

Memorandum

TO: Planning Commission
FROM: Allison Eddins , Senior planner
DATE: August 26, 2025
SUBJECT: 3262 Richmond Avenue - John Elfstrom - Variance to side yard setback
ITEM NUMBER: 7.A
SECTION: NEW BUSINESS

REQUESTED MOTION

To adopt Resolution No. 25-64, approving a variance to permit the reconstruction and conversion of non-livable space into livable space within 5 feet of a side lot line at 3262 Richmond Avenue, subject to the following conditions:

1. The livable space can be no closer than 5 feet from the northern side lot line.
2. The project must be completed in accordance with the submitted plans as part of the variance application. Any significant changes to these plans, as determined by the community development department, will require review and approval by the Planning Commission.
3. This approval will expire after one year if a building permit has not been issued and work has not begun on the project.
4. This approval is subject to a 5-day appeal period. Once the appeal period expires, a building permit may be issued for the proposed project. A building permit must be obtained before any construction activity begins.

This action is based on the following findings of fact:

1. The applicant proposes to use the property in a reasonable manner that is allowed in the R1, Detached Residential District.
2. A unique circumstance resulting in a practical difficulty is present. The applicant is reinvesting in their property and converting an illegal and unsafe accessory space into safe, legally nonconforming livable space.
3. The essential character of the neighborhood will not be altered by the proposed renovation. The second story addition has been in place for 49 years and the proposed project would improve the overall appearance of the house.

INTRODUCTION

The applicant and property owner, John Elfstrom, would like to reconstruct one stall of his tuck under garage and convert the four season porch above the garage stall into livable space. The home was constructed in 1957 with a one-stall tuck under garage. In 1976 the city issued a building permit for the addition of a second stall. The property owner at the time built a four season porch above the second stall. The porch area was not a part of the 1976 building permit and was not built to comply with the building code, making it an illegal structure. The garage

addition and second story porch are failing and are unusable due to safety concerns.

DISCUSSION

Site Characteristics

The property sits on the corner of Richmond Avenue and Cobb Road. For the establishment of setbacks, the lot has two front lot lines, the western lot line along Richmond Avenue and the southern lot line along Cobb Road. Each front lot line has a minimum setback requirement of 25 feet. For the designation of lot lines, the lot line fronting on Richmond Avenue is considered the front since it has the shortest distance along a public street ([Sec. 101-2](#)). This designation makes the northern property line a side lot line.

The house is oriented toward the northern portion of the lot. The tuck under garage and porch addition are 5.7 feet from the northern side lot line while the rest of the house is 54.8 feet from the southern lot line.

The property has a total of 1,032.5 square feet of accessory building space. This includes the garage, four season porch, gazebo and backyard shed. The maximum amount of accessory building space allowed for this lot 1,200 square feet.

Development Code Requirements

[Section 107-67](#) in the Shoreview Code of Ordinances establishes a minimum side yard setback of five feet for accessory buildings, including attached garages. Dwelling space however is required to have a minimum side yard setback of 10 feet. A variance request is required because the applicant would like to convert the porch area into livable space and incorporate that space into the dwelling.

Section 107-67 limits the amount of accessory building space that a lot can have. For lots that are less than 1/2 acre, the maximum amount of attached accessory building space is 1,000 square feet or 80 percent of the house foundation area, whichever is most restrictive. The total amount of combined attached and detached accessory space is 1,200 square feet or 90 percent of the house foundation area. The house currently has 797 square feet of attached accessory space and 1,032.5 square feet of total accessory building space. The maximum square footage permitted is 1,144.6 square feet.

Variance Criteria (Section 103-163)

When considering a variance request, the commission must determine whether the ordinance causes the property owner practical difficulty and find that granting the variances is in keeping with the spirit and intent of the ordinance. Practical difficulty is defined as:

1. *Reasonable Manner*. The property owner proposes to use the property in a reasonable manner not permitted by the Shoreview Development Regulations.
2. *Unique Circumstances*. The plight of the property owner is due to circumstances unique to the property not created by the property owner.
3. *Character of Neighborhood*. The variance, if granted, will not alter the essential character of the neighborhood.

Applicant Statement

The applicant would like to rebuild and upgrade the garage and porch addition that was built by previous owners in 1976. The previous owners did not create access to either the garage or

the porch except by opening the garage door or going into the backyard to access the porch. The garage walls are not stable and are beginning to cave in. The porch area was never properly sealed and the flat roof leaks. The limited access and the construction quality have limited the applicant's ability to use either space for anything other than storage.

The applicant would like to rebuild the garage stall in the existing footprint and remove the wall separating the garage stalls. This would allow the garage to function like a typical two car garage. The second story porch would be removed and livable space would be constructed above the reconstructed garage stall.

The applicant states that the proposal would not make the house and garage more functional but it would significantly improve the overall appearance of the house.

Staff Review

The request was reviewed by staff in accordance with the variance criteria. Upon review, staff believes that a practical difficulty is present.

1. *Reasonable Manner.* Single-family detached homes with attached garages are permitted in the R1, Detached Residential District.
2. *Unique Circumstances.* The unique circumstances in this case were not created by the property owner. The location of the original single-stall garage, combined with the home's 16-foot setback from the northerly property line, restricts the area available for a garage addition. Because the existing home has a tuck-under garage built into a hillside, the most feasible area for a living area addition is the remaining flat space, which can accommodate the project without negatively impacting the lot.

A previous owner constructed the current porch addition without a building permit and without meeting code requirements. The applicant's proposal will replace this unsafe and noncompliant structure with a legally nonconforming addition that complies with modern building code standards, improves roofline drainage, and minimizes additional impacts to the lot.

3. *Neighborhood Character.* Staff has determined that granting the variance would not alter the essential character of the neighborhood. The second garage stall and porch have been in place since 1976 at that setback. Rebuilding in the same space will have a minimal impact as well as improve the appearance of the home. The city encourages owners to reinvest in their property and the proposed renovation will improve the appearance of the house and will look similar to the surrounding homes.

Public Comment

Property owners within 150' were notified of the request. At the time of this report, staff has not received any comments.

Agency Comment

Staff reached out to the relevant departments within Shoreview for comments or concerns regarding the proposed project and variance. No comments or concerns have been received.

RECOMMENDATION

Staff recommends that the planning commission approve the variance request to reduce the side yard setback requirement from 10 feet to 5 feet in order to allow the property owner to reconstruct livable space above a garage. Staff has found that a unique circumstance is present

and staff believes the three criteria required for practical difficulty are met. The variance can be approved with the following motion:

To adopt Resolution No. 25-64, approving a variance to permit the reconstruction and conversion of non-livable space into livable space within 5 feet of a side lot line at 3262 Richmond Avenue, subject to the following conditions:

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2. The project must be completed in accordance with the submitted plans as part of the variance application. Any significant changes to these plans, as determined by the community development department, will require review and approval by the Planning Commission.
3. This approval will expire after one year if a building permit has not been issued and work has not begun on the project.
4. This approval is subject to a 5-day appeal period. Once the appeal period expires, a building permit may be issued for the proposed project. A building permit must be obtained before any construction activity begins.

This action is based on the following findings of fact:

1. The applicant proposes to use the property in a reasonable manner that is allowed in the R1, Detached Residential District.
2. A unique circumstance is present and was not created by the property owner. A previous owner constructed the porch addition without a building permit and did not build it to code. The applicant's proposal will turn an unsafe and illegal building into a legally nonconforming building that will meet modern building code standards.
3. The essential character of the neighborhood will not be altered by the proposed renovation. The second story addition has been in place for 49 years and the proposed project would improve the overall appearance of the house.

ATTACHMENTS

[Location Map](#)
[Certificate of Survey](#)
[Building Elevations](#)
[Applicant's Narrative](#)
[Building Photos](#)
[Resolution 25-64](#)