

Memorandum

TO: Planning Commission
FROM: Izaak Peterson , Senior Planner
DATE: August 25, 2026
SUBJECT: 559 Harbor Court- Residential Design Review and Variance- 580 Shoreview LLC
ITEM NUMBER: 7.B
SECTION: NEW BUSINESS

REQUESTED MOTION

To adopt Resolution 26-67 granting a variance to increase the maximum permitted building height on a substandard riparian lot from 35 feet to 43 feet 10 inches, for the property located at 559 Harbor Court, subject to the following conditions:

1. The project must be completed in accordance with the plans submitted with the variance and residential design review applications. Any significant change to these plans, as determined by the Community Development Department, will require review and approval by the Planning Commission.
2. The proposed building height shall not exceed 43 feet 10 inches as measured from the lowest finished grade, as defined, to the highest peak of the building.
3. The 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.
4. All necessary permits from the Rice Creek Watershed District shall be obtained, if required, prior to commencing any construction activity on site, including grading.
5. Shoreland Mitigation is required. The Shoreland Mitigation Affidavit must be executed before the building permit is issued.
6. This approval will expire after one year if a building permit has not been issued and work has not begun on the project.

These actions are 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. Unique circumstances are present as stated in Resolution No. 26-67
3. The character of the neighborhood will not be altered or adversely impacted by the proposed building height.

INTRODUCTION

The applicant, 580 Shoreview LLC, has submitted residential design review and variance applications for the construction of a single-family home on the platted lot located at 559 Harbor Court.

The property is a substandard riparian lot located in the R1 District. The property is considered a substandard riparian lot because it does not meet the dimensional width standard of 100 feet as measured at the front property line. The lot was platted within the Harbor Shores development in 2024, with a reduced front property line width approved by variance at the time of the plat consideration.

The proposed construction plans necessitate the following land use considerations:

- 1. Residential Design Review for construction of a new home on a substandard riparian lot.
- 2. A variance to Sec 115-155(b)(3)(b) for a building height of 43 feet 10 inches, greater than the 35-foot height permitted as measured from the lowest portion of finished grade to the highest peak of the roof.

DISCUSSION

Site Description

The property is located within the R-1 Detached Residential zoning district and is located within the Harbor Shores development. The property was platted in 2024 through the Harbor Shores development consideration.

The property has a lot area of 25,204 square feet and contains an average lot depth of 236.5 feet. The property width is 82.24 feet as measured at the front property line, 100 feet as measured at the required building setback from Snail Lake, and 110.2 feet as measured at the ordinary high waterline (OHW) of Snail Lake. The property is considered a substandard riparian lot because it does not meet the required lot width of 100 feet as measured at the front property line. The substandard lot width was approved by variance, via resolution No. 24-14, which is attached to this report.

The property contains a steep slope lake with grade falling from Harbor Court to Snail Lake. The property contains a high elevation adjacent to Harbor Court of 917 feet, and falls approximately 34 feet to the OHW of Snail Lake (883.43 feet). The site contains several preserved tree's lakeside, below a 4-6 foot tall retaining wall, which was constructed with the Harbor Shores development through multiple Harbor Shores properties.

Project Description

The applicant proposes to construct a new 2,922 square foot single-family home on the platted lot. The proposed house contains a 956 square foot attached garage and rear (lakeside) attached porch and deck. The proposed house is a 2-story home, with a walkout basement.

Development Code Requirements

Residential Design Review for Substandard Lots

Development Code Sec 115-155(b) requires that no structures be expanded, constructed, or reconstructed on a substandard lot of record unless design review approval is first obtained from the city in accordance with Sec 103-5. The Development Ordinance requires residential construction on substandard lots to comply with certain design standards in Section 115-155, and these are summarized in the table below as compared to the proposed construction plan:

Design Standard	Permitted	Existing/Proposed
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Lot Area	15,000 square feet	25,204 square feet
Lot Coverage	25 percent	17.9 percent
Foundation Area	18 percent	11.6 percent
Attached Accessory Building Size	1000 square feet	956 square feet
Building Height	35 feet (lowest finished grade to highest roof peak)	43 feet 10 inches*
Front Setback (minimum/maximum)	25/40 feet	35.9 feet
OHW Setback	50 feet	131.3 feet
Side Setback (dwelling)	10 feet	12.2 feet
Side Setback (attached accessory building)	5 feet	22.2 feet

*Variance Required: [Sec. 115-155\(b\)\(3\)\(b\)](#) prescribes a maximum building height not to exceed 35 feet as measured from the highest roof peak to the lowest point at finished grade.

Building height is defined within [Sec 101-2](#), as follows:

Height, building.

1. *With the exception of substandard riparian lots, building height shall be measured as follows: a distance to be measured from the mean curb level along the front lot line or from the mean ground level for all that portion of the structure having frontage on a public right-of-way, whichever is higher, to the top of the cornice of a flat roof, to the top line of a mansard roof, to a point on the roof directly above the highest wall of a shed roof, to the uppermost point on a round or other arch-type roof, or to the mean distance of the highest gable on a pitched or hip roof.*
2. *For substandard riparian lots, building height is measured from the highest roof peak to the lowest point at finished grade. Finished grade is the final grade upon completion of construction. The term "grade" is defined as the lowest point within five feet of the building in accordance with the Uniform Building Code.*

Variance Request

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:

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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.

**Economic considerations alone do not constitute practical difficulties.*

Applicant Statement

The applicant states that the proposed building height is a result of the reduced front property line width, approved by variance due to the curvature of the road and topography of the lot. The applicant notes that the proposed use of the property for construction of a single-family home is reasonable, and otherwise conforms to all required lot coverage, setback, and foundation area standards. The applicant notes that the existing topography of the lot is unique and necessitated construction of a retaining wall, which was intended to balance the need for slope stabilization and maintain existing natural features. The applicant indicates that the proposed building height is comparable to the existing height of homes constructed or under construction throughout the neighborhood, and will not negatively impact the character of the neighborhood.

Staff Review

Staff has reviewed the proposal in accordance with the standards specified for the R1 zoning district and for substandard riparian lots. The proposal, with the exception of the proposed building height, meets applicable code requirements. The intent of the substandard requirements is to prevent large building massing on a small lot. This lot is substandard due to the curvature of the road but otherwise meets/exceeds all other requirements and it is larger than a standard riparian lot by over 10,000 square feet. Staff has reviewed the proposed variance request and believes that practical difficulty is present as described below:

1. *Reasonable Manner. The property owner proposes to use the property in a reasonable manner not permitted by the Shoreview Development Regulations.* The applicants propose to use the property in a reasonable manner for construction of a single-family residence, which is a permitted use which is a permitted use within the R1- Detached Residential zoning district. The proposed house complies with required substandard riparian lot foundation size limits, impervious surface, and setback requirements. Additionally, the home, if measured for standard building height, would have a height of 28'-1-3/8", well below the maximum of 35'.
2. *Unique Circumstance. The request is due to circumstances unique to the property, and not created by the property owner.* The property contains steep topography, which is largely consistent with the historic topography of the site. From the required front setback zone adjacent to Harbor Court, the property loses 8-10 feet of grade within the immediate buildable location for a home. The proposed height deviation (8.86 feet) is commensurate with the existing grade of the lot and mitigates 1,500 net cubic yards of fill within the slope and shoreland area, needed to otherwise raise the finished grade to maintain compliance with the required substandard building height maximum. The topography of the site presents unique circumstances to the property with respect to the building height proposed.
3. *Character of the Neighborhood.* The proposed building height otherwise complies with standard lot building height requirements and is commensurate with building heights existing and proposed throughout the neighborhood. As a result, the proposed building height does not appear as though it will negatively impact the character of the neighborhood.

Shoreland Mitigation

In accordance with [Sec 115-156](#), a shoreland mitigation plan must be submitted for residential development that requires land use approval, including residential design review. A shoreland mitigation plan must include at least two of the following practices:

- Establish a vegetation protection area

- Establish a vegetation restoration area
- The use of natural color and materials on the exterior of the structures
- Removal of nonconforming structures
- Reduction of impervious surface coverage

As a condition of approval, a shoreland mitigation plan must be executed prior to the issuance of a building permit.

Public Comment

Property owners within 150 feet were notified of the applicant's request. At the time of this report, no public comments have been received by staff.

RECOMMENDATION

Staff recommends the planning commission adopt Resolution 26-67 granting a variance to increase the maximum permitted building height on a substandard riparian lot from 35 feet to 43 feet 10 inches, for the property located at 559 Harbor Court, subject to the following conditions:

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ATTACHMENTS

[Location Map](#)

[Applicant Narrative](#)

[Applicant Exhibits](#)

[Proposed Survey](#)

[Resolution No. 24-14](#)

[Resolution No. 26-67](#)