

Memorandum

TO: City Council
FROM: Izaak Peterson , Associate Planner
DATE: November 3, 2025
SUBJECT: Variance Appeal - Amar Subramanian, 955 Dawn Avenue
ITEM NUMBER: 10.a
SECTION: GENERAL BUSINESS

REQUESTED MOTION

The City Council has two options to proceed:

Option 1

To affirm the denial of the variance request submitted by Amar Subramanian, upholding the decision of the planning commission finding that practical difficulty is not present. The request to reduce the sideyard setback is based on personal preference rather than a unique circumstance, and may otherwise adversely impact the character of the neighborhood. As a result, three criteria required for practical difficulty are not met, therefore, the variance appeal is not approved.

Option 2

To grant the appeal and adopt Resolution No. 25-69, approving the variance application submitted by Amar Subramanian regarding the property at 955 Dawn Ave, for the reduction of the required driveway sideyard setback to 2.5 feet, subject to the following conditions:

1. The project must be completed in accordance with the submitted 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.
2. The approved 2.5 foot sideyard setback shall apply only to portions of driveway expansion proposed through the submitted variance application.
3. This approval will expire after one year if a residential zoning 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 residential zoning permit may be issued for the proposed project. A residential zoning permit must be obtained before any further construction activity commences.

This approval is based on the following findings: (city council should make findings of practical difficulty)

1. *Reasonable Manner.*
2. *Unique Circumstances.*
3. *Character of Neighborhood.*

INTRODUCTION

**This item was initially scheduled for council consideration on October 20, 2025. Consideration of the appeal was tabled at the request of the applicant on October 20, 2025.*

The applicant, Amar Subramanian, has submitted a variance application proposing the construction of driveway expansion located within the required five foot sideyard setback of the property. In order to permit the proposed driveway expansion, a variance to the development code as specified below is required:

1. Variance to Development Code Section 109-92(b)(1), to allow for a driveway reduction of the required 5-foot sideyard driveway setback, to 2.5 feet.

At their [September 23, 2025](#) meeting, the planning commission moved to approve the submitted variance request, which failed with a 2-4 vote. The planning commission was unable to find that a practical difficulty was present for the submitted request, subsequently denying the variance.

DISCUSSION

Site Characteristics

The subject property is located on the northern extent of Dawn Ave, located on a cul-de-sac. The property is zoned within the R-1 Detached residential zoning district. The site is 1.42 acres in size, and contains approximately 20-feet of elevation change, sloping from the front to the rear of the property.

The property currently contains an attached garage and single-family house, constructed in 1973. The existing driveway is approximately 19 feet wide as measured at the right-of-way, and accessed from the cul-de-sac bulb portion of the property frontage.

Project Description

The applicant proposes to add approximately 65 square feet of driveway along the western side of the driveway, adjacent the garage to serve as a parking pad for a boat. The existing driveway is 7.5 feet from the side property line currently. The proposed addition would result in 2.5 foot of encroachment for a length of about 12-15 feet within the 5 foot sideyard setback required of driveways.

Development Code Requirements

In general, the parking and driveway regulations found in development code Chapter 109 are intended to balance the need for off-street parking with regulations that address the aesthetic and the provisions of light, air and open space. These regulations include [Section 109-92\(b\)\(1\)](#), which specifies setback requirements for residential driveways:

(b)Setbacks. The minimum setback from a property line for a parking lot, including driveways shall be as follows:

(1)From interior side and rear property lines: five feet. This setback may be reduced to zero feet if the parking and driveway area is shared providing access to uses on two or more parcels.

The applicants driveway serves only the subject property personal use and the expansion is located 2.5 feet from the adjacent side property line. As a result variance approval is required

in order to permit the driveway as proposed.

Variance Review Criteria

When considering a variance request, the council 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 has indicated that the proposed driveway extension intends to serve as a boat parking spot along the garage side of the house. The applicant notes that they have a hilly back yard that precludes boat storage in the rear yard of the property, and that there is no other suitable location of expansion in the front yard. The applicant believes that the planning commission was too strict in enforcing state statute, and as a result, is appealing their denial.

Staff Review

The request was reviewed by staff in accordance with the variance criteria. Upon review, Staff believes that a practical difficulty proportional to the request is present, based on the following:

1. *Reasonable Manner*. Realigning and expanding an existing driveway as a way to provide more space for off-street parking is a reasonable request in the R1 zoning district. In residential districts, one open, surfaced space located on the side of the driveway, away from the principal use (the dwelling) is permitted.
2. *Unique Circumstances*. The existing house is orientated with the driveway served off of the Dawn Ave cul-de-sac portion of frontage. This is a typical house orientation to avoid driveway placement on the intersecting corner of a cul-de-sac and road mainline. Expansion of the driveway eastward, away from the affected side property line would result in a driveway in front of the principal use, which also would not be permitted. Additionally, the topography of the property presents a challenge facilitating rear yard storage, which would otherwise be permitted without an improved parking surface. Staff believes these combined factors present a unique circumstance proportional to the sought variance request.
3. *Neighborhood Character*. Two driveways located on the Dawn Ave cul-de-sac appear to have driveways encroaching within required five foot sideyard setbacks, however in no instance is a garage side parking space located within the required setback. Due to the nature proposed encroachment, staff recommends the council consider any comments brought forward by abutting and immediately impacted property owners. The immediately abutting property owner has submitted written comment indicating that the proposed driveway expansion and associated parking would adversely impact the character of their property.

Planning Commission Review

Upon review of the submitted application, the planning commission was unable to reach

consensus that a practical difficulty was present necessitating the variance request and it subsequently failed. The commission noted that the essential character of the neighborhood would be impacted as there are no instances in which a garage side parking space located within the required setback. The commission disagreed with staffs evaluation regarding unique circumstances necessitating the request. The commission discussed unique elements of the property such as grade and the shape of the lot, but ultimately did not determine that unique elements of the property justified the proposed driveway encroachment.

Public Comment

Property owners within 150' were notified of the request. One written comment, opposing the request, from the immediately abutting property owner has been received and is attached to this report.

RECOMMENDATION

The city council should allow the applicant to present their appeal and then take formal action. Staff is recommending the council uphold the decision of the planning commission to deny the variance request. However, two options are provided for consideration depending on the council's direction:

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ATTACHMENTS

Location Map

Applicant Narrative

Applicant Submitted Site Photos

Proposed Site Plan

Public Comment- Thompson

Draft Resolution 25-69