

## CITY OF MINNETRISTA



### CITY COUNCIL CONSENT AGENDA ITEM

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**Subject:** Application from Christopher Hagen for a front yard setback variance and a lakeshore setback variance at 3275 County Road 44.

**Prepared By:** Nickolas Olson, Senior City Planner  
**Through:** David Abel, Community Development Director

**Meeting Date:** October 6, 2025

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**Overview:** Christopher Hagen (the “Applicant”) has made a request for a front yard setback variance to reduce the required setback from 35 feet to 16.5 feet and a lakeshore setback variance to reduce the required setback from 75 feet to 30.7 feet for the construction of a new single-family home at 3275 County Road 44; R-1 – Low-Density Single-Family Residence Zoning District; PID# 26-117-24-22-0006 (the “Property”).

**Background:** The Applicant contacted the City regarding their desire to construct a new single-family home on their Property in generally the same location as the existing home and detached garage. However, the existing structures are non-conforming with respect to the lakeshore and front yard (streetside) setback requirements. Given the unique configuration of the Property, developing it with a reasonable home in a conforming matter is difficult. As such, the Applicant assumed a variance would be required and have appropriately applied for said variance and the application materials have been attached for the City Council to review. The City Council should consider the standard variance criteria when reviewing the request and making a motion.

**Variance Request:** City Code Section 505.05 Subd. 9 allows the City to issue variances from the provisions of the zoning code. A variance is a modification or variation of the provisions of the zoning code as applied to a specific piece of. A variance is only permitted when:

- a. **The variance is in harmony with the general purposes and intent of this ordinance.**

Section 505.03 Subd. 1 outlines the specific purpose and intent of the City’s zoning ordinance. One of those purpose and intent is to protect the general health and safety of the inhabitants of the City. This is accomplished through the promotion of proper use of land and structures with reasonable standards to which buildings, structures, and land will conform to for the benefit of all.

The proposed new single-family home is a proper use of R-1 Low-Density Single-Family Residence zoned property. The proposed new home location is generally

#### **Mission Statement:**

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the same as the existing home that will be removed, which maintains similar setbacks from the roadway and lakeshore. Given that the existing home has been there for decades, these standards seem reasonable given the unique characteristics of the Property.

**b. The variance is consistent with the comprehensive plan.**

The basic intent of the comprehensive planning process is to provide a well-founded and coordinated decision-making framework to guide both public and private development and community improvements. In this regard, the comprehensive plan represents the development framework to guide and direct future land development decisions within the City. The Land Use Plan is a narrative and graphic representation of the community's land use and growth management goals and policies that provides the background and rationale for land use designations as represented on the Proposed Land Use Map.

The Property is guided for long term Residential Low land use in the 2040 Minnetrista Comprehensive Plan. The requested variance would allow for a new single-family home, which is a use consistent with the long-term plan for the Property. In addition to simply complying with the Proposed Land Use Map, the proposed new home is in generally the same location as the existing structures, which minimizes the impact on the lakeshore and adjacent roadways.

A variance may be granted when the applicant establishes there are practical difficulties in complying with this ordinance. Practical difficulties, as used in connection with granting a variance, means:

**1. The property owner proposes to use the property in a reasonable manner not permitted by this ordinance.**

This factor means that the landowner would like to use the property in a particular reasonable way, but cannot do so under the rules of the ordinance. It does not mean that the land cannot be put to any reasonable use whatsoever without the variance.

The Applicant is proposing to build a new single-family home on the Property which already contains an older single-family home. The old home will be demolished, and the new home will be located in generally the same area as the old home. With the location, the proposal maintains similar setbacks to the existing home. The proposal represents a reasonable use of the Property.

**2. The plight of the landowner is due to circumstances unique to the property not created by the landowner.**

The uniqueness generally relates to the physical characteristics of the particular piece of property, that is, to the land and not personal characteristics or preferences of the landowner. When considering the variance for a building to encroach or intrude into a setback, the focus of this factor is whether there is anything physically unique about the particular piece of property.

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The Property is unique in that it has lakeshore on three sides. It is because of this fact that, when the lakeshore setback requirement is applied, the building pad of the Property is virtually not existent. This circumstance was not created by the landowner and prevents the Applicant from developing the Property reasonably without a variance.

**3. The variance would not alter the essential character of the locality.**

Under this factor, consider whether the resulting structure will be out of scale, out of place, or otherwise inconsistent with the surrounding area.

The Property is uniquely situated on a channel that connects Halstead Bay and Priests Bay on Lake Minnetonka and does not have any direct neighbors on its side of the road. When looking at the homes across County Road 44, similar setbacks from the road and/or lakeshore are observed. It is because of these factors that the proposed variances will not alter the character of the neighborhood.

**Neighborhood Comments:** Notices were sent out to all property owners within 500 feet of the subject property. To date, staff has not received any written comment or spoke to anyone regarding the request as a result of sending the public notice.

**Planning Commission Recommendation:** The Applicant's request was presented to the Planning Commission at their September 22, 2025 meeting. At that meeting, the Planning Commission held the required public hearing. There was no one present other than the Applicant to speak. The Planning Commission closed the hearing having heard no testimony. After considering the entire record before them, the Planning Commission made a motion to recommend the City Council approve the requested front and lakeshore setback variances at 3275 County Road 44 based on certain findings of fact and subject to conditions. Motion passed 5-0. Absent: Livermore, Gangestad, Rognli, and Gehring.

**Conclusion:** The City Council should review the staff report and recommendation of the Planning Commission. After review, the City Council should consider the entire record before it prior to making a motion. Along with making a motion, findings of fact should be established which support the motion. Findings of fact based on the information submitted by the Applicant may be as follows:

1. The requested variance is in harmony with the purpose and intent of the City's zoning ordinances because the proposed new single-family home is a proper use of R-1 Low-Density Single-Family Residence zoned property. The proposed new home location is generally the same as the existing home that will be removed, which maintains similar setbacks from the roadway and lakeshore. Given that the existing home has been there for decades, these standards seem reasonable given the unique characteristics of the Property;
2. The requested variance is consistent with the City's comprehensive plan because the Property is guided for long term Residential Low land use in the 2040 Minnetrista Comprehensive Plan. The requested variance would allow for a new single-family home, which is a use consistent with the long-term plan for the Property. In addition to simply complying with the Proposed Land Use Map, the

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- proposed new home is in generally the same location as the existing structures, which minimizes the impact on the lakeshore and adjacent roadways;
3. The Applicant proposes to use the Property in a reasonable manner because the Applicant is proposing to build a new single-family home on the Property which already contains an older single-family home. The old home will be demolished, and the new home will be located in generally the same area as the old home. With the location, the proposal maintains similar setbacks to the existing home. The proposal represents a reasonable use of the Property;
  4. The requested variance is the result of unique circumstances not created by the landowner because the Property is unique in that it has lakeshore on three sides. It is because of this fact that, when the lakeshore setback requirement is applied, the building pad of the Property is virtually not existent. This circumstance was not created by the landowner and prevents the Applicant from developing the Property reasonably without a variance; and
  5. The requested variance will not alter the character of the locality because the Property is uniquely situated on a channel that connects Halstead Bay and Priests Bay on Lake Minnetonka and does not have any direct neighbors on its side of the road. When looking at the homes across County Road 44, similar setbacks from the road and/or lakeshore are observed. It is because of these factors that the proposed variances will not alter the character of the neighborhood.

**Recommended Action:** Motion to adopt a resolution approving the requested front yard and lakeshore setback variances at 3275 County Road 44 based on certain findings of fact outlined in the staff report and subject to the following conditions:

1. Any required grading shall maintain existing drainage patterns or improve the existing drainage of the lot and adjacent lots;
2. The Applicant shall obtain all necessary permits and approvals from the City and other applicable entities with jurisdiction over the Property prior to any construction;
3. The Applicant is responsible for all fees incurred by the City in review of this application; and
4. The variance approval is valid for one year from the date of approval and will become void and expire unless a building permit has been issued for the site.

**Attachments:**

1. Location Map
2. Applicant's Narrative
3. Proposed Survey
4. Proposed Plans
5. Res. No. 83-25 Approving Front Yard and Lakeshore Setback Variances at 3275 County Road 44





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3275 County Road 44



-  City Boundary
-  City Mask
-  Address Labels
-  Parcels

1 in = 100 Ft





- A. Owners: Chris and Molly Hagen
- B. 3275 County Rd 44 Minnetrista, MN 55364 PID:2611724220006. Tract E, Registered land survey NO. 145, except road, Hennepin County, Minnesota. .8 Acres, 35,473 sq.ft. Homestead, Residential
- C. Section 505.15 subd. 2, Lot area, width, coverage, setbacks, height standards.
- D. We are requesting a variance from the front yard setback of a principal structure from 35ft to 16.5ft and the lakeshore setback of 75ft to 30.7ft
- E. We have discussed our plans with Nicholas Olson regarding the uniqueness of our lot and situation and trying to fit a new home as best as possible to our family's needs and trying to be consistent with what is already there and practical to the neighborhood.
- F. Our proposal is in harmony with the intent of the city code in that we would like to build a new home that fits our needs while being conscientious to adjoining properties and is consistent with the comprehensive plan as residential.
- G. Our lot is unique as we do not have any direct neighbors touching our property lines. Our intent is to build a new home for our family. Due to the shape of the lot it is difficult to place a new home within the required setbacks. If the variance is granted it would be in line with other homes near ours and would not change the character of the surrounding area.
- H. We purchased our property almost 8 years ago and we enjoy the community and look forward to building our forever home here.
- I. The granting of our request will not adversely affect the health or safety of others as it is consistent with what has been there for many years. The granting of the variance will not affect adjacent properties as it is surrounded by water and the public street. It will remain residential for our family so a variance will not increase any congestion on public streets or endanger the public's safety. The home is fitting to the area and will not impair values.

LEGAL DESCRIPTION:  
Tract E, REGISTERED LAND SURVEY NO. 145, except road, Hennepin County, Minnesota.

SCOPE OF WORK & LIMITATIONS:

- Showing the length and direction of boundary lines of the legal description listed above. The scope of our services does not include determining what you own, which is a legal matter. Please check the legal description with your records or consult with competent legal counsel, if necessary, to make sure that it is correct and that any matters of record, such as easements, that you wish to be included on the survey have been shown.
- Showing the location of observed existing improvements we deem necessary for the survey.
- Setting survey markers or verifying existing survey markers to establish the corners of the property.
- This survey has been completed without the benefit of a current title commitment. There may be existing easements or other encumbrances that would be revealed by a current title commitment. Therefore, this survey does not purport to show any easements or encumbrances other than the ones shown hereon.
- Note that all building dimensions and building tie dimensions to the property lines, are taken from the siding and or stucco of the building.
- Showing and tabulating impervious surface coverage of the lot for your review and for the review of such governmental agencies that may have jurisdiction over these requirements to verify they are correctly shown before proceeding with any planning for this site.
- Showing elevations on the site at selected locations to give some indication of the topography of the site. We have also provided a benchmark for your use in determining elevations for construction on this site. The elevations shown relate only to the benchmark provided on this survey. Use that benchmark and check at least one other feature shown on the survey when determining other elevations for use on this site or before beginning construction.
- While we show a proposed location for this home or addition, we are not as familiar with your proposed plans as you, your architect, or the builder are. Review our proposed location of the improvements and proposed yard grades carefully to verify that they match your plans before construction begins. Also, we are not as familiar with local codes and minimum requirements as the local building and zoning officials in this community are. Be sure to show this survey to said officials, or any other officials that may have jurisdiction over the proposed improvements and obtain their approvals before beginning construction or planning improvements to the property.

STANDARD SYMBOLS & CONVENTIONS:

"●" Denotes iron survey marker, set, unless otherwise noted.

Advance  
Surveying & Engineering, Co.

18202 Minnetonka Boulevard, Suite 401  
Deephaven, Minnesota 55391  
Phone (952) 474-7964  
Web: www.advsur.com

I HEREBY CERTIFY THAT THIS PLAN, SURVEY OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY REGISTERED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.

Thomas M. Bloom

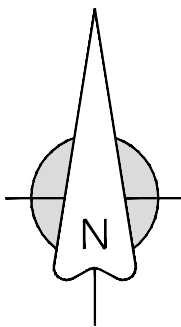
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LICENSE NO.

AUGUST 14, 2025

DATE:

DRAWING ORIENTATION & SCALE



SCALE - 1" = 20'



CLIENT NAME / JOB ADDRESS

CHRIS  
HAGEN

3275 COUNTY  
ROAD NO. 44  
MINNETRISTA,  
MN

LEGEND

- CATCH BASIN
- GAS METER
- FIRE HYDRANT
- POWER POLE
- MANHOLE
- TELEPHONE PED.
- ELEC. TRANSFORMER
- WELL
- GATE VALVE
- LIGHT POLE
- FENCE LINE
- SANITARY SEWER LINE
- WATER LINE
- GAS LINE
- STORM DRAIN LINE
- OVERHEAD UTILITY LINE
- EXISTING CONTOUR
- EXISTING SPOT ELEVATION
- PROPOSED CONTOUR
- PROPOSED SPOT ELEVATION
- DRAINAGE ARROW
- PROPOSED SILT FENCE
- CONCRETE SURFACE
- BITUMINOUS SURFACE

DATE	REVISION	DESCRIPTION

DATE SURVEYED: MAY 20, 2025

DATE DRAFTED: AUGUST 14, 2025

SHEET TITLE

PROPOSED SURVEY

DRAWING NUMBER

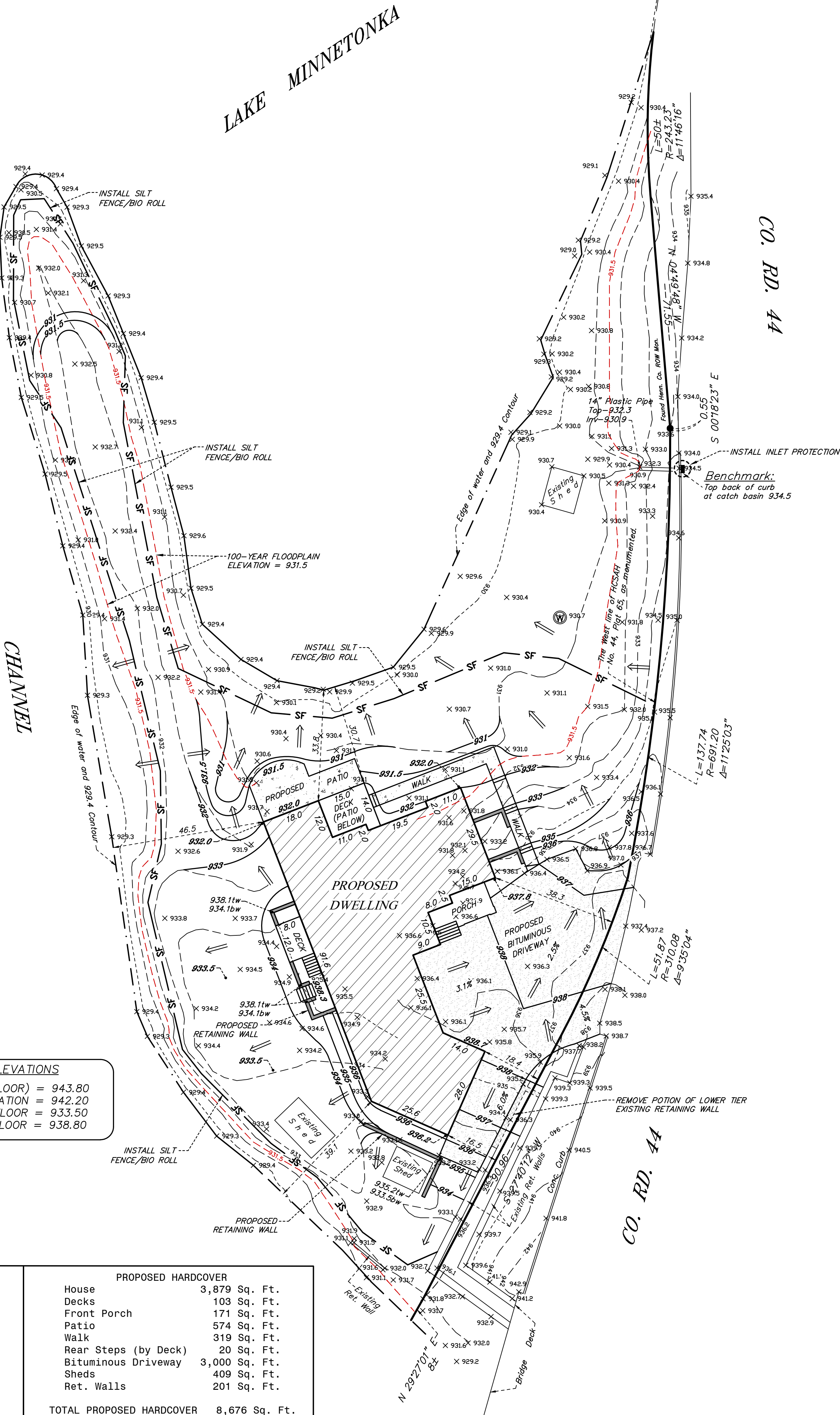
251293 JR

SHEET SIZE 22 X 34

SHEET NUMBER

S1

SHEET 1 OF 2



PROPOSED ELEVATIONS  
FIRST FLOOR (SUB-FLOOR) = 943.80  
TOP OF FOUNDATION = 942.20  
BASEMENT FLOOR = 933.50  
GARAGE FLOOR = 938.80

EXISTING HARDCOVER	PROPOSED HARDCOVER
House 1,537 Sq. Ft.	House 3,879 Sq. Ft.
Existing Decks 726 Sq. Ft.	Decks 103 Sq. Ft.
Bituminous Driveway 3,180 Sq. Ft.	Front Porch 171 Sq. Ft.
Garage 739 Sq. Ft.	Patio 574 Sq. Ft.
Concrete Surfaces 84 Sq. Ft.	Walk 319 Sq. Ft.
Stone Areas 1,222 Sq. Ft.	Rear Steps (by Deck) 20 Sq. Ft.
Porch 78 Sq. Ft.	Bituminous Driveway 3,000 Sq. Ft.
Sheds 409 Sq. Ft.	Sheds 409 Sq. Ft.
Ret. Walls 176 Sq. Ft.	Ret. Walls 201 Sq. Ft.
TOTAL EXISTING HARDCOVER 8,150 Sq. Ft.	TOTAL PROPOSED HARDCOVER 8,676 Sq. Ft.
AREA OF LOT TO OHW 35,473 Sq. Ft.	AREA OF LOT TO OHW 35,473 Sq. Ft.
PERCENTAGE OF HARDCOVER TO LOT 23.0%	PERCENTAGE OF HARDCOVER TO LOT 24.4%





(ROADSIDE)  
EAST ELEVATION

SCALE: 1/4"=1'-0"



(LAKESIDE)  
NORTH ELEVATION

SCALE: 1/4"=1'-0"

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DRN	TYPE	DATE
SB	PRIM	07/15/25
SB	REV	07/30/25
SB	REV	08/11/25

MAETZOLD HOMES	
HAGEN	

AUTUMN DESIGN	
of Minnesota, Inc. (763) 614-4760	

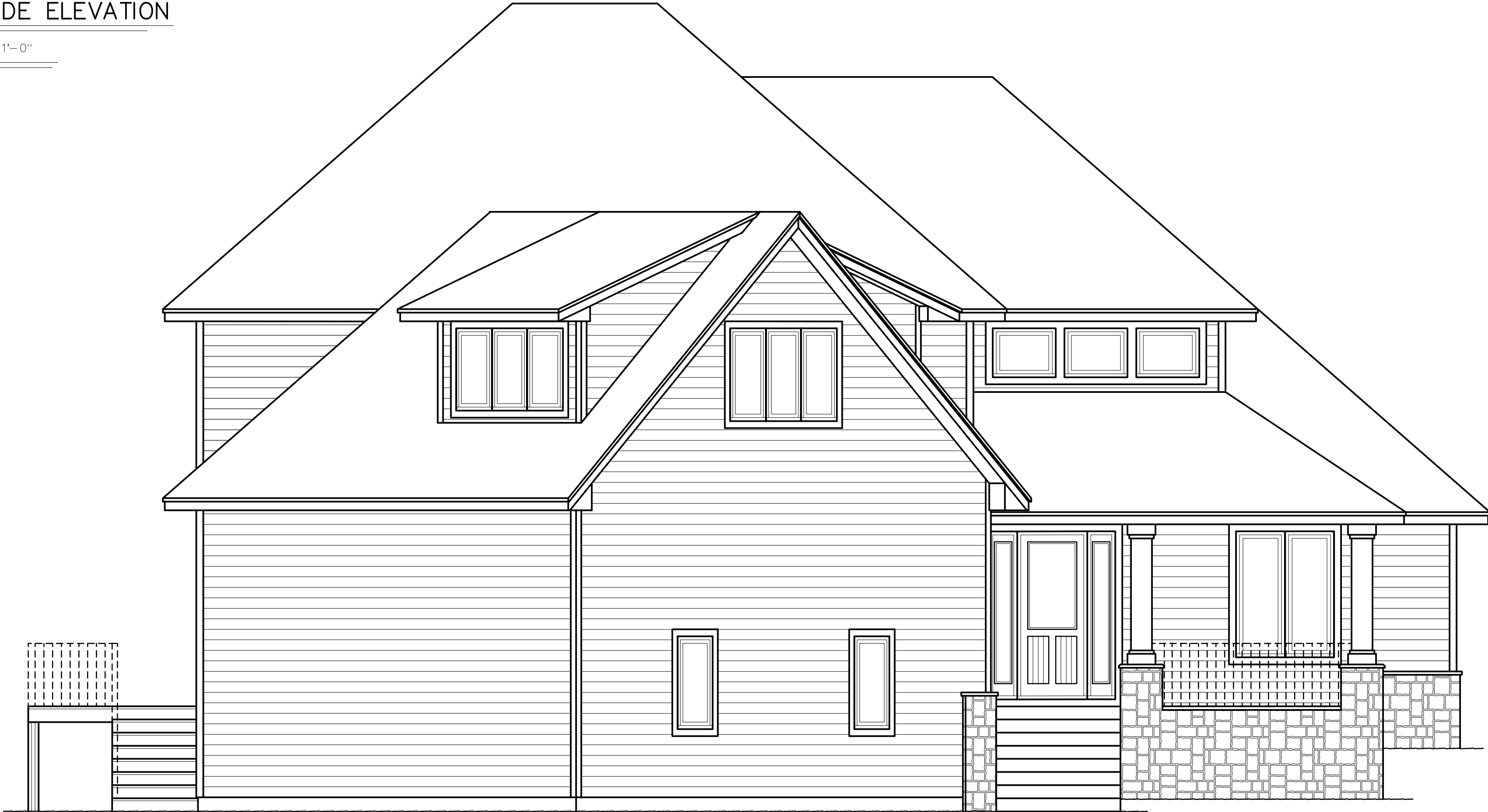
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LEFT SIDE ELEVATION

SCALE: 1/4"=1'-0"



FRONT ELEVATION

SCALE: 1/4"=1'-0"

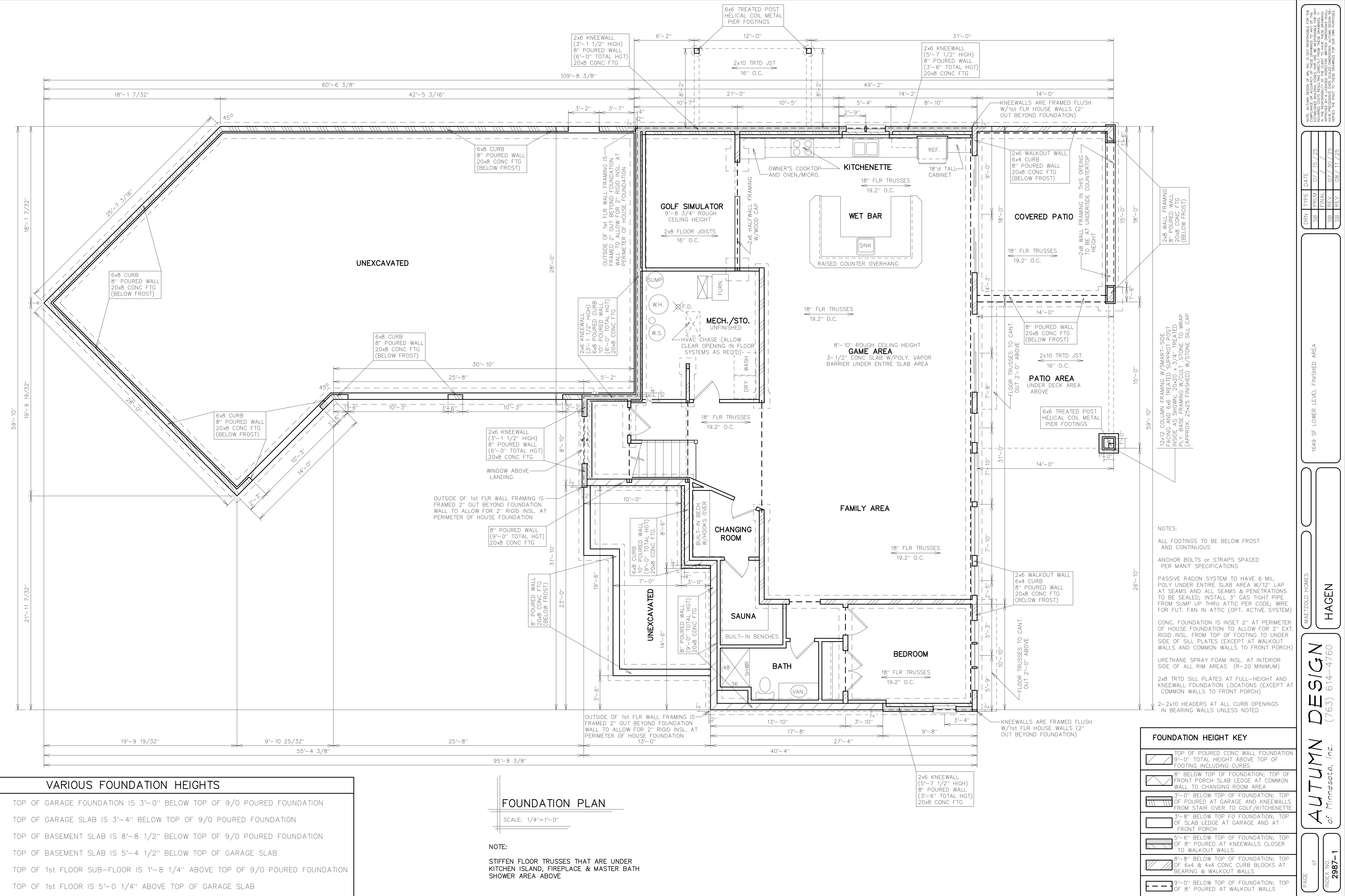
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DRN	TYPE	DATE
SB	PRIM	07 / 15 / 25
SB	REV	07 / 30 / 25
SB	REV	08 / 11 / 25

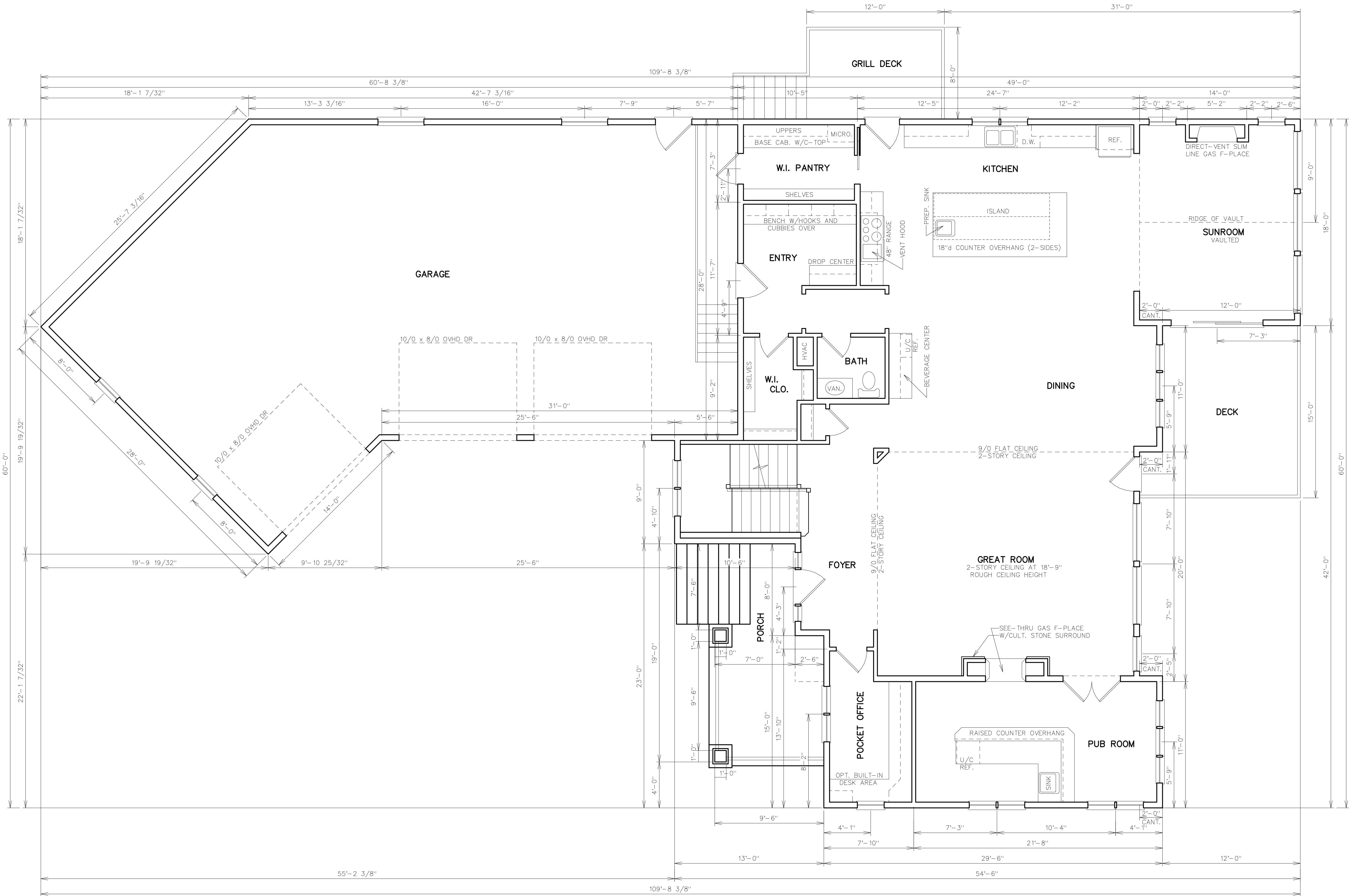
MAETZOLD HOMES
HAGEN

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FIRST FLOOR PLAN

SCALE: 1/4"=1'-0"

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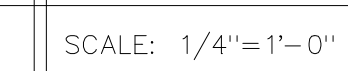
DRN	TYPE	DATE
SB	PRLM	07 / 15 / 25
SB	FINAL	07 / 30 / 25
SB	REV.	08 / 11 / 25

2297 SF 1st FLOOR LIVING AREA
1689 SF 2nd FLOOR LIVING AREA
575 SF BONUS ROOM AREA
4561 SF TOTAL LIVING AREA (1st & 2nd FLOORS)

MAETZOLD HOMES
HAGEN

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## **RESOLUTION NO. 83-25**

### **CITY OF MINNETRISTA**

#### **RESOLUTION APPROVING FRONT YARD AND LAKESHORE SETBACK VARIANCES FOR CHRISTOPHER HAGEN FOR THE CONSTRUCTION OF A NEW SINGLE-FAMILY HOME AT 3275 COUNTY ROAD 44**

WHEREAS, the City of Minnetrista (the “City”) is a municipal corporation, organized and existing under the laws of the State of Minnesota; and

WHEREAS, the City Council of the City of Minnetrista has adopted zoning and subdivision regulations, per Chapter 5 of the Municipal Code, to promote the orderly, economic and safe development and utilization of land within the city; and

WHEREAS, Christopher Hagen (the “Applicant”) has made an application for a front yard setback variance to reduce the required setback from 35 feet to 16.5 feet and a lakeshore setback variance to reduce the required setback from 75 feet to 30.7 feet for the construction of a new single-family home at 3275 County Road 44 (the “Property”) and which is legally described on Exhibit A attached hereto; and

WHEREAS, on September 22, 2025, the Minnetrista Planning Commission considered the requested front yard and lakeshore setback variances, held a public hearing and, after consideration of the entire record before it, voted 5-0 in favor of recommending approval of the requested setback variances; and

WHEREAS, the Minnetrista City Council has reviewed the application, as submitted, and has made the following findings of fact:

1. The requested variance is in harmony with the purpose and intent of the City’s zoning ordinances because the proposed new single-family home is a proper use of R-1 Low-Density Single-Family Residence zoned property. The proposed new home location is generally the same as the existing home that will be removed, which maintains similar setbacks from the roadway and lakeshore. Given that the existing home has been there for decades, these standards seem reasonable given the unique characteristics of the Property;
2. The requested variance is consistent with the City’s comprehensive plan because the Property is guided for long term Residential Low land use in the 2040 Minnetrista Comprehensive Plan. The requested variance would allow for a new single-family home, which is a use consistent with the long-term plan for the Property. In addition to simply complying with the Proposed Land Use Map, the proposed new home is in generally the same location as the existing structures, which minimizes the impact on the lakeshore and adjacent roadways;
3. The Applicant proposes to use the Property in a reasonable manner because the Applicant is proposing to build a new single-family home on the Property which already contains an older single-family home. The old home will be demolished, and the new home will be

located in generally the same area as the old home. With the location, the proposal maintains similar setbacks to the existing home. The proposal represents a reasonable use of the Property;

4. The requested variance is the result of unique circumstances not created by the landowner because the Property is unique in that it has lakeshore on three sides. It is because of this fact that, when the lakeshore setback requirement is applied, the building pad of the Property is virtually not existent. This circumstance was not created by the landowner and prevents the Applicant from developing the Property reasonably without a variance; and
5. The requested variance will not alter the character of the locality because the Property is uniquely situated on a channel that connects Halstead Bay and Priests Bay on Lake Minnetonka and does not have any direct neighbors on its side of the road. When looking at the homes across County Road 44, similar setbacks from the road and/or lakeshore are observed. It is because of these factors that the proposed variances will not alter the character of the neighborhood.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Minnetrista hereby approves the requested front yard and lakeshore setback variances for the construction of a new single-family home at the property generally located at 3275 County Road 44, subject to the following conditions:

1. Any required grading shall maintain existing drainage patterns or improve the existing drainage of the lot and adjacent lots;
2. The Applicant shall obtain all necessary permits and approvals from the City and other applicable entities with jurisdiction over the Property prior to any construction;
3. The Applicant is responsible for all fees incurred by the City in review of this application; and
4. The variance approval is valid for one year from the date of approval and will become void and expire unless a building permit has been issued for the site.

This resolution was adopted by the City Council of the City of Minnetrista on the 6<sup>th</sup> day of October, 2025 by a vote of \_\_\_ Ayes and \_\_\_ Nays.

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Lisa Whalen, Mayor

ATTEST:

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Ann Meyerhoff, City Clerk



## **EXHIBIT A**

### Legal Description of 3275 County Road 44:

Tract E, REGISTERED LAND SURVEY NO. 145, except road, Hennepin County, Minnesota.