

Memorandum

TO: Planning Commission
FROM: Izaak Peterson , Senior Planner
DATE: June 23, 2026
SUBJECT: 844 County Road I W- Residential Design Review and Variances- Zawadski Homes
ITEM NUMBER: 7.A
SECTION: NEW BUSINESS

REQUESTED MOTION

To adopt Resolution 26-49 granting a variance to increase the maximum impervious lot coverage from 28.2 percent to 28.9 percent, Resolution 26-50 granting a variance to permit encroachment within the required 50-foot OHW setback, and approve the Residential Design Review request for an addition to the existing home at 844 County Road I W subject to the following conditions:

Impervious Coverage Variance:

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 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.
3. A permit from the Rice Creek Watershed District shall be obtained, if required, prior to commencing any construction activity on site, including grading.
4. Shoreland Mitigation is required. The Shoreland Mitigation Affidavit must be executed before the building permit is issued.
5. An escrow equal to the amount of the estimated fair market cost to remove the proposed impervious surface reduction shall be submitted prior to a building permits release for the project.
6. The applicant shall submit an as-built survey upon completion of the building addition and proposed impervious surface reduction that demonstrate compliance with the approved residential design an variance approval prior to release of the submitted escrow.
7. This approvals will expire after one year if a building permit has not been issued and work has not begun on the project.

OHW Variance:

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. Any subsequent expansion of the existing house shall necessitate residential design review and variance consideration.

2. This variance and residential design review 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.
3. A permit from the Rice Creek Watershed District shall be obtained, if required, prior to commencing any construction activity on site, including grading.
4. Shoreland Mitigation is required. The Shoreland Mitigation Affidavit must be executed before the building permit is issued.
5. This approvals 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. 26-49 and 26-50
3. The character of the neighborhood will not be altered by the addition to the principal structure.

INTRODUCTION

The applicant, Zawadski Homes, have submitted a residential design review and variance applications for on behalf of the property owners of 844 County Road I W. The applicants propose to construct a building addition to the front of the existing home, which includes an attached garage and dwellable space.

The property is a substandard riparian lot located in the R1 District. It is substandard because it does not meet the dimensional lot standards for riparian properties. The lot is currently developed with a 2,264 square foot two-story house and attached garage. The house located on the property, constructed in 1941, exists as a nonconformity which is located predominantly within the required 50' ordinary high water line (OHW) setback of turtle lake, and contains lot coverage in excess of the 25% maximum coverage required of the property.

The proposed construction plans necessitate the following land use considerations:

1. Residential Design Review for a building addition greater than 150 square feet, for a substandard riparian lot.
2. Variance to [Sec 115-147](#) to expand a nonconforming structure within the required 50' setback of Turtle Lake
3. Variance to [Sec 115-155\(b\)\(3\)\(a\)](#) to permit impervious surface coverage of 28.9%, in excess of the 25% impervious surface coverage permitted on a substandard riparian lot.

DISCUSSION

Site Description

The property is located within the R-1 Detached Residential zoning district and developed with a 2,264 square foot two-story house and attached garage. The lot has an area of 11,325.6 square feet (.26 acres); 11,072 square feet of which is above water. The house is predominantly within the 50 foot structural setback from Turtle Lake. It is a substandard riparian lake parcel with an average width of 100.30 ft, an average depth of 116 ft and a size of 11,325.6 square feet. The required minimum lot size of a riparian lot is 15,000 square feet; therefore the property is

a substandard.

The house on the property was constructed initially in 1941. Since the time of it's construction, the property has underwent residential design reviews in 2001, for a second story addition, and in 2016 for the installation of a lakeside patio door egress and deck landing and stairs serving the door. At the time of the 2016 residential design review and a variance, a 24 foot setback from the lakeside deck steps was approved, in addition to commission acknowledgement of a nonconforming impervious lot coverage of 28.2% of the lot area, in excess of the 25% permitted.

The lakeside deck serving the rear patio door approved in 2016 is currently located 18.5 feet from the Turtle Lake OHW; the rear point of the house is 22.7 feet from the OHW. At the time of it's construction the rear deck was constructed 21 feet from the OHW, within the 24 foot permitted setback permitted at the time of the 2016 residential design review. The current encroachment is in part a result of changes to the OHW location on the property that exist today, and discrepancy between the approved 2016 survey and construction plans approved at the time of the residential design review.

The property currently contains a lot coverage of 31.3% of the property above water. The lot coverage in excess of the 28.2% lot coverage is a result of the installation of patio space on the property, and changes to the location of the OHW of Turtle Lake, as it relates to the area of the property encumbered by water.

Project Description

The applicants propose an addition to the existing nonconforming house that includes a front stoop, and attached garage addition. The proposed foundation area of the addition is 640 square feet. 13 square feet of the proposed addition is located within the required 50 foot setback of Turtle Lake. In addition, the applicants propose removal of unpermitted patio area and impervious surface to offset the proposed area of addition and bring the property into consistency with the previously approved lot impervious coverage. Lastly, the applicants seek to correct/acknowledge the setback location of the previously constructed rear deck and stairs, to reflect the existing location of the OHW of Turtle Lake and discrepancy between the prior 2016 approval, and what was ultimately constructed.

Development Code Requirements

Residential Design Review for Substandard Lots

Development Code [Sec 115-155\(b\)](#) requires that all 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](#). As the proposed addition is greater than 150 square feet in size, Planning Commission review and consideration is required. 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 2016 approval, and as proposed:

Design Standard	Allowed	2016 Approval	2026 Proposed
Lot Area	15,000 square feet	11,345 square feet	11,072 square feet*
Lot Coverage	25 percent	28.2 percent; 3,206 square feet	28.9 percent; 3,195 square feet **

Foundation Area	18 percent	12 percent	17.8 percent
Attached Accessory Building Size	1000 square feet	N/A	851 square feet
Building Height	35 feet (lowest finished grade to roof peak)	29.8 feet	29.8 feet
Front Setback	25 feet	58 feet	43 feet
OHW Setback	50 feet	24 feet	49 feet (addition); 18.5 feet (2016 Deck)***
Side Setback(s)	5 foot (garage); 10 feet (dwelling)	35 feet	29 feet 8 inches

*[Sec. 115-148](#) notes that only that land located above the ordinary high-water (OHW) level shall be used in the calculations to determine compliance with minimum lot area requirements

**Variance Required: [Sec 115-155\(b\)\(3\)\(2\)](#) notes that if the existing impervious surface coverage on a parcel exceeds the allowable impervious surface coverage (25 %), existing impervious surface coverage may remain but shall not be increased. Existing impervious surface coverage is the impervious surface coverage legally present on or before March 20, 2000, or approved thereafter by the city (28.2%).

**Variance Required: [Sec 115-147](#) requires a structural setback of 50-feet from the OHW line of Turtle Lake.

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:

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.

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

Applicant Statement

The applicant states that the proposed impervious surface variance addition intends to achieve the same baseline as the 2016 residential design review limit of 28.2 percent of the lot area. The applicant notes that the proposed 256 square foot net reduction of impervious removal on the property, and design constraints of the existing house on a substandard lot as it relates to the ordinary high water line of Turtle Lake constitute practical difficulties requiring the variance.

With regard to the proposed OHW setback variance request, the applicant states that an addition to the existing nonconforming house cannot be constructed without encroaching

within the required 50 foot setback, as the house is located almost wholly within the setback. The applicant states that the deviation of the constructed deck, from the 2016 approval was a result of the obligation to maintain compliance with state building code requirements pertaining to minimum door landing size, and the addition of a fourth step to achieve code compliance access to the approved patio doorway.

Staff Review

Residential Design 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 lake side setback and impervious coverage, meets the code requirements. Staff has reviewed the proposed variance requests, and believes that practical difficulties are present:

Impervious Coverage

1. *Reasonable Manner.* The property owner proposes to use the property in a reasonable manner not permitted by the Shoreview Development Regulations. The applicants proposing to use the property in a reasonable manner as single family residential, which is a permitted use which is a permitted use within the R1- Detached Residential zoning district. The proposed addition maintains compliance within required substandard riparian lot foundation size limits, and proposes removal of existing impervious surface on the property to offset the proposed addition area.
2. *Unique Circumstance.* The request is due to circumstances unique to the property, and not created by the property owner. In 2016 the city evaluated the proposed impervious surface of the property and granted approval for a lot coverage of 28.2 percent (3,206 square feet) of the lot area of 11,345 square feet. Since the time of that approval, the location of the Turtle Lake OHW has eroded into the property, reducing the total lot area to 11,072 square feet. The proposed impervious coverage, including the addition and removal of unpermitted patios and walk ways 28.9 percent of the total lot area, or 3,195 square feet. The proposed variance to increase the percentage of lot coverage is a result of natural changes to the OHW location on the property, such as erosion, that have reduced the lot area used to calculate the impervious coverage percentage.
3. *Character of the Neighborhood.* Through the proposed removal of impervious surface in tandem with the addition, the proposed impervious coverage is commensurate with the square footage of impervious coverage that has historically been present on the property. The character of the neighborhood will not be adversely affected by approval of the variance.

OHW Setback

1. *Reasonable Manner.* The applicants propose a building addition to construct an attached garage and dwelling space addition for a single family residence otherwise permitted within the R-1 residential zoning district. The proposed request is a reasonable use of the property.
2. *Unique Circumstance.* The property is substandard riparian lake parcel with an average width of 100.30 ft, an average depth of 116 ft and a size of 11,072 square feet. The required minimum lot size for a riparian lot is 15,000. The home is located 22.7 feet from the OHW, which is less than the required 50 foot setback required. This size of the parcel, combined with the setback of the existing house make the home a legal nonconforming structure. Any modifications of the home expanding it require a variance because it would be an expansion of the nonconforming structure. An addition for an attached garage cannot be attached to the house in a reasonable manner that would not

otherwise be located in part within the OHW of Turtle Lake. With regard to the 2016 deck encroachment, staff believes that the approved residential design review construction plans were inconsistent with the proposed survey at the time of the approval. This in addition to the requirement to add a fourth stair tread to access the door to maintain compliance with State Building Code minimum tread depth and riser height requirements (7.75 inch height; 10 inch depth) resulted in the encroachment as it exists today, which has worsened over time due to the change in location of the Turtle Lake OHW towards the deck and house.

3. *Character of the Neighborhood.* The character of the neighborhood will not be adversely impacted by the request. The proposed addition is located away from the lake, and not closer to the lake as the house exists today. In addition, this portion of County Road I, including the neighboring properties, largely encroach within the lakes setback due to the reduced lot depths and age of the houses present in the area. As a result, staff does not believe the character of the neighborhood will be adversely impacts.

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 (architectural mass),
- 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 26-49 granting a variance to increase the maximum impervious lot coverage from 28.2 percent to 28.9 percent, Resolution 26-50 granting a variance to permit encroachment within the required 50-foot OHW setback, and approve the Residential Design Review request for an addition to the existing home at 844 County Road I W subject to the following conditions:

Impervious Coverage Variance:

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 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.
3. A permit from the Rice Creek Watershed District shall be obtained, if required, prior to commencing any construction activity on site, including grading.
4. Shoreland Mitigation is required. The Shoreland Mitigation Affidavit must be executed

before the building permit is issued.

5. An escrow equal to the amount of the estimated fair market cost to remove the proposed impervious surface reduction shall be submitted prior to a building permits release for the project.
6. The applicant shall submit an as-built survey upon completion of the building addition and proposed impervious surface reduction that demonstrate compliance with the approved residential design an variance approval prior to release of the submitted escrow.
7. This approvals will expire after one year if a building permit has not been issued and work has not begun on the project.

OHV Variance:

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. Any subsequent expansion of the existing house shall necessitate residential design review and variance consideration.
2. This variance and residential design review 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.
3. A permit from the Rice Creek Watershed District shall be obtained, if required, prior to commencing any construction activity on site, including grading.
4. Shoreland Mitigation is required. The Shoreland Mitigation Affidavit must be executed before the building permit is issued.
5. This approvals 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. 26-49 and 26-50
3. The character of the neighborhood will not be altered by the addition to the principal structure.

ATTACHMENTS

[Location Map](#)

[Applicant Narrative](#)

[Proposed Building Plans](#)

[Proposed Survey](#)

[2016 Property Survey](#)

[Resolution No. 26-49](#)

[Resolution No. 26-50](#)