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January 17, 2022

by email

City of Maple Grove
Community and Economic Development Department
Attention: Peter Vickerman
12800 Arbor Lakes Parkway
Maple Grove, MN 55369

Re: Variance Application
Our Client: Michael Ball
Property Address: 7479 Fernbrook Lane N. Maple Grove, MN 55311
Legal Description: Lot 4, Auditor's Subdivision Number 296
Our File No: 1988-21

To whom it may concern,

Michael Ball has retained our office to represent him for this Application for Variance for his property, located at 7479 Fernbrook Lane North in Maple Grove. This variance application is in relation to a water-oriented accessory structure on the property. Section 36-695 (b) (1) requires that all water-oriented accessory structures located less than 75 feet from the ordinary high-water mark shall (1) not be greater than ten feet in height; (2) shall not be greater than 100 square feet in area' and (3) shall be screened as much as practical from view of the public water, utilizing vegetation, topography and/or color treatment. *Maple Grove City Code 36-695(b)(1)*. Furthermore, the structure is required to be five (5) feet setback from the side of the property. *See Maple Grove City Code 36-695(b)(2) and 36-295(3)(b)*. Lastly, my clients property is required to have 30% or less of the lot be impervious surface, unless storm water mitigation efforts are sought and approved. *Maple Grove City Code 36-695(e)(2)(a)*. After speaking with Peter Vickerman, it is our understanding that my client is grandfathered in at 41.99% impervious surface, as that was the state of the property when he purchased it. My client seeks a variance for the following: (1) a variance allowing the height of the water-oriented accessory to be greater than 10 feet, specifically 10 feet 8 inches; (2) a variance allowing the square footage of the water-oriented accessory to be greater than 100 square feet, specifically 120 square feet; (3) a variance regarding the screening of the shed; (4) a variance allowing the water-oriented accessory to be setback less than five (5) feet from the side edge of the property line, specifically 3 feet 10 inches; and (5) a variance allowing the impervious surface to be 43.31%.

The water-oriented accessory is a shed whose purpose is to store equipment and items related to a community-wide hockey rink my client builds and maintains for the enjoyment of his neighbors in the winter. My client, of his own accord, furnishes the equipment necessary to maintain a hockey rink, and as such requires a place to store that equipment, as well as the items related to the maintenance and upkeep of a hockey rink. Furthermore, the hockey rink materials themselves also require a place to be stored. The use of the hockey rink is enjoyed by many in the community, and our client was even approached by a local news outlet to feature a story on the rink, but he politely declined.

The Height and Square Footage Variances

The height variance from 10 feet to 10 feet 8 inches and square footage variance from 100 to 120 square feet are required in this case due to the nature of what is being stored. Maintaining a hockey rink requires my client to store a UTV, ATV, and re-surfacing equipment, all of which would not fit within a water-oriented accessory structure 10 feet tall and 100 square feet. These variances are within the general purpose and intent of the code in that the variance requests are extremely minor in comparison to the benefit to the community as a whole. It is clear that the community enjoys the hockey rink that my client is able to provide, and in order to continue to do so, my client will need an area to store the equipment and items related to that hockey rink. Given the facts presented above, my client has demonstrated that the request is a direct result of a proposal by my client regarding the use of the property that is reasonable, and that use would otherwise be prohibited by the zoning code. Lastly, my client did not decide on the size of the machines and items required to maintain a hockey rink; he simply obtained the machines and tools necessary to continue to bring a much anticipated, thoroughly enjoyed winter attraction for the neighborhood. For these reasons, my client requests a variance be issued allowing the water-oriented accessory structure to be 10 feet 8 inches tall and 120 square feet.

The Screening Variance

The water-oriented accessory needs to be oriented in such a way that screening it from view of the public water would be burdensome and unpractical. My client's lot is narrow to begin with, only approximately 50 feet wide. Due to the size of the equipment needed to maintain and build the ice hockey rink for the community every winter, the water-oriented structure is placed to have its doors open toward the waterfront, making planting shrubs or trees impossible. My client would propose the following steps to screen the water-oriented structure as much as practical:

- (1) Paint his home, currently a white stucco, the same color as the structure, which is a light grey. This will allow the structure to blend into his home when viewed from the public water;
- (2) Place 24-inch boulders around the shed to hide the 4x6's serving as the foundation of the water-oriented structure. This will help blend the structure into the landscape of his yard, while still allowing drainage. This will also match the boulder sandy beach and double tiered boulder wall on my client's property; and

- (3) Plant perennial flowers around the structure. Again, this will help blend the structure into the already existing landscape of my client's yard. The flowers will match the perennial flowers already in the double tier boulder wall.

Since it is currently winter, my client would request a variance from to allow the above steps to satisfy the screening requirement, as well as allow him to implement the above changes in the spring and summer of 2022.

The Setback Variance

The setback variance from 5 feet to 3 feet 10 inches is required because the plot of land my client owns is unique as defined by the Maple Grove code. See *Maple Grove City Code 36-121(a)(2)(c) and 36-121(a)(3)*. Specifically, this particular plot is narrow, only about 50 feet wide, and that narrowness has been existing and of record since prior to September 30, 1976. See *Maple Grove City Code 36-121(a)(3)(1)*. In fact, the specific plat addition is on record as early as 1939. My client received the property from his mother, who bought it from a family friend in October 1976, per property tax records. Given the narrowness of my client's lot to begin with, enforcement of the 5-foot setback would require the shed be built practically in the middle of his back yard. Furthermore, it appears that many other properties near my client's lot have either already received variance, or have not had the City of Maple Grove seek enforcement of the 5 foot setback against them, as many of them, including his next door neighbor, have water-oriented accessory structures or sheds within 5 feet of their side property lines. Therefore, my client requests a variance allowing the water-oriented accessory to be setback 3 feet 10 inches from the side of the property.

The Impervious Surface Variance

The impervious surface increase variance, from 41.99% to 43.31%, is required for many of the reasons stated above. Additionally, my client did lengthy research on how to best provide a stable structure while also allowing for suitable drainage. What he discovered was that a gravel base will allow drainage benefits greater than simply a concrete slab, but it will also raise the wooden structure off the grass, preventing potential rot and decay of the structure itself. The impervious surface increase sought is just over 1%, and based off the mitigation already sought by my client, we respectfully request a variance for the impervious surface. Of note, we are currently working with Peter Vickerman with the City to attempt to work out a storm water mitigation to satisfy the code requirement. See *Maple Grove City Code 36-695(e)(2)(a)*. Should we be able to reach an agreement on a mitigation plan, this variance would likely be rendered moot.

Yours very truly,



Robert Kouba

cc: Michael Ball