near lot lines.

Recommendation:

Based on the foregoing considerations and applicable ordinances, the Planning Commission recommends approval of the applicant's variances to allow the construction of a garage expansion on their property.

Approved, subject to the following conditions:

1. The applicants shall contact planning 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.
2. The applicants obtain a building permit from the City Building Official prior to commencing any construction of the proposed project.
3. The applicants address final requirements from the City Engineer report dated July 25, 2014 pertaining to removal of construction debris and site access. In addition, by the time the project is considered at the City Council meeting on September 2, 2014, the applicants must address engineering conditions for grading in that same report. Specifically:
 - a. A drainage swale south of the proposed garage expansion must be expanded south and southwest of the expansion to capture water off of the driveway.
 - b. The applicants must provide plans demonstrating that drainage from the driveway towards the home and garage will be captured and moved away from site structures.
4. The applicants install at least three or more, 8 to 10 ft. high evergreen trees as recommended by the City Forester, around the south – southeast edge of the garage expansion to provide additional screening of the structure from adjacent properties.

Adopted by the Sunfish Lake Planning Commission this 20th day of August 2014.

City of Sunfish Lake

By: _____
Andrea McCue
Planning Commission Chair

ATTEST

Catherine Iago, City Clerk



MEMORANDUM - Addendum

TO: Sunfish Lake Planning Commission

FROM: Michelle Barness

DATE: August 13, 2014

RE: Sunfish Lake – Schaefer - Variance; 345 Salem Church Road

FILE: 211.01- 14.06

Grading, Drainage, and Stormwater Management

Consideration of Joe and Linda Schaefer's request for a shoreland and side yard setback variance to permit a garage expansion on their property located at 345 Salem Church Rd. was tabled for consideration at the upcoming August 20, 2014 Planning Commission meeting. The applicants were required to provide additional grading, drainage, stormwater management and erosion control information to the City Engineer for review. The applicants have done so, and have been in correspondence with the City Engineer in addressing final engineering conditions for the project. The City Engineers report dated July 25, 2014 has been included with this addendum for consideration.

To summarize, the engineer requested that grading south of the proposed garage be adjusted to provide a swale for drainage of stormwater runoff from the area, that locations of site utilities in the vicinity of the garage be indicated, and that engineered drawings of a retaining wall be provided if the retaining wall exceeds 4 feet in height. Additional conditions related to project construction and follow-up are also listed, and would need to be adhered to in the case that the project is approved. The City Engineer confirmed conformance of proposed drainage plans with City requirements, and has indicated that final conditions provided in his report can be addressed in time for building permit issuance.

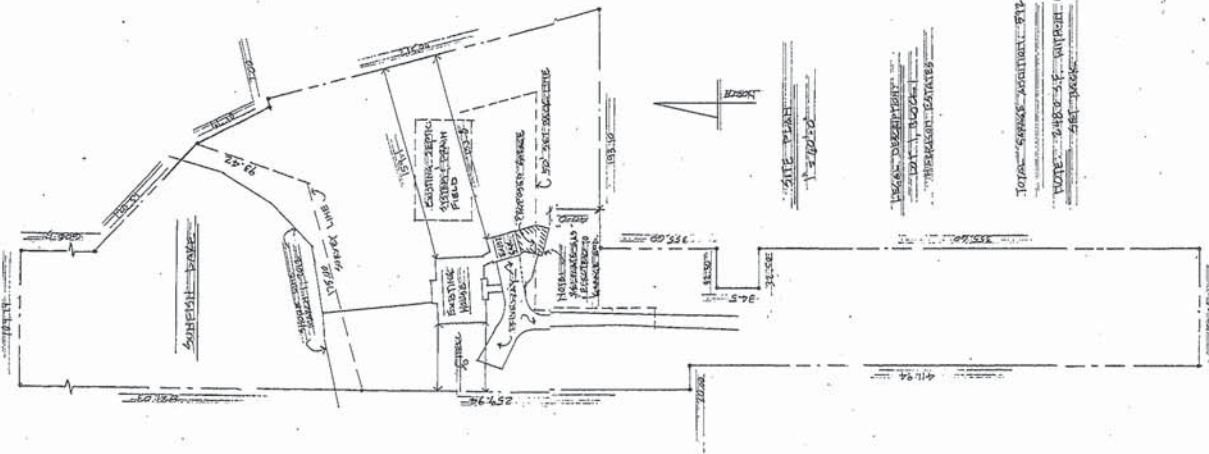
Revised Plans

The applicants have provided revised plans for the proposed garage expansion, reducing the intrusion of the third garage stall into the side yard setback by approximately 5 feet, resulting in a 40 foot side yard setback as opposed to a 35 foot side yard setback. A variance is still required as surface buildings must adhere to a 50

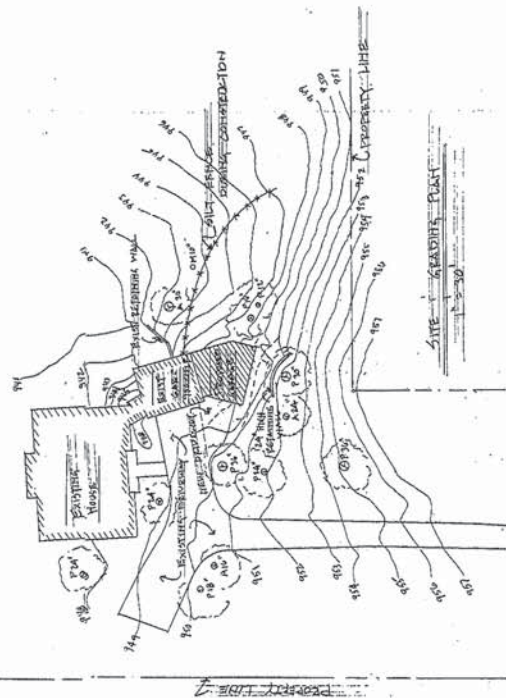
foot side yard setback. The proposed revision still angles the garage addition so as to save a mature pine tree in the vicinity of the garage. In addition, the revised plans indicate the impact of the garage addition reduction to the garage foundation, and illustrate the addition of a raised front entry walkway to allow stormwater to move from the garage area and drain downslope beneath the breezeway of the existing home.

In addition, an analysis of reduced setbacks on neighboring properties has been provided for consideration. The analysis demonstrates that several principal structures and garages on nearby lots exhibit reduced setbacks from what is required by Ordinance. This is provided as a talking piece in the variance discussion in that it speaks to the character of the locality. Legally non-conforming conditions on adjacent properties are not enough to justify approval of a requested variance. However, the analysis provides some insight into what can be found on adjacent properties with regards to setbacks, and how the current request differs or is similar to conditions found in the immediate area.

c: Sunfish Lake Mayor and City Council
Cathy Iago, City Clerk
David Neameyer, City Building Official
Don Sterna and Tom Voll, City Engineer
Jim Naves, City Forester
Tim Kuntz, City Attorney
Joe and Linda Schaefer, Applicants
Keith Heaver, Project Architect
Jennie Skancke, Dakota County Hydrologist, MnDNR

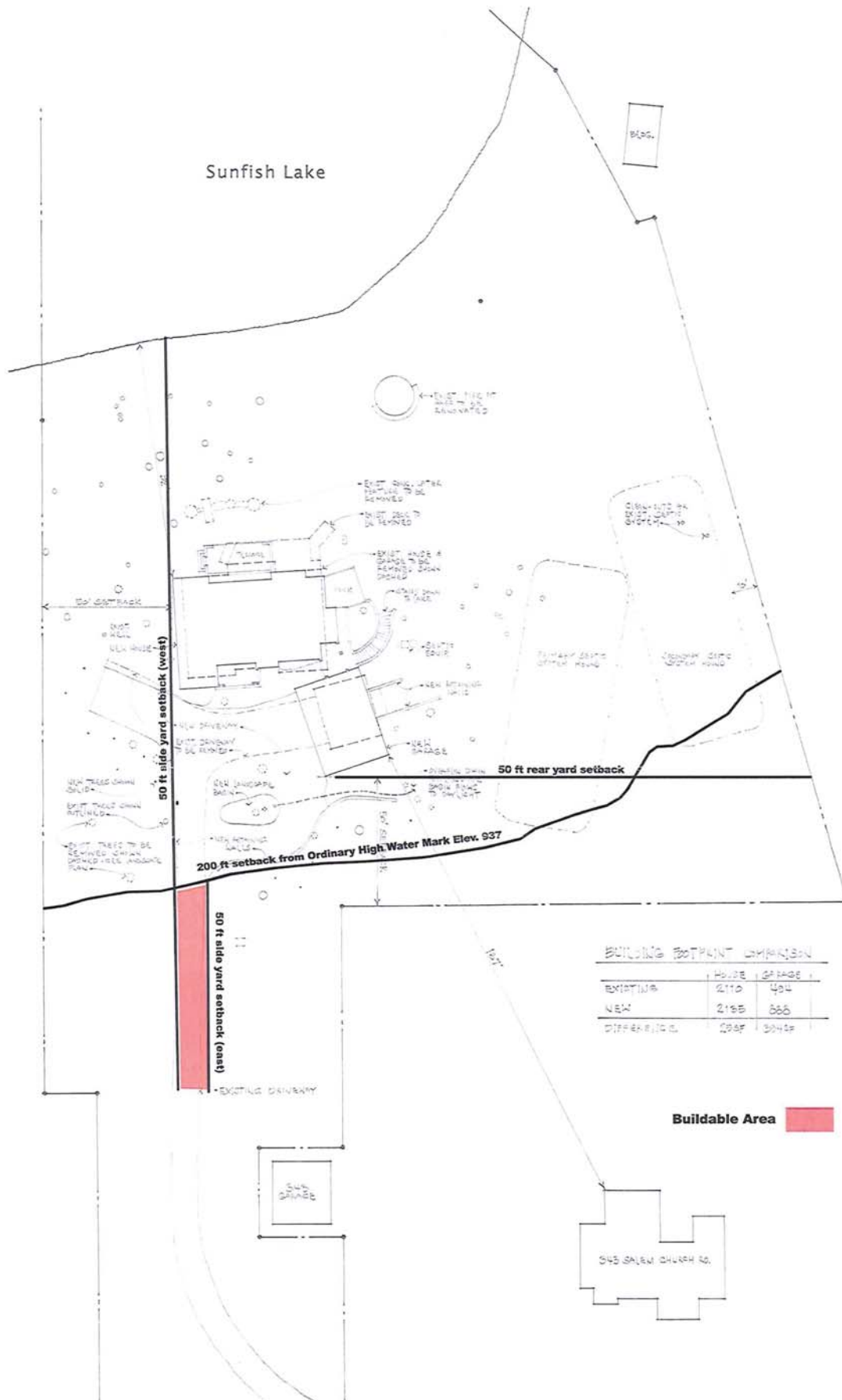


TOTAL AREA: 1.25 AC.
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SITE GRADING PLAN

SITE PLAN / GRADING	SHEET
10000	OF
10000	OF



Vermeland
Architects
651-998-1022

Site Plan
(showing existing and new)
1"=20'

345 Salem Church Road
Sunfish Lake, MN

July 16, 2012

2



Memorandum

To: *Michelle Barness, City Planner
Northwest Associated Consultants*

From: *Don Sterna, PE, City Engineer
WSB & Associates, Inc.*

Date: *July 25, 2014*

Re: *345 Salem Church Road
Garage Addition
City of Sunfish Lake, MN
WSB Project No. 1629-38*

Background

Below is our review of the building application for a variance for setbacks for a one stall garage expansion for the home located at 345 Salem Church Road.

Drainage, Grading / Erosion Control

- The calculations provided indicate that the 100-year event increase in discharge is less than 0.1 cfs from the existing conditions to proposed conditions. The depressed area downstream (northeast of the house) is anticipated to decrease the proposed discharge rate to the existing discharge rate. Therefore the drainage design is in conformance of City requirements.
- The proposed garage will divert additional flow towards the existing house and garage, and flow between these structures. If the flow path between the structures is obstructed with snow the overland freeboard to the garage and house would be less than one foot. The flow path between the structures is towards a retaining wall which could be subject to erosion or failure. It is highly recommended that a swale on the south side of the new garage be installed and flow to the east away from the existing garage and house.
- The grading plan around the new garage should be shown on the plans. The east side of the new garage would appear to require a 3-foot to 4-foot high retaining wall or placement of fill to reach a 950 elevation at the garage floor. The developer's engineer must provide the grading plan in sufficient detail for the area south and east of the proposed garage.
- The final locations of the existing gas and electric line are under the proposed driveway and garage should be clearly indicated on the plans. Will the utility lines be moved or connected to the new garage?

- The applicant will need to install silt fence around the back and south side of the garage to seal off the construction area to contain any surface run off. This must be shown on an erosion control plan which must be submitted.
- The debris from the construction should be placed in a dumpster to contain the demolish debris. Other Best Management Practices for erosion control and sediment control may be needed as site development progresses.

Site Access

Salem Church Road is a seven (7) ton per axle roadway which is posted for spring load limits at five (5) tons per axle. The Contractor must adhere to these limits when delivering material to the site. Any damage to the roadway and City right-of-way shall be repaired to the City's satisfaction by the applicant prior to the issuance of a certificate of occupancy.

The access to the property will be through a private shared driveway. The condition of the shared driveway pavement should be video recorded prior to construction so that in the event any construction traffic causes damage, it can be verified. Permission/notification should be acquired from the adjacent property owners who use this driveway for property access.

Recommendation

Based upon our review of the proposed site and grading plans appear to be consistent with the City's requirements, with the exception of the above-noted items in this memorandum. Therefore, we hereby recommend denial from an engineering standpoint for this project until these items are addressed. We are requesting a new set of plans addressing these comments be resubmitted to our office prior to final issuing of the building permit on the project.

If you have any questions or comments regarding the review, please contact me direct at 763- 287-7189.



MEMORANDUM

TO: Sunfish Lake Planning Commission

FROM: Michelle Barness

DATE: July 9, 2014

RE: Sunfish Lake – Schaefer - Variance; 345 Salem Church Road

FILE: 211.01- 14.06

In the course of pre-application discussions with the applicant, the City indicated that grading, drainage, and stormwater management information is required for review, and that the City Engineer is available to answer questions pertaining to these submissions for the project in question. In addition, requirements for site and building plan submission are provided in both the Sunfish Lake Zoning Ordinance and via pre-application materials provided to applicants. The applicants did not submit all required information, and were contacted by City staff within one work week with the request that additional grading, drainage, and stormwater management information be provided for review. The City Engineer has yet to have received the requested information, and as such cannot provide final review and recommendations on the project.

City staff recommends tabling consideration of the proposed setback variance to permit construction of a garage addition on the subject property until the following Planning Commission meeting on August 20, 2014. Planning staff is providing the attached report, which reviews the applicant's current site and building plan submittal and provides an analysis of the variance request, with the understanding that final consideration of the project will be moved to the August Planning Commission meeting.



NORTHWEST ASSOCIATED CONSULTANTS, INC.

4800 Olson Memorial Highway, Suite 202, Golden Valley, MN 55422
Telephone: 763.231.2555 Facsimile: 763.231.2561 planners@nacplanning.com

PLANNING REPORT – Minor Plan Review & Variance

TO: Sunfish Lake Planning Commission

FROM: Michelle Barness

DATE: July 9, 2014

RE: Sunfish Lake – 345 Salem Church Road (Schaefer) - Shoreline Setback Variance

FILE: 211.01 – 14.06

Application Accepted:	June 16, 2014
Planning Commission Date:	July 16, 2014
Tentative City Council Review:	August 5, 2014
60-day Review:	August 15, 2014

BACKGROUND

Mr. and Mrs. Joe Schaefer are requesting approval of a variance to allow the construction of a one stall garage addition on their home located at 345 Salem Church Road. The property is zoned R-1 Single Family Residential and Shoreland Overlay District. The subject parcel is narrow and once required setbacks are applied minimal buildable area remains. As a result, the existing home and attached garage are legally non-conforming as pertains to the required 200 ft. shoreline setback. Zoning Ordinance Section 1215.02 states that legally non-conforming uses may be expanded to improve livability, but the expansion may not increase the non-conformity. The garage will expand away from the shoreline but within the required setback area. As such, the applicants are requesting a variance from the shoreline setback. In addition, the garage expansion is angled to avoid the removal of several well established pine trees. This results in a side setback to the south of only 35 ft., whereas a 50 ft. setback is required. The applicants are also requesting a variance from the side yard setback to be able to construct the garage expansion in the described manner and location.

The applicant's home is single story with a partial basement. The foundation is approximately 2,100 square feet in area. The existing garage is two stalls with a floor area of approximately 480 square feet. The garage also has a basement. The proposed garage addition is 592 square feet, bringing the total area of the attached garage to approximately 1,072 square feet. Sunfish Lake Zoning Ordinance Section 1202.02.F defines the gross floor area of a building as the floor area exclusive of the basement or cellar. Our ordinance does not provide a definition that distinguishes

basements from cellars. As such the Planning Commission may exclude the garage basement from the gross floor area calculation.

APPROVALS REQUIRED	
Variance from Shoreland Overlay District Setback Requirements	To permit the construction of a garage addition on a legally non-conforming house, as relates to the 200 foot Ordinary High Water Level setback and rear setback requirements for the Shoreland Overlay District.

Attached for reference:

- Exhibit A: Site Survey (dated March 1, 2012)
- Exhibit B: Garage floor plan/elevation
- Exhibit C: Garage foundation/elevation
- Exhibit D: Site & grading plan
- Exhibit E: City Engineer memo (dated July 8, 2014)
- Exhibit F: Site Setbacks and Building Constraint Graphic

ISSUES ANALYSIS

Site Plan Review

The property at 345 Salem Church Road is zoned R-1, Single Family Residential and also is within the Shoreland Overlay District surrounding Sunfish Lake. The following table illustrates R-1 and Shoreland Overlay District requirements that may be impacted by the proposed garage expansion, and how the project conforms with the standards.

R-1 District Standards	Required	Proposed	Compliant
Maximum Building Coverage	10%	2%	Yes
Building Height Limitation (height above average existing grade)	30 feet	22' (main structure) 10' 8" (garage)	Yes
Shoreland Overlay District Standards	Required	Proposed	Compliant
Building setback from property line located adjacent to street	100 feet	est. 515 feet	Yes
Surface Building Side Yard Setback (east, west, & south of home)	50 feet	54 feet (west) 154 feet (east) 34' 6" (south)	No*
Building setback from Ordinary High Water Mark	200 feet	89 feet	No*
Maximum lot coverage by impervious surface	30%	est. 7%	Yes

* Variance has been requested

Setback Requirements. With the requested garage expansion the home will continue to meet the front yard setback requirement, and side yard setbacks to the east and west.

The building fails to meet the Shoreland Overlay District 200 foot setback from the OHWL. Due to the unusual shape of the lot and the location of the existing home only 89 feet from the shoreline, any future building improvements or expansions will occur within the shoreline setback area. The applicants are requesting a variance from this requirement to implement the desired garage expansion. In addition, to attain the space necessary for the proposed third garage stall, the garage expansion will be located 15 feet into the required 50 foot side yard setback south of the home. A variance is also being requested from the side yard setback. The variance requests will be evaluated later in this report.

Building Height. According to ordinance, no building structure shall exceed two and a half stories or 30 feet in height above average existing grade. The average grade at the perimeter of the home is approximately 946 feet in elevation. The top of the principal building does not exceed 968 feet in elevation, meeting the R-1 District 30 foot height limit. The garage addition will match the conforming height of the existing attached garage, which is no more than 11 feet in height.

Building Materials. The exterior finish of the garage addition will be cedar shake siding and cedar boards to match existing materials on the home and garage. These materials are approved finishes according to Section 1219.03 of the Zoning Ordinance.

High Water Elevation. Permanent structures on lakes must have a lowest floor elevation at a level at least three feet above the highest known water level, or three feet above the OHWM, whichever is higher. There will be no change to the low floor elevation on the existing home at 345 Salem Church Road.

Accessory Buildings. Ordinance permits an attached garage not exceeding 1,250 square feet. The existing garage is 480 square foot garage and the proposed garage expansion is 592 square feet, with a total garage size of approximately 1,100 square feet, meeting Ordinance size requirements. No additional accessory structures are proposed.

Placement and Design of Roads, Driveways, and Parking Areas. According to the ordinance, private roads and parking areas shall be designed to take advantage of natural vegetation and topography to achieve maximum screening from view from public waters. The garage expansion has been angled to minimize the requirement for additional driveway area and impervious surface, and to protect a mature pine tree just south of the home and drive which provides natural screening in that direction. The garage expansion will require the removal of two trees between the garage and the lake; no new trees are proposed. Supplemental screening between the east side of the garage and the lake, and the south side of the garage and the adjacent property in that direction, shall be provided to mitigate visual impacts from the proposed garage addition.

The driveway to the garage expansion will be surfaced in asphalt to match the existing driveway and will maintain the required 25 foot setback from lot lines.

Lighting. Site lighting will not be altered with the construction of the proposed garage expansion. No new lighting is being proposed.

Grading and Drainage.

A minimal amount of grading and excavation is proposed with the garage expansion. No garage basement is proposed, reducing the need for excavation, and the garage will be constructed on a concrete block base and concrete footings. All disturbed areas shall be restored to lawn, ground cover, natural cover, or landscape plantings immediately following the completion of the project.

The Shoreland Overlay District limits the impervious surface coverage of lots to not exceed 30% of the lot area. The lot currently has 6.75% of impervious surface coverage. With the addition of the garage expansion and approximately 150 square feet of additional driveway area, the lot is not anticipated to exceed 7-8% impervious surface, meeting district requirements. However, more than 700 square feet of hard surface will be added to the site with the proposed project, and the increase in rate and volume of stormwater runoff that results should be mitigated.

The City Engineer is awaiting submittal of additional information pertaining to grading, drainage, and stormwater management, and will provide final recommendations on these issues upon receipt of the required plans.

Landscaping/Fencing/Screening. Three 10-12" pine trees will be removed as a result of the construction of the proposed garage expansion. Several large pines between 24 - 30" in diameter will be preserved in the immediate vicinity of the garage. Angling the garage expansion allows a large 36" pine west of the existing garage to be preserved. No additional landscaping is proposed at this time, however the applicant has indicated the willingness to plant additional trees east or south of the garage to provide additional vegetative screening to help buffer views from the lake and the neighboring property to the south.

An 18" retaining wall is proposed south of the garage expansion. Engineered drawings of retaining walls are not required as long as the wall does not exceed four feet in height.

The City Forester has had the opportunity to review site plans and has no further recommendations on the project.

Septic System. No changes are proposed for the site's septic system. The City Septic Inspector has been provided a set of plans for review, and has no additional comments or recommendations.

Site and Building Plan Evaluation Criteria. As described in Section 1208.04 of the Zoning Ordinance, the Planning Commission, as its basis of recommendation, and the

City Council, as its basis for decision, shall evaluate the effects of the proposed site and building plans. This review shall include, 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.

Comment: The single family home and garage on this property are permitted uses in the R-1 and Shoreland Overlay Districts. Further the design of the garage with the requested expansion will be comparable in size to structures on surrounding properties.

Other than the setback from the lake OHWM and the side lot line, the site plan has complied with Ordinance performance standards. The architecture is of quality design consistent with City Design Guidelines and in conformance with existing site structures.

- B. Whether the proposed improvements preserve the character and nature of the surrounding community, including the natural landscape and woodland characteristics of the community.

Comment: Minimal vegetation removal is required for the construction of the proposed garage expansion. It will result in the removal of three trees, with a significant amount of vegetative cover remaining on the property, including a significant pine tree that was intentionally protected in the placement of the garage. Details regarding tree protection measures for those trees to be preserved have not been provided, and shall be required as a condition of approval.

- C. Whether the proposed improvements are not constructed of unsightly, improper or unsuitable materials.

Comment: The exterior materials of the proposed garage expansion meet ordinance requirements, create aesthetic appeal, and otherwise maintain the character of the locality.

- 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.

Comment: The subject property is located on Sunfish Lake and within the Shoreland Overlay District. Any future use or activity on the property shall make it a priority to: 1) consider the preservation of natural areas (specifically within the 200 foot setback along the shoreline), and 2) protect water quality by minimizing the removal of vegetation and maximizing the control of stormwater runoff,

erosion, and any other impactful water-borne substances associated with residential development (fertilizer and pesticides, automobile oils and fluids, etc.).

- E. Whether the proposed site and improvements shall have an appearance that will not have an adverse effect upon adjacent residential properties.

Comment: The garage expansion will not exceed 11 feet in height and will be designed to match building materials on the existing garage. In addition, it will be partially screened by existing tree coverage to be preserved on the site. However, the expansion essentially doubles the size of the garage on the site, and will be visible to some extent from adjacent properties and the lake. If the City feels the project justifies approval of a setback variance, additional screening shall be required to mitigate against the reduced setbacks being requested.

Residents within 1000 feet of the subject property were given the opportunity to provide feedback on the setback variance requests and the proposed project. Some expressed concerns over the City permitting reduced setbacks in the Shoreland District, and pointed out that in combination with removal of trees in the course of construction, the garage expansion may have an adverse impact on nearby properties.

- F. Whether the proposed site improvement complies with drainage requirements, as provided in Section 1216.04 of the Zoning Ordinance.

Comment: The City Engineer has requested submission of additional grading, drainage, and stormwater management information to make a determination that the proposed project is in conformance with Ordinance requirements. He will provide final recommendations upon submission.

Variance From the 200 Foot Shoreline Setback from the OHWL, and from the Side Yard Setback in the Shoreland Overlay District

A variance may be granted if the City believes enforcement of zoning regulations as applied to the subject property will cause the applicants “practical difficulties.” Factors in determining practical difficulties include:

- 1) The applicant’s problem is due to circumstances unique to the subject property not caused by the landowner. In considering the variance for a building to intrude into a setback, the focus is on whether there is anything physically unique about the subject property (e.g. topography, natural features, narrowness, shallowness, or insufficient area or shape of the property, etc.).

Staff comment: The applicants have suggested that practical difficulties result from the unusual configuration of this lot. When the lot was approved by the City in 1979, it provided sufficient buildable area for a single family home, despite its unusual shape. When the home was constructed by the Harrisons (the original owners) in 1980, it was able to conform to required setbacks. It wasn’t until 1982

that the City underwent efforts to change shoreland regulations to increase the shoreline setback (according to minutes from a Council meeting on April 5, 1982). With these new regulations the existing home became legally non-conforming in that it fell within the required shoreline setback. In fact, once the 200 foot OHWL setback is applied, in addition to 50 foot side yard setbacks, the entire lot becomes nearly unbuildable. As such, any future expansion of the existing home/garage on the property, or any new buildings on the property, will require the approval of a variance to proceed. See Exhibit F, Site Setbacks and Building Constraint Graphic for a demonstration of the unusual lot configuration, and the building constraints resulting from conflicting setbacks.

- 2) The applicant proposes to use the property in a reasonable manner, but cannot do so under the rules of the Ordinance. Is the request to place a garage expansion in the required setback area reasonable on this property?

Staff comments:

- a. A garage is a permitted accessory use in the R-1 and Shoreland Overlay Districts.
 - b. Ordinance permits attached garages up to 1,250 square feet in area.
 - c. The existing attached garage with proposed addition will not exceed 1,100 square feet in area.
 - d. Construction or expansion of garages up to the described size and totaling three garage stalls have been granted by the City for other R-1 and Shoreland Overlay District lots.
 - e. The applicants are requesting to construct something that has traditionally been considered a reasonable use of property in Sunfish Lake, however to do so they will need to build within the required shoreline and side yard setback areas. It is up to the Planning Commission to make a determination as to whether (given the unique conditions on the subject property) the request to place a garage expansion in the required shoreline and/or side yard setback areas is reasonable.
- 3) The variance, if granted, will not alter the essential character of the locality. Considerations include whether the resulting structure will be out of scale, out of place, or otherwise inconsistent with the surrounding area. In thinking about the variance for an encroachment into a setback, the focus is on how a building will look closer to a lot line and whether it fits in with the character of the area.

Staff comment: The applicants believe that the design of the garage fits in with the character of the area, in that it will conform to existing site structures and will be comparable in quality to garages on other properties. They see no alternative location for a garage expansion without some variance, and have indicated that both the shoreline and side setback variance are required to build a single stall expansion. The existing home and garage sit entirely within the shoreline setback area, and as such no building expansion can occur now or in the future if a shoreline setback variance is not approved. However the applicants have indicated that a side yard setback variance is also required, as an expansion

which adheres to the side lot setback will not be sufficient to provide for a single stall addition. If the garage expansion stops before intruding into the side yard setback, less than 11 feet of additional garage space is available, which the project architect has indicated is insufficient area for a single garage stall. This suggests that any garage expansion for the purpose of creating a third garage stall requires both the requested shoreline and side yard setback variances, if deemed justified.

The City received comments from neighbors within 1000 feet of the subject property expressing the following concerns:

- 1) That setback variances not be granted in sensitive shoreline areas.
- 2) That the proposed project will require the removal of trees and the placement of a garage expansion closer to lot lines than normally allowed, creating a reduced visual and spatial buffer between structures on the subject property and nearby properties.

In regards to the first point, it is up to the City to make a determination as to whether practical difficulties exist according to the factors described in this report. If the City makes a determination that practical difficulties exist, granting of the requested variances may be allowed in the Shoreland District.

It is up to the City to make a determination as to whether concerns regarding screening and proximity to lot lines can be mitigated. The applicants have indicated that they are willing to implement additional screening between the garage and lot lines to address such concerns, which may be required as a condition of approval.

SUMMARY AND RECOMMENDATION

The applicants are requesting approval of a variance to allow the construction of a garage addition at 345 Salem Church Road, within the Shoreland Overlay District Ordinary High Water Level (OHWL) setback of 200 feet and the side yard setback of 50 feet.

To consider approval of 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 and have shown 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 continues to be consistent with the intent of the City's zoning regulations.

The City may choose to approve the variance based on the following findings:

- A. Practical difficulties result from the unusual configuration of the 345 Salem Church Road parcel. The parcel is wider near the shoreline, and narrows farther away from the shoreline. Once the 200 foot setback from the ordinary high water

level is applied, in addition to the 50 foot side yard setbacks for the Shoreland District, the legally conforming buildable area on the lot is severely diminished.

- B. The applicants propose to use their property in a reasonable manner by expanding from a two car garage to a three car garage meeting Ordinance size requirements, and they cannot do so under the rules of the Ordinance.
- C. Planning staff believes that the applicants comply with the intent of the City's Zoning Ordinance and Comprehensive Plan by proposing a project that meets the size, material, and aesthetic requirements that the City has laid out.
- D. The applicants are willing to improve the compatibility of the garage expansion with adjacent properties and the lake by providing additional screening, and agreeing to implement the minimal expansion necessary for an additional garage stall.
- E. Though the proposed garage expansion is closer to adjacent properties and the lake than normally permitted, a sufficient visual and spatial buffer is provided to reduce negative impacts on these entities, and otherwise maintain the essential character of the locality.

Alternatively, the City may choose to deny the variance based on the following findings:

- A. If granted, the variances may alter the essential character of the locality by permitting a garage structure to be constructed too close to nearby property lines and the lake. The proposed garage expansion is unable to maintain a setback sufficient to provide a sufficient visual and spatial buffer to negate negative impacts to nearby properties and the lake.

The City is awaiting submission of required grading, drainage, and stormwater information, at which point the City Engineer can make final recommendations regarding conformance of the requested project with Ordinance standards. As such, consideration of the variance request will be tabled until the following Planning Commission meeting on August 20, 2014. City staff recommends that the City ask that the following be addressed by the applicants prior to that meeting:

1. Provide details regarding tree protection measures for those trees to be preserved in the immediate vicinity of the construction zone.
2. Provide revised plans illustrating screening plantings between the garage expansion, adjacent properties, and the lake.
3. Provide a survey showing how the proposed construction will impact site vegetation, including an indication of trees to be removed.
4. Provide existing and proposed drainage calculations, for the City to form an understanding of the impact of increasing hard surface on the site as a result of potential garage construction.

In addition, if the City decides to grant the requested variance (contingent on receiving and considering final recommendations from City staff after review of complete site and building plans), City staff recommends approval be conditioned on the following:

1. The applicants obtain a building permit from the City Building Official prior to commencing any construction of the proposed projects.
2. The applicants shall contact planning 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.

c: Cathy Iago, City Clerk
David Neameyer, City Building Official
Don Sterna and Tom Voll, City Engineer
Jim Nayer, City Forester
Tim Kuntz, City Attorney
Joe and Linda Schaefer, Applicants
Keith Heaver, Project Architect
Jennie Skancke, Dakota County Hydrologist, MnDNR

FILE NO. DAK 133	FIELD BOOK	PAGE	FIELDWORK
JOB NO. 35157			
DRAWING NAME:			
35157-EXHIBIT.dwg			
DRAWN BY:			
11			
CHECKED:			
BY:			
DATE:			

PROPERTY ADDRESS:
345 Salem Church Road
Sunfish Lake, Minnesota 55118
Egon, Field & Nowak, Inc.
long surveys since 1873

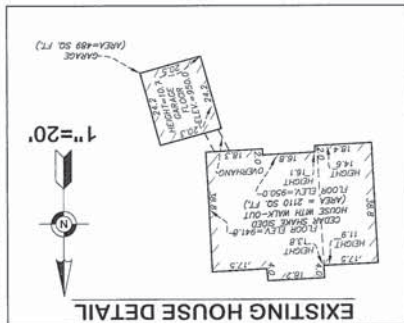
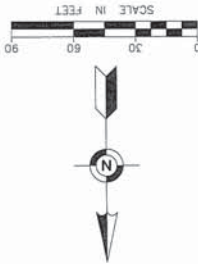
1229 Tyler Street NE, Suite 100
Minneapolis, Minnesota 55413
PHONE: (612) 466-3300
FAX: (612) 466-3383
WWW.EFNSURVEY.COM
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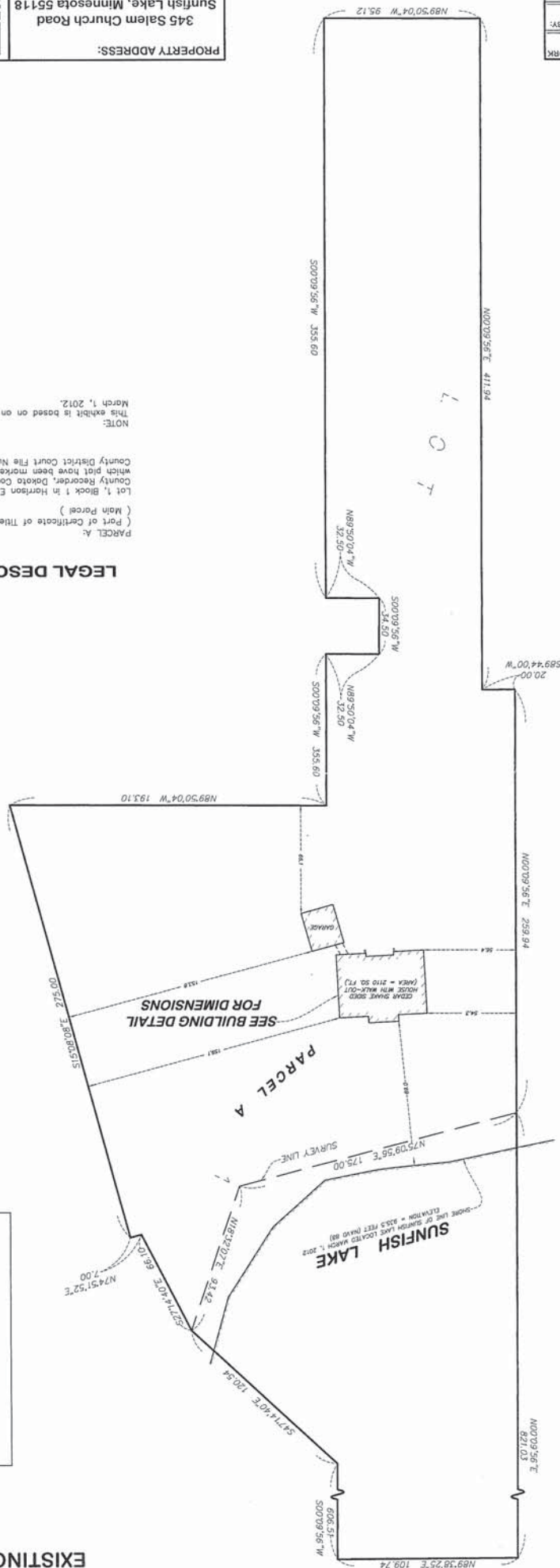
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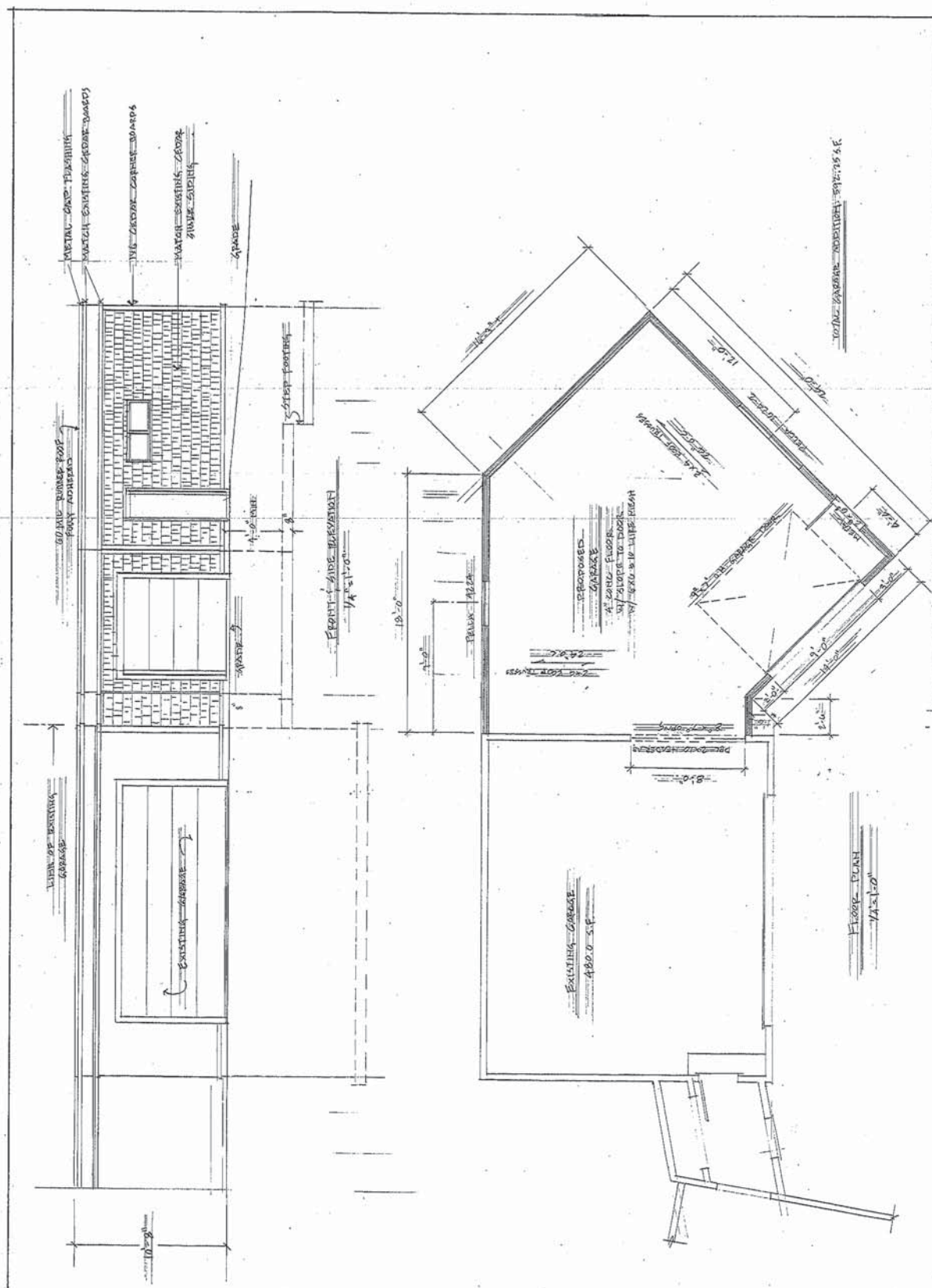
PARCEL A:
(Part of Certificate of Title No. 146651)
(Main Parcel)
Lot 1, Block 1 in Harrison Estates, according to the plat thereof on file at the County Recorder, Dakota County, State of Minnesota, the boundary lines of which plat have been marked by judicial landmarks set as shown in Dakota County District Court File Number 99290.

NOTE:
This exhibit is based on an existing Egon, Field & Nowak, Inc. survey dated March 1, 2012.

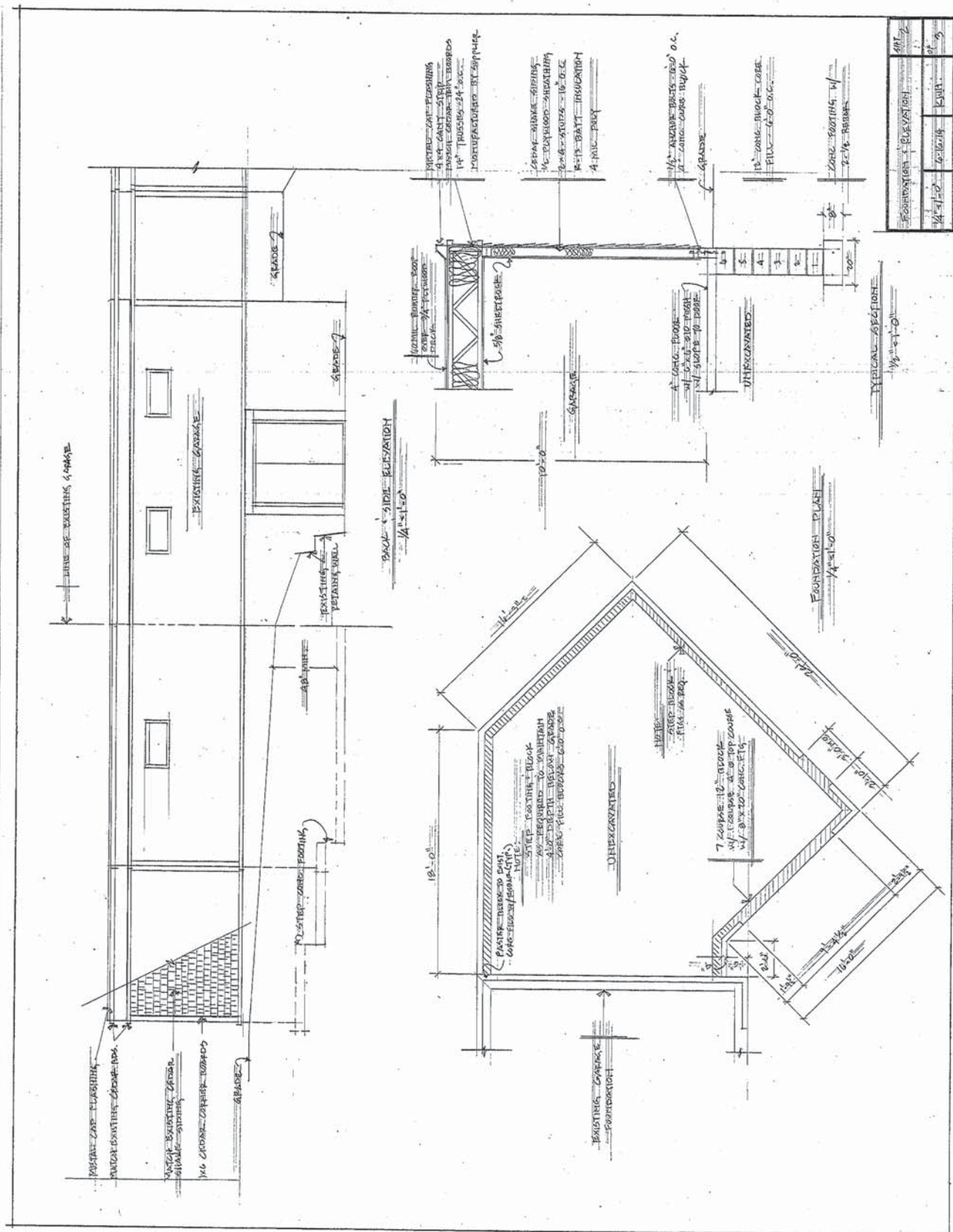


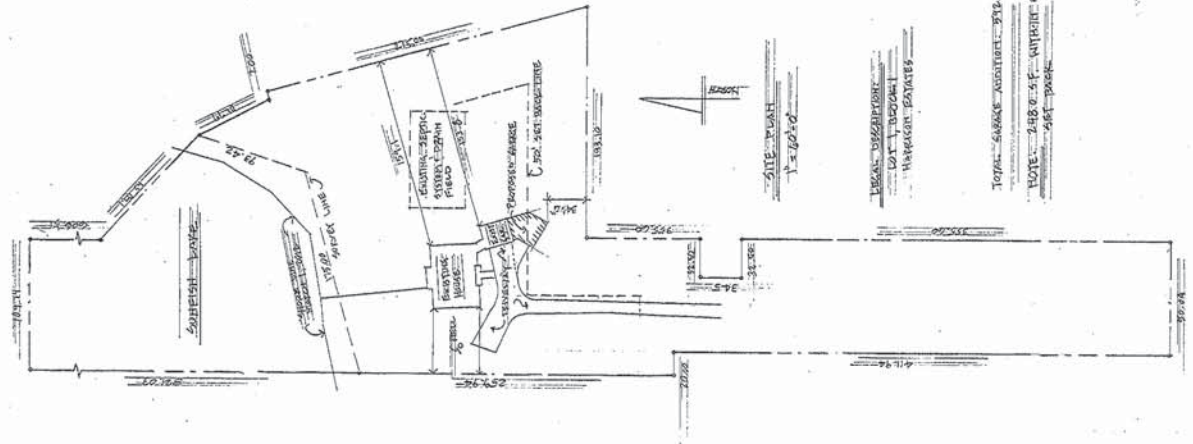
EXISTING HOUSE LOCATION EXHIBIT



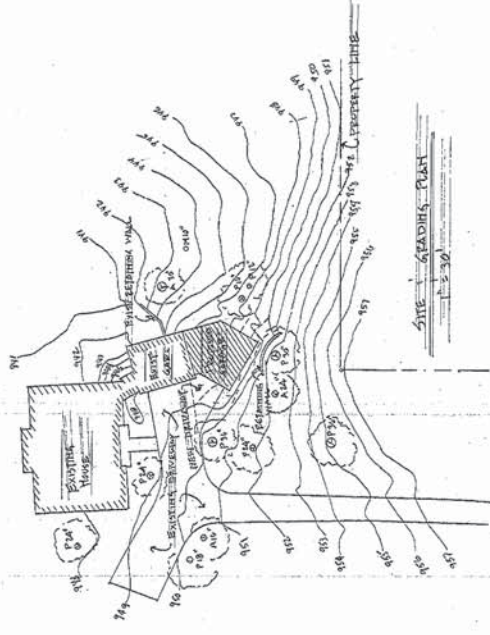


PROPOSED GARAGE ADDITION FOR:	BY: KAHN DESIGN & ENGINEERING, INC.	FLOOR PLAN / ELEVATION	SHEET
MR. & MRS. JOE SCHASPEL	100 HOLLY AVE.		
345 GREEN CHURCH ROAD	ST. PAUL, MN. 55102		
SCHASPEL LANE, MN 55118	OFF: 231-1000	1/4" = 1'-0"	OF 3





TOTAL SQUARE FOOTAGE: 312.25 SF.
 NOTE: 248.0 SF. AIRPORT 20'
 25' BACK



SITE PLAN
 1/2" = 30'

SITE PLAN / GRADING	501
15020	6216314
501	501

Michelle Barness

From: Tom Voll [TVoll@wsbeng.com]
Sent: Tuesday, July 08, 2014 4:17 PM
To: Michelle Barness
Cc: Don Sterna
Subject: RE: Sunfish Lake items - 345 Salem Church Rd and 2566 Delaware Ave - application review status

Hi Michelle,

Per our phone conversation below is a summary of the status of these applications:

345 Salem Church Rd:

- Per our email on 6/24/14 we requested the following:
- Given the amount of changes and history of the site and the unknowns for us to determine what's going on with the site, we would like to see a survey per the City's requirements.
- The survey should show how the proposed construction will be impacting the site including trees which from the aerial photos it appears they will be removing.
- The City policy is for them to provide this information in addition to the existing/proposed drainage calculations given the fact that hard surface will increase with the current application.
- It appears the construction is sufficiently far away from the lake where this buffer requirement shouldn't be an issue, but we may still request this information once we see the proposed site and survey.
- **I have not received anything from the applicant yet for these items.**
- Our recommendation is this application be tabled until its provided. We need at least week to review the materials.

2566 Delaware Ave:

- Per our email on 6/23/14 we requested the following:
- Location and dimensions of existing storm water drainage systems and natural overland drainage patterns (drainage map), including a calculation (by a qualified engineer) of storm water runoff before construction.
- A drainage plan (map) of the developed site, prepared by a qualified engineer, delineating in which direction and at what rate stormwater runoff will be conveyed from the site and setting forth the areas of the site where stormwater will be allowed to collect.
- The volume control standards for the City of Sunfish Lake are outlined in Policy 14 of the Water Quantity Section of the CSWMP. The policy requires retention of 0.5" of runoff from new impervious surfaces for new development or redevelopment.
- The MPCA (state rules) requires 1.0" of runoff volume retention over the new impervious if the project total is greater than one acre of new impervious surface (doesn't seem to be the case for this project).
- The setback line from Wood Duck Pond is determined from the delineated wetland line and NOT the survey shot of the water at the time of survey. This SB shown on their plans line is inaccurate and should be modified with a note on their assumption or deleted.
- However it appears all proposed features are sufficiently far away that the setback won't be an issue and a formal delineation of the Wood Duck Pond is not going to be required.
- From the City storm comp plan the NWL of Wood Duck Pond is 889.7 and HWL of 892.3 with an natural overflow elevation of 902.5. So even if we use an elevation of 902.5 we should be ok with the proposed improvements being beyond any setback line established.
- Provide calculations on how the architect arrived at the average existing house grade elevation of 922. Our calculations are coming up with an average elevation of 920.5. – RECEIVED THIS INFORMATION ON 7/2/14
- Provide top and bottom wall elevations on all retaining walls. Some appear over 4' high and required to be designed by a professional engineer.
- Provide overall disturbed site area. If over an acre NPDES permit is required.

- We have only received the average grade information (on 7/2/14) from the applicant since our request for additional information on 6/23/14.
- We have briefly reviewed the site plan, but are holding off on our review comments until the above information is submitted.
- Our recommendation is this application be tabled until its provided. We need at least week to review the materials.

Thanks,

Tom Voll, PE
 Senior Project Manager
 d: 763-287-7175 | c: 612-360-1302
 WSB & Associates, Inc. | 701 Xenia Avenue South, Suite 300 | Minneapolis, MN 55416



solutions | design
 government
 commercial
 energy



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From: Michelle Barness [mailto:mbarness@nacplanning.com]
Sent: Tuesday, July 08, 2014 9:22 AM
To: Tom Voll
Subject: Sunfish Lake items

Hi Tom,

Were you contacted by Keither Heaver (345 Salem Church Rd.) or Andrew Volkenant (2566 Delaware Ave.) with the revised plans/additional information you required? I urged them to get you that information immediately following your prelim review. Can you provide me your review of those projects as they stand? I will include it in the mailing I am preparing for the PC this afternoon.

Thanks,
 Michelle

Michelle Barness, Sunfish Lake City Planner
 Northwest Associated Consultants, Inc.
 4800 Olson Memorial Highway, Suite 202
 Golden Valley, MN 55422
 t: 763.231.2555
 f: 763.231.2561
mbarness@nacplanning.com

Vermeland
Architects
651-998-1022

Site Plan
(showing existing and new)
1"=20'

345 Salem Church Road
Sunfish Lake, MN

July 16, 2012

2

