

## A G E N D A

### CALL TO ORDER

### ROLL CALL / (LIAISON) SCHEDULE

MADDY () \_\_\_\_\_  
EGGENBERGER (JAN) \_\_\_\_\_  
HOLKER () \_\_\_\_\_  
RIEDEL () \_\_\_\_\_  
HUSKINS (DEC 12) \_\_\_\_\_  
COUNCIL LIAISON SIAKEL (JAN-JUNE) \_\_\_\_\_  
COUNCIL LIAISON GORHAM (JULY-DEC) \_\_\_\_\_

#### 1. APPROVAL OF AGENDA

#### 2. APPROVAL OF MINUTES

- ♦ November 15, 2022

#### 3. MATTERS FROM THE FLOOR

(This portion of the meeting allows members of the public the opportunity to bring up items that are not on the agenda. Each speaker has a maximum of three minutes to present their topic. Multiple speakers may not bring up the same points. No decisions would be made on the topic at the meeting except that the item may be referred to staff for more information or the City Council.)

#### 4. PUBLIC HEARINGS

- A) Zoning Ordinance Amendment for compliance with MS4 requirements  
Applicant: City of Shorewood  
Location: City-wide

#### 5. OTHER BUSINESS

- A) Variance to Rear Yard Setback (Shed)  
Applicant: Gene German and Sara Lassila  
Location: 5925 Eureka Road

- B) Liaison for February 27, 2022 City Council meeting.

#### 6. REPORTS

- A) Council Meeting Report  
B) Draft Next Meeting Agenda

#### 7. ADJOURNMENT

**DRAFT MINUTES**

**CALL TO ORDER**

Chair Maddy called the meeting to order at 7:01 P.M.

**ROLL CALL**

Present: Chair Maddy; Commissioners Eggenberger, and Riedel; Planning Director Darling; and, Council Liaison Gorham

Absent: Commissioners Huskins and Holker

**1. APPROVAL OF AGENDA**

Riedel moved, Eggenberger seconded, approving the agenda for November 15, 2022, as presented. Motion passed 3/0.

**2. APPROVAL OF MINUTES**

- October 4, 2022

Riedel moved, Eggenberger seconded, approving the Planning Commission Meeting Minutes of October 4, 2022, as presented. Motion passed 3/0.

**3. MATTERS FROM THE FLOOR**

No one appeared to speak to the Commission.

**4. PUBLIC HEARINGS**

Chair Maddy explained the Planning Commission is comprised of residents of the City of Shorewood who are serving as volunteers on the Commission. The Commissioners are appointed by the City Council. The Commission's role is to help the City Council in determining zoning and planning issues. One of the Commission's responsibilities is to hold public hearings and to help develop the factual record for an application and to make a non-binding recommendation to the City Council. The recommendation is advisory only.

**A. PUBLIC HEARING – CONDITIONAL USE PERMIT FOR A COLLECTION OF AT&T ANTENNAES ON EXISTING TOWER**

**Applicant: SMJ International, LLC**

**Location: 24283 Smithtown Road**

Planning Director Darling gave an overview of the request to add antennae, radio receiving units, and other equipment on the existing tower at 24283 Smithtown Road. She noted that the existing tower was built in 1983 and has been used for cellular equipment since 1988. She reviewed the existing uses at the surrounding parcels and explained the proposal to install a new triangular platform and array as well as additional ground equipment. She stated that staff is proposing that the applicant make the appearance of the area less industrial and more appropriate in a commercial setting. She noted that they are proposing that the applicant remove the proposed lights, install the cables

underground, add a doghouse to the tower, and to paint the ground equipment to match the accessory building to it will blend in. She noted that there is at least one dead tree on the property that the City has asked that to be removed and for the applicant's to plant a few more pine trees in order to help enhance the screening. She stated that she is also suggesting that the Commission add a condition that the generator has to operate in conformance with the City's noise ordinance. She noted that this is an emergency back-up generator, so it is not likely to be used, but it will need to be tested on a regular basis. Staff recommends approval.

Commissioner Riedel noted that the osprey nest has been discussed many times and noted that one of the conditions is that the work must be done outside of the osprey nesting season.

Commissioner Eggenberger asked if the 'doghouse' she mentioned was a technical term that he has just never heard before.

Planning Director Darling explained that 'doghouse' is a non-technical term that describes the little cover she was referring to.

Chair Maddy asked if the request from the City to get rid of the ice bridge and go underground was made purely due to aesthetics.

Planning Director Darling confirmed that it was based on aesthetics for this location.

Commissioner Eggenberger asked if the City had a preference for what kind of coniferous tree is planted.

Planning Director Darling stated that they would like to see something that is climate tolerant, such as pine or spruce. She noted that this is a not in a highly salted area, so she thinks that they can pick whatever will be best for the soil in this area.

Andy Bobrytzke, SMJ International, 49030 Pontiac Trail, Wixom, MI, explained the reason that AT&T would like to collocate on the existing tower. He noted that going underground with the coax cables is difficult because they do not know what is there because the tower was not initially designed for this usage. He explained that this was why they would prefer to go with a standard ice bridge and noted that perhaps they could look at making their fences taller to help with the screening. He stated that if that were allowed, they also would not have to paint the equipment and explained that the problem with painting it that is if the equipment breaks, they will need to try to rematch the paint and fencing things in would just be easier. He noted the importance of the motion detector type security lighting that they are proposing. He reiterated that if they are allowed to put everything behind a higher fence, everything could be hidden. He stated that he was not sure how much of the property American Tower owned and explained that he wasn't sure if they would have the right to put up plants and trees on the owners' property.

Chair Maddy noted that the City had worked with this property many times and asked Planning Director Darling how much area they have and if the portion where the trees would go would be part of it.

Planning Director Darling stated that she thinks that this probably outside of the easement area but doubted that the property owner would scoff at letting them put in a few trees in the area.

Mr. Bobrytzke stated that they can make anything work that they need to but reiterated the difficulty in going underground with the cable but noted that they can look into that possibility.

Commissioner Riedel explained that the primary concern, as explained by Planning Director Darling, was related to aesthetics. He stated that he believes staff is willing to work with Mr. Bobrytzke to find a solution that is aesthetically acceptable.

Planning Director Darling noted that the problem with putting up fencing is that the equipment is going to be about 11.5 feet tall, so putting a fence in that will hide all of that equipment will be very tall. She noted that any fence that is over 7 feet tall needs to have wind loading and they would also need to obtain a Conditional Use Permit.

Mr. Bobrytzke stated that he will take that information back to AT&T.

Planning Director Darling suggested that the Commission could continue this item for another month in order to give Mr. Bobrytzke time to work on these issues.

Mr. Bobrytzke stated that he would prefer to have that kind of extension rather than a recommendation of denial of their request.

Chair Maddy asked what the proposed antennae would be used for.

Mr. Bobrytzke stated that they are just for cell phone usage.

Chair Maddy explained that there is the desire for better internet access in the City and asked if this would be used for the in home wireless replacement type usage.

Mr. Bobrytzke stated that he is not sure which products AT&T is selling, but knows that they do sell in home products.

Chair Maddy stated that the city wants a good- looking tower, but also wants good internet and he is trying to find the balance in how this is considered. He asked about the cabling that staff has asked to be placed underground and whether they were the hollow wave guide types that would be tough to bend.

Mr. Bobrytzke confirmed that was correct and noted that he would ask their engineers look at this and see what they can be done.

Chair Maddy opened the Public Hearing at 7:22 P.M. There being no comments, he closed the Public Hearing.

Chair Maddy suggested that the Commission review the recommendations from staff.

Commissioner Eggenberger stated that he supports the first two suggestion conditions.

Commissioner Riedel stated that Planning Director Darling also did not think the owner would have a problem with them planting some trees, so the third condition should be fine as well. He noted that the applicant has objected to the fourth condition related to lighting.

Commissioner Eggenberger asked if there was currently an overabundance of lighting on the tower.

Planning Director Darling explained that there were no lights on any of the equipment. She stated that her thought was that instead of these lights providing more security, all they do is light it up for people to do mischief in the area. She noted that the entire ground area is enclosed by a chain link fence with three strands of barbed wire on the top. She stated that she did not think the proposed lights would actually be protecting anything in that area.

Commissioner Eggenberger stated that he was in favor of keeping the fourth condition, as proposed.

Commissioner Riedel suggested that it could be amended that the applicant try to calibrate the motion sensors so the lights would not be tripping frequently and only turns on if someone actually enters the enclosure.

Chair Maddy stated that he feels that may be tough to enforce and noted that he understands the reason behind their desire to have motion detector lights in the area. He stated that he does think motion lights are the best for this type of situation because when they come on it can cause heads to turn and pay attention and would be fine relaxing that condition.

Planning Director Darling asked if the Commission wanted the lights to be full cut-off lights.

Chair Maddy noted that he would support full cut-off lights.

Commissioner Riedel stated that regarding painting the equipment the applicant had expressed the potential difficulty in matching the paint if a repair would need to be made. He stated that if their solution was to put up a big wooden fence it would be a moot point, but through the chain link fence, he thinks the painting would make a big difference. He stated that he did not think it was unreasonable for the city to ask that the equipment be painted.

Commissioner Eggenberger stated that he would support leaving the requirement for painting the equipment.

Chair Maddy explained that he would support an ice bridge because this is a cell antenna and is not sure how much the city wants to actually hide what it is.

Planning Director Darling noted that she was not sure what the height of the proposed ice bridge would be but explained that there is double fencing on the site. She stated that there is fence around the leased area and then the perimeter of the property also has a chain link fence.

Commissioner Eggenberger asked if the cables would be painted if they were left above ground.

Planning Director Darling stated that could be done, but they are more difficult to paint.

Mr. Bobrytzke stated that the cables will be black and the ice bridge will be galvanized steel.

Commissioner Riedel stated that he would support language in the recommendation that asked the application to look into putting the cables underground and if the cost would be prohibitive, the city could approve this proposal.

Planning Director Darling noted that the language is subjective and the carrier would consider the cost prohibitive.

Commissioner Eggenberger stated that with the cables being black he does not think he has a problem with them.

Commissioner Riedel stated that this will be quite conspicuous because there is a large tower that is very industrial looking and now there will be a big protrusion seven feet up. He agreed that it is adding more industrial equipment to this spot, but he is not sure how much it will really change the aesthetics.

Chair Maddy reiterated that he is okay with this looking like a cell phone antenna.

Commissioner Riedel stated that what may be more important than the rest of the discussion is the addition of conifers in the back that will help screen this industrial area with trees that will grow and block it may be more effective than paint or fencing.

Chair Maddy reviewed the suggested conditions: installation of new trees; full cut off motion lights are acceptable; and allowing the cable ice bridge.

**Riedel moved, Eggenberger seconded, recommending approval of the CUP for Collocation of Telecommunication Antennae at 24283 Smithtown Road, subject to the staff recommendations in the staff report including items: #1, #2, #3, a revision to #4 to state that the applicant must install full cut off motion activated lights, remove conditions #5b, #5c, and #5e, adjust condition #5d to say that the antennae and reinforcements shall be factory coated or painted a similar color to the existing tower, include #6, and the additional condition #7, that the generator has to operate in conformance with the City's noise ordinance. Motion passed 3/0.**

Planning Director Darling noted that this will be on the November 28, 2022 City Council agenda.

**B. PUBLIC HEARING – COMPREHENSIVE PLAN AMENDMENT AND ZONING MAP AMENDMENT**

**Applicant: Carl Zinn**

**Location: 6200 Cardinal Drive (3411723440052)**

Planning Director Darling stated that this is a request for a Comprehensive Plan Amendment and Zoning Map Amendment to allow the detachment of a .43-acre parcel from the City of Chanhassen and the annexation of the parcel into Shorewood. She noted that the home that had previously straddled the lot line has been removed. She reviewed the existing and proposed City boundary lines. She noted that because of the grade of the site, the applicant is proposing to have a private driveway and utilities from the City of Chanhassen. She noted that the city staff agrees to this proposal because it is more practically accessible from Chanhassen. She explained that this action will require a joint powers agreement be approved by both City Councils. Staff recommends approval.

Commissioner Riedel stated that since the utilities will come from Chanhassen, he asked why all the parcels would not just be in Chanhassen.

Planning Director Darling explained that there is currently what is close to a buildable property in the City, so she would be hard pressed to come up with a reason for the staff to support the loss of a full lot.

Commissioner Riedel asked if there were other instances where there is a property owner who lives in the City but pays utility bills to another City.

Planning Director Darling stated that in this instance they would have to pay sewer and water to the City of Chanhassen and would still have to pay storm sewer fees to Shorewood. She noted that there are many properties in the City that get their utilities from other cities.

Chair Maddy opened the Public Hearing at 7:52 P.M. noting the procedures used in a Public Hearing. There being no comment, he closed the Public Hearing.

**Eggenberger moved, Riedel seconded, recommending approval of the Comprehensive Plan Amendment and Zoning Map Amendment to allow the concurrent detachment/annexation of property 3511723420052 (North portion of 6200 Cardinal Avenue), subject to the staff recommendation that the parcel be classified as R-1C. Motion passed 3/0.**

Planning Director Darling noted that this item will tentatively move forward to the City Council on November 28, 2022. She explained that she will stay in contact with the applicant to let them know if there is a delay since this is dealing with both cities.

**5. OTHER BUSINESS**

**A. Liaisons for Council Meetings on January 23 and February 27, 2023**

January 23, 2023: Commissioner Eggenberger

February 27, 2023: To be determined at a later date

**6. REPORTS**

- **Council Meeting Report**

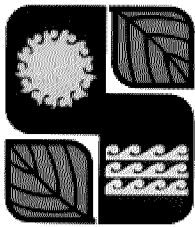
Council Liaison Gorham reported on matters considered and actions taken during the Council's recent meetings. He noted that the new City Administrator should be starting in early January.

- **Draft Next Meeting Agenda**

Planning Director Darling stated that slated for the next meeting is an application for a variance for a shed and review of the Capital Improvements Program.

**7. ADJOURNMENT**

**Riedel moved, Eggenberger seconded, adjourning the Planning Commission Meeting of November 15, 2022, at 8:07 P.M. Motion passed 3/0.**



CITY OF  
**SHOREWOOD**

4A

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## MEMORANDUM

**TO:** Planning Commission, Mayor and City Council

**FROM:** Matt Bauman, Assistant City Engineer

**MEETING DATE:** December 6, 2022

**RE:** **Text Amendments for compliance with Municipal Separate Storm Sewer System (MS4) Permit Requirements**

### THE REQUEST:

As part of the updated requirements for Municipal Separate Storm Sewer System (MS4), several code amendments are necessary, including new updated language in the zoning regulations. In addition to the zoning regulation amendments, City Council will also be reviewing required amendments to section 907 that expands on prohibited discharges, dumping, notification of spills, enforcement, appeals and remedies.

The proposed ordinance amendments:

1. Add regulatory authority to all agencies with jurisdiction over stormwater pollution prevention.
2. Complies with the updated MS4 permit requirements.
3. Works in concert with proposed amendments to ordinance 907 – Illicit Discharge into Stormwater System to meet MS4 requirements.

Staff notes there would be no change with how staff reviews developments with the changes to the zoning regulations. The amendments would reflect current practice.

### RECOMMENDATION:

Staff recommends the Commission review the ordinance, hold the public hearing, consider the amendments with the public testimony offered and provide a recommendation to the City Council. Staff recommends approval of the ordinance amendments.

### PUBLIC NOTICE:

Notice of the public hearing has been published in the city's official newspapers at least 10 days prior to the hearing.

### ATTACHMENTS:

Draft Ordinance



ORDINANCE xxx

CITY OF SHOREWOOD  
COUNTY OF HENNEPIN  
STATE OF MINNESOTA

AN ORDINANCE APPROVING AN AMENDMENT TO SHOREWOOD CITY CODE CHAPTER  
1201 (ZONING AND SUBDIVISION REGULATIONS)

**THE CITY COUNCIL OF THE CITY OF SHOREWOOD DOES ORDAIN:**

**SECTION 1: AMENDMENT.** That the Municipal Code of Shorewood, Minnesota, Chapter 1201.03 General Provisions, Subd. 2. c. is hereby amended to add paragraph (6) as follows:

(Text with underline is proposed for insertion)

1201.03 GENERAL PROVISIONS.

Subd. 2. General building and performance requirements.

c. Property development.

(1) Any person desiring to improve property for which a building permit is required shall submit to the Building Official a survey prepared by a registered surveyor of the property showing the location and dimensions of existing and proposed structures, location of easements crossing the property, encroachments and any other information which may be necessary to ensure conformance to city ordinances. The Building Official may waive the requirement of a survey in cases where it is deemed unnecessary or where the location of property boundaries can be verified.

(2) All structures shall be so placed so that they will not obstruct future streets which may be constructed by the city in conformity with existing streets and according to the system and standards employed by the city.

(3) A lot of record existing upon the effective date of this chapter in a residential district which does not meet the requirements of this chapter as to area or width may be utilized for a single-family detached dwelling purpose, provided that:

(a) The lot must be in separate ownership and not of continuous frontage with other lots in the same ownership;

(b) The measurement of the area and width are within 70% of the requirements of this chapter;

(c) Setbacks and yard requirements shall be in conformance with this chapter;

(d) The ratio of the floor area of all structures to lot area shall not exceed 30%.

(4) Except in the case of planned unit development as provided for in § 1201.06 of this chapter, not more than one principal building shall be located on a lot. The city may, by interim conditional use permit, allow a single-family residential dwelling to remain on a lot while a new dwelling is being constructed on the same lot, provided that:

(a) The new dwelling shall conform to the setback requirements of the zoning district in which it is located;

(b) Construction of the new dwelling shall not result in substantially greater site alteration (for example, tree removal or grading) than if the original house is first removed;

(c) The property owner must provide an estimate from a licensed contractor for the cost of removing the original dwelling and restoring the site. From this estimate the city shall require a cash escrow or letter of credit in the amount of 150% of the estimate to ensure that the original dwelling will be removed within two weeks of the date that a certificate of occupancy is issued for the new dwelling. In no instance shall the original home remain on the property longer than two years;

(d) The property owner shall provide the cash escrow or letter of credit referenced in (c) above at the time a building permit is issued for the new dwelling. The new dwelling shall not be occupied until a certificate of occupancy has been issued; and

(e) The request shall be subject to the requirements of § 1201.04 Subd. 4. of this chapter.

(5) On a through lot both street lines shall be front lot lines for the application of the yard and parking regulations of this chapter.

(6) The improvements shall be in compliance with the standards established by the Minnesota Pollution Control Agency's NPDES/SDS Construction Stormwater General Permit MNR100001 (CSW Permit), the MPCA's Small Municipal Separate Storm Sewer Systems General Permit MNR040000 (MS4 Permit), Minnehaha Creek Watershed District Rules, Riley Purgatory Bluff Creek Watershed District rules and the City of Shorewood's Surface Water Management Plan as now constituted and from time to time amended.

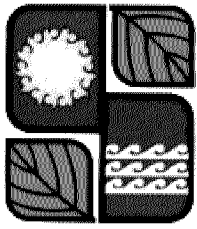
**SECTION 2: EFFECTIVE DATE.** This ordinance shall take effect upon its passage and publication in the City's official newspaper.

Adopted by the City Council of the City of Shorewood, Minnesota this 12<sup>th</sup> day of December, 2022.

\_\_\_\_\_  
JENNIFER LABADIE, MAYOR

ATTEST:

\_\_\_\_\_  
SANDIE THONE, CITY CLERK



CITY OF  
**SHOREWOOD**

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## MEMORANDUM

**TO:** Planning Commission

**FROM:** Marie Darling, Planning Director

**MEETING DATE:** December 6, 2022

**REQUEST:** Variance to allow an accessory building to be constructed at three feet from the rear and side property lines where 50 and 10 feet are required

**APPLICANT:** Gene German and Sara Lassila

**LOCATION:** 5925 Eureka Road

**REVIEW DEADLINE:** February 22, 2023

**LAND USE CLASSIFICATION:** Minimum Density Residential

**ZONING:** R-1A

**FILE NUMBER:** 22.13

### REQUEST:

The applicant requests a variance to construct a new accessory building in the southeast corner of the lot. The building would be 16-feet by 20-feet.

Notice of the variance application was mailed to all property owners within 500 feet of the property prior to the meeting.

### BACKGROUND

Context: The existing home was constructed in 1956. The original lot was created as part of the Meakers Outlots to Excelsior subdivision (1884) and Auditor's subdivision number 133 (1924) and was likely created with further subdivisions prior to city record-keeping.



The adjacent properties are all developed with single-family homes. The lot is not within a shoreland or floodplain district, nor is there likely wetland on the property. Tree preservation requirements applies and

would be reviewed with the building permit request. Tree preservation policy would not apply to this application.

Applicable Code Sections:

Section 1201.03 Subd. 2 d. (3) of the zoning regulations states: Accessory buildings and structures shall be constructed within the buildable area of the lots as defined in 1201.02 of this chapter....

Section 1201.03 Subd. 2. D. (4) (d) states: The architectural character of proposed accessory buildings shall be similar and consistent with other buildings on the site and in the area.

Section 1201.01 includes the following definitions:

***BUILDABLE AREA.*** The portion of a lot, excluding wetlands, remaining after required yards have been provided.

***LOT LINE - FRONT.*** The front of a lot shall be, for purposes of complying with this chapter, that boundary having the least width abutting a public right-of-way or private street.

***LOT LINE - REAR.*** The rear of a lot shall be, for purposes of complying with this chapter, that boundary opposite the front lot line.

Section 1201.10 Subd. 5 d. defines the required yards as: Front, rear and side yard abutting a street: 50 feet; Interior side yard: 10 feet.

**ANALYSIS**

The applicants' narrative is attached and indicates that they propose to build an accessory structure in the southeast corner of their lot. Although they have conforming locations on the property for a shed of this size, the applicants propose their preferred location (shown as option 3 on the attached surveys and the photo to the right) as they feel it's the most secluded option to reduce impact on the neighbors and passing public.



(White arrow indicates property corner marker.) Shed location is staked on the site.

Impervious Surface Coverage

	<b>Required</b>	<b>Existing</b>	<b>Proposed</b>
<b>Impervious Surface Coverage</b>	33 % (max.)	15 %	±16.4 %

Corner Lot, Nonconformities

Staff notes that the shortest of the two property lines abutting public streets is the north property line. Consequently, the south property line is the rear lot line and the east property line is an interior side. The home (and likely the fallout shelter) was constructed prior to the application of modern zoning regulations and it is legally nonconforming.

Variance Criteria:

Section 1201.05 Subd. 3. a. of the zoning regulations sets forth criteria for the consideration of variance requests. Staff reviewed the request according to these criteria, as follows:

1. *Intent of comprehensive plan and zoning ordinance:* The applicants would continue to use the property for residential purposes and propose no use on the site that would be inconsistent with either the intent of the residential land use classification or the district's allowed uses. The intent of the minimum setback restrictions are to keep built structures toward the middle of the lot and provide greater open space at the edges nearer to adjacent properties.
2. *Practical difficulties:* Practical difficulties include three factors, all three of which must be met. Staff finds that the practical difficulties for the property are related to the construction of the home corner lot prior to the application of modern setbacks, which left more space on the north side of the property within greater view of the public and less in the more secluded south side of the property.
  - a. *Reasonable:* Construction of an accessory building is a reasonable use of the property.
  - b. *Self-Created:* Although the location of the house further south on the lot than would be permitted under modern requirements was not self-created, the applicants' practical difficulties list as the need to alter the dogs exercise area for a conforming location is self-created. The applicant has shown two conforming locations for the shed, and the shed location within the dog exercise area would also provide the more secluded location the applicant seeks.
  - c. *Essential Character:* The homes in the area were constructed at different times and vary widely. Staff notes that the home has a gabled roof, not a gambrel roof as proposed on the shed with vertical siding. Consequently, staff conclude the accessory structure is not designed to be similar and consistent with home as required by the zoning regulations. If redesigned with a gable roof instead of a gambrel roof and uses horizontal lap siding and a color similar to the home, the proposed accessory structure is unlikely to impact the essential character of the locality no matter the location.
3. *Economic Considerations:* The applicants have not proposed the variance not solely based on economic considerations, but to create an accessory building that meets their family's needs.
4. *Impact on Area:* The accessory building would not impact an adequate supply of light and air to any adjacent property as it is a standard height. Nor would the structure increase congestion on the public streets or increase fire danger or public safety.
5. *Impact to public welfare and other improvements:* The building is proposed closer to an interior side property line than is permitted for any other type of accessory structure other than fences or retaining walls. Staff finds that three feet is too close to the property line to correct any potential drainage issues that may develop from the shed or on the property in the future. Staff recommends a minimum of 10 feet to any property line. For this reason, approval of the reduced setback variance could damage other lands or improvement in the neighborhood.
6. *Minimum to alleviate difficulty:* Although the location proposed may blend well into the neighborhood, staff acknowledges the request is not the minimum necessary to alleviate the practical difficulty as the property owners could locate the building on the property in conforming locations elsewhere on the property.

## RECOMMENDATION

Staff notes that the applicant has not met all the standards required for variances, including the standards for practical difficulty. As a result, staff recommends denial. That stated, the location proposed, if a

minimum of 10 feet from each property line and designed appropriately, would be unlikely to cause harm to the surrounding community. The variance criteria are open to interpretation. Consequently, the Planning Commission could reasonably find otherwise.

Should the Planning Commission recommend approval of the requests, staff recommends that the applicants be required to acquire all necessary permits prior to construction, revise the roof design to a gable roof, paint the shed the same color as the home, use horizontal lap siding instead of vertical and move the shed at least 10 feet from property lines.

#### **ATTACHMENTS**

Location map

Additional photos of the lot

Applicants' narrative, photos and plans

Location Map – 5925 Eureka Road





Photo taken from  
Eureka Road  
looking into the  
applicant's yard

The photo to the right was  
taken looking at the subject  
property from Mann Lane.

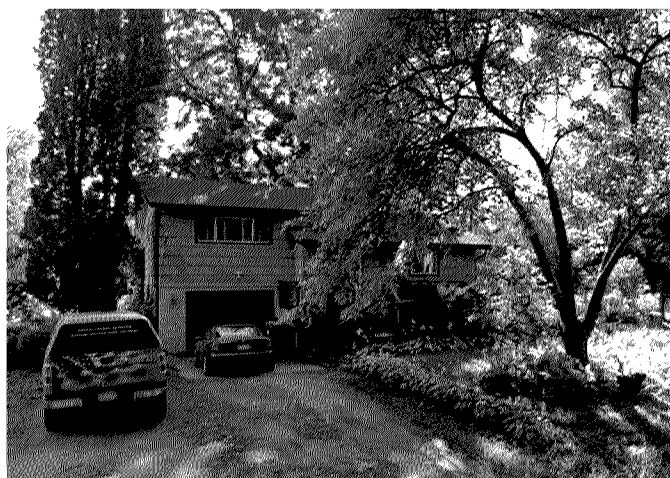
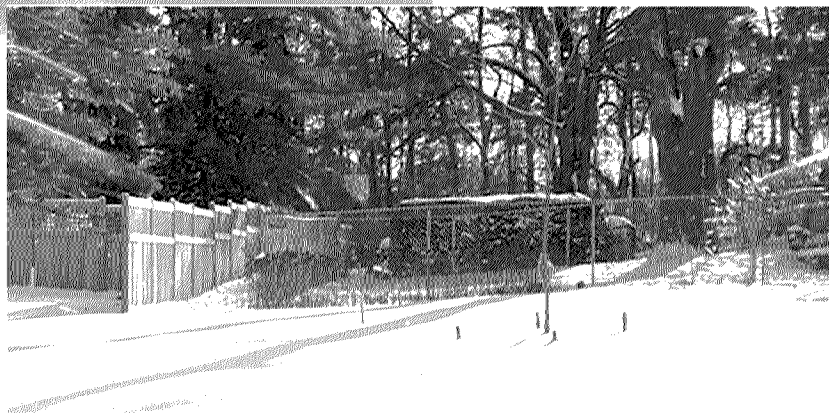
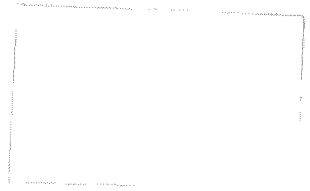


Photo of the front of the applicant's  
home (from Google Maps)



Gene German  
Sara Lassila  
5925 Eureka Road  
Shorewood, MN 55331



October 25, 2022

City of Shorewood  
8755 Country Cub Road,  
Shorewood, MN 55331

RE: Variance request for a Residential Shed

It is our desire to place a 16 x 20 foot residential storage shed on our property.

Our request is consistent with the intent of Shorewood's comprehensive plan and is in harmony with the general purposes and intent of the zoning regulations. The requested variance does not disrupt the topography, soil, sewer or any other underground utilities. The reinforced 5 inch cement pad for the shed will be well above the water table and the potential for frost heave. The cement pad will be professionally installed by a cement contractor.

The storage shed will be delivered fully constructed and placed on the cement pad using a mule.

There are however, several practical and physical difficulties in complying with this Chapter.

- According to discussions with the city, although our house physically faces Eureka Road, because our property distance on Mann Lane is shorter than Eureka Road, the rear of our property is actually our south property line which has a 50 foot setback. The north property line runs along Mann Lane and also has a 50 foot setback. The east property line runs along our neighbor's property and has a 10 foot setback.
- Within the current buildable setback area of our property, we have a chain linked fenced area of approximately 47 feet deep by 37 feet wide by 47 feet deep for our four dogs. There is also a mature black walnut tree in this area of the property.

Without a variance, we have two options to comply within the Chapters setbacks for placement of the storage shed. I will call the first option, Option 1 which would place the shed in the middle of the chain linked dog yard (see "Option 1" map). This is not a practical location because of the mature walnut tree in the yard, the roughly 4 foot slope in the grade and potential erosion and water damage of the shed, the loss of the exercise area that we need for our four dogs, and limited gate access through the chain linked fence to our remaining property. This location potentially places the shed and cement pad over our sewer line. For installation, the chain linked fence and one or more posts would need to be removed and reinstalled to allow the storage shed room to be placed inside of the fenced yard.

Our second option, Option 2, is to place the shed 50 from feet from the north property line (Mann Lane side) and within the 27 available feet outside of the chain link fence (see "Option 2" map). This location would place the shed in a prominent open position in our yard and prominently within 10 feet of our adjacent neighbor's front yard to the east and beyond the benefit of their wooden privacy fence. This would look very out of place for both our property and theirs. This location is neither remote or

Gene German  
Sara Lassila  
5925 Eureka Road  
Shorewood, MN 55331

Page 2

secluded, and also places the shed and cement pad over our sewer line which runs out to Mann Lane.

The physical characteristics of our property and the Chapters setback requirements make it unreasonable to place the shed within the current setback requirements (Options 1 and 2).

We are requesting a Variance to locate the shed 3 feet from our south property line and 3 feet from our east property line near the south east corner of our property (see "Option 3" map). This location is the most remote and secluded location and would have the least impairment to the neighborhood. The setback along the east side of our property where the wooden 75 inch tall privacy fence is situated should not pose an issue because the rear of the shed would face the wooden privacy fence, while allowing access to the front of the shed from the west. The actual distance from the surveyors' corner marker of our property to the fence is 4 feet, 4 inches. If a 3 foot setback is approved, the shed would physically be 7 feet away from the fence. This area has a gradual slope in the grade and placing the storage shed here would not cause erosion to our property or to the adjacent properties or water damage to the storage shed.

Our neighbor has neglected to maintain his wooden fence on the side that faces the property of other homes since its installation and his yard. He has not controlled the weeds that climb on our side of the fence or mowed his grass. He has left those duties to his neighbors. There is one low limb on a pine tree which hangs over the wooden fence into our yard that will need to be trimmed.

Placing the shed if approved, in the southeast corner of the property would not alter the essential character of the property or the surrounding neighborhood.

We do not expect the cost of the project to either increase or decrease and economic considerations are not a factor in our request for a variance.

Our proposed location for the storage shed will not impact air movement or light to either of the adjacent properties. There are no driveways or public road access to this area. The storage shed will be of commercial construction and be in compliance with building codes to minimize the danger of fire or risk to public safety. The design and construction specifications from the manufacturer are attached for your information.

Ideally, we believe that locating the storage shed in an isolated area of our property will preserve the use and enjoyment of our neighbor's property to the east and south while being accessible and convenient for our storage use. Locating the storage shed in a more remote location and more out of sight will also preserve the appearance of the neighborhood and provide a greater measure of safety for our property stored in the shed.

The area to the south of our yard is an open yard with no obstacles. The property owner has removed the compost pile and stated to me that he has no objection to a 3 foot setback.


Gene German  
Sara Lassila  
5925 Eureka Road  
Shorewood, MN 55331

Page 3

There are no underground utilities in the vicinity of this location. This setback would allow an adequate distance between the cement fallout shelter on our property (CONCRETE on the survey map) and the storage shed for access around the storage shed to the remaining yard.

For these reasons, we would appreciate your approval for a variance as requested.

Thank you,

  
Gene German

  
Sara Lassila

Attachments:

- Survey of 5925 Eureka Road
- Three copies of a survey of 5925 Eureka Road with set-backs marked and shed locations
- Zoning Application for a Variance
- Shed plans
- Check for \$400.00

① - WOODPILE IS MOVED TO THE SOUTH SIDE OF  
THE CHAN LIMITED FENCE

② - THE AREA IS CLEANED UP AND OPEN SPACE NOW.

RECEIVED

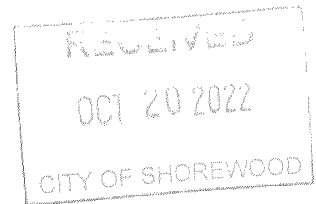
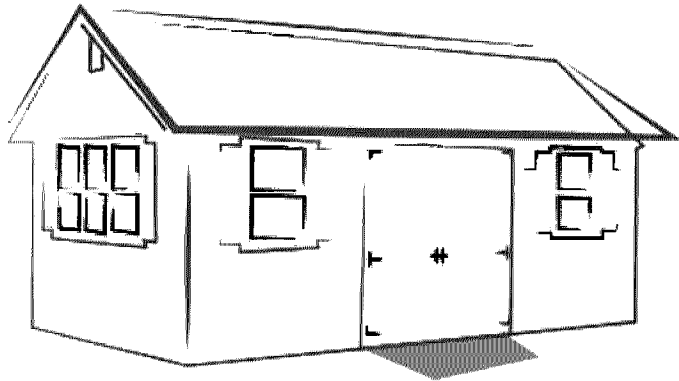
OCT 20 2022

CITY OF SHOREWOOD



## Gene German

**From:** sales=proshedbuildings.com@mg.idearoominc.com on behalf of Pro-Shed Buildings  
ShedView <sales@proshedbuildings.com>  
**Sent:** Thursday, October 13, 2022 11:44 AM  
**To:** Gene German  
**Subject:** Here's Your Custom Shed Design and Estimate! (#1665679460068726)



**Pro-Shed Buildings**  
60328 430th Street  
Mountain Lake, MN 57252  
507-427-2002  
sales@proshedbuildings.com

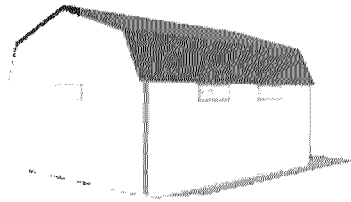
# PRO-SHED

storage sheds & garages

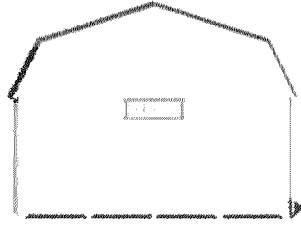
Customer Order - Oct 13, 2022

Ship To		
Customer Name <u>Gene German</u>	Order # <u>1665679460068726</u>	
Installation Address _____		
City _____	State <u>MN</u> Zip Code <u>55331</u>	
Email <u>genegerman@ccwtrainer.com</u>	Phone _____ Mobile _____	
Building Info	Size	Color
Style: <u>High Barn with Loft</u>	<b>16 x 20</b> 80" Sidewall Height	Roof <u>Brown Textured</u> <input checked="" type="checkbox"/>
Roof Overhang: <u>5" Overhang</u>		Trim <u>Tan</u> <input checked="" type="checkbox"/>
Roof Material: <u>Metal</u>		Siding <u>Cream</u> <input type="checkbox"/>
Base <u>4x6 Notched Treated Skids with 12" On-Center Floor Joists</u>		
Siding <u>LP SmartSide Panels</u>		
Design Link & Notes		
Design Link <a href="https://shedview.proshedbuildings.com/?lng=en-US#72b62f045f253c5227918117c115e08d">https://shedview.proshedbuildings.com/?lng=en-US#72b62f045f253c5227918117c115e08d</a>		
Notes, Comments, Questions		

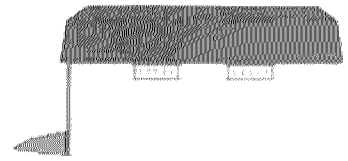
## Images



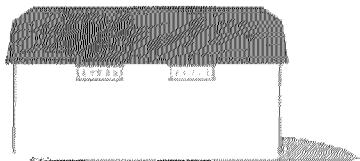
Perspective



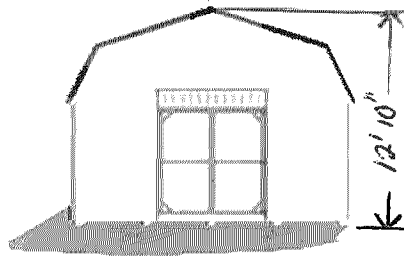
Front



Left



Right



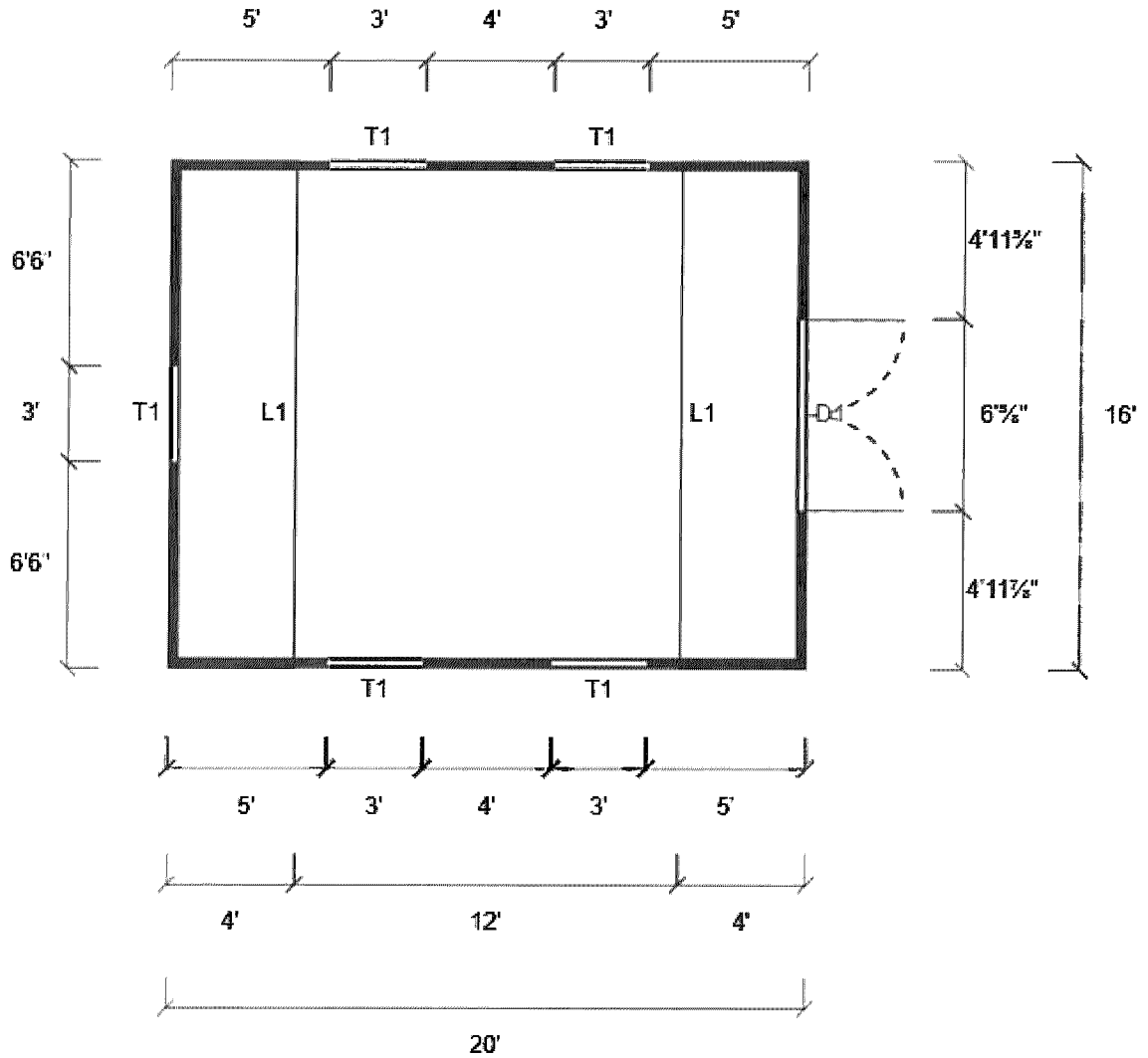
Back

THE SHED IS 12' 10" HIGH.

THE SHED WILL BE PLACED ON A REINFORCED  
CEMENT PAD

Left

Front



Right

#### SYMBOL LEGEND

T1  
Transom window 35"

D1  
72" Wooden Double

L1  
Loft: 4' Front & 4' Back

Closed Wall

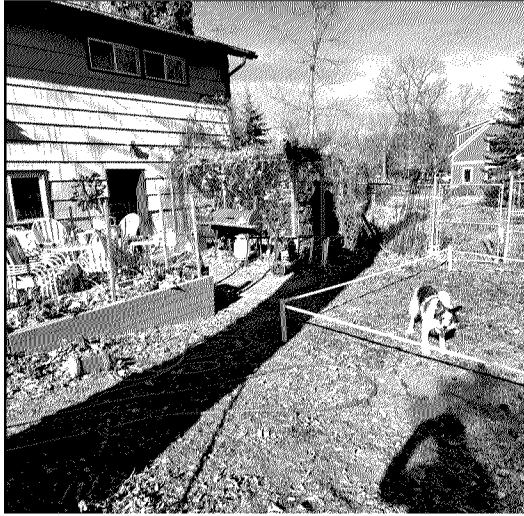
Description	Quantity	Amount
<b>Structure Details</b>		
Style: High Barn with Loft	1	\$11,847

Description	Quantity	Amount
Sidewall Height: 80"	1	Included
Size: 16 x 20	1	Included
Roof Overhang: 5" Overhang	1	Included
Base: 4x6 Notched Treated Skids with 12" On-Center Floor Joists	1	Included
Siding: LP SmartSide Panels	1	Included
Roof Pitch: 4/12	1	Included
Siding Color: Cream	1	\$100
Trim Color: Tan	1	Included
Fascia Trim Color: Cream	1	Included
Roof Color: Brown Textured	1	\$256
Roof Material: Metal	1	Included
<b>Doors &amp; Ramps</b>		
72" Wooden Double	1	Included
Color: Cream	1	Included
72" Transom Above Door	1	\$105
<b>Windows &amp; Accessories</b>		
24" x 36" Window (Credit)	2	-\$263
Transom window 35"	5	\$425
Color: White	5	Included
<b>Flooring &amp; Interior</b>		
Flooring: 1 1/4" T&G ProStruct	1	\$1,040
Loft: 4' Front & 4' Back	1	Included
Interior Wall: LP SmartSide with SilverTech (Standard)	1	Included
Interior Roof: LP ProStruct Roof Sheathing with SilverTech (Standard)	1	Included

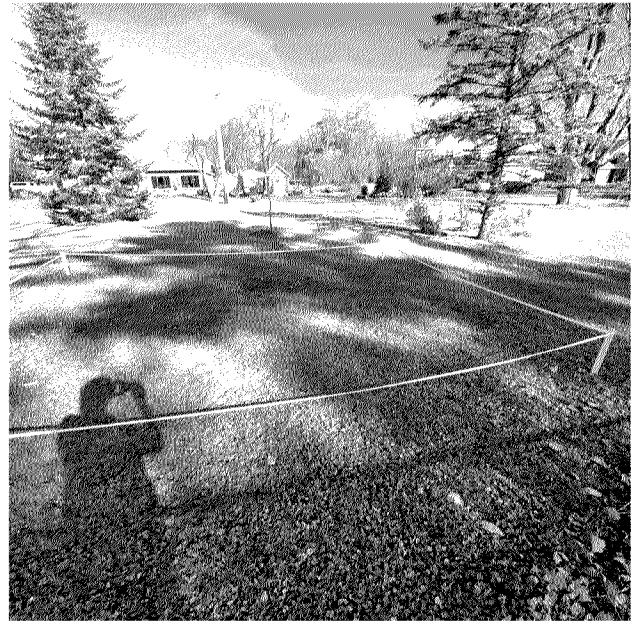


Applicant's photos:

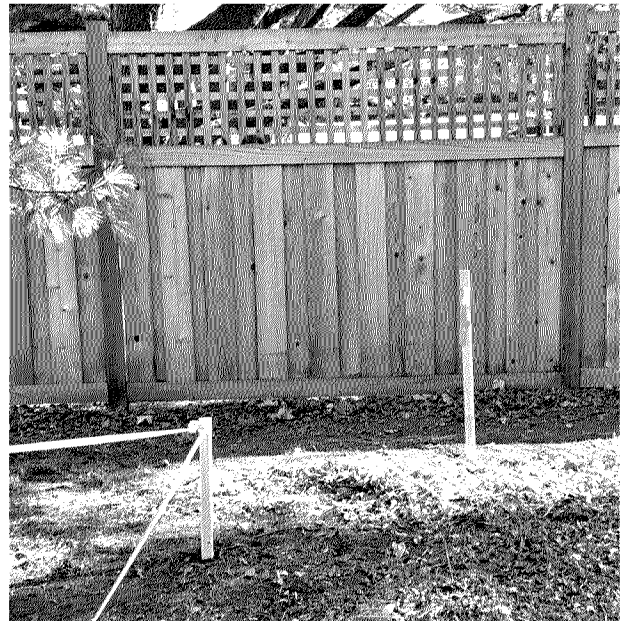
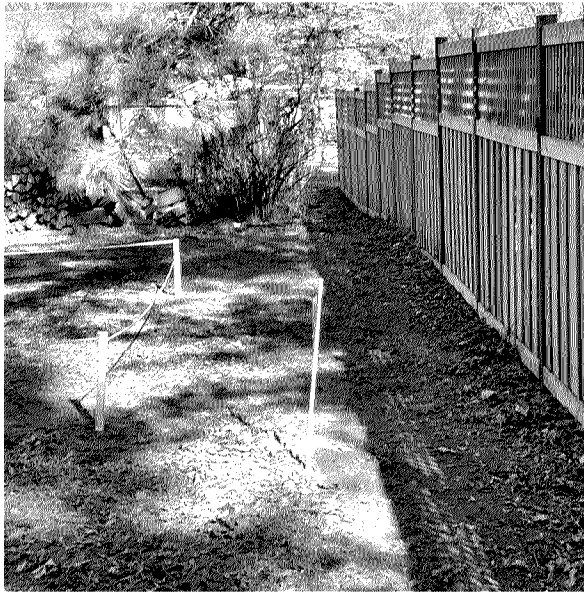
Option 1: Within fenced area of the yard.



Option 2: North Yard



Option 3: South yard



# Certificate of Survey

~ for ~ Gene German  
5925 Eureka Rd.  
Shorewood, MN 55331

## DESCRIPTION OF PROPERTY:

The North 156.75 feet of the West 137.00 feet of that part of Lot 76, AUDITOR'S SUBDIVISION NO. 133, according to the recorded plat thereof, Hennepin County, Minnesota, lying North of the North line of Lots 14 and 15, MEAKERS OUTLOTS TO EXCELSIOR, according to the recorded plat thereof in said County.

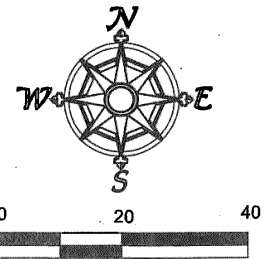
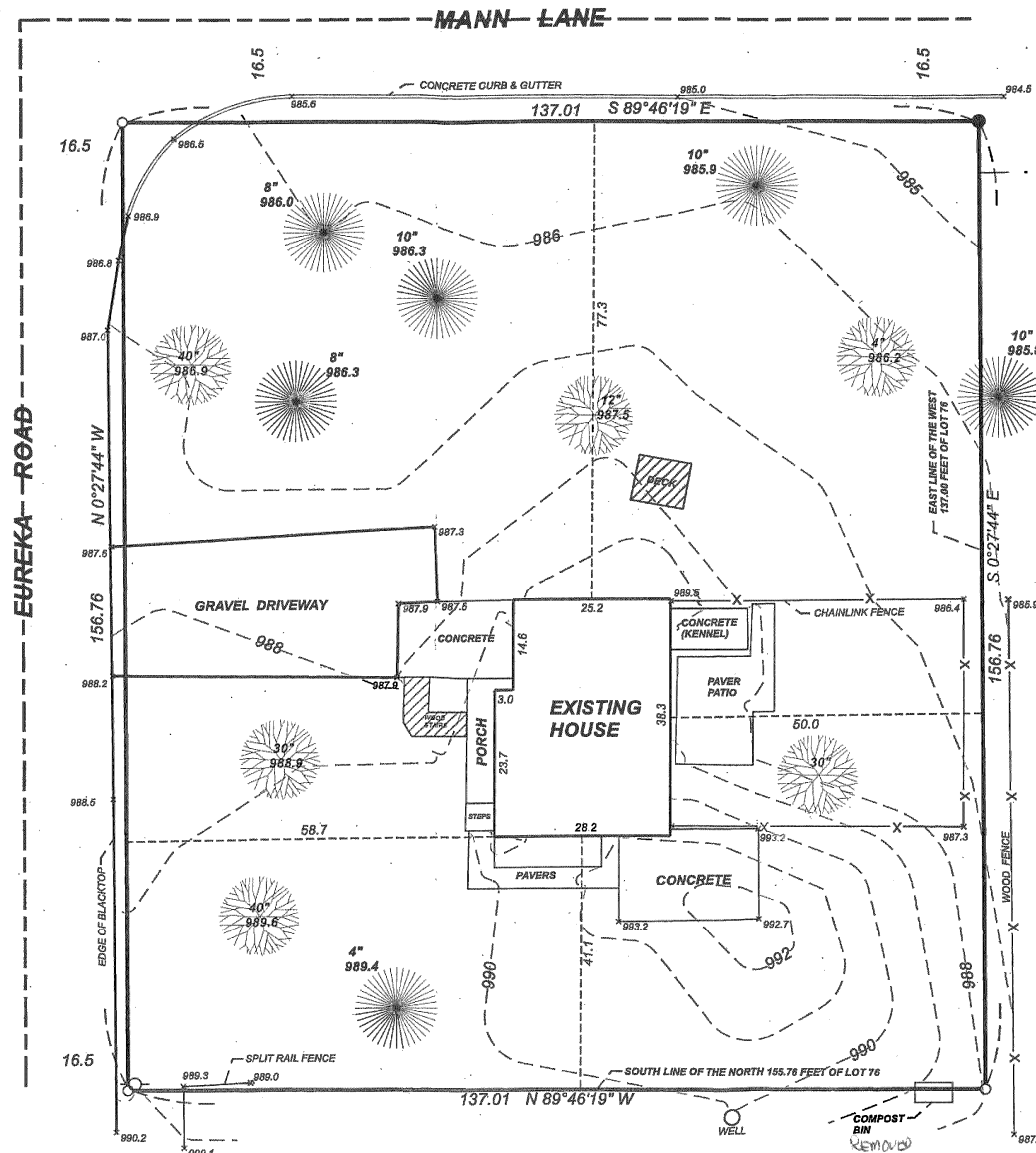
### LEGEND

	Set 1/2" X 14" rebar marked with cap number 22703
	Found Iron Monument
	Pine Tree
	Deciduous Tree
	Contour Line
	Spot Elevation
	Power Pole

I hereby certify that this survey was prepared by me or under my direct supervision and that I am a duly licensed Professional Land Surveyor under the laws of the State of Minnesota.

Steven V. Ische      22703      10/07/22  
License No.      Date

PROJ. #2175-00      NAVD88 VERTICAL DATUM



SCALE IN FEET

RECEIVED  
OCT 20 2022  
CITY OF SHOREWOOD

### IMPERVIOUS SURFACE COVERAGE:

EXISTING HOUSE:	1,036 S.F.
PORCH:	92 S.F.
CONCRETE:	621 S.F.
DRIVEWAY:	1,060 S.F.
PAVERS:	402 S.F.
TOTAL IMPERVIOUS:	3,211 S.F.
LOT AREA:	21,476 S.F.
IMPERVIOUS COVERAGE:	15.0 %

**PREMIER**  
LAND SURVEYING, LLC

1600 Arboretum Blvd., Suite 203  
Victoria, MN 55386  
952-443-3010



# Certificate of Survey

~ for ~ Gene German  
5925 Eureka Rd.  
Shorewood, MN 55331

## DESCRIPTION OF PROPERTY:

The North 156.75 feet of the West 137.00 feet of that part of Lot 76, AUDITOR'S SUBDIVISION NO. 133, according to the recorded plat thereof, Hennepin County, Minnesota, lying North of the North line of Lots 14 and 15, MEAKERS OUTLOTS TO EXCELSIOR, according to the recorded plat thereof in said County.

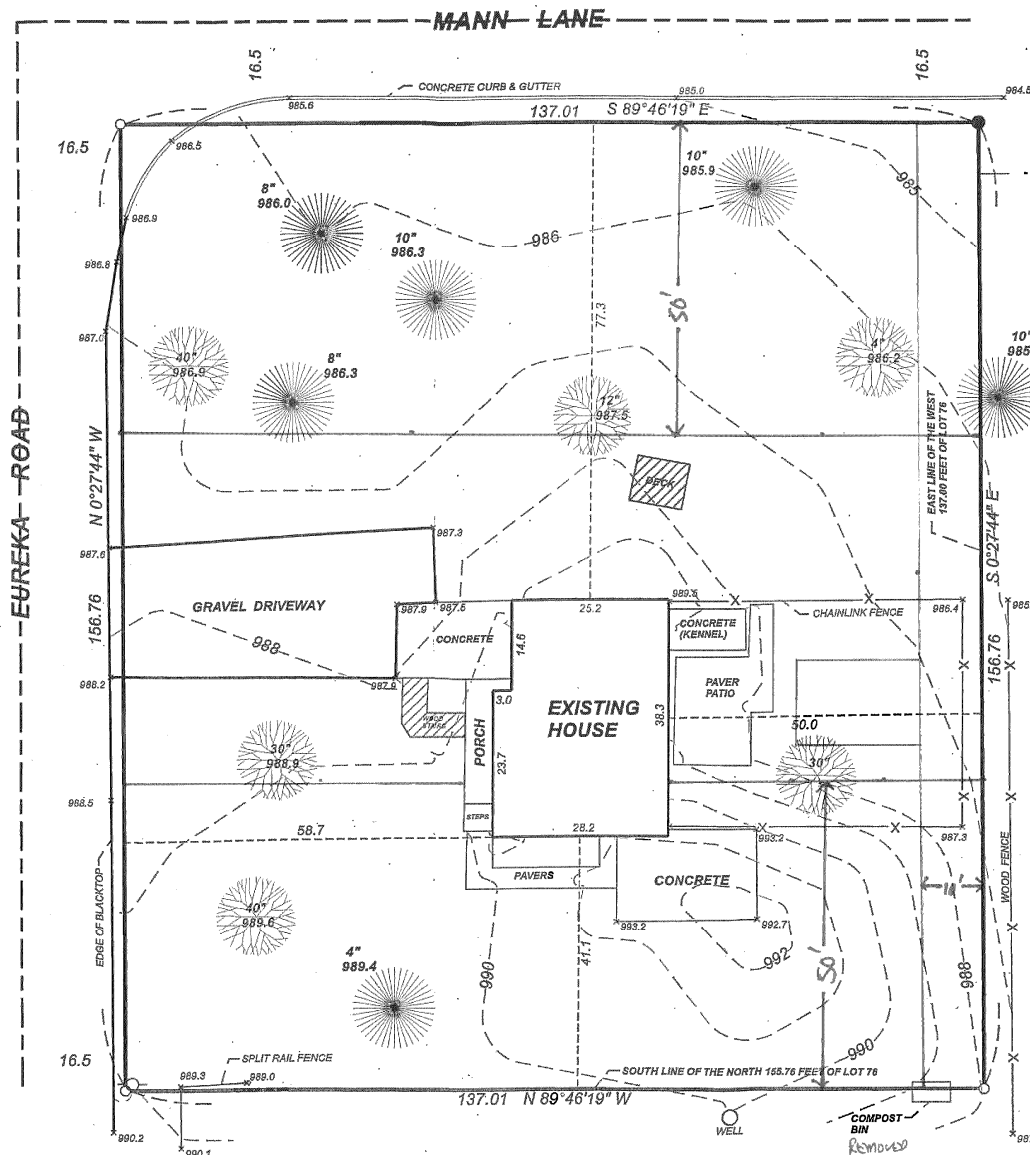
### LEGEND

- Set 1/2" X 14" rebar marked with cap number 22703
- Found Iron Monument
- Pine Tree
- Deciduous Tree
- Contour Line
- Spot Elevation
- Power Pole

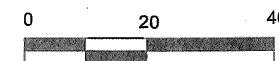
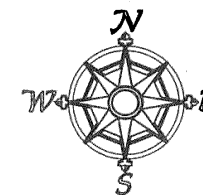
I hereby certify that this survey was prepared by me or under my direct supervision and that I am a duly licensed Professional Land Surveyor under the laws of the State of Minnesota.

Steven V. Ische 22703 10/07/22  
Steven V. Ische License No. Date

PROJ. #2175-00 NAVD88 VERTICAL DATUM



OPTION 1



SCALE IN FEET

RECEIVED

OCT 20 2022

22703-22703-22703

### IMPERVIOUS SURFACE COVERAGE:

EXISTING HOUSE:	1,036 S.F.
PORCH:	92 S.F.
CONCRETE:	621 S.F.
DRIVEWAY:	1,060 S.F.
PAVERS:	402 S.F.
<b>TOTAL IMPERVIOUS:</b>	<b>3,211 S.F.</b>
<b>LOT AREA:</b>	<b>21,476 S.F.</b>
<b>IMPERVIOUS COVERAGE:</b>	<b>15.0 %</b>

**PREMIER**  
LAND SURVEYING, LLC

1600 Arboretum Blvd., Suite 203  
Victoria, MN 55386  
952-443-3010

# Certificate of Survey

~ for ~ Gene German  
5925 Eureka Rd.  
Shorewood, MN 55331

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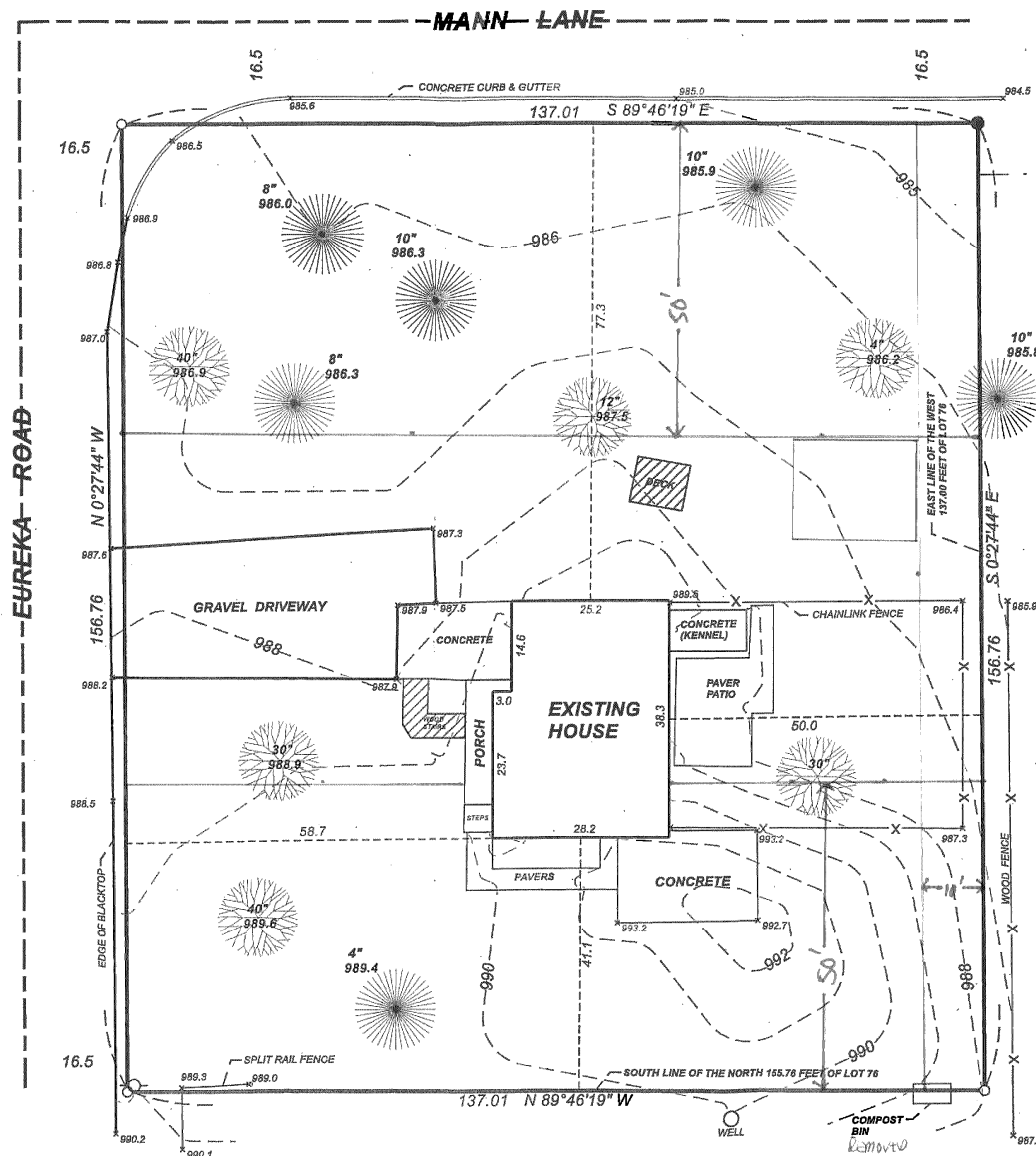
### LEGEND

	Set 1/2" X 14" rebar marked with cap number 22703
	Found Iron Monument
	Pine Tree
	Deciduous Tree
	Contour Line
	Spot Elevation
	Power Pole

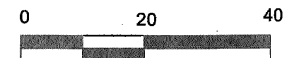
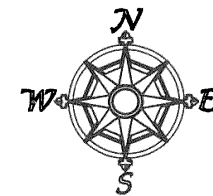
I hereby certify that this survey was prepared by me or under my direct supervision and that I am a duly licensed Professional Land Surveyor under the laws of the State of Minnesota.

Steven V. Ische 22703 10/07/22  
Steven V. Ische License No. Date

PROJ. #2175-00 NAVD88 VERTICAL DATUM



OPTION 2



SCALE IN FEET

RECEIVED

OCT 20 2022

CITY OF SHOREWOOD

## IMPERVIOUS SURFACE COVERAGE:

EXISTING HOUSE:	1,036 S.F.
PORCH:	92 S.F.
CONCRETE:	621 S.F.
DRIVEWAY:	1,060 S.F.
PAVERS:	402 S.F.

TOTAL IMPERVIOUS: 3,211 S.F.

LOT AREA: 21,476 S.F.

IMPERVIOUS COVERAGE: 15.0 %

**PREMIER**  
LAND SURVEYING, LLC

1600 Arboretum Blvd., Suite 203  
Victoria, MN 55386  
952-443-3010

# Certificate of Survey

~ for ~ Gene German  
5925 Eureka Rd.  
Shorewood, MN 55331

## DESCRIPTION OF PROPERTY:

The North 156.75 feet of the West 137.00 feet of that part of Lot 76, AUDITOR'S SUBDIVISION NO. 133, according to the recorded plat thereof, Hennepin County, Minnesota, lying North of the North line of Lots 14 and 15, MEAKERS OUTLOTS TO EXCELSIOR, according to the recorded plat thereof in said County.

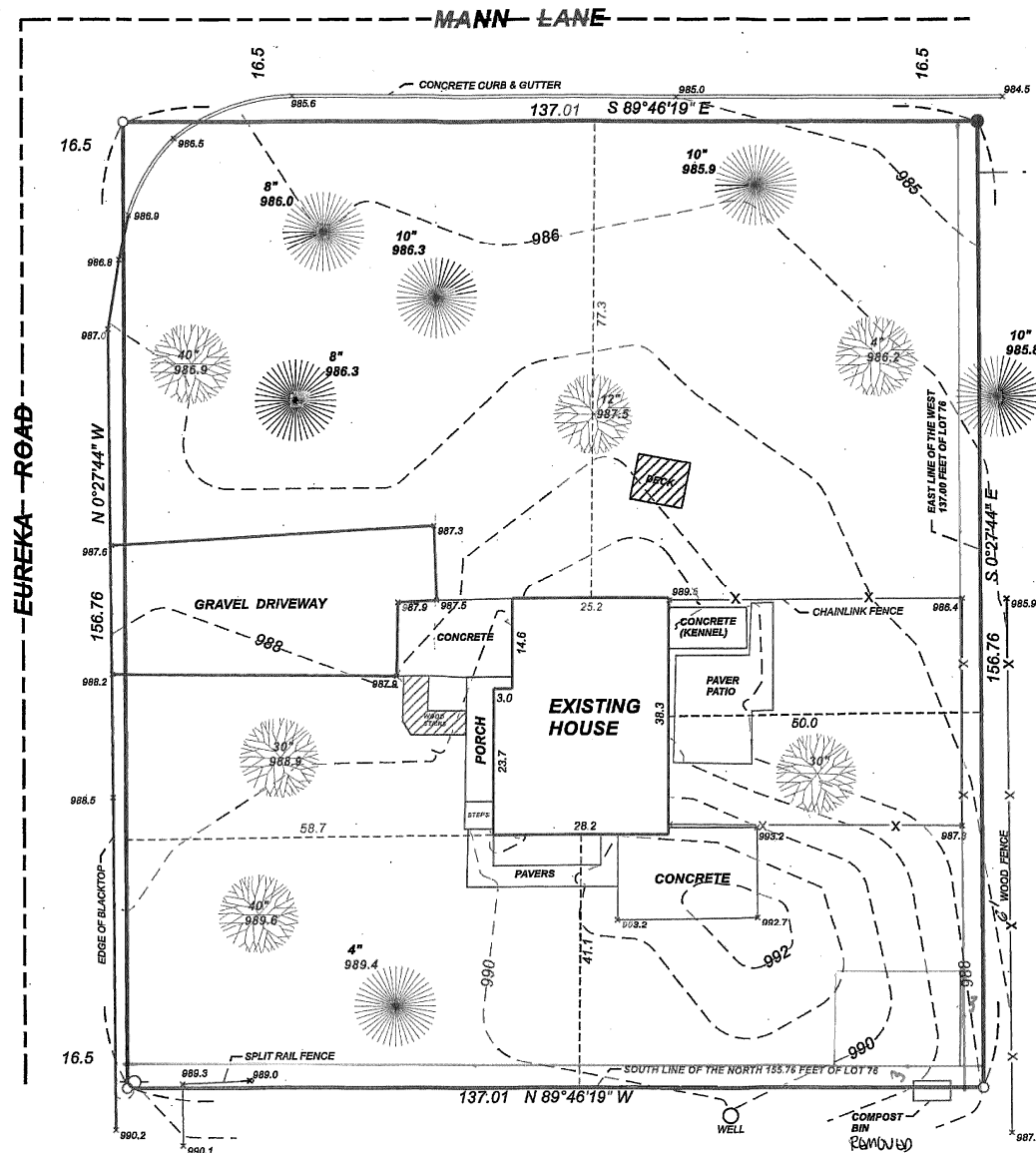
### LEGEND

	Set 1/2" X 14" rebar marked with cap number 22703
	Found Iron Monument
	Pine Tree
	Deciduous Tree
	Contour Line
	Spot Elevation
	Power Pole

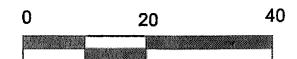
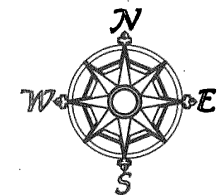
I hereby certify that this survey was prepared by me or under my direct supervision and that I am a duly licensed Professional Land Surveyor under the laws of the State of Minnesota.

Steven V. Ische      22703      10/07/22  
Steven V. Ische      License No.      Date

PROJ. #2175-00      NAVD88 VERTICAL DATUM



OPTION 3



SCALE IN FEET

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ST 40012

10/10/22

### IMPERVIOUS SURFACE COVERAGE:

EXISTING HOUSE:	1,036 S.F.
PORCH:	92 S.F.
CONCRETE:	621 S.F.
DRIVEWAY:	1,060 S.F.
PAVERS:	402 S.F.
<b>TOTAL IMPERVIOUS:</b>	<b>3,211 S.F.</b>
<b>LOT AREA:</b>	<b>21,476 S.F.</b>
<b>IMPERVIOUS COVERAGE:</b>	<b>15.0 %</b>

**PREMIER**  
LAND SURVEYING, LLC

1600 Arboretum Blvd., Suite 203  
Victoria, MN 55386  
952-443-3010