

Memorandum

TO: Planning Commission
FROM: Izaak Peterson , Associate Planner
DATE: May 27, 2025
SUBJECT: 3192 W. Owasso Blvd - Conditional Use Permit and Variance Requests- Lisa and Felix Ankel (Public Hearing)
ITEM NUMBER: 7.B
SECTION: NEW BUSINESS

REQUESTED MOTION

Tadopt Resolution No. 25-42 approving a decrease to the minimum the front yard setback requirement from 175.2 feet to 135.8 feet for a new home at 3192 West Owasso Street and recommend the city council adopt Resolution No. 25-41, a conditional use permit for the proposed retention of an existing 451 square foot detached accessory building garage, with the proposed establishment of an attached garage on the property located at 3192 West Owasso Boulevard. These approvals are subject to the following conditions:

Variance

1. The project must be completed in accordance with the plans submitted with the variance application, and conditions set forth through this approval. Any significant changes to these plans, as determined by the Community Development Department, will require review and approval by the Planning Commission.
2. The applicant shall submit an Accessory Apartment permit request, compliant with Code Sec 103-89 and Sec 111-2, prior to the building permit issuance.
3. The project is subject to the permitting requirements of the Ramsey Washington Metro Watershed District. The applicant shall fulfill all permitting requirements of the Ramsey Washington Metro Watershed District as required.
4. The proposed house shall meet a minimum setback of 135.8' feet from the front property line.
5. A tree removal and replacement plan approved by the Natural Resources Coordinator shall be submitted prior to issuance of a building permit.
6. The finished topographical grade and elevation of the sites steep slope shall not be less than five feet below the existing topographical grade and elevation.
7. A Shoreland Mitigation Affidavit is required to be signed before the building permit is issued.
8. The approvals will expire after one year if a building permit has not been issued and work has not begun on the project.
9. This variance approval is subject to a five 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.

These actions are based on the following findings of fact:

1. Practical difficulty is present as stated in Resolution 25-42.
2. The proposed front yard setback reduction is a reasonable use of the property in a reasonable manner that is allowed in the R1, Detached Residential District.
3. The character of the neighborhood will not be altered by the reduced front yard setback to allow for the proposed dwelling expansion, and no expansion or alteration are proposed to the existing detached accessory garage building.

Conditional Use Permit

1. This project must be completed in accordance with the accessory building plans submitted as part of the Conditional Use Permit application, and conditions set forth in Resolution No. 25-42. Any significant change to these plans, as determined by city staff, will require review and approval by the planning commission.
2. This approval will expire after one year if a building permit has not been issued and work has not begun on the proposed house.
3. The garage shall be used for the storage of personal property and other garage related purposes.
4. The garage shall not be used for livable or habitable space.
5. The garage shall not be enlarged beyond it's current size of 451 square feet.
6. Further expansion of the existing detached garage accessory building is prohibited.

INTRODUCTION

On [June 25, 2024](#) the commission previously reviewed variance and a conditional use permit applications proposing to demolish a 2,006 square foot home on the property located at 3192 West Owasso Blvd, and rebuild the structure with a 2,909 square foot, 2-story walkout home which would contain a two car or larger attached garage. The property contains a 451 square foot detached garage and and a 760 square foot detached second single family dwelling unit (the "existing cottage") that were proposed to be retained through the application.

A that time, variance consideration to code [Sec 111-120\(a\)](#) requesting the enlargement or extension of a nonconformity to occupy a greater area of land and a variance to [Sec 107-67](#) to allow detached dwelling units within the R1 District were considered, and subsequently denied. Variance consideration to allow for reduced front yard setback of 41.9' was approved, with conditions. In addition, the submitted conditional use permit application requesting to retain an existing 451 square foot garage was recommended for approval by the commission, and approved by the city council on [September 3, 2024](#).

Through several plan revisions and discussions with city staff the applicants, Lisa and Felix Ankel, have submitted modified construction plans to demolish the 2,006 square foot home on the site and construct a 3,051 square foot home as an addition attached to the existing 760 square foot cottage, which would include a 912 square foot attached garage. The proposed plan revisions intend to retain the non-conforming cottage, and bring the building into code conformity as an Accessory Apartment. The applicants also request to retain the existing 451 square foot detached garage, as previously approved as a conditional use.

The revised building location is still less than the average of the abutting properties front setback (175.1'). As a result, the following variance consideration is necessary:

1. A variance to Code Section [107-65\(g\)\(2\)\(i\)](#) requesting a reduced front yard setback of

135.8' from the front property line, less than the average of the adjacent homes (175.1').

As the proposed plans have substantially changed from the time of the previous conditional use permit approval, a new conditional use permit application has been submitted requesting the retention of the existing 451 square foot detached garage. The commission is being asked to provide recommendation to the city council regarding the submitted conditional use permit application.

DISCUSSION

The subject property is a standard riparian lot in the R1-Detached Residential District. The lot is 45,151 square feet, or 1.02 acres, with an average depth of 349 feet and a lot width of 137.4 feet. The lot's elevation slopes lakeward from a 936 foot elevation at the front lot line down to 886.7 feet at the Ordinary High Water line (OHW) which constitutes a steep slope.

The existing home does not contain an attached garage, is 2,009 square feet in size and is located 58.3 feet from the front property line, and 215.8 feet from the OHW of lake Owasso. The site also contains an existing detached garage that is 451 square feet in size located along Owasso Blvd West.

In addition, the site contains a second detached single family dwelling 760 square feet in size, located between the existing house and lake Owasso. The presence of two detached single-family dwellings on an R-1 property is not otherwise permitted by Section 205.082 of the Shoreview Development Code, therefore the existing condition of the property constitutes a nonconformity.

The site currently contains two driveway curb cuts from West Owasso Boulevard, providing separate access to the existing home and detached garage.

The property is surrounded by riparian residential properties to the north and south. The southern property line of the subject property is the border of Shoreview and the City of Roseville.

Project Description

The applicants propose to demolish the existing house on the site, and expand the 760 square foot detached dwelling unit, through a 3,041 square foot building addition, which includes a 912 square foot attached garage. The proposed house is located in the general location of the dwelling to be removed. The location of the new house would have a reduced setback of 41.9 feet to the front property line. The application does not propose modification to the existing 451 detached garage, but does propose to incorporate the 760 square foot cottage as an Accessory Apartment within the new house, by way of a dwellable 4-foot wide hallway.

Applicant Statement

The applicants state that the decrease in the front yard setback is necessary as a result of the steep grade and unique topography of the site. The applicant indicates that utilization of the general location of the sites existing house in combination with raising the elevation of the foundation, would result in the most effective means to mitigate the steep slope of the site. The applicant does not believe that the setback proposal is inconsistent with several properties located along West Owasso Blvd, and will not negatively affect the character of the

neighborhood.

Development Code Requirements

Variance Request

The Development Code requires residential construction to comply with certain design standards and setbacks. Those standards and the requested variances are summarized in the table below.

Code Standard	Allowed	Proposed
Impervious Surface Coverage	11,287.75 square feet (25% of lot area)	11,071 square feet (24.5% of lot area)
Building Height	35 feet (highest roof peak to lowest grade)	35 feet
Front Setback	175.1 feet minimum	41.9 feet**
OHW Setback	103.8 feet minimum (+/- 10 feet)	99.7 feet
Side Setback (Dwelling)	10 feet	23 feet
Side Setback (Attached Garage)	5 feet	10.2 feet
Accessory Building Total Area	1,500 square feet	1,363 square feet

** Variance Required

Development Code Section [107-65\(g\)\(2\)\(i\)](#) prescribes that when new construction is proposed where existing lots immediately abutting the site exceed the minimum front yard setback of the zoning district (40-feet), the front yard setback for a dwelling to be constructed on the lot shall be equal to the average of the front yard setbacks for such immediately adjacent dwelling plus or minus 10-feet. The proposal requests to reduce this setback from 175.1 feet, to 135.8 feet.

Variance Criteria

When considering a variance request, the commission must determine whether the ordinance causes the property owner practical difficulty and find that granting the variance 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 Circumstance. The plight of the property owner is due to circumstances unique to the property not created by the property owner.
3. Character of the Neighborhood. The variance, if granted, will not alter the essential character of the neighborhood.

***Economic Considerations alone do not constitute a practical difficulty.*

Conditional Use Permit

[Table 107-67](#) of the Development Code requires accessory buildings over 440 square feet to receive an approved conditional use permit, if the property contains with 2-car or larger attached garage . This code section also limits the total square feet of accessory building space to 1,500 square feet for lots that are one to two acres in size. The applicants are proposing to construct a 912 square foot attached garage and would like to retain the existing 451 square

foot attached garage. The combined size of the garages is 1,363 square feet, which is permissible. In order to permit the colocation of the site, a conditional use permit is required for the detached garage.

The intent of the conditional use permit is to assess the suitability of the proposed use in the zoning district and insure harmony with the Comprehensive Plan. A conditional use permit may be granted provided the proposed use is listed as a conditional use in the zoning district, the standards of the Development Code will be satisfied and the following criteria are met:

1. The use is in harmony with the general purposes and intent of the Development Ordinance.
2. The use is in harmony with the policies of the Comprehensive Plan.
3. Certain conditions as detailed in the Development Ordinance exist.
4. The structure and/or land use conform to the Land Use Chapter of the Comprehensive Plan and are compatible with the existing neighborhood.

The exterior design of the structure must be compatible with the dwelling and be similar in appearance from an aesthetic, building material and architectural standpoint. The proposed design, scale, height and other aspects related to the accessory structure are evaluated to determine the impact on the surrounding area. Building permits may be issued upon the finding that the appearance of the structure is compatible with the structures and properties in the surrounding area and does not detract from the area. The intent of these regulations and the City's Comprehensive Plan's policies is to ensure that the residential character of the property and neighborhood is maintained and that dwelling unit remains the primary feature and use of the property.

Staff Review

Front Yard Setback Variance

After reviewing the applicants' proposal, staff agrees with the applicant that a practical difficulty present for the front yard setback variance request.

1. *Reasonable Manner.* The property owner proposes to use the property in a reasonable manner not permitted by the Shoreview Development Regulations. The applicant is proposing to use the property in a reasonable manner as single family residential use, which is a permitted use.
2. *Unique Circumstances.* The plight of the property owner is due to circumstances unique to the property not created by the property owner. There are unique circumstances that affect the placement of a home on this property. The topography of the property is a steep hill on the majority of the site, with the exception of the existing building pad. Through the filling of the existing building pad, greater grading impacts to the existing steep slope may be avoided by locating the house closer to the front property line. The proposed building site effectively allows for the steep slope grading of the site to be restored, and utilize a flatter portion of property further lakeside.
3. *Character of Neighborhood.* The variance, if granted, will not alter the essential character of the neighborhood. The character of the neighborhood will not be altered. The proposed home is in a commensurate location as the existing home as it relates to proximity to the front the front property line, which has been in place since 1951. As a result, staff does not believe the character of the neighborhood will be impacted.

Conditional Use Permit

The existing detached garage was constructed in 1951, prior to the cities adoption of bulk and

setback standards for detached garages. The existing garage is 9.2 feet from the front property line, within a required 20 foot front yard setback. In addition the garage is 5.73 feet from the southern side property line, located within a required 10 foot sideyard setback. As a result of the garages age predating the adoption of these standards, it may be maintained in place to it's current dimensions. As the property owner does not propose modification or expansion of the structure through this application, variance consideration to address these encroachments is not required in order to grant the conditional use permit. Staff believe that the maintenance and continuation of the existing garage, in tandem with the newly proposed attached garage is permissible, and is permissible by city code.

Accessory Apartment

The application proposes to incorporate the existing 760 square foot cottage dwelling into the larger house addition, to serve as an accessory apartment. An Accessory apartment is defined as clearly secondary dwelling unit created within an owner-occupied, single-family dwelling and meeting the permit requirements of the code. Per [Sec 103-89](#), Accessory Apartments are permitted by way of administrative review, provided the conditions, as outlined in [Sec 111-2](#) are met.

Upon review, staff believe the proposed building plans meet the above mentioned requirements to permit the cottage as an Accessory Apartment within the proposed home. As a result, staff has included a recommended condition of approval that the applicant submit a separate Accessory Apartment permit prior to approval of a building permit application for the project.

SHORELAND MITIGATION

In accordance with the development code, shoreland mitigation is required of property owners who are seeking certain land use approvals through the City. A condition of approval to fulfill this obligation if the application(s) are approved has been included within the recommended conditions of approval. Staff believe the use of neutral colors and materials for the building construction, and restoration of the steep slope grading contained within the previous building site as proposed, appropriately fulfill the shoreland mitigation requirement.

PUBLIC COMMENT

Property owners within 350 feet were notified of the applicants' requests. Additionally, notice regarding the proposed conditional use was posted within the May 6th addition of the Shoreview Press. At the time of this staff report, no public comments have been received.

RECOMMENDATION

Staff recommends the planning commission adopt Resolution No. 25-42 approving a decrease to the minimum the front yard setback requirement from 175.2 feet to 135.8 feet for a new home at 3192 West Owasso Street and recommends the planning commission recommend the city council adopt Resolution No. 25-41, a conditional use permit for the proposed retention of an existing 451 square foot detached accessory building garage, with the proposed establishment of an attached garage on the property located at 3192 West Owasso Boulevard. These approvals are subject to the following conditions:

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ATTACHMENTS

[Location Map](#)

[Applicant Narrative](#)

[Proposed Survey](#)

[Proposed Floor Plan & Building Elevations](#)

[Resolution No. 25-41 - Conditional Use Permit](#)

[Resolution No. 25-42 - Setback Variance](#)

