



NORTHWEST ASSOCIATED CONSULTANTS, INC.

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PLANNING REPORT - Minor Site and Building Plan Review

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

FROM: Ryan Grittman

DATE: July 12, 2018

RE: Sunfish Lake – Minor Site and Building Plan Review; and Variance.

FILE: 211.01 – 18.06

Application Accepted: June 11, 2018
Planning Commission Date: July 18, 2018
Tentative City Council Review: August 7, 2018
60-day Review: September 4, 2018

**8/7/18 CC
Mtg.
Agenda Item
6b**

BACKGROUND

Jeremy Segal is seeking City approval of minor site and building plans and a variance for a home addition on property located at 2570 Delaware Avenue. The property is zoned R-1, Single Family Residential and is within the Shoreland Overlay District of Hornbeam Lake.

The improvement will occur on the east side of the existing home. The project will not increase hard surface on the site due to the projects location. 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.

The applicant recently had a Major Site and Building Plan and variance approved by the City Council. The applicant is seeking a new project, separate from the recently approved project.

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.

Shoreland and Side Yard Setback Variance	Requires recommendation by the Planning Commission and final decision by the City Council.
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Attached for reference:

Exhibit A: Site Plan
Exhibit B: Building Elevations
Exhibit C: Lighting Plan
Exhibit D: City Engineer's Report Dated June 14, 2018

ISSUES ANALYSIS

Lot and Setback Standards. The following is 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 (east)	100 feet	150 feet	Yes
Side Setbacks (north)	50 feet	37.4 feet	No*
Side Setbacks (south)	50 feet	21.2 feet	No+
Lot Area	2.5 Net Acres of land	2.65 Acres	Yes
Total Building Coverage	Maximum 10% of lot	5% total parcel 6% above water parcel	Yes
Building Height Limitation (above average existing grade)	30 feet	24 feet 7 inches (top to bottom)	Yes
Shoreland District Standards	Required	Proposed	Compliant
Impervious surface	Maximum of 30% of lot	11%	Yes
Shoreland Overlay District setback	200 feet	35 feet	No+

**Condition for which a variance is being requested*

+Existing Condition

Lot Area. The parcel is 3.90 gross acres. The buildable area on the parcel totals approximately 2.65 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 a conforming lot of record.

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 24 feet 7 inches from the lowest point to the roof peak. The proposed addition will be in compliance with the provision.

Building Materials. The home addition will be constructed of a metal roof. The metal roof has been approved for use by the City Council at a previous meeting. The siding on the home is currently wood and stone. The applicant is in the process of updating the siding to stucco, which is an approved building material.

Lighting. The applicant is proposing minimal changes to the previously approved light plan. Staff does not anticipate any issues with the new plan. By code, the glare from the proposed lights shall not exceed one (1) foot candle (meter reading) as measured from the property lines.

Parking. Minimal changes to the parking area are proposed. The home addition will be built on part of the driveway access. The parking area and driveway area are screened from adjacent properties.

Grading, Drainage, and Stormwater Management. The project will not increase the hard surface on the site since the addition will be where the existing driveway area is.

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 and also serve as tree protection fencing for trees outside of the construction zone.

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 and natural vegetation on the site. The previous approval included a landscaping plan that added trees to the driveway area to replace trees that were being removed from the project.

Septic and Well Systems. The existing septic system is located on the east side of the home. The existing well is located on the east side of the home as well. The project is not anticipated to impact well or septic systems on the subject property or adjacent properties. The septic was installed in conjunction with the existing home.

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 the location of the project, and given existing tree coverage and screening on site, the proposed project is not anticipated to be overly visible from adjacent properties. Further, the project minimizes impacts to site grading, drainage, and natural vegetation, and has met the City Engineer's requirements in that regards. The project meets Ordinance criteria for approval of site and building plans by the City.

Variance Criteria. The applicants are requesting variance approvals in order to:

Construct an addition to a home that sits within the required shoreland and side yard setback. The lot is a legal conforming lot of record.

Staff believes 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 home addition will still be approximately 280-feet away from the nearest home. The proposed project is not expected to impair the supply of light or air.

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

Staff Comment: The project includes the addition of one bedroom. 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: The project will not increase the amount of impervious surface; the project will not allow a prohibited use; permit a lesser degree of flood protection; or violate State law.

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

Staff Comment: The proposed addition is for an additional bedroom. The project is not expected to increase fire danger or be a public safety concern.

- 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 project 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 conforming lot that meets the minimum requirements for buildable lot space. The lot has approximately 2.65 acres of buildable space. When factoring in the location of the septic system and drain field, the only feasible location to add a bedroom is on the east side of the existing home. The lot is also narrow, which limits the buildable space.

- 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 home addition within the shoreland and side yard setback. Due to the location of home relative to the Lake, a home addition would require a shoreland setback variance regardless of location. 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 is very close to the lake, but the applicants are taking measures to prevent impact to the lake including a silt fence between the Lake and the home.

- 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 1968. 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 to the east. The proposal does not encroach into the front yard setback, or south side yard setback.

- 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 280-feet from the home to the south and 350-feet from the home to the west.

- 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 the 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 the existing home. The variance will not alter the character of the locality. The current home has a mix of wood siding and stone siding which will be changed to stucco as part of this project. The subject site is heavily wooded and the proposed addition and will not be visible from the lake.

SUMMARY AND RECOMMENDATION

Minor Site Plan.

The applicants are requesting approval of a Minor Site and Building Plan review and variance to permit a home addition at 2570 Delaware Avenue. 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 recommendation is conditioned upon the following:

1. The applicants adhere to the City Engineer's final recommendations as detailed in his report dated June 14, 2018 (Exhibit D).

2. Upon installation glare from the proposed lights shall not exceed one (1) foot candle (meter reading) as measured from the property lines.
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.

Variance Request.

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 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 continue to be consistent with the intent of the City's zoning regulations.

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

- A. Practical difficulties result from unique topographic and lot configuration conditions on the subject parcel. The parcel slopes steeply from the existing home down to Hornbeam Lake, and the applicants have sited the home addition in a position to take advantage of existing level areas in an effort to reduce the need for additional excavation; fill or grading of the site; and to minimize impact on natural vegetation that would result from siting the home addition in a different location.
- B. The applicants propose to use the parcel in a reasonable manner. They are proposing a permitted single family residential use; and wish to construct a home addition to add an additional bedroom. Locating the home addition on the existing driveway area will reduce the need for grading and tree removal on the site. The applicants are proposing heavy duty erosion control along the Lake side of the home as well as around trees and along the driveway with the previously approved site plan.
- C. The applicants' request is consistent with the spirit and intent of the City's Comprehensive Plan and Zoning Ordinance by proposing a home addition which, with the exception of the shoreland and side yard setbacks, meets design and performance requirements of the City.

- D. Given approval of the two variances, 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 single-story design reduces the overall visual impact from the Lake and neighboring properties. Further, the home addition has been sited so no additional tree removal is necessary and no significant grading, fill or excavation will be necessary.

c: Cathy Iago, City Clerk
Mike Andrejka, City Building Official
Jeff Sandberg and Eric Eckman, City Engineers
Ron Wasmund, Septic Inspector
Jim Naves, City Forester
Timothy Kuntz, City Attorney
Dave Dreelan, Fire Chief
PLAAD Inc., Applicant
Jeremy Segal, Owner

CITY OF Sunfish Lake MINNESOTA

Planning Commission Findings of Fact & Recommendation (Approval)

Applicant's Name: Jeremy Segal

Request: The applicant is requesting City approval of a minor site and building plan and variance to allow an addition at the home at 2570 Delaware Avenue. The applicant is seeking to encroach upon the 200 foot shoreland setback requirement; and the north side yard setback; the south side yard setback.

Planning Commission Meeting Date: July 18, 2018

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:

2570 DELAWARE AVENUE, SUNFISH LAKE, MN 55118
2. The planning report dated July 12, 2018 prepared by Northwest Associated Consultants, Inc. and the engineering report dated June 14, 2018 prepared by WSB Associates are incorporated herein by reference.
3. The applicants are proposing to construct a home addition on the northeast side of the existing home.
4. The home addition is less than 1,000 square feet which requires review and approval by city staff.
5. The existing home is located entirely within the 200-foot shoreland setback. The home also encroaches the north side yard setback.
6. The lot is a legal lot of record within the City of Sunfish Lake. The lot is conforming in size.
7. The Sunfish Lake Planning Commission held a public hearing to review the applicant's request for a minor site and building plan and variance approvals at the July 18, 2018 Planning Commission meeting.
8. After hearing staff, applicant, and public testimony on the project, the Planning Commission recommended approval of the shoreland setback variance and side

yard variance; 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 unique topographic and lot configuration conditions on the subject parcel. The parcel slopes steeply from the existing home down to Hornbeam Lake, and the applicants have sited the home addition in a position to take advantage of existing level areas in an effort to reduce the need for additional excavation; fill or grading of the site; and to minimize impact on natural vegetation that would result from siting the home addition in a different location.
- B. The applicants propose to use the parcel in a reasonable manner. They are proposing a permitted single family residential use; and wish to construct a home addition to add an additional bedroom. Locating the home addition on the existing driveway area will reduce the need for grading and tree removal on the site. The applicants are proposing heavy duty erosion control along the Lake side of the home as well as around trees and along the driveway with the previously approved site plan.
- C. The applicants' request is consistent with the spirit and intent of the City's Comprehensive Plan and Zoning Ordinance by proposing a home addition which, with the exception of the shoreland and side yard setbacks, meets design and performance requirements of the City.
- D. Given approval of the two variances, 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 single-story design reduces the overall visual impact from the Lake and neighboring properties. Further, the home addition has been sited so no additional tree removal is necessary and no significant grading, fill or excavation will be necessary.

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 home addition within the 200-foot shoreland setback; and the north side yard setback.

Approved, subject to the following conditions:

1. The applicants adhere to the City Engineer's final recommendations as detailed in his report dated June 14, 2018.
2. Upon installation glare from the proposed lights shall not exceed one (1) foot candle (meter reading) as measured from the property lines.
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.

Adopted by the Sunfish Lake Planning Commission this 18th day of July 2018.

City of Sunfish Lake

By: _____
Tom Hendrickson
Planning Commission Chair

ATTEST

Catherine Iago, City Clerk