

ADMINISTRATIVE DEVIATION APPLICATION AND REVIEW PROCESS

Overview: Administrative deviations are intended to encourage owners of residential properties in LDR-1 or LDR-2 Districts to modernize and improve their properties while maintaining the overall character of the community. This is accomplished by allowing limited encroachments into certain required building and driveway setbacks and/or limited increases in fence height. Applications will be reviewed by City staff and discussed in an administrative hearing following the process described below.

| Example | Timeline | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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| <p>Applications are due 10 days prior to the date of the administrative hearing.</p> <p>The administrative hearing will be held by the DRC on a Thursday.</p> <p>The 10-day appeal period following the hearing expires two Mondays later.</p> | <p style="text-align: center;">EXAMPLE MONTH</p> <table border="1" style="width: 100%; border-collapse: collapse; text-align: center;"> <thead> <tr> <th>Su</th> <th>M</th> <th>Tu</th> <th>W</th> <th>Th</th> <th>F</th> <th>Sa</th> </tr> </thead> <tbody> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td></td> <td style="text-align: center;">○</td> <td></td> <td></td> <td style="text-align: center;">▶</td> <td style="text-align: center;">○</td> <td></td> </tr> <tr> <td></td> <td></td> <td style="text-align: center;">▶</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td></td> <td style="text-align: center;">○</td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </tbody> </table> | Su | M | Tu | W | Th | F | Sa | | | | | | | | | ○ | | | ▶ | ○ | | | | ▶ | | | | | | ○ | | | | | |
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Application Deadline: Applications must be received at least 10 days prior to the administrative hearing date. The review and appeal process takes between 2 and 3 weeks.

Submission Requirements: The attached application form must be completed and submitted with all requested materials. Failure to submit all application materials may prolong the review process.

Review of Applications: If an application is determined to be incomplete, the applicant will be informed of which materials are needed for the application to be considered complete. A letter in response to a complete application will detail the schedule for the review and approval process.

Notice of Administrative Hearing: An Administrative deviation is a deviation from standard Code requirements, and so requires a hearing. Adjacent property owners will receive written notice of the administrative hearing at least 5 days prior to the hearing date; these notices are prepared and mailed by the City of Roseville. A brief conversation with the neighbors is encouraged in order to address neighbors' questions and concerns prior to the administrative hearing.

Administrative Deviation Hearing: The applicant is not required to attend the administrative hearing, although by attending the applicant may respond to questions from the Administrative Deviation Committee (ADC) and/or members of the public. At the conclusion of the hearing, the ADC will make a recommendation of approval or denial and forward that recommendation, along with any recommended conditions, to the Community Development Director. After considering any public input and the recommendation of the ADC, the Community Development Department will approve or deny an administrative deviation application.

Appeals: The applicant or another property owner may appeal the decision to the City Manager within 10 days of the date of the decision. If an appeal is received within the allotted time, the decision will be reviewed by the City Council acting as the Board of Adjustments and Appeals.

If no appeal is filed, the Building Official may then issue any required building, driveway, and/or fence permit(s) subject to review and approval of the permit application(s). If Community Development staff receives letters, phone calls, or emails in support of the administrative deviation application *from each of the property owners who were notified of the hearing*, the required 10-day appeal period may be eliminated; if the administrative deviation is approved, permits may be issued immediately.

Categories: The different categories of administrative deviations (i.e., building setback, driveway setback, and fence height) are described below:

1. Building Setback Deviation:

- a. A building setback deviation may not be allowed for a principal building (i.e., a house) less than 20 years old. Age of a principal building is calculated by subtracting the year in which the building was constructed from the year of application for administrative deviation. Building setback deviations may, however, be considered for newer houses which cannot be practically used by mobility-impaired occupants.
- b. A building setback deviation may not allow principal building setbacks of less than 24 feet from front or rear property lines.
- c. A building setback deviation may not allow a principal building setback of less than 3 feet from an interior side property line.
- d. A building setback deviation may allow principal buildings to extend toward a reverse-corner side property line as far as 70 feet from the opposite, interior side property line, provided that the reverse-corner side setback may not be less than 15 feet. A building setback deviation from a reverse-corner side property line may not be allowed on parcels created/subdivided after January 1, 2011.
- e. A building setback deviation may not allow an accessory building to be closer than 3 feet to a rear or interior side property line nor closer to a reverse-corner side property line than the principal building.

The following factors will be considered prior to recommending approval or denial of a structure setback deviation; please address these factors in a written narrative submitted with the attached application:

- a. The affect of the proposed project on the functional use of the property;
- b. The affect of the proposed project on the enclosed storage on the property;
- c. The propensity of the proposed project to create or exacerbate a drainage problem;
- d. Whether the proposed building mass would be consistent with that on contiguous properties;
- e. The proper scaling and integration of a new roof with the existing roof of the principal building on the property;
- f. The affect of the proposed project on the aesthetic quality of the property;
- g. Whether the existing garage space on the property accommodates more than one vehicle; and
- h. Whether the proposed project places more vehicles adjacent to first floor bedrooms on contiguous properties.

2. Driveway Setback Deviation: A driveway setback deviation is a reduction of the required interior side yard setback for driveways and parking/turnaround areas.

- i. A driveway setback deviation may not allow encroachments into the required setback of a driveway at the property line from corner side property lines established in Chapter 703 of the Code.
- j. A driveway setback deviation may not allow a driveway or parking/turnaround area setback less than 2 feet from an interior side property line.
- k. A driveway setback deviation may not allow a driveway or parking/turnaround area setback less than 10 feet from a corner side property line.

The following factors will be considered prior to recommending approval or denial of a driveway setback deviation; please address these factors in a written narrative submitted with the attached application:

- a. The intended use of the proposed driveway or driveway expansion;
- b. The proximity of the proposed driveway to bedrooms on adjacent properties;
- c. The potential for the proposed driveway to cause storm water problems on adjacent properties;
- d. The aesthetic impact of the proposed driveway; and
- e. The incorporation of landscaping and/or fencing to screen the proposed driveway from adjacent properties.

3. Fence Height Deviation: A fence height deviation is an increase of the required fence height limit to allow for better screening and/or noise reduction adjacent to highway rights-of-way, busy commercial areas, or other unusual properties. A fence height deviation may not allow fences in excess of 8 feet in height.

The unique circumstances surrounding an applicant's property will be considered prior to recommending approval or denial of a fence height deviation; please address these circumstances in a written narrative submitted with the attached application.

Please keep this sheet for your reference after you have submitted the attached application.



COMMUNITY DEVELOPMENT

2660 Civic Center Drive ❖ Roseville, MN 55113

Phone: (651) 792-7005 ❖ Fax: (651) 792-7070

ADMINISTRATIVE DEVIATION APPLICATION

CITY CODE SECTION 1009.01 • WWW.CITYOFROSEVILLE.COM

☐ APPLICATION FEE: \$110

Fee should be made payable to City of Roseville upon submittal of completed application.

Please complete the application by typing or printing in ink. Use additional paper if necessary.

1. Property Owner Information:

Last name: _____ First name: _____

Address: _____ City/State/Zip: _____

Phone number: _____ Email address: _____

2. Applicant Information: (if different from above)

Company name: _____

Last name: _____ First name: _____

Address: _____ City/State/Zip: _____

Phone number: _____ Email address: _____

3. Statement of Intent: Briefly describe the project: why is an Administrative Deviation needed?

4. Additional Required Information:

a. Proposed Plans: A scaled site plan is required showing the existing and proposed building footprints, driveways, and/or fences as appropriate. Include elevation drawings showing the proposed addition or new building with building setback deviation applications.

b. Written Narrative: Address the factors that must be considered during review of Administrative Deviation applications; these factors are listed in the document attached to this application and in §1009.01 of the City Code.

5. Signature(s): By signing below, you attest that the information above and attached is true and correct to the best of your knowledge.

Property Owner: _____

Date: _____

Applicant: _____

Date: _____