

Planning Memorandum

To: Sunfish Lake Planning Commission

From: Ryan Krzos, AICP, City Planner

Date: July 8, 2020
City Planning Commission Meeting July 15, 2020

Re: 2130 Charlton Road – Side Yard Reduction CUP
WSB Project No. 16313-000

GENERAL INFORMATION

Applicant/
Property Owner: Steve and Claire Noble

Project Location: 2130 Charlton Road, PID# 38-13300-01-010

Existing Land Use /
Zoning: Residential; Zoned Single-Family Residential District, R-1 with
Shoreland Overlay

Surrounding Land
Use Zoning

North:	Residential; Zoned Single-Family Residential District, R-1
East:	Residential; Zoned Single-Family Residential District, R-1 with Shoreland Overlay
South:	Residential; Zoned Single-Family Residential District, R-1 with Shoreland Overlay
West:	Residential; Zoned Single-Family Residential District, R-1 with Shoreland Overlay

Comprehensive Plan: The City of Sunfish Lake (2008) Comprehensive Plan guides this property for Rural Residential land use.

Deadline for Agency	Application Date:	06-08-2020
Action:	60 Days:	08-07-2020
	Extension Letter Mailed:	N/A
	120 Days:	10-06-2020

CONSIDERATIONS RELATED TO THE REQUEST

1. Overview.

Steve and Claire Noble have applied for a conditional use permit (CUP) to reduce the required side yard for the property located at 2130 Charlton Road. The request would reduce the west side yard from 50 feet to 28 feet to facilitate a covered porch addition to the existing single-family residence.

Conditional use requests require a public hearing, and review and recommendation by the Planning Commission, followed by review and consideration by the City Council.

2. General Zoning Review

The applicants are proposing a porch addition to the south side of the existing residence which would extent to 28 feet from the property line. This area of the site currently contains an attached deck. The existing residential structure encroaches on the required side yard in this area of the site. At its closest, the existing structure is 27.3 feet from the west property line. The residence was built prior to the adoption of the current Zoning Ordinance so this encroachment is considered a legal non-conformity. Expansions to legal non-conforming structures are allowed provided said expansion complies with all Zoning requirements including required side yards. The Zoning Ordinance provides the ability to reduce the required side or rear yards by Conditional Use Permit provided the following conditions are met:

1. The reduction of side yard requirement is based upon a specific need or circumstance which is unique to the property in question and which, if approved, will not set a precedent which is contrary to the intent of this Ordinance.
2. Property line drainage and utility easements as required by the City's Subdivision Ordinance are provided and no building will occur upon this reserved space.
3. The reduction will work toward the preservation of trees or unique physical features of the lot or area.
4. If affecting a north lot line, the reduction will not restrict sun access from the abutting lots.
5. The reduction will not obstruct traffic visibility, cause a public safety problem and complies with Section 1216.05 of this Ordinance.
6. The conditions of Section 1204.02.F of this Ordinance are considered and satisfactorily met.

The reduced side yard would allow an addition to the irregularly-shaped lot where an existing residential structure encroaches – a circumstance unique to the subject property. The reduced yard will not encroach on any known easements. No trees would be impacted by the proposed improvements enabled by the reduced side yard. The impacted property line is not a northern boundary of the site, and the addition enabled by the request would not impact sun access for abutting properties. The reduced yard will not allow for improvements that restrict traffic vision or create public safety concerns.

The building addition is being reviewed as a minor site and building plan review since it is 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. That review is pending the Planning Commission review and City Council decision on the requested Conditional Use Permit for a reduced side yard.

3. Ordinance Authority

SECTION 1204.02 CONDITIONAL USE PERMIT PROCEDURES: provides the process for review of a conditional use permit which requires public notice and notification, a public hearing, and review and recommendation by the Planning Commission, followed by review and consideration by the City Council.

SECTION 1241.06(B)(2)(b) LOT AREA AND SETBACK REQUIREMENTS: establishes a 50-foot interior side yard requirement in the R-1 Zoning District

SECTION 1219.04(B) YARDS: provides the standards for reduced required side or rear yards. A required yard on a lot may be reduced by a conditional use permit if the following conditions are met:

1. The reduction of setback requirements is based upon a specific need or circumstance which is unique to the property in question and which, if approved, will not set a precedent which is contrary to the intent of this Ordinance.
2. Property line drainage and utility easements as required by the City's Subdivision Ordinance are provided and no building will occur upon this reserved space.
3. The reduction will work toward the preservation of trees or unique physical features of the lot or area.
4. If affecting a north lot line, the reduction will not restrict sun access from the abutting lots.
5. The reduction will not obstruct traffic visibility, cause a public safety problem and complies with Section 1216.05 of this Ordinance.
6. The conditions of Section 1204.02.F of this Ordinance are considered and satisfactorily met.

4. Conditional Use Criteria

The Planning Commission, as its basis of recommendation, and the City Council, as its basis for decision on conditional use permits, shall evaluate the effects of the proposed conditional use. This review shall include, but is not limited to the following, with staff's comments provided in *italics*:

1. The proposed action in relation to the specific policies and provisions of the official City Comprehensive Plan.

The Comprehensive Plan guides the site for Rural Residential land use. The proposed reduce side yard would facilitate a covered porch addition to an existing single-family detached dwelling.

2. The proposed use's compatibility with present and future uses of the area.

Surrounding properties are developed with detached single-family residences, which are guided to remain rural residential.

3. The proposed use's conformity with all performance standards contained herein.

The proposed addition enabled by the reduced setback does not appear to conflict with the applicable performance standards contained in the Zoning Ordinance including provisions related to noise, refuse, and light.

4. The proposed use's effect on the area in which it is proposed.

The visual impact of the building addition enabled by the reduced yard is minimize by the existing vegetation along the western property line. Images of this screening are included in the applicant's materials. Staff is recommending a condition of approval that this vegetation be maintained.

Additionally, the character of the building addition enabled by the reduced setback is consistent with surrounding residential uses and would not extend further than the existing encroachment of the residence.

5. The proposed use's impact upon property values in the area in which it is developed.

The use is not anticipated to have negative impacts on surrounding property values. The building addition enabled by the reduced side yard is adequately screened from adjoining properties.

6. Traffic generated by the proposed use is in relation to capabilities of streets serving the property.

The proposed reduced side yard and resulting building addition will not generate traffic in excess of the capability of the public and private roadways serving the site.

7. The proposed use's impact upon existing public services and facilities including parks, schools, streets and utilities, and the City's service capacity.

The proposed reduced side yard and resulting building addition will not appreciably increase demand on City utilities or services.

Additional Shoreland Overlay evaluation criteria: A thorough evaluation of the water body and the topographic, vegetation, and soils conditions on the site shall be made to ensure:

1. The prevention of soil erosion or other possible pollution of public waters, both during and after construction.

The City Engineer has reviewed the building addition plans and is recommending approval.

2. The visibility of structures and other facilities as viewed from public waters is limited.

Sunfish Lake is the water body serving as the basis for the shoreland overlay district. The subject site and structures are not visible from the lake.

3. The site is adequate for water supply and on-site sewage treatment.

The site is served by an existing well and septic system. Reducing the side yard to enable the building addition will not impact these facilities.

4. The types, uses, and numbers of watercraft that the project will generate are compatible in relation to the suitability of public waters to safely accommodate these watercraft.

The subject site does not have lake frontage along Sunfish Lake, the water body which serves as the basis for the shoreland overlay district.

RECOMMENDATION

Based on the foregoing considerations and applicable ordinances, staff recommends conditional approval of the site and building plan and conditional use permits subject to the following findings of fact and conditions of approval:

Findings of Fact:

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

2130 CHARLTON ROAD SUNFISH LAKE, MN 55118
2. The planning report dated June 9, 2020 prepared by WSB is incorporated herein by reference.
3. Requests for conditional use permits require Planning Commission review and City Council approval.
4. The Sunfish Lake Planning Commission reviewed the applicant's request for a conditional use permit approval at the July 15, 2020 Planning Commission meeting.

5. Upon review of the planning report and application information, the Planning Commission found that the proposed conditional use meets Ordinance requirements. The following findings support the Planning Commission's recommendation for approval:
- a. The reduced side yard would allow an addition to the irregularly-shaped lot where an existing residential structure encroaches into the side yard.
 - b. The reduced yard will not encroach on any known easements.
 - c. No trees would be impacted by the proposed improvements enabled by the reduced side yard.
 - d. The impacted property line is not a northern boundary of the site, and the addition enabled by the request will not impact sun access for abutting properties.
 - e. The reduced yard will not allow for improvements that restrict traffic vision or create public safety concerns.
 - f. The request does not conflict with the conditional use permit approval criteria.

Conditions of Approval:

1. Vegetation along the western side lot line shall be maintained to provide screening of the porch as viewed from abutting property to the west.
2. The applicant must obtain all other permits as may be required.
3. The applicant shall comply with all applicable federal, state, and local laws, rules and ordinances.
4. The applicant must adhere to and remain in compliance with the requirements of this Resolution, applicable performance standards, and such other requirements as may apply.
5. All conditions of must be complied with, shall run with the land, and shall not in any way be affected by the subsequent sale, lease or other change from current ownership of the Property.
6. This Resolution is subject to the condition that all representations, written and oral, made by the Applicant and its agents and representatives to the City contained in and concerning the Applicant's application have been true, complete and accurate at the time they were made, and that they remain true and accurate for the duration of the development.
7. By undertaking the activities approved by the requests, the applicant agrees to all conditions.

Subject Site



Vicinity of Proposed Improvements



CITY OF *Sunfish Lake* MINNESOTA

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

Applicant's Name: Steve and Claire Noble

Request: Approval of a conditional use permit to reduce the required side yard at 2130 Charlton Road.

Planning Commission Meeting Date: July 15, 2020

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:

2130 CHARLTON ROAD
SUNFISH LAKE, MN 55118
2. The planning report dated July 8, 2020 prepared by WSB is incorporated herein by reference.
3. Requests for conditional use permits require Planning Commission review and City Council approval.
4. The Sunfish Lake Planning Commission reviewed the applicant's request for conditional use permit approval for a reduced side yard at the July 15, 2020 Planning Commission meeting.
5. Upon review of the planning report and application information, the Planning Commission found that the proposed conditional use meets Ordinance requirements. The following findings support the Planning Commission's recommendation for approval:
 - a. The reduced side yard would allow an addition to the irregularly-shaped lot where an existing residential structure encroaches. This circumstance is not common among properties in the City.
 - b. The reduced yard will not encroach on any known easements.
 - c. No trees would be impacted by the proposed improvements enabled by the reduced side yard.
 - d. The impacted property line is not a northern boundary of the site, and the addition enabled by the request will not impact sun access for abutting properties.

- e. The reduced yard will not allow for improvements that restrict traffic vision or create public safety concerns.
- f. The request does not conflict with the conditional use permit approval criteria.

Recommendation:

Based on the foregoing considerations and applicable ordinances, the Planning Commission recommends approval of the requested conditional use permit, subject to the following conditions:

1. Vegetation along the western side lot line shall be maintained to provide screening of the porch as viewed from abutting property to the west.
2. The applicant must obtain all other permits as may be required.
3. The applicant shall comply with all applicable federal, state, and local laws, rules and ordinances.
4. The applicant must adhere to and remain in compliance with the requirements of this Resolution, applicable performance standards, and such other requirements as may apply.
5. All conditions of the site plan review must be complied with, shall run with the land, and shall not in any way be affected by the subsequent sale, lease or other change from current ownership of the Property.
6. This Resolution is subject to the condition that all representations, written and oral, made by the Applicant and its agents and representatives to the City contained in and concerning the Applicant's application for the site plan review must have been true, complete and accurate at the time they were made, and that they remain true and accurate for the duration of the development.
7. By undertaking the activities approved by the request, the applicant agrees to all conditions.

Adopted by the Sunfish Lake Planning Commission this 15th day of July 2020.

City of Sunfish Lake

By: _____
Tom Hendrickson
Planning Commission Chair

ATTEST

Catherine Iago, City Clerk

June 8, 2020

Dear Members of the Sunfish Lake Planning Commission and City Council:

We are writing to request consideration for a Conditional Use Permit (CPU) and Minor Site review for a proposed screen porch project at our home, located at 2130 Charlton Road in Sunfish Lake.

We are requesting a CPU in order to expand a small portion of our existing deck approximately 10 feet further out into our yard, and enclose it with screened walls, a fireplace, and a roof. The entire enclosed space will be approximately 300 square feet, and will connect to our existing home. The finishes will be of such architectural character as to add to the property value of our home. The construction is being done with Southview Landscape and Design.

Upon submission of our plans to City Planner Krzos, we learned that a CPU would be required, due to the prior existing encroachment of our deck within the 50 foot property line setback, which existed when we bought our home 7 years ago. We have consulted with our next-door neighbors, Hoyt and Kitzie Nye (2140 Charlton Road), and showed them the staked out footprint of our proposed porch, and they have assured us that they have no objection to our plans. Despite the close proximity to the property line, our properties are divided by a heavy canopy of brush and natural screening, and the porch would be nearly invisible to their home. Our proposed porch is also significantly set back from the Nyes' primary residence. The Nyes have written a letter to Planner Krzos letting him know that they have no objections to our plans.

Although we are hoping to have a nice outdoor space to enjoy the Minnesota seasons, one of the primary reasons we are seeking this screen porch is because one of our three children has a severe reactionary allergy to mosquitoes, which compromises her ability to enjoy the outdoors safely. Mosquitoes seem to be drawn to our daughter more than normal, and when she is bitten, her skin swells up in giant welts that are uncomfortable, itchy, and often painful. If she is bitten on her face anywhere near her eyes, they often swell almost to the point of swelling shut. It is not practicable or healthy to coat our daughter in toxic bug spray anytime she wishes to step into the backyard just to read or to enjoy a meal.

Screen porches are a common feature found in Minnesota, as are mosquitoes. We hope that the lack of impact to any surrounding neighbor properties, the added value to our home, and the improvement to our daughter's quality of life and health go

toward demonstrating the necessity of issuing the CPU and allowing us to move forward with the porch.

We have already met with Planner Krzos and Assistant City Engineer Brandon Movall on site at our home to address some of their questions about the construction and the setback. We feel it was helpful for them to see the minor change in the footprint of our current deck, and the lack of impact or infringement to our neighbors' property. We hope they can help convey that information to the Planning Commission and the City Council. We are also enclosing some photos with this submission, which we feel may give a better visual of the porch's minimal impact on our yard, and on the property setback. Thank you for your consideration.

Sincerely,

Steve & Claire Noble
2130 Charlton Road, Sunfish Lake



2383 Pilot Knob Rd
Mendota Heights, MN 55120
Phone: 651-203-3000
Fax: 651-455-1734
SouthviewDesign.com

NO.	Date	Issue Notes

NO.	Date	Revision Notes

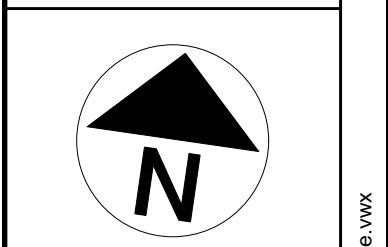
Claire and Steve Noble
Screen Porch Design
2130 Charlton Rd
Sunfish Lake, MN 55118

Designer: **Meg Arnosti**
Design Associate: **Scott Herbst**

Print Date: 5/12/2020

This drawing contains
proprietary information which
belongs to Southview Design
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prohibited.

Released By: _____
Date Released: ____/____/____



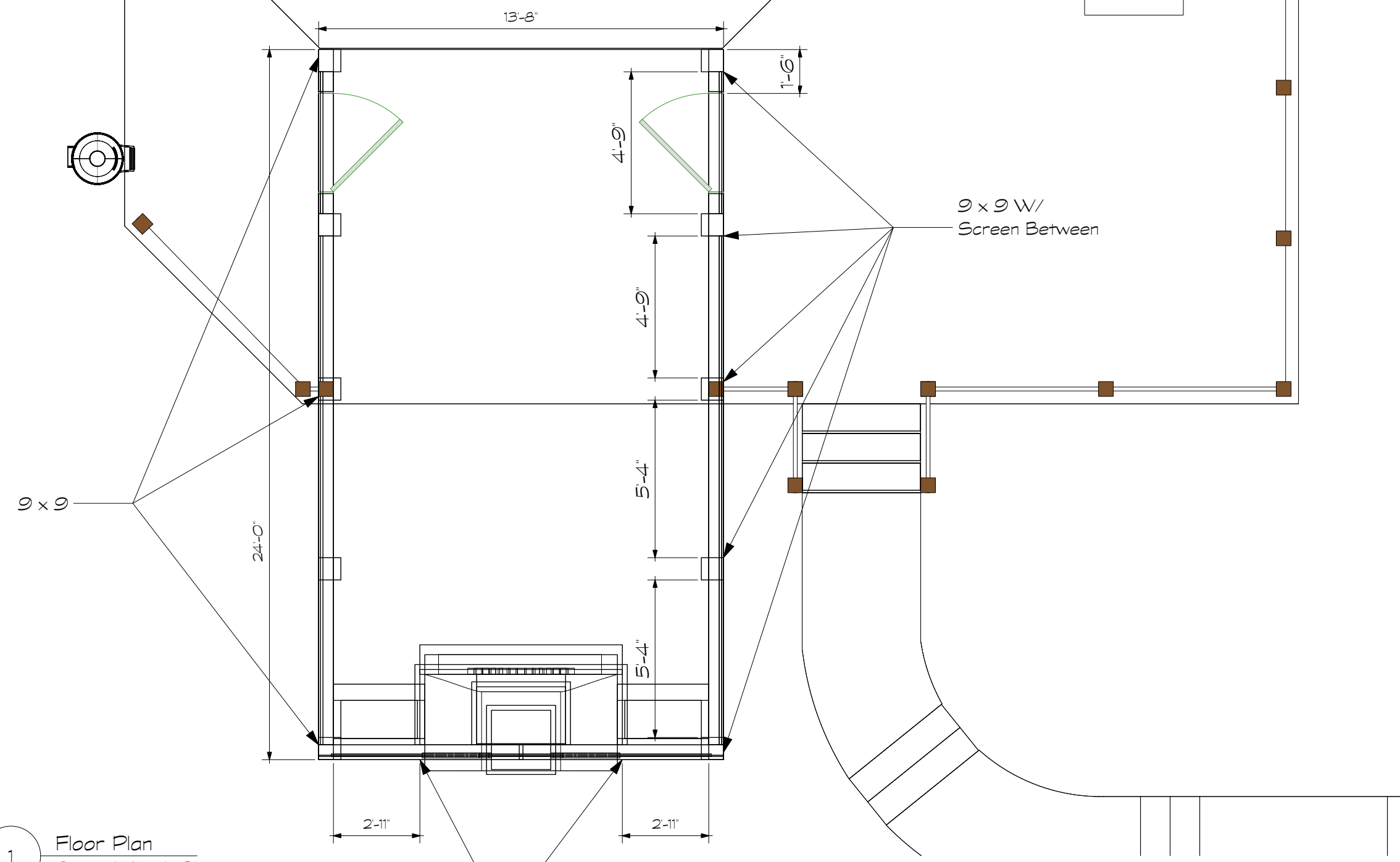
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1/4" = 1'

Project Name:

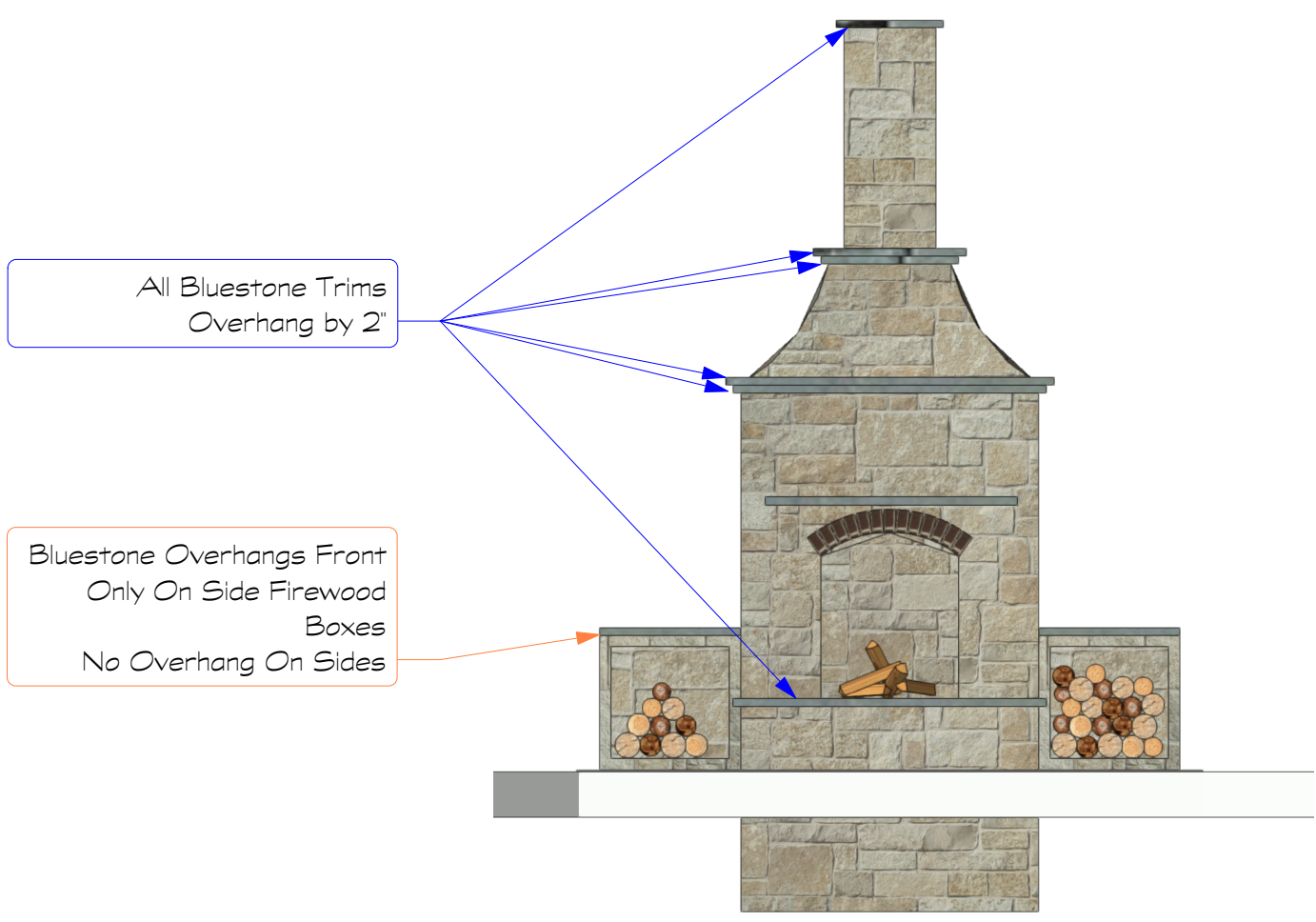
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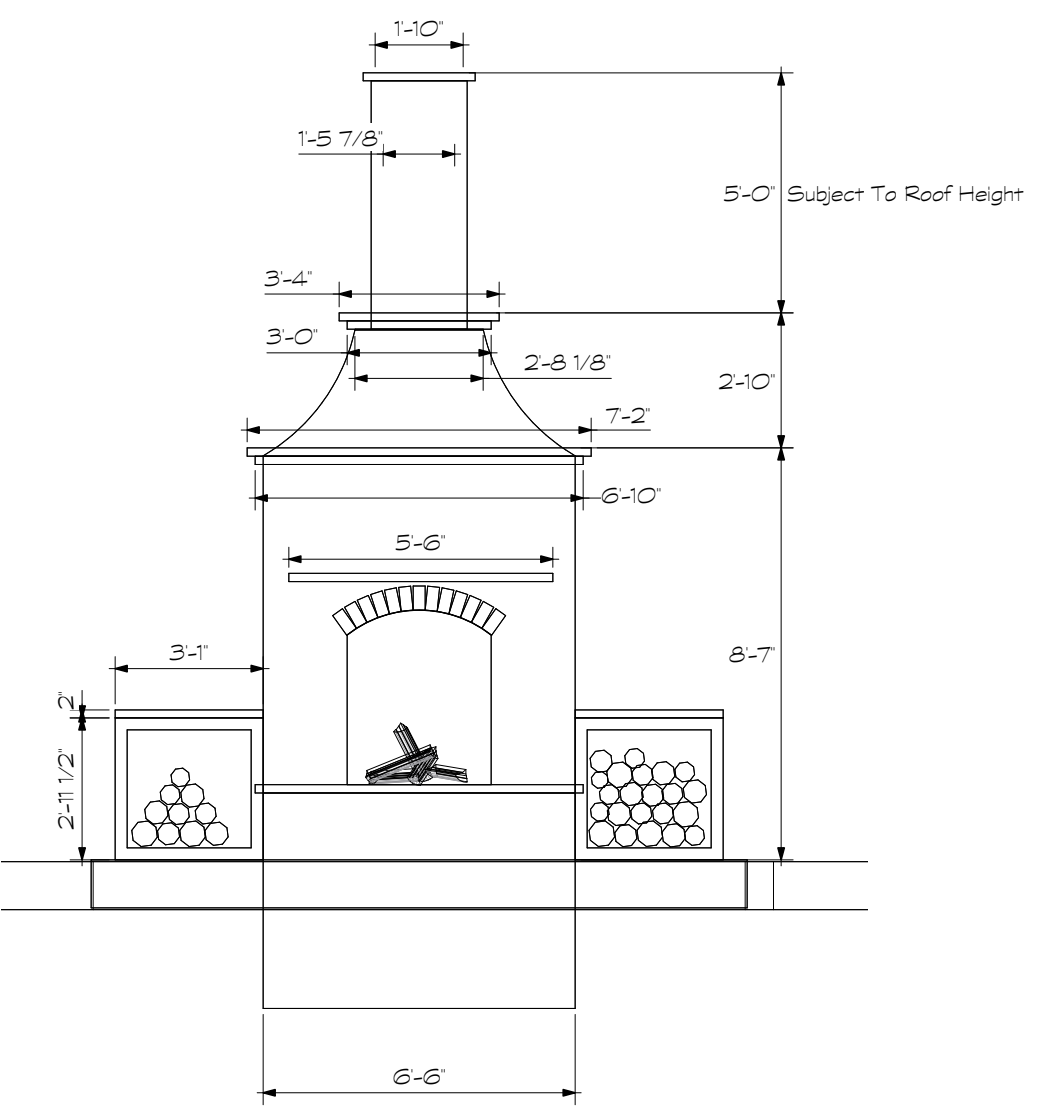
Sheet
2 of 6



1 Floor Plan
Scale: 1/4" = 1'-0"



5 Fireplace
Scale: 1/4" = 1'-0"



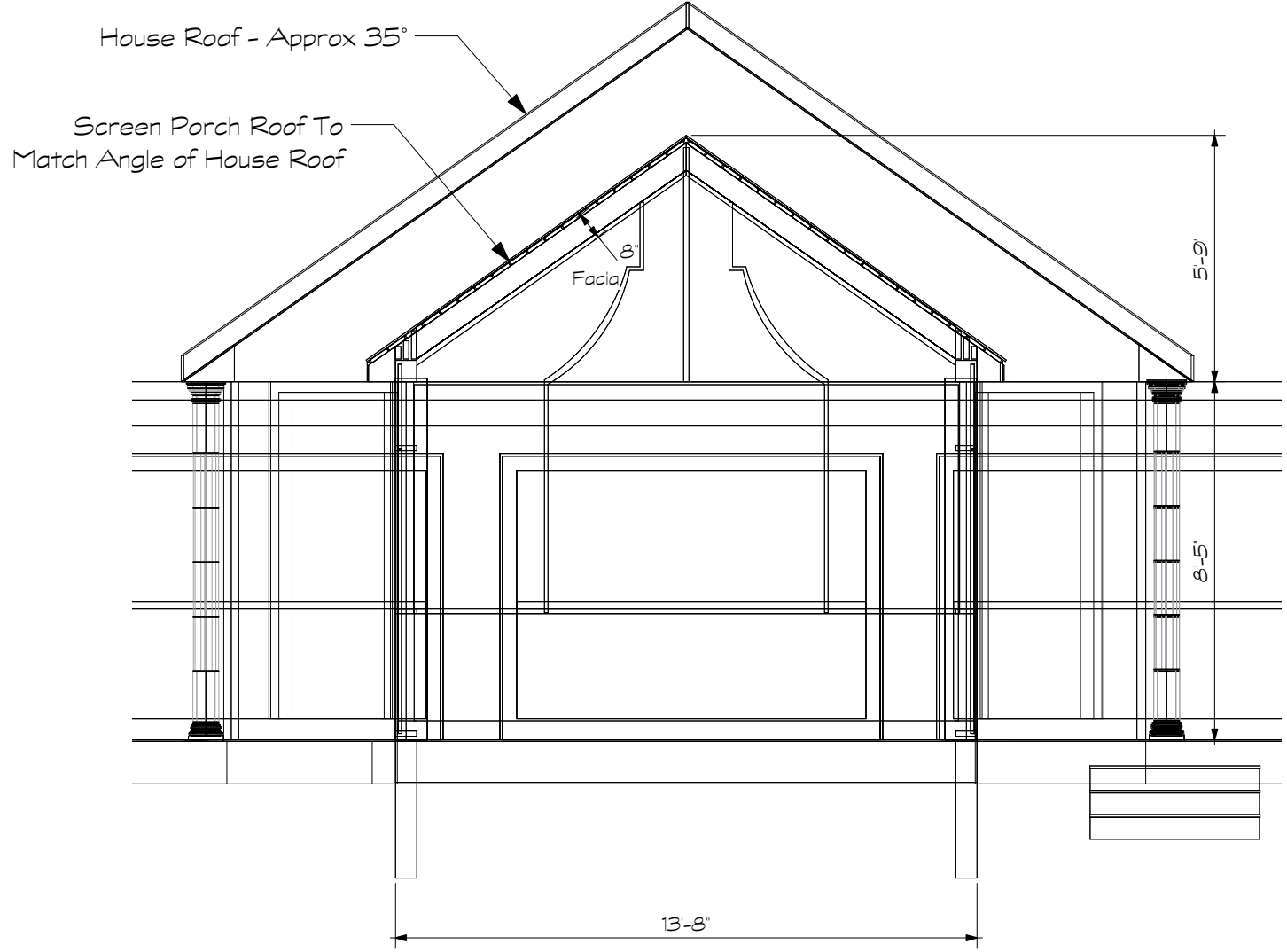
6 Fireplace Dimensions
Scale: 1/4" = 1'-0"



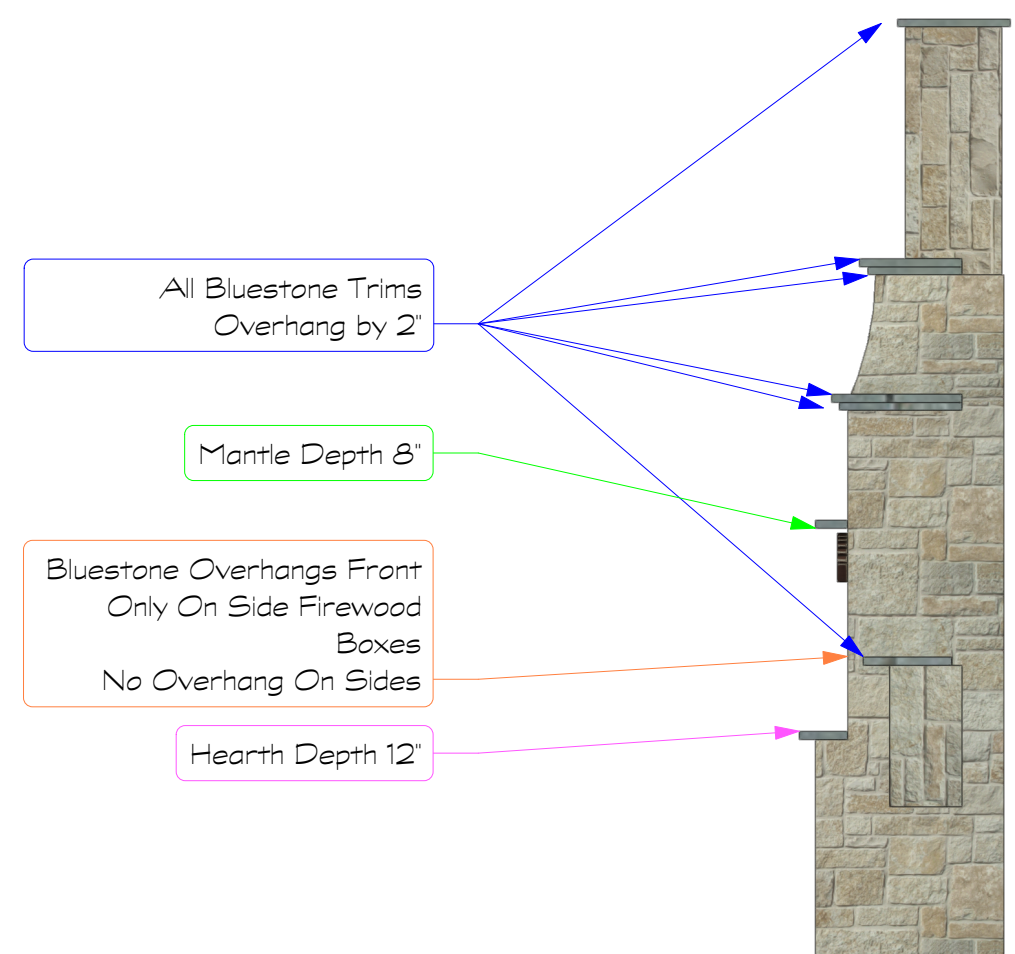
2 South Facing Elevation
Scale: 1/4" = 1'-0"



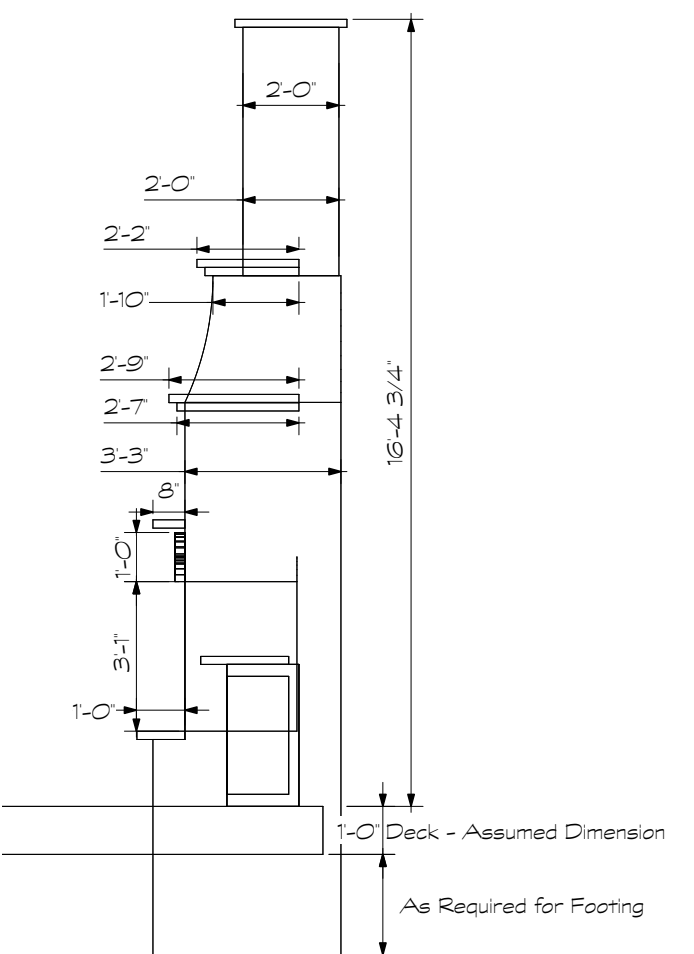
3 North Facing Elevation
Scale: 1/4" = 1'-0"



4 Elevation Dimension
Scale: 1/4" = 1'-0"



7 Fireplace Side
Scale: 1/4" = 1'-0"



8 Fireplace Side Dimensions
Scale: 1/4" = 1'-0"



EXISTING HOUSE



INSPIRATION

NOTE: All Dimensions For Bidding Purposes Only.
Awarded Sub Contractors to Confirm Dimensions and Building Methods Onsite and In Consultation With Southview Design



1 Top View
Scale: 1/4" = 1'-0"



2 Scale: 1/4" = 1'-0"



3 Scale: 1/4" = 1'-0"



2383 Pilot Knob Rd
Mendota Heights, MN 55120
Phone: 651-203-3000
Fax: 651-455-1734
SouthviewDesign.com

NO.	Date	Issue Notes
NO.	Date	Revision Notes

Claire and Steve Noble
Perspective Views
2130 Charlton Rd
Sunfish Lake, MN 55118

Designer:	Meg Arnosti
Design Associate:	Scott Herbst
Print Date:	5/12/2020
This drawing contains proprietary information which belongs to Southview Design Inc. Any unauthorized duplication or use is strictly prohibited.	
Released By:	
Date Released:	
Scale:	1/4" = 1'
Project Name:	
Job #:	

Sheet
3 of 6

File Name: 2020_05_02_Noble.vwx





Ryan Krzos

From: Kitzie Nye <kitzienye@comcast.net>
Sent: Saturday, June 6, 2020 1:59 PM
To: Ryan Krzos
Cc: Claire Noble; Steve Noble
Subject: Project/2130 Charlton Road

Mr. Krzos,

We are writing in support of the proposed addition for 2130 Charlton Road. As next door neighbors to Claire and Steve Noble, we are not concerned that their project will be detrimental to the value of our home at 2140 Charlton Road. Furthermore, we understand their desire to add on a screened-in-porch as this is the best way to enjoy summer evenings, free from disease-carrying mosquitoes - something that is particularly important for families with young, vulnerable, children.

Please feel free to contact us if you have any questions regarding this letter, or if there remain unaddressed project concerns that pertain to us which we have not addressed.

Thank you.

Sincerely,

Kitzie and Hoyt Nye
2140 Charlton Road
Sunfish Lake, MN 55118
#651-503-3021