



**Variance Board Regular Meeting
City Council Chambers, 2660 Civic Center Drive
Minutes – Wednesday, July 10, 2019 – 5:30 p.m.**

1. Call to Order

Vice Chair Sparby called to order the regular meeting of the Variance Board meeting at approximately 5:30 p.m. and reviewed the role and purpose of the Variance Board.

2. Roll Call & Introductions

At the request of Vice Chair Sparby, City Planner Thomas Paschke called the Roll.

Members Present: Vice Chair Peter Sparby; and Member Michelle Kruzel, and Alternate Member Michelle Pribyl.

Members Absent: None.

Staff Present: City Planner Thomas Paschke and Community Development Director Janice Gundlach

3. Approval of Agenda

City Planner Paschke indicated an addition to the agenda. Election of Chair and Vice Chair given the resignation of former Chair Member Daire.

MOTION

Member Kruzel moved, seconded by Member Pribyl to approve the agenda as amended.

Ayes: 3

Nays: 0

Motion carried.

3a. Election of Chair and Vice Chair to the Variance Board

City Planner Paschke noted Member Daire has given his resignation. The Board needs to elect a new Chair and Vice Chair.

Member Pribyl nominated Member Sparby as Chair of the Variance Board.

Member Sparby indicated he would be willing to be Chair of the Variance Board.

MOTION

Member Pribyl moved, seconded by Member Kruzel to elect Member Sparby as Chair of the Variance Board.

Ayes: 3

Nays: 0

Motion carried.

Member Kruzel nominated Member Pribyl as Vice Chair of the Variance Board.

Member Pribyl indicated she would be willing to serve as Vice Chair of the Variance Board.

MOTION

Member Kruzel moved, seconded by Member Sparby to elect Member Pribyl as Vice Chair of the Variance Board.

Ayes: 3

Nays: 0

Motion carried.

4. Review of Minutes: November 7, 2018

There were no changes to the November 7, 2018 minutes.

MOTION

Member Pribyl moved, seconded by Member Kruzel to approve the November 7, 2018 meeting minutes.

Ayes: 3

Nays: 0

Motion carried.

5. Public Hearing

a. PLANNING FILE 19-012

Consider a Variance from City Code Section §1011.04.J.8 “Replacement Tree Locations”, to permit reduced tree replacement and seek relief from the required Tree Replacement Fee for property at 3056 Hamline Avenue.

Chair Sparby reviewed protocol for Public Hearings and public comment and opened the Public Hearing at approximately 5:38 p.m.

City Planner Paschke reviewed the variance request for this property, as detailed in the staff report dated July 10, 2019.

Member Pribyl asked if staff was aware of any other similar size developments on wooded lots that have occurred since the tree replacement change was made in 2014.

Mr. Paschke stated some of the plats staff is finishing up on as it relates to residential development, other larger plats that might be consisting of ten, eleven, fourteen lots could even be six lots, a number of those were begun and processed under the old ordinance and some were done under the existing ordinance, however, the projects were able to balance whatever the requirements were so variances were not required to any sections of the code. The issues staff is finding is more related to infill situations of four lots or fewer that are now coming forward because those are infill

lots and have not been developed and have trees on them. He noted a couple of variances have been granted in the past related to the tree preservation requirements.

Mr. Paschke indicated the code changed in three ways as it relates to the previous requirements to the new requirements. The first is the City now has three types of trees that is noted, a common, significant and a heritage where before there was only significant and heritage. The Code also now requires the City to count and identify cottonwood, boxelder, elm and exempts invasive species. The fee policy and fee requirement were added and not in the previous Code. He noted the Code change is rather dramatic in this case because on both of them the spot where the house is wanting to be placed and how a driveway can be placed to get to the home is in essence where most of the trees are. It's kind of restricts how one wants to or can develop a lot without getting a variance.

Chair Sparby asked how the current Ordinance accounts for heavily wooded lots.

Mr. Paschke explained the Ordinance is not going to account for it other than tree preservation and restoration is triggered by any development activity on a lot. Such as building a home, addition to home, if there are trees within close proximity the owner will have to provide the City information related to those so the City can make sure those trees are not going to be injured or damaged during construction or if removal is needed the City needs to note that and replacement may be needed. It is all dependent on how many other trees are on the lot. For any development, a tree survey needs to be done and the trees need to be identified and if properly done it will note what type of shape the tree is in. The City tree consultant, City Forester, will go out and verify all of the information.

Chair Sparby asked what the process was for replacement trees within one thousand feet of the subject development.

Mr. Paschke noted the City would have to work with the property owner and give the owner a list of all of the property owners within that specified radius for contact to find out whether or not any of them would want to have a tree planted on their property. The owner would also have to work with a landscaper or tree company to plant those trees on those sites that might have wanted one which is a very cumbersome process, which the City is finding.

Chair Sparby asked if the onus is specifically on the applicant.

Mr. Paschke believed that would be correct. He indicated it could be done two ways, it could be done by the applicant or the applicant could pay their fee to the City and then the City would embark on that process.

Chair Sparby asked if there was any type of cap on the replacement fee at all.

Mr. Paschke stated it was ten percent of the market value of the land.

Chair Sparby asked what the market value of this land is.

Mr. Paschke indicated he was not sure because he did not know the market value, but his guess was the market value of both of the lots is much higher than what the fee is that is being paid even though the fee is fairly substantial for a single-family residential lot.

Member Pribyl asked when the revision was crafted in 2014, was there an analysis of different scenarios.

Mr. Paschke stated there could have been a wide range of different requirements based on the type of lot. Nevertheless, the only analysis that was done was analysis based on the previous requirements in certain developments and then the new requirements and what that difference was.

Chair Sparby invited the applicant to come forward to speak.

Mr. Jay Johnson, Zawadski Homes, indicated worked closely on the tree replacement plan and the application for the variance highlights 3-4 points that were made, and he thought City staff did a thorough job analyzing that. He stated there were only a couple of points that struck him while working on this plan. The hardship seems to be there are an incredible number of trees all clumped right together in the middle of the lot. A lot of the trees are fighting for sunlight and the whole side of this side of the lake is that it is blessed with an over abundance of trees. He stated in his opinion there are a surplus of trees, but it was the luck of the draw that all of the trees happened to be in the building pad of where the house had to go. He stated the lot is very restricted and skinny. The hardship, as calculated results in a significant cost and tree replacement number. He noted the Soukup's love trees and plan on maximizing the number of trees that will be replaced. The remaining trees that will not be able to be planted results in a \$17,000 fee which seems a little bit on the excessive side. He thought the driveway was placed in the best place to try to avoid trees and saving as many of the tall pines as possible.

Chair Sparby invited residents to come forward in regard to the proposal.

No one came forward to speak

Chair Sparby closed the public hearing at 5:56 p.m.

MOTION

Member Pribyl moved, seconded by Member Kruzal, Adoption of Variance Board Resolution No. 140 (Attachment E), entitled "A Resolution Approving a Variance To Roseville City Code §1011.04.J.8 Replacement Tree Locations, at 3056 Hamline Avenue (PF19-012)."

Member Pribyl thought it was telling that there were two variances before the Board for similar issues and she thought probably it is certainly worthy in this case to approve the variance, given the hardships.

Member Kruzel agreed. She was not sure if there is a way to look at this as a bigger picture if it keeps coming up.

Member Pribyl thought this might be worthy of a broader discussion about whether the current tree ordinance as written applies equitably to all the conditions in the City.

Member Kruzel agreed.

Chair Sparby agreed with the Commissioners on all of the points and especially given the unique circumstances of the lot and the narrow nature and density of the trees on there. He would agree with supporting the motion as well.

Ayes: 3

Nays: 0

Motion carried.

b. PLANNING FILE 19-013

Consider a Variance from City Code Section §1011.04.J.8 “Replacement Tree Locations”, to permit reduced tree replacement and seek relief from the required Tree Replacement Fee for property at 907 Burke Avenue.

Chair Sparby reviewed protocol for Public Hearings and public comment and opened the Public Hearing at approximately 6:00 p.m.

City Planner Paschke reviewed the variance request for this property, as detailed in the staff report dated July 10, 2019.

Chair Sparby invited the applicant to come forward to speak.

Mr. Josh Whitcomb noted the applicant is pro trees and keeping as many trees as possible on the lot. He believed this Ordinance was well intentioned, but this overlay burdens wooded lots and in particular infill sites. He thought the recommendations laid out by City Planning Staff are exceedingly fair.

Chair Sparby invited residents to come forward in regard to the proposal.

No one came forward to speak.

Chair Sparby closed the public hearing at 6:35 p.m.

MOTION

Member Kruzel moved, seconded by Member Pribyl, Adoption of Variance Board Resolution No. 141 (Attachment E), entitled “A Resolution Approving a

Variance To Roseville City Code §1011.04.J.8 Replacement Tree Locations, at 907 Burke Avenue (PF19-013).”

Ayes: 3

Nays: 0

Motion carried.

6. Adjourn

MOTION

Member Pribyl, seconded by Member Kruzel, to adjourn the meeting at 6:07 p.m.

Ayes: 3

Nays: 0

Motion carried.