

City of Marine on St. Croix  
Planning Commission Meeting  
Tuesday, June 30, 2015

The City of Marine on St. Croix Planning Commission workshop of June 30, 2015 was called to order by Chairman Mrosla at 7:36pm. Brenner, Warren and Spisak, Ritz, Roden and Smitten were present.

Citizens Present: Glen Mills, Dan Froiland

1. Call to Order 7:30pm.
2. Bret & Dawn Haake – 331 2<sup>nd</sup> Street – Variance Request – Front Yard Setback (Right of Way and Side Yard Setback).
3. Old/New Business:  
Approval of Planning Commission regular and workshop meeting minutes of:  
April 15 Workshop,  
May 20, 2015 Workshop minutes  
May 26, 2015 Workshop minutes
4. Review Codes in the SFR, SFU, SCR, SCU, VC Districts:
  - a) Review Section 310 Planned Unit Development (PUD)
  - b) Review Section 4 General Provisions
  - c) Review Section 511- Floodplain District
  - d) Review Solar
  - e) Rooming Houses
5. Adjournment

Mrosla reviewed the agenda. Warren noted a change in item #4 Approval of the minutes. The April 15, 2015 should be April 28, 2015. April 15, 2015 were already approved. Minutes for May 26, 2015 were not available.

**Old/New Business:** None

**Bret & Dawn Haake – 331 2<sup>nd</sup> Street – Variance Request – Front Yard Setback (Right of Way) and Side Yard Setback.:** The applicant was not present. The Planning Commission reviewed the documents (see attached) that were filled out by the applicant APEX Construction Management LLC. Mrosla confirmed APEX Construction on behalf of Bret and Dawn Haake would like to see the process move forward to a Public Hearing for the July Planning Commission meeting. Tomnitz noted the documents were forwarded to the Planning Commission members for their review on June 25, 2015. Mr. and Mrs. Haake would like to tear down an existing garage and rebuild it. The variance requests are for a Front Yard and a Side Yard setback. The concern is that the design and use of the structure is different from what is existing. Currently the structure is used as a garage and car port. Dan Froiland (neighbor) was present and noted he did not oppose the garage however there was a discrepancy on the lot lines. Mr. Froiland noted setback exist for a reason, run off, snow removal, building and maintaining structures without trespassing or impacting the adjacent property in a negative way. Mr. Froiland's concern is that the structure be positioned so there is space between the properties

however understands it is not possible to have the full setback and is requesting as much as possible.

Brenner noted there are no drawings of the proposed structure showing the size and height. A review of the application determined variances would be needed for a Front yard setback, Side yard setback and for being in front of house. Warren also noted there are unresolved issues regarding the lot lines that were discussed with the neighbor. Smitten felt it was not appropriate to be speculative about the intentions of the plan, however the application is lacking clarity including the statement “the garage is almost an exact replica of the existing garage”. Smitten notes this statement shows it is not the same and therefore could not make a decision to support or not support the variance request without have a full set of documents.

The Planning Commission deemed the application was not complete and several questions needed to be answered before accepting the applicant’s application. Brenner noted floor plans and exterior elevations that are dimensioned of the proposed structure. Brenner and Mrosla will work with the applicant regarding the application and process. Mrosla will speak with the City Clerk so she can notify the applicant. No Public Hearing was set.

**Approval of Minutes:** *Warren moved and Roden seconded to approve the Planning Commission minutes of April 28, 2015 as drafted with a correction to the company name for Brian Ross from “Midwest Renewal Energy Association” to “Great Plains Institute (GPI) under contract with Minnesota Renewable Energy Society (MRES)” on page one, under the heading Review of Solar, paragraph one, first sentence. Motion passed unanimously.*

*Smitten moved and Spisak seconded to approve the Planning Commission workshop minutes of May 20, 2015 as drafted. Motion passed unanimously.*

**Review of Codes in the SFR, SFU, SCR, SCU, VC Districts.** Brenner worked on Section 3 Variances and created a new draft and sent it to Assistant Clerk Tomnitz, however she was not able to review and update the document because time did not allow before the meeting. Brenner will continue with the Conditional Use portions and review with the Planning Commission when that is complete. Brenner and Tomnitz will complete the recommended changes and prepare for the next meeting.

Mrosla would like to continue with the current agenda for the next workshop.

*Smitten moved and Warren seconded to hold a Planning Commission Workshop on July 22, 2015 at 8:00am to be held at the City Hall. Motion passed unanimously.*

*Adjournment – Smitten moved and Roden seconded to adjourn the June 30, 2015 Planning Commission meeting at 8:38pm. Motion passed unanimously.*

Minutes written by Mary Tomnitz, Assistant City Clerk

*PLANNING COMMISSION TERMS - Jack Warren, Kristina Smitten, Joyce Ritz, – Expires 12/31/2015, Gwen Roden, Gerry Mrosla, Ron Brenner – 12/31/2016, Scott Spisak - Expires 12/31/2017*

### Variance Application

Updated 5/26/2015

City of Marine on St. Croix  
PO Box 250  
121 Judd Street  
Marine on St. Croix, MN 55047  
651-433-3636

Case # \_\_\_\_\_  
Application Date \_\_\_\_\_  
Date Deemed \_\_\_\_\_  
Complete \_\_\_\_\_

Applicant is (circle one) Owner Developer **Contractor** Architect Other

Property address for which variance is requested 331 2<sup>ND</sup> STREET

Applicant (individual or company name): APEX CONSTRUCTION MANAGEMENT LLC

Contact: JOHN BIANCINI Title: PRESIDENT

Address: 3711 PINEVIEW DRIVE City: ST PAUL State MN Zip: 55127

Wk Phone: 651 653 6300 Hm Phone: \_\_\_\_\_

Email address: JB@APEXCONSTRUCTIONMGMT.COM

Present use of property: RESIDENTIAL

Proposed use of property: "

Property Size (square feet or acreage): \_\_\_\_\_

Existing Variances: Yes \_\_\_\_\_ No \_\_\_\_\_ Unknown X

If yes, please explain:

Describe Request: Build New Add On Remodel **Replace**

What is the Variance being requested for: \_\_\_\_\_

Variance for:

	Required	Proposed
Side Yard	_____ feet	_____ feet
Front Yard	_____ feet	_____ feet
Rear Yard	_____ feet	_____ feet
River setback	_____ feet	_____ feet
Building height	_____ feet	_____ feet
Structure height	_____ feet	_____ feet
Wetland	_____ feet	_____ feet
Impervious Cover	_____ sq ft	_____ sq ft
Other	_____ feet	_____ feet

If other, please explain

Applicant(s) have determined that the following approvals may be necessary from other regulatory bodies:  
JB Watershed District (651-433-2150) JB Washington County Public Health & Environment  
email: PHE@co.washington.mn.us (651-430-6655)

**Applicant's Acknowledgment & Signature(s)**

This is to certify that I am making application for the described action by the City and that I am responsible for complying with all City requirements with regard to this request. This application should be processed in my name, and I am the party whom the City should contact about this application. The applicant certifies that the information supplied is true and correct to the best of his/her knowledge.

The undersigned also acknowledges that he/she understands that before this request can be considered and or approved, all required information and fees, including any deposits, must be paid to the City, and if additional fees are required to cover costs incurred by the City, the City has the right to require additional payment from one or more of the undersigned, who shall be jointly liable for such fees.

An incomplete application will delay processing and may necessitate a re-scheduling of the review time frame. The application time line commences once an application is considered complete when all required information and fees are submitted to the City. The applicant recognizes that he/she is solely responsible for submitting a complete application being aware that upon failure to do so, the city has no alternative but to reject it until it is complete or to recommend the request for denial regardless of its potential merit.

A determination of completeness of the application shall be made within 10 business days of the application submittal. A written notice of application deficiencies shall be mailed to the applicant within 10 business days of application.

I am the authorized person to make this application and the fee owner has also signed this application.

Applicants Signature: JB Date: 6/5/15  
Applicants Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**Owner's Acknowledgement & Signature(s)**

I am / we are the fee title owner of the above described property. I / we further acknowledge and agree to this application and further authorize reasonable entry onto the property by City Staff, Consultants, agents, Planning Commission Members, and City Council Members for purposes of investigation and verification of this request.

Owners Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Owners Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Note – Both signatures are required, if the owner is different than the applicant, before we can process the application, otherwise it is considered incomplete.



*Building On Integrity*

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June 5, 2015

Lynette Peterson, City Clerk / Zoning Administrator  
Marine on St. Croix City Hall  
121 Judd Street  
Marine on St. Croix, MN 55047

**RE: Variance Request for the Haake Residence at 331 2<sup>nd</sup> Street**  
**Attachments: Building Permit Application, All Necessary Drawings & Specifications, Check for Variance Application Fee**  
**Impervious Surface Calculations, Land Survey Re-Certification**

Ms. Peterson:

APEX Construction Management has been engaged by Dawn & Bret Haake to reconstruct their detached garage located on their property at 331 2<sup>nd</sup> Street in Marine on St. Croix. In reviewing the survey completed by Dale Hebeisen of Hult & Hebeisen, PA, we found that the existing garage encroaches the defined street Right of Way by approximately 2 ½ feet. This was confirmed by a survey monument discovery/confirmation conducted by Dale Hebeisen and documented by an [attached] email letter dated June 4, 2015.

In accordance with your letter dated June 4, 2015 we understand that in order to complete the project as planned, we must undergo the variance process as defined by the City of Marine on St. Croix. The intent of this letter is to launch the variance process effective immediately. As a matter of record, it should be noted that the initial completion date of this project was scheduled for July 3, 2015. With that background APEX wishes to do everything in its power to expedite the variance process as a matter of providing good and timely construction services for its client, Dawn & Bret Haake. While we fully understand and respect the need for due processes, we wish to point out that a 4 month delay not only causes us to grossly miss the client desire for a July 3<sup>rd</sup> completion, but also pushes the project timeline into the winter building season where cold weather inefficiencies dramatically increase the cost and time of such projects.

The plan that we have developed for reconstructing the garage calls for simply moving the structure a minimal distance in order to satisfy the street Right of Way encroachment and the adjacent neighbor request as follows:

- **Front Setback (Right of Way):** Move the new garage away from the street a distance of 3 ½ feet, yielding a 1 foot setback from the established Right of Way.
- **Side Setback (Neighbor request/agreement):** Move the new garage 5 feet to the north to increase the side setback from its current 5 feet to a proposed setback of 10 feet side setback from the adjacent neighbor's property line as agreed to by both the neighbor and the Haake family on May 29, 2015.

There is a stream running diagonal through the Haake property from the northwest to the southeast. Any further movement to the north or the east to further increase side or front setbacks would begin to encroach on the stream. The Haake family strongly desires to preserve the environmental integrity of the stream by keeping the new garage as far away from it as possible. The above relocation to a 10 foot side setback and 1 foot front setback balances the needs of all interested parties and preserves the environmental integrity of this site.

We are in receipt of the newly revised Variance Process and Checklist that was given to us on July 5, 2015. The following series of questions are taken directly from the process outline and are addressed in the order of their presentation on the following pages.

The owners of the property located at 331 2<sup>nd</sup> Street, Dawn & Bret Haake, in conjunction with their Licensed Building Contractor, APEX Construction Management, LLC, jointly wish to make a case for a variance regarding the front and side setbacks for the reconstruction of their detached garage. We respectfully submit the following for your consideration in granting a variance for this project:

**Establishing Practical Difficulty**

1. **The landowner proposes to use the property in a reasonable manner not permitted by the zoning ordinance because:** It encroaches the street Right of Way by 2 ½ feet.
2. **The plight of the landowner is due to circumstances unique to the property not created by the landowner property because:** The location of the existing structure was deemed unacceptable by the adjacent neighbor to the south.
3. **The variance, if granted, will not alter the essential character of the locality because:** The new structure will be in approximately the same location as the existing structure so there would be essentially be no change from the character of the existing garage.

**Establishing that the requested variance will be in keeping with the spirit and intent of the zoning ordinance:**

1. **The requested variance, if granted, will be in keeping with the spirit and intent of the City Zoning because:** The old dilapidated garage would simply be replaced with a new garage that is architecturally correct for the period of time that the existing structure was built.

**Establishing that the requested variance will be consistent with the Comprehensive Plan:**

1. **The requested variance, if granted, will be consistent with the Comprehensive Plan because:** The new garage is almost an exact replica of the existing garage.

**Additional information to be considered in review of a variance:**

1. **Describe the effect of the variance, if granted, on neighboring properties and on the neighborhood in general:** The existing structure has deteriorated to the level where it has become an eyesore in the neighborhood. The new structure, built to the period architecture of that era in every detail, would be much more attractive which would significantly enhance the aesthetics of the neighborhood.
2. **Describe the effect of the variance, if granted, on supply of light and air to adjacent properties:** The new structure, being essentially the same as the existing structure, would have absolutely no impact on the supply of light and air to adjacent properties.
3. **Describe the effect of the variance, if granted, in traffic congestion in the public street:** The new structure would have absolutely no impact on traffic congestion in the adjacent public street.
4. **Describe the effect of the variance, if granted, on the danger of fire:** The existing structure is a fire trap. The new structure will be built of new materials that would inherently improve the overall fire rating of the finished structure.
5. **Describe the effect of the variance, if granted, on the danger to public safety:** There will be no danger to public safety from the new structure.
6. **Describe the effect of the variance, if granted, on established property values in the surrounding area:** The condition of the existing structure is having a negative impact on the market value of neighboring properties. The new structure would have a positive impact on the market value of the neighboring properties.

**Additional information to be considered in review of a variance within the St. Croix River Overlay District:**

1. **Describe the effect of the variance, if granted, on the preservation of the scenic and recreational resources of the St. Croix Riverway, especially in regard to the view from and use of the river:** The new structure is not visible from the river and therefore would have no impact on its view from the river.
2. **Describe the effect of the variance, if granted, on the maintenance of safe and healthful conditions:** The new garage would be much safer than the existing garage in terms of structural integrity.
3. **Describe the effect of the variance, if granted, on the prevention and control of water pollution:** If the new garage could be placed in the proposed location (maximum 10 foot side setback & 1 foot front setback) there would be no impact on local water pollution. If either the side setback or front setback were to be increased, then the new replacement structure would begin to encroach upon the stream that runs through the property.
4. **Describe the effect of the variance, if granted, on the location of the site with respect to floodways, floodplains, slope, and bluff lines:** There will be no impact on any of these environmental site elements if the proposed new structure can be located as requested with a maximum 10' side setback and 1' front setback.

5. **Describe the effect of the variance, if granted, on the erosion potential of the site based on degree and direction of slope, soil type, and vegetation cover:** The requested variance of a maximum 10 foot side setback and a 1 foot front setback is the ideal location on this site in terms of erosion control. If either the side setback or the front setback were to be increased, then that movement of the structure will have a progressively greater potential to negatively impact the stream flowing through the property.
6. **Describe the effect of the variance, if granted, on the potential impact on game and fish habitat:** There will be no impact on game or fish habitat if the structure could be located with a maximum 10 foot side setback and 1 foot front setback as requested.
7. **Describe the effect of the variance, if granted, on the location of the site with respect to existing or future access roads:** The proposed 1 foot front setback will increase the distance from the new garage to the street by 3 ½ feet and increase the length of the driveway by the same distance of 3 ½ feet. The existing garage encroaches the street Right of Way by 2 ½ feet, whereas the proposed relocation removes the garage completely out of the street Right of Way.
8. **Describe the effect of the variance, if granted, on the amount of wastes to be generated and the adequacy of the proposed disposal systems:** The proposed new garage has no plumbing systems of any kind and therefore has no impact on any waste disposal system, present or future.
9. **Describe the effect of the variance, if granted, on the anticipated demand for police, fire, medical, and school services and facilities:** The proposed new garage does not increase the demand for any of these community services.
10. **Describe the effect of the variance, if granted, on the compatibility of the proposed development with uses on adjacent land:** The proposed new garage simply replaces the existing deteriorating garage that has far outlived its usefulness with a new garage that is structurally safer, functionally more useful, and aesthetically much more pleasing.

In summary, we propose to relocate the proposed new garage as follows:

- 3 feet to the east to cure the encroachment on the street Right of Way
- 10 feet maximum to the north to achieve a balance between the neighbor's request while still maintaining the environmental integrity of the natural stream that runs through the property

Any further movement of the proposed new garage to satisfy existing city codes would be counterintuitive and in direct opposition to the Haake's strong desire to preserve the environmental and aesthetic elements of their site. In addition, any further movement of the structure to the north or to the east would result in the destruction of several old growth trees which the Haake's wish to preserve on their property.

Please advise if there is anything that APEX Construction Management can do to accelerate the variance process. We always strive to deliver premium level of service to our clients in order to create a great experience for them during the course of their project.

Respectfully yours,

John A. Biancini, President & CEO  
 APEX Construction Management, LLC.

Cc: Dawn & Bret Haake

**John Biancini**

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**From:** Dale Hebeisen <dhebeisen@hultmn.com>  
**Sent:** Thursday, June 04, 2015 5:42 PM  
**To:** jb@apexdesignbuild.com  
**Subject:** Haake prop in Marine

Hi John This is a follow up to our meeting at the Haake property in Marine on 6/4/15.

To whom it may concern On 6/4/15 I visited the Haake property at 331 2nd St. Marine and found most of the survey monuments that I set in 1981. I also found that the shed and garage are still in the same location as shown on our certificate of survey dated 4/9/81. Our drawing lacks some distances from the property lines to the garage. The garage is 5 feet north of the south property line and said garage encroaches onto the street right of way 2.5 feet. I hope this is helpful.

Dale F. Hebeisen, PLS  
Hult & Hebeisen, P.A.  
Surveyors, Engineers, & Wetland Specialists PO Box 37 Forest Lake, MN. 55025  
651-464-3130  
1-844-272-0210 fax  
[dhebeisen@hultmn.com](mailto:dhebeisen@hultmn.com)  
[www.hultmn.com](http://www.hultmn.com)

Property ID #  
 06.031.19.31.0025  
 331 Second St

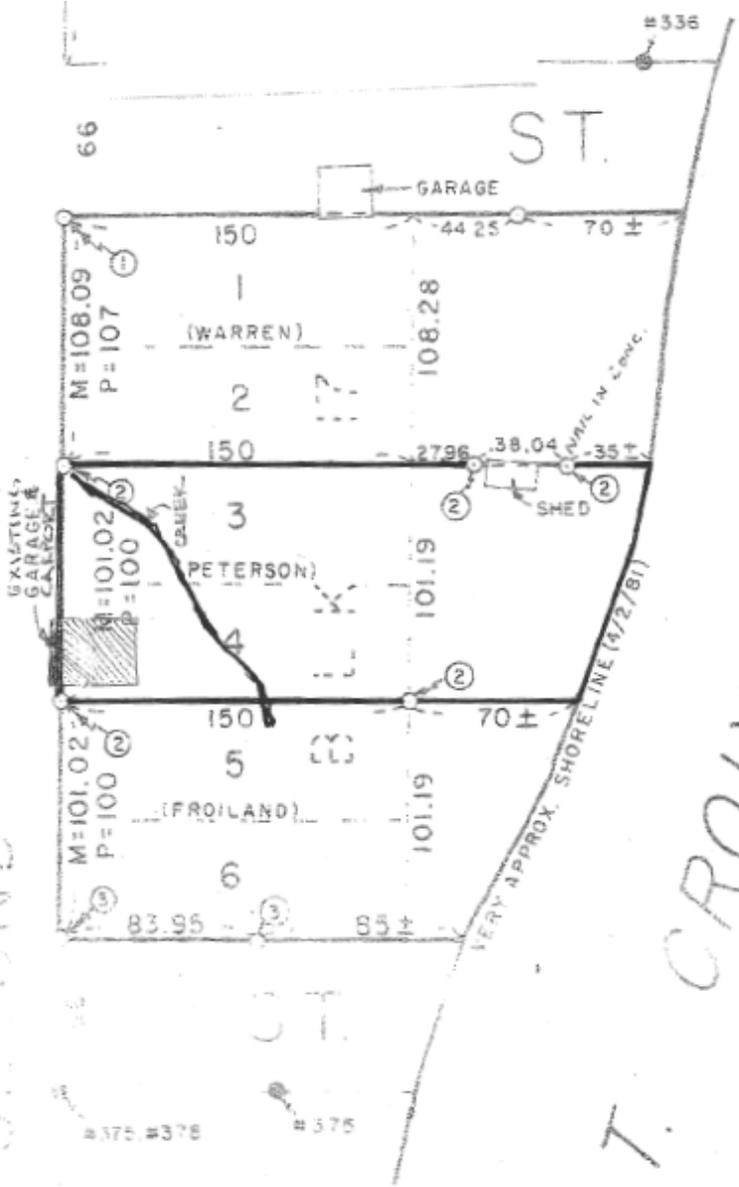
23  
 24  
 27  
 28

- DENC
- DENI
- M DEN
- P DEN

HANKS SITE PLAN - EXISTING

SECOND

S



T. CROIX RIVER







**Client**  
Bret Haake

**Project**  
Site Survey

**Location**  
Marine, Mn

**Certification**  
I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Surveyor for the State of Minnesota.

*Dale F. Hebeisen*  
Dale F. Hebeisen  
Registration No. 13590 Date: 6/23/2015

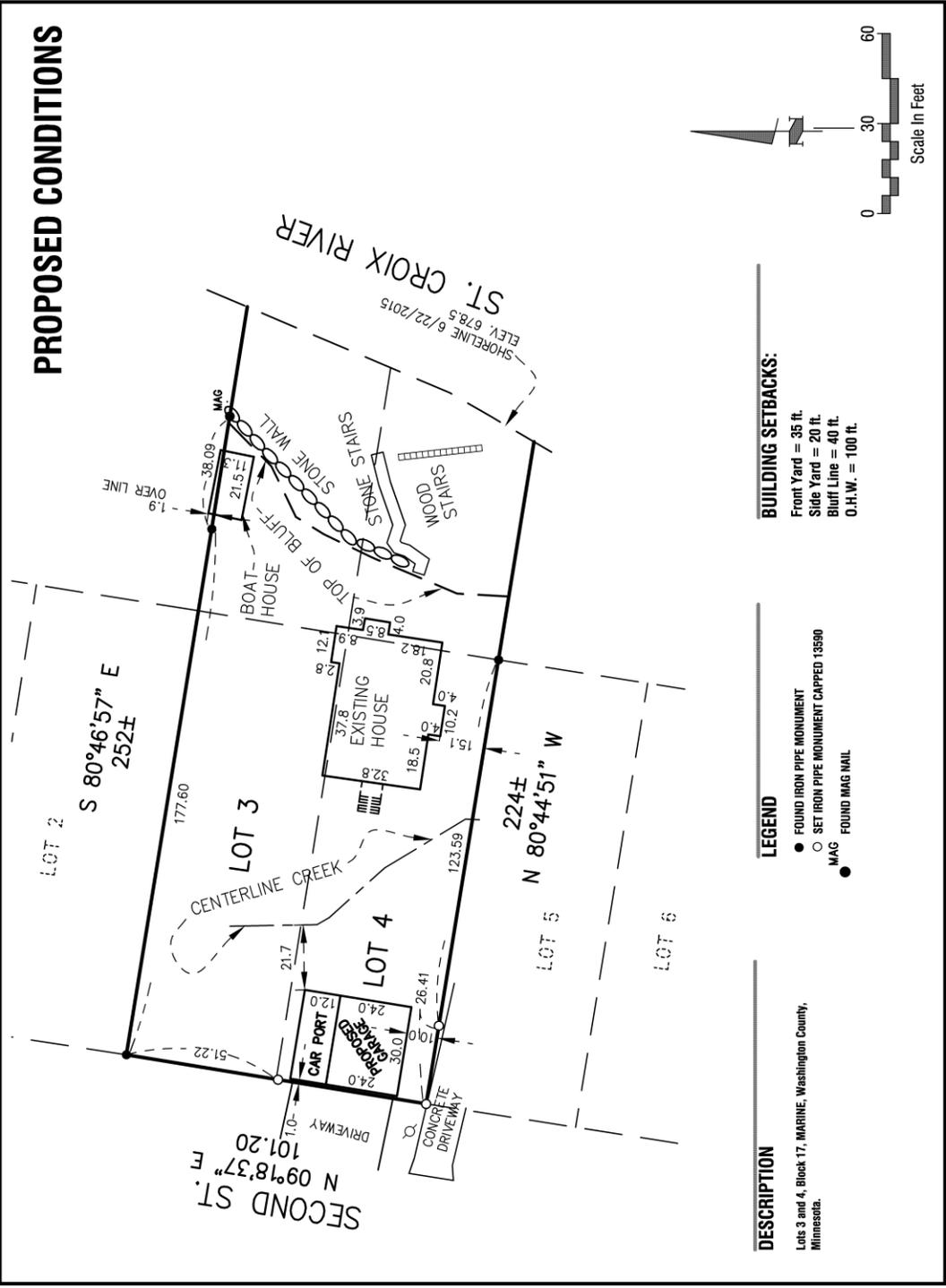
**Summary**  
Approved: DFH Drawn: SLD

**Revision History**  
No. Date By Submittal / Revision

**Sheet Title**  
Certificate of  
Survey  
Sheet Number Revision

**Project No.** 15110

**PROPOSED CONDITIONS**



**BUILDING SETBACKS:**

- Front Yard = 35 ft.
- Side Yard = 20 ft.
- Bluff Line = 40 ft.
- O.H.W. = 100 ft.

**LEGEND**

- FOUND IRON PIPE MONUMENT
- SET IRON PIPE MONUMENT CAPPED 13590
- MAG FOUND MAG NAIL

**DESCRIPTION**

Lots 3 and 4, Block 17, Marine, Washington County, Minnesota.