

**CITY OF WEST ST. PAUL
DAKOTA COUNTY, MINNESOTA**

RESOLUTION NO. 16-01

**RESOLUTION MEMORIALIZING THE
FINDINGS OF FACT AND REASONS FOR APPROVAL
RELATING TO THE VARIANCE APPLICATION OF
JOEL AND PAT LIESENER FOR THE CONSTRUCTION
OF A NEW HOME AT 1392 SUMMIT CIR.**

WHEREAS, Patricia Liesener is the owner of certain real property located at 1392 Summit Cir., legally described as follows:

Lot 29, Block 1, Imperial Ridge

(the "Property");

WHEREAS, Joel and Pat Liesener have applied for a Variance to allow a reduction in the front yard building setback for the development of a new house; and

WHEREAS, the existing topography of the lot presents significant constraints on the redevelopment of the property; and

WHEREAS, a public hearing on the application was heard by the Committee of Adjustments on January 19, 2016, at which meeting the Committee of Adjustments voted to approve the Variance request; and

WHEREAS, contemporaneously with the votes on the motions, the Committee of Adjustments members voting to approve the request made the following findings of fact:

FINDINGS OF FACT

1. The Variances are in harmony with the general purpose and intent of the Ordinance;
2. The terms of the Variances are consistent with the Comprehensive Plan; and
3. The property owner has established that there are practical difficulties in complying with the Zoning Ordinance because of the following:
 - a. The Property owner proposes to utilize the Property in a reasonable manner;

- b. The plight of the property owner is due to circumstances unique to the Property, specifically the significant slope of the lot.
- c. The Variances will not alter the essential character of the neighborhood.

NOW, THEREFORE, BE IT RESOLVED by the West St. Paul Committee of Adjustments that the Variance to reduce the front yard setback to 10.5 feet (variance of 19.5 feet) is approved based on the Planner's report, dated January 19, 2016, which is hereby adopted and incorporated herein;

AND BE IT FURTHER RESOLVED that the following conditions are imposed on the applicant:

1. The applicant shall apply for and obtain all applicable building permits for the construction of the new home.
2. The proposed home shall be constructed according to the submitted plan as reviewed through the Variance process.

Passed this 19th day of January, 2016.

Ayes:

Nays:

Attest:

Chris Hubert
Committee of Adjustments Chair

Trena Blume,
Recording Secretary

VARIANCE APPLICATION

Filing Fee: \$100.00 (R-1 & R-2 Zones)
\$200.00 (All other Zones)

(OFFICE USE ONLY)

Escrow Amount: \$400.00 (single var. residential)
\$500.00 (multiple var. residential)
\$600.00 (single var. commercial)
\$700.00 (multiple var. commercial)

CASE NO. 16-01
DATE RECEIVED 12/22/15
RECEIPT # _____
60 DAY DATE 2/20/16

TOTAL FEES \$500

1. ADDRESS OF PARCEL 1392 Summit Cir
2. NAME OF OWNER Joel and Pat Liesener Phone # 612-237-5522
3. ADDRESS OF OWNER 4151 W 136th St. Savage, MN 55378 Email Joel@viewrealty.com
4. LEGAL/PID # Lot 29 Block 1 Imperial Ridge/ 42-36200-01-290
5. PRESENT USE Vacant Residential Lot PROPOSED USE Single Family Dwelling
6. PRESENT ZONING Sg Family DATE ACQUIRED 9/11/2015
7. VARIANCE SECTION FOR REQUEST 7.4 (c)
8. SECTION REQUIREMENTS IN #7 MINIMUM FRONT SETBACK OF 30 FT.
9. DESCRIBE VARIANCE REQUEST Modify front set back requirement for Construction of a single family home from 30' to 20' or 15'.

Modify front set back requirement for construction of a single family home from 30' to 10.5'.

The Law requires that the conditions set forth in the three items listed below (#10, 11, 12) must be established before a Variance can be granted. Please explain in detail after each statement if your case conforms to the requirements.

10. DIFFICULTIES OR HARDSHIP TO OWNER

Strict application of the provisions of the Zoning Ordinance would result in peculiar and practical difficulties or exceptional or undue hardship upon the owner of the parcel in developing or using such parcel in a manner customary and legally permissible within the zoning district in which said lot is located.

1. Due to topography and an existing ridge line in the front of the property moving the home back to the 30' setback would incur large amounts of fill around the entire home to meet current requirements. With the sides and rear incurring the most projected at 8 feet. In addition this would create a steep slope from the back of the house.
2. With required fill, slope from the back of the house would take up a large portion of the remainder of the lot and increase slope nearer to neighbors' lots/homes.
3. With such large amounts of fill required settling and run-off would be a major concern.
4. This lot is located in the side of a private cul-de-sac on a treed lot so this variance would have little impact on the esthetics of the street, neighborhood and/or neighboring houses. It appears other homes in the area may have required some modifications as well.

5. Granting the variance would reduce impervious surface required and allow owner to leave more trees and natural characteristics of the property.
6. Location near front of lot would improve sightlines for the neighbor to the West and greater green space in the rear of the home and between neighboring homes to the south. In addition homes in the front of this lot are across the cul-de-sac and greatly elevated from this property.

11. EXCEPTIONAL CONDITIONS OF THE PARCEL

There are special conditions (narrowness, shallowness or shape of a parcel, exceptional topographic or water conditions or other extraordinary and exceptional conditions of such parcel) applying to the structure or land in question that are peculiar to the property involved or immediately adjoining property and do not apply generally to the other land or structures in the district in which said land is located.

1. There is a steep drop off of topography on three sides of the property leading to the middle of the property;
2. An existing ridge line in the front of the property provides a nice natural drop off;
3. Location of utilities in the street.

12. EFFECT ON NEIGHBORHOOD AND COMPREHENSIVE PLAN

Granting the Variance will not impair an adequate supply of light and air to adjacent property, unreasonably increase the congestion in the public streets, increase the danger of fire, endanger the public safety, unreasonably diminish or impair established property values in the surrounding area, or in any other way impair health, safety, comfort, morals, or in any other respect be contrary to the intent of the Zoning Ordinance and Comprehensive Plan.

Due to location in Cul-de-sac and positioning of other homes granting this variance will not have any negative impact on surrounding homes. In fact, it is owners opinion, this variance will actually improve position of the home related to natural features and surrounding properties:

1. Homes toward the rear of the home will have more green-space/yard between them and a more natural/original slope nearer to their property.
2. The home to the West will have this home more parallel to it where the neighbor's home does not have any windows.
3. Homes across from the front of this home are across the cul-de-sac and elevated greatly.
4. It is owners' opinion that moving this home to the front of the property will allow it to use the natural contours of the land and actually give it a more natural elevation more consistent with the surroundings.

EXHIBITS REQUIRED

- A. An electronic copy as well as four (4) 22x34 and twenty (20) 11x17 paper copies in sets and folded, or as modified by the Zoning Administrator, of a map or plat showing the property on which the Variance is requested, showing the location of the present and proposed structures, parking, driveways, lot dimensions, yard dimensions, and a floor plan showing the space within the building including dimensions.

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see prior page

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see prior page

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- B. An electronic copy as well as four (4) 22x34 and twenty (20) 11x17 copies, or as modified by the Zoning Administrator, of a map or plat showing the property on which the Variance is requested and all lands within 150 feet of the boundaries of the property.

ACKNOWLEDGE AND SIGNATURE

The undersigned hereby represents upon all of the penalties of law, for the purpose of inducing the City of West St Paul to take action herein requested, that all statements herein are true and that all work herein mentioned will be done in accordance with the Ordinances and all Codes of the City of West St Paul and the Laws of the State of Minnesota.

MW
Signature of Owner (Required)

612-237-5522
Phone Number

Signature of Applicant (If different)

Phone Number

NOTE: All Materials relevant to this Application must be filed on or before the dates listed on Operating Procedures for Applicants page. The Committee of Adjustments holds its regular meeting at 7:00pm on the third Tuesday of each month.

LAPSE OF VARAINCE: A Variance shall lapse and become null and void six months following the date on which the Variance became effective, unless prior to the expiration of six months the work or improvement described in the Variance is commenced and diligently pursued on the subject site. A Variance maybe renewed by the City Council for good cause.

FEES

- 1. The fees to be paid by each applicant for each zoning request shall be as prescribed by the City Council. Fees shall be payable at the time applications are filed with the Zoning Administrator and are not refundable unless the application is withdrawn prior to being sent for legal publication and notice. There shall be no fee in the case of applications filed in the public interest by the City Council or by the Planning Commission. Fees shall include application fee, filing fees, consultants, legal, planning, and engineering fees.
- 2. Applicants shall deposit with the City, together with the application filing fees, the sums required by Council resolution toward prepayment of the Consultants and Attorneys' expenses and all costs to be billed and charged to the City. The prepayment amounts shall be a credit toward all reasonable fees and expenses charged by the Consultants to the City in the investigation report. All reasonable expenses and fees in excess of the deposit, shall be paid by the applicant to the City within 30 days of final action on the matter by the City. If not paid within 30 days, the account shall be deemed delinquent. If the fees and expenses incurred by the City from the Consultants and Attorneys are less than the amount of deposit, such excess shall be returned to the applicant upon final action by the City in said manner.

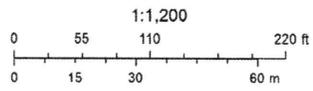
1392 Summit Cir Variance



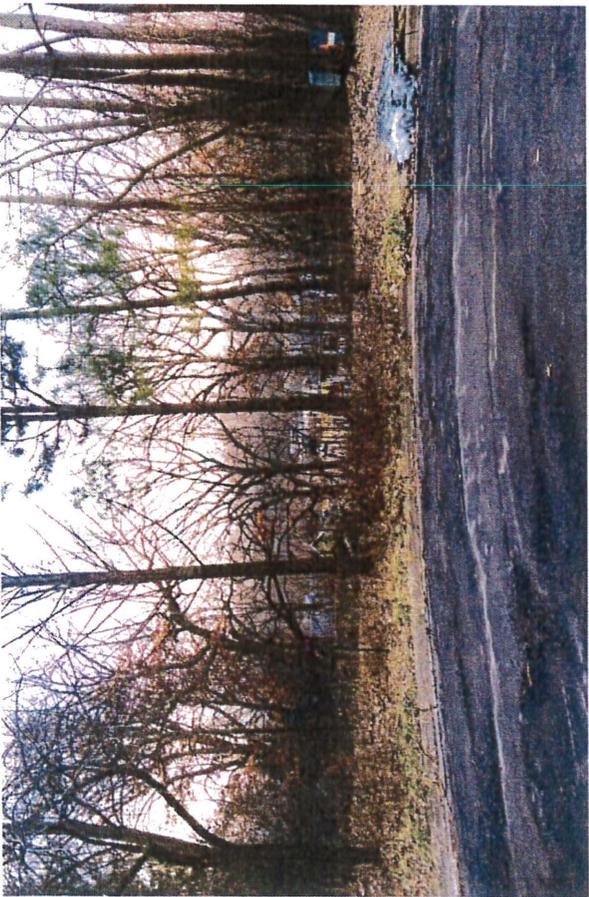
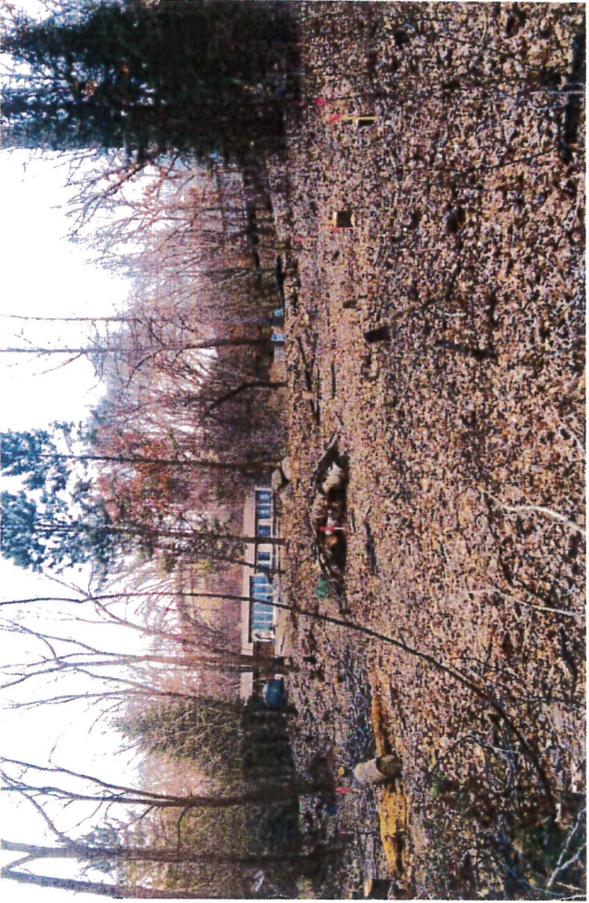
1392 Summit Cir Variance



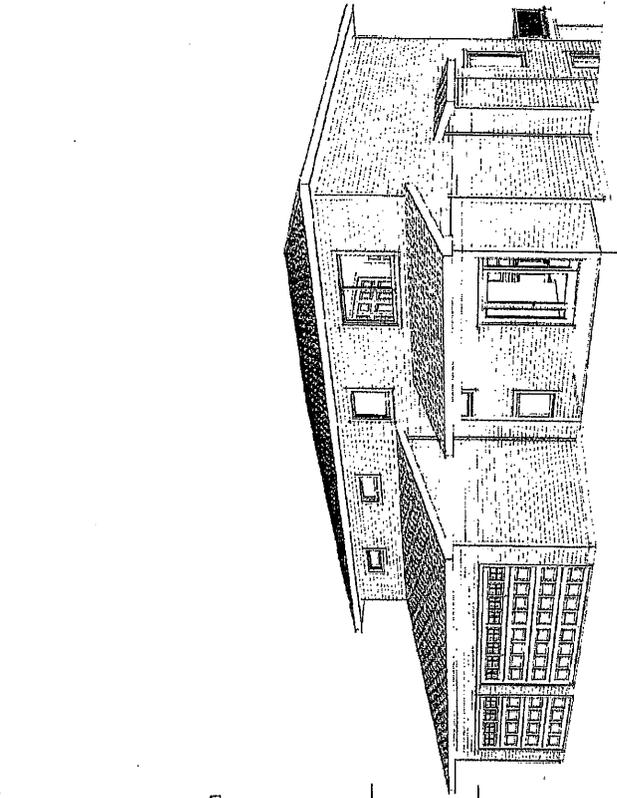
December 21, 2015



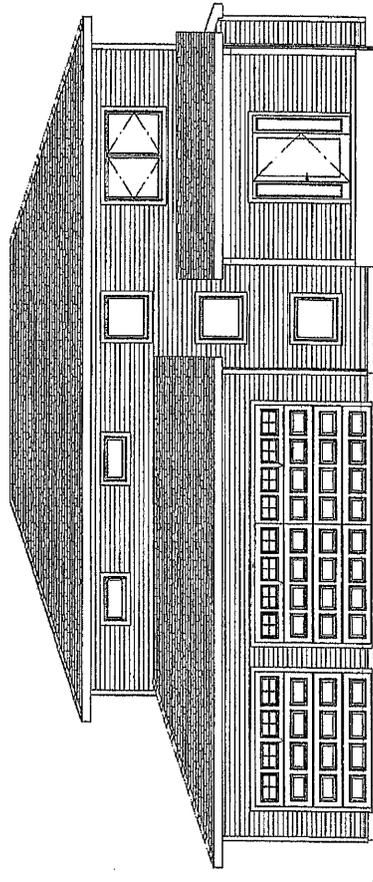
Disclaimer: Map and parcel data are believed to be accurate, but accuracy is not guaranteed. This is not a legal document and should not be substituted for a title search, appraisal, survey, or for zoning verification.



Preliminary Set Custom 2-Story	Job Location LIESENER	Wausau Homes of Stillwater 5633 Memorial Ave. North Stillwater, MN 55082 651.219.0601 gagner@wausauhomes.com www.wausauhomes.com		DATE: 11/13/2015	DRAWN BY: VDG: APV	SHEET: A-2
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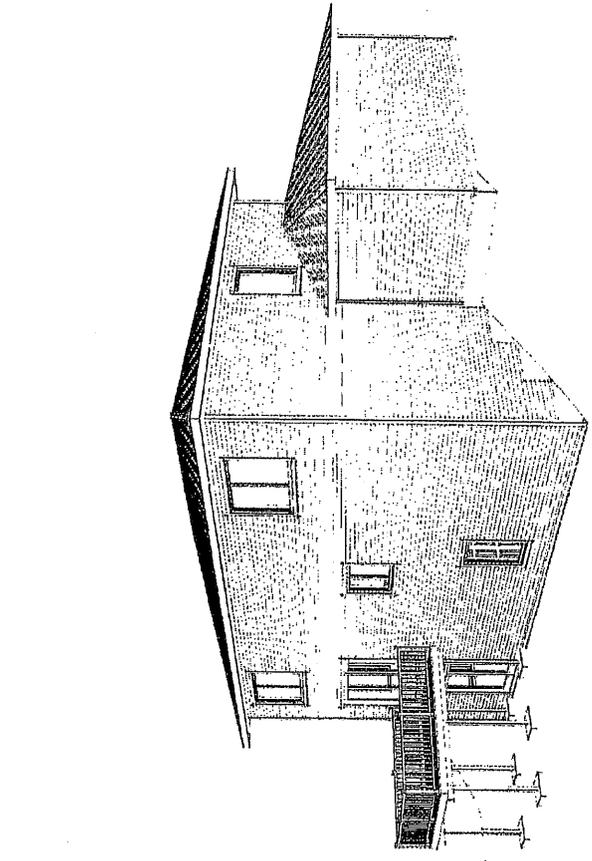
REAR ELEVATION
1/4" = 1'-0" (22x94)
1/8" = 1'-0" (11x17)



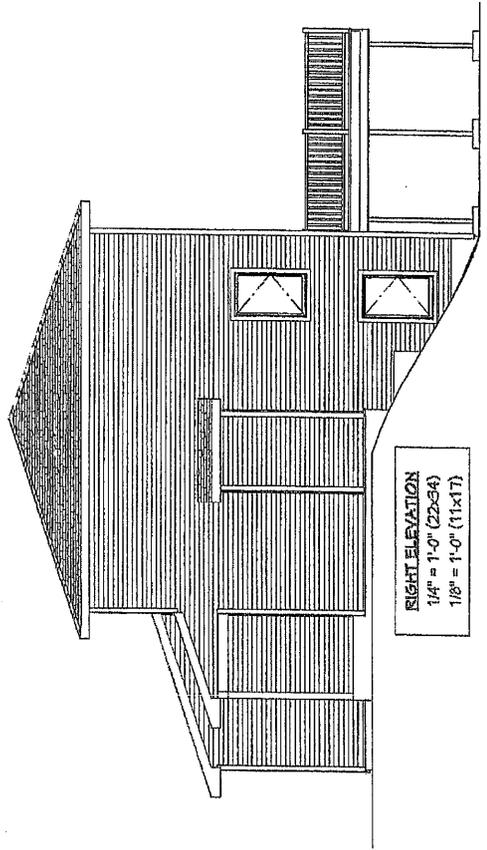
FRONT ELEVATION
1/4" = 1'-0" (22x94)
1/8" = 1'-0" (11x17)

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construction of a single home by Wausau Homes-Stillwater.

Preliminary Set Custom 2-Story	Job Location LIESENER	Mousau Homes of Stillwater 5653 Memorial Ave, North Stillwater, MN 55082 651.219.0601 gagner@mousaushomes.com www.willshouse.com		DATE	11/13/2015
				DRAWN BY:	VDC: APV
				SHEET:	A-3



LEFT ELEVATION
 1/4" = 1'-0" (22x54)
 1/8" = 1'-0" (11x17)



RIGHT ELEVATION
 1/4" = 1'-0" (22x54)
 1/8" = 1'-0" (11x17)

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**CITY OF WEST ST. PAUL
NOTICE OF PUBLIC HEARINGS**

TO WHOM IT MAY CONCERN:

Notice is hereby given that the listed item below will be heard at a public hearing at the Committee of Adjustments meeting on January 19, 2016 at 7:00 p.m. in the WSP Council Chambers:

CASE #16-01 – Variance request to reduce the front yard building setback for the construction of a new home at 1392 Summit Ct. – Joel and Pat Liesener

Interested persons will be heard at these meetings. If you have any questions, please contact City Planner Ben Boike at 651-552-4134. If you need any type of accommodation to participate in the meeting, please contact the ADA Coordinator 651-552-4102 at least 5 (five) business days prior to the meeting.



Chantal M. Dorriott
City Clerk
City of West St. Paul

Published in the South-West Review on January 10, 2016