

**Meeting Date:** 07/12/2018

**By:** PeggySue Imihy, Community  
Development

---

**Information**

**Title:**

PUBLIC HEARING: Consider Variance Request to Place a Detached Accessory Building within the Required Setback from the Ordinary High Water Mark of the Rum River at 15795 Juniper Ridge Drive NW (Project No. 18-123); Case of Rick and Diane Farrell

**Purpose/Background:**

The City has received an application from Rick and Diane Farrell (the "Applicant") for a variance to construct a detached accessory building within the required setback from the Rum River on the property located at 15795 Juniper Ridge Drive NW (the "Subject Property").

**Notification:**

City Staff attempted to notify all property owners within 350 feet of the subject property of the request by U.S. Mail and published a notice of public hearing in the Anoka Union Herald, the city's official newspaper.

**Observations/Alternatives:**

The Subject Property is located within the R-1 Residential (MUSA) zoning district and is approximately 0.88 acres in size. The surrounding parcels are also zoned R-1 Residential (MUSA) and are of a similar size. The Subject Property is within the Wild and Scenic Overlay District, which has additional standards aimed at protecting the scenic qualities of the Rum River, including a setback from the Ordinary High Watermark (OHW) and restricted vegetative clearing activities. The Overlay District is created by Minnesota Rules, and requires that the City administer said rules.

There are two significant materials standards of the Overlay District to consider with this request.

- Minimum setback of 150 feet from the shoreline and 30 feet from bluffline (steep slope)
- Clear cutting activities of significant trees are prohibited

The home on the Subject Property is approximately eighty-nine (89) feet from the shoreline. However, it is considered lawful, non-conforming as it was constructed in the late 1970s and predates the standards of the Overlay District. There also is a 'pool house' on the Subject Property, which appears to have been constructed without a permit before the Applicant purchased the home and encroaches into the shoreline setback (about 77 feet from the shoreline).

The Applicant originally proposed to construct a fourteen by twenty-four foot (14' x 24') detached accessory building approximately seventy-two (72) feet from the shoreline and greater than thirty (30) feet from the bluffline. After working with City Staff, the Applicant has amended their application and is now proposing to build the accessory structure approximately eighty-four (84) feet from the shoreline. The proposed location would require the removal of several trees; however, the structure would be more inconspicuous from the street in the proposed location as it would be within the treeline.

There is a Scenic Easement in favor of the City and Anoka County encumbering a portion of the Subject Property (as well as the properties to the east and west). Staff overlaid the Scenic Easement with an aerial image for reference (see attached exhibit). It does not appear that the proposed detached accessory structure would encroach into the easement; however, without a survey of the Subject Property depicting the Scenic Easement and the proposed shed location, that cannot be definitively confirmed.

Based on the required setback of 150 feet from the OHW, and the required 30 foot front yard setback, a variance will be required to place an accessory building anywhere on the Subject Property. However, it does appear that there is space to move the location further back from the river, which would decrease the deficiency, a standard often applied when contemplating variances. Other than the shoreline setback, there proposed accessory building is in compliance with all other applicable standards.

The applicant has raised the concern to staff that the southwest corner of the subject property is the only other location for future septic needs. Currently the septic tank is located directly in front of the primary structure, in the southeast corner of the subject property.

City Staff did forward this request to the MN DNR for comments. The DNR has stated that the proposed structure should at least equal the setback of the existing home so as not to exacerbate a nonconformity. Furthermore, there is space to move the shed forward which would reduce the necessary setback deviation while still complying with the local front yard setback. Moreover, that would more or less align with a detached accessory building constructed a couple years ago (with the issuance of a variance to the shoreline setback) on the property to the west.

This case was heard by the Environmental Policy Board (EPB) on June 18th, 2018, which exclusively reviews the variance for the potential impacts to the viewshed (from the river) and natural resources of the Subject Property and the Rum River. The EPB recommended that the accessory structure be moved forward to be built in line with the front wall of the home. Subsequent to the EPB's review of the case, the Applicant submitted photos (attached) from the river showing the wooded nature of the property and indicating that the accessory structure would not be readily visible to users of the river.

A resident of the neighborhood has submitted an anonymous letter (attached) expressing concern about the proposed garage due to concerns about the viewshed of the river and the potential impact to the environment.

### Alternatives

**Alternative 1:** Approve Resolution #18-123 as recently amended and requested (allowing the accessory structure to be eighty-four [84] feet from the shoreline). The proposed location of the shed would be inconspicuous from the river based on the elevation change (about twenty [20] feet in difference from the water to the top of the bluffline) and would be reasonably hidden from Jupiter Ridge Drive. Any other location would require a variance to the front yard setback and would be visible from the street. Other locations would also require removal of trees and paving over grass. Additionally the Applicant requests that he be allowed to extend the existing gravel driveway to the proposed accessory structure. While gravel is not an allowed driveway surface in the MUSA, given the rural nature of the property staff would support this. Staff supports this alternative. Please note: Staff supports discussion on this alternative, although it is not consistent with recommendations from the DNR and Ramsey EPB.

**Alternative 2:** Approve Resolution #18-123 conditioned upon the Applicant moving the location of the shed so that it is in line with the front wall of the home on the Subject Property. This would be more visible from the road but increases the setback from the shoreline closer to about 120 feet (and would follow the recommendation of the EPB). Depending on the location, this alternative may eliminate the need for removing any existing trees but would require the existing grass front yard be paved over for a driveway. The existing septic could be replaced with a mound system if needed. Staff could support this alternative.

**Alternative 3:** Approve Resolution #18-123 conditioned upon the Applicant moving the location of the shed so that it is no closer to the shoreline than the rear wall of the home on the Subject Property. This would eliminate yet another non-conforming structure on the Subject Property as it relates to the setback from the shoreline. This would increase the setback from the shoreline compared to the proposed location but would be more visible from the street. Staff could support this alternative.

**Alternative 4:** Deny the variance. Based on the current setback requirement from the shoreline, placement of an accessory building is not possible without a variance. Installation of a detached accessory building is a reasonable use of a single family residential property and it would not alter the essential character of the neighborhood. Staff

does not support this alternative.

**Funding Source:**

All costs associated with this request are the responsibility of the Applicant.

**Action:**

Motion to approve resolution #18-123 granting a variance to shoreline setbacks to the Rum River at 15795 Juniper Ridge Drive NW so that the front of the proposed structure is even with the existing dwelling (EPB and DNR recommendation).

---

**Attachments**

- [Site Location Map](#)
- [Applicant Site Plan](#)
- [Amended Site Plan](#)
- [Aerial View of Site](#)
- [Scenic Easement Document](#)
- [Scenic Easement Exhibit](#)
- [Site Plan with Trees](#)
- [Property Photos](#)
- [Anonymous Letter](#)
- [DRAFT Resolution #18-123](#)

---

**Form Review**

<b>Inbox</b>	<b>Reviewed By</b>	<b>Date</b>
Chris Anderson	Chris Anderson	06/27/2018 12:38 PM
Tim Gladhill	Tim Gladhill	07/05/2018 10:26 PM
Form Started By: PeggySue Imihy		Started On: 06/19/2018 01:48 PM
Final Approval Date: 07/05/2018		

Previous Planning Commission Case