

## CITY OF MINNETRISTA



### CITY COUNCIL CONSENT AGENDA ITEM

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**Subject:** Application from Brian & Patricia Cutshall for a variance from the required riparian view shed setback to allow for a second story addition at 5440 Ridgewood Cove.

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

**Meeting Date:** March 17, 2025

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**Overview:** Brian & Patricia Cutshall (the “Applicants”) have made a request for a variance from the required riparian view shed setback to allow for a second story addition at 5440 Ridgewood Cove; R-1 – Low-Density Single-Family Residence Zoning District; PID# 12-117-24-23-0034. (the “Property”). As proposed, the second story addition would be roughly 88 feet from the lakeshore.

**Background:** The Applicant purchased the Property in May of 2023. The Property contains an existing single-family home built in 1974, according to County records. The home is non-conforming with respect to the riparian view shed setback. The Applicants desire to add a second story addition to provide more living space and have worked through various options. Given the existing location of the home, the Applicants have little options to expand the existing structure. Given the non-conforming nature of the home, a variance is required for the addition as proposed and the Applicants were informed of this when discussing the plan with staff. The Applicants 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.

**Mission Statement:**

The City of Minnetrista will deliver quality services in a cost effective and innovative manner and provide opportunities for a high quality of life while protecting natural resources and maintaining a rural character.

The proposed addition maintains the residential nature of the Property, which is a proper use of land within the R-1 zoning district. The proposed addition does not extend closer to the lake or any property lines than the existing structure, which is a reasonable standard to maintain given the existing non-conforming location of the home.

**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 an addition to the existing 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 addition does not add additional hardcover, which will help prevent additional run-off towards the lake.

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 Applicants desire to add additional square footage to the existing home for entertainment, which is a reasonable request. The additional square footage will be a second story addition, so there will be no additional hardcover added with the request, which is also reasonable.

**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 existing home was built prior to the Applicants purchasing the Property and the Applicants inherited the existing non-conformity. A bulk of the existing home is already located beyond the riparian view shed line. This makes the expansion of the existing structure very challenging due to its existing location, which was not the creation of the Applicants.

**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 proposed building addition results in a modest increase in the size of the home and is located as far from the lake and close to the street as reasonably and practically as possible. The resulting home remains consistent in size and massing to the other homes in the neighborhood.

**Neighborhood Comments:** Notices were sent out to all property owners within 500 feet of the subject property. Staff did not receive any written comment regarding the request as a result of sending the public notice. The Applicants did provide a letter from their neighbor in support of the request with their application. That has been attached for the City Council to review.

**Planning Commission Recommendation:** The Planning Commission reviewed the Applicants request at their February 24, 2025 meeting and held the required public hearing. There was no one besides the Applicants and their contactor who spoke during the public hearing. After reviewing the request and hearing no comments during the public hearing, the Planning Commission made a motion to recommend the City Council approve the requested riparian view shed setback, based on certain findings of fact and subject to conditions. The motion passed unanimously.

**Conclusion:** The City Council should review the staff report and the 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 Applicants 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 addition maintains the residential nature of the Property, which is a proper use of land within the R-1 zoning district. The proposed addition does not extend closer to the lake or any property lines than the existing structure, which is a reasonable standard to maintain given the existing non-conforming location of the home;
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 an addition to the existing 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

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- Use Map, the proposed addition does not add additional hardcover, which will help prevent additional run-off towards the lake;
3. The Applicants propose to use the Property in a reasonable manner because the Applicants desire to add additional square footage to the existing home for entertainment, which is a reasonable request. The additional square footage will be a second story addition, so there will be no additional hardcover added with the request, which is also reasonable;
  4. The requested variance is the result of unique circumstances not created by the landowner because the existing home was built prior to the Applicants purchasing the Property and the Applicants inherited the existing non-conformity. A bulk of the existing home is already located beyond the riparian view shed line. This makes the expansion of the existing structure very challenging due to its existing location, which was not the creation of the Applicants.; and
  5. The requested variance will not alter the character of the locality because the proposed building addition results in a modest increase in the size of the home and is located as far from the lake and as close to the street as reasonably and practically as possible. The resulting home remains consistent in size and massing to the other homes in the neighborhood.

**Recommended Action:** Motion to adopt a resolution approving the requested riparian view shed setback variance at 5440 Ridgewood Cove 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 Applicants 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 Applicants are 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. Public Comments
6. Res. No. 25-25 Approving Riparian View Shed Setback at 5440 Ridgewood Cove




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5440 Ridgewood Cove



-  City Boundary
-  Address Labels
-  Parcels

1 in = 200 Ft





Subject: Variance Request for Addition Above Garage at 5440 Ridgewood Cove, Minnetrista, MN 55364

To the City of Minnetrista Zoning Board/Planning Commission,

City of Minnetrista for a Request for a Variance for  
Brian & Patty Cutshall 5440 Ridgewood Cove, Minnetrista, MN 55364

## 2. Written Statements

### a. Current Owners

Brian Gerald Cutshall

Patricia Kathryn Cutshall

### b. Site Data

Parcel 1: Lot 8, Block 2, Ridgewood Cove, except that part thereof lying West of a line drawn North perpendicular to the South line of said Lot from a point on the South line of said Lot distant 25 feet East from the Southwest corner of said Lot, according to the recorded plat thereof.

AND

Parcel 2: That part of the accretions to Ridgewood Cove lying between the Northeasterly line of said plat and the shoreline of Lake Minnetonka which lies between the extensions of said shoreline of the Northwesterly and South lines of Lot 8, Block 2, Ridgewood Cove, according to the recorded plat thereof.

Lot 8, Block 2, Ridgewood Cove Addition PID#12-117-24-23-0034

Parcel Area 0.77 Acres, 33,424 Sq Ft

Residential Housing, Current Zone R-1

c. Requesting Variance for Minnetrista City Code Section 505.07. Subd, 8(b) *Riparian view shed protection*. Minimum Lot Area 14,500 sq ft, Minimum Lot Depth 120ft, Minimum Lot Width at OHW 90ft, Front (Lakeside) Setback 35ft, Side Setback 15ft, Rear (Streetside) Setback 35ft, Building Height 35 ft.

d. To Construct/Add an additional 22' x 24' floor including a bedroom, bathroom, closet & storage to the current garage (see attached blueprints). The addition will be in the Riparian view shed, Minnetrista City Code Section 505.07. Subd, 8(b) *Riparian view shed protection*.

See Note in **Unique Property Conditions**.

e. We have had a few discussions & emails with Nicholas Olson at the City of Minnetrista on building this addition over the garage & he brought it to our attention that we would need a Variance to proceed with this project & that is where we are today. Applying for a Variance.

f. Explained below

g. Explained below

h. Explained below

We, Shire Construction LLC and Brian & Patty Cutshall, owners of property located at 5440 Ridgewood Cove, Minnetrista, MN 55364, are respectfully requesting a variance to the zoning ordinances to allow for the construction of a living space addition above our existing garage. The scope of work would be adding an additional bedroom above the garage including an additional ¾ bathroom, linen closet, closet & additional storage. The addition would add curb appeal to the exterior of the house with adding a gable & dormers. The exterior of the addition would match the current metal siding /brick and painted to match. The project will not change the current lot coverage, and we will not be disturbing any soil on the site. All work and storage of any materials will be done on the driveway not disturbing any of the vegetation or trees. Brian & Patty purchased the current house in May of 2023 and moved in directly. Since purchasing the home, 1 of Brian & Patty's 3 adult children has blessed them with a grandson & they are hoping for more grandchildren. The additional bedroom, closet, bathroom & storage would allow them to entertain their children & spouses and grandchildren for sleepovers!!

Reason for Variance:

- **Unique Property Conditions:**

Our lot configuration, with its limited available space for expansion, makes it impractical to add necessary living space without extending above the garage, which is currently not permitted under the zoning regulation Section 505.07. Subd, 8(b) *Riparian view shed protection*.

NOTE:

- A. The bulk of the existing house is already in the setback, (according to Riparian view shed).
- B. The tall trees throughout the Cutshall parcel (as shown on the survey), have much more of an impact on the Riparian view than the new addition will.

- **Minimal Impact on Neighborhood:**

The proposed addition will add curb appeal to our home and surrounding properties, with a design that is compatible with the character of the neighborhood. The addition will not negatively impact the neighborhood Or homeowners during construction of the addition. All equipment and construction materials will be stored & used on site. Delivery trucks will be on the street very minimal only to unload & haul products to the house.

- **Hardship Justification:**

Due to the unique layout of our property, complying with the zoning requirements would significantly limit our ability to effectively utilize the space and meet our growing family needs (adult children getting married, a new grandson & hoping for additional grandchildren).

Details of the Proposed Addition:

- **Location:** Above the existing garage on the rear of the property.
- **Size:** 528 sq. ft.
- **Design:**

Attached Documentation:

Site plan with proposed addition clearly marked, Architectural drawings of the addition, and Property survey.

Complete Blueprints of the proposed addition

A consent letter from the homeowner, Jane Norling residing at 5450 Ridgewood Cove, Minnetrista MN 55364 with her approval of the addition.

We believe this variance request addresses the unique challenges of our property and aligns with the overall intent of the zoning ordinances. We are confident that the proposed addition will not negatively impact on the neighborhood character while providing much-needed living space for their growing family.

Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script, appearing to read "Guy Wilts".

Guy Wilts

Project Manager

Shire Construction LLC

10181 240<sup>th</sup> St E

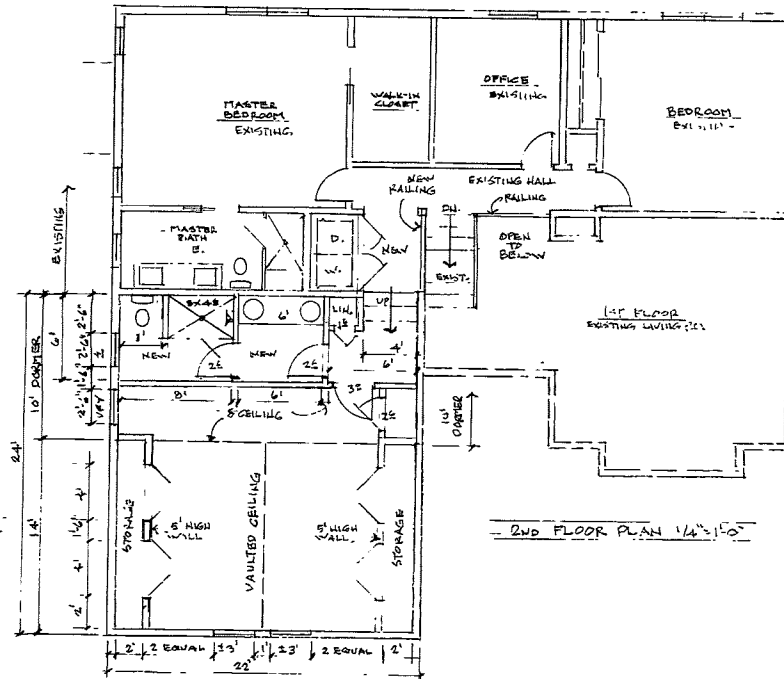
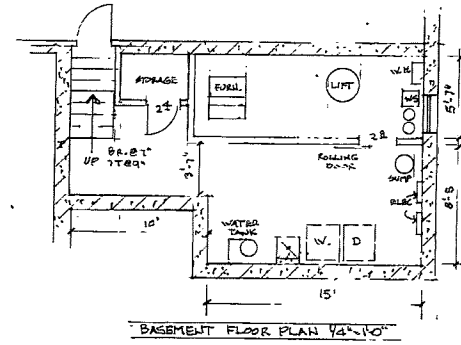
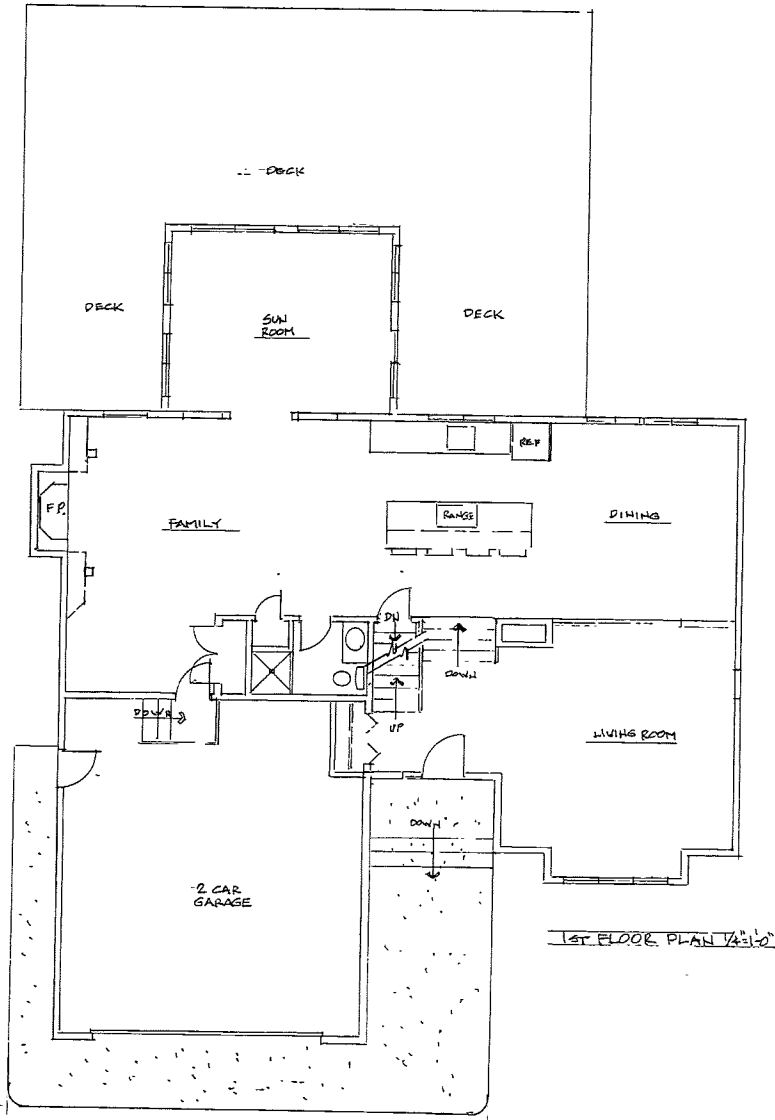
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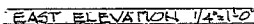
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[guy@shireconstructionllc.com](mailto:guy@shireconstructionllc.com)



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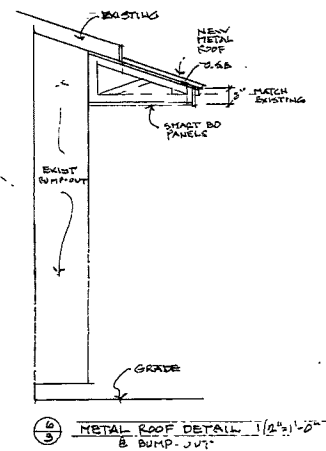
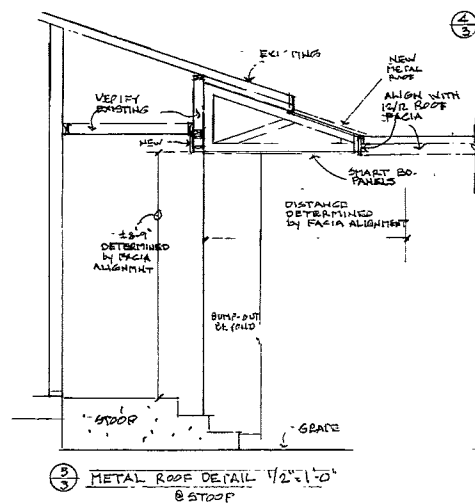
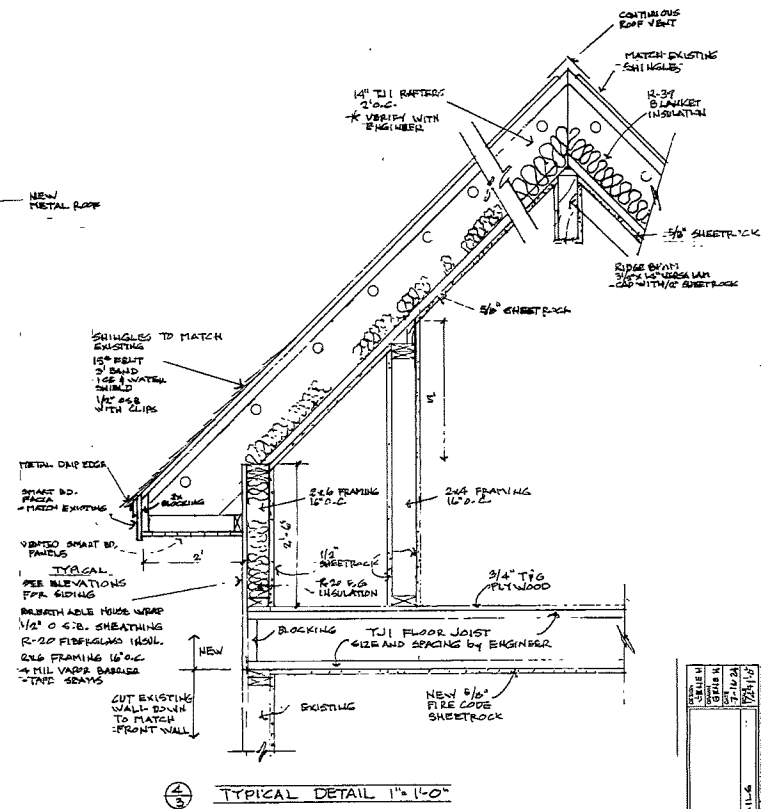
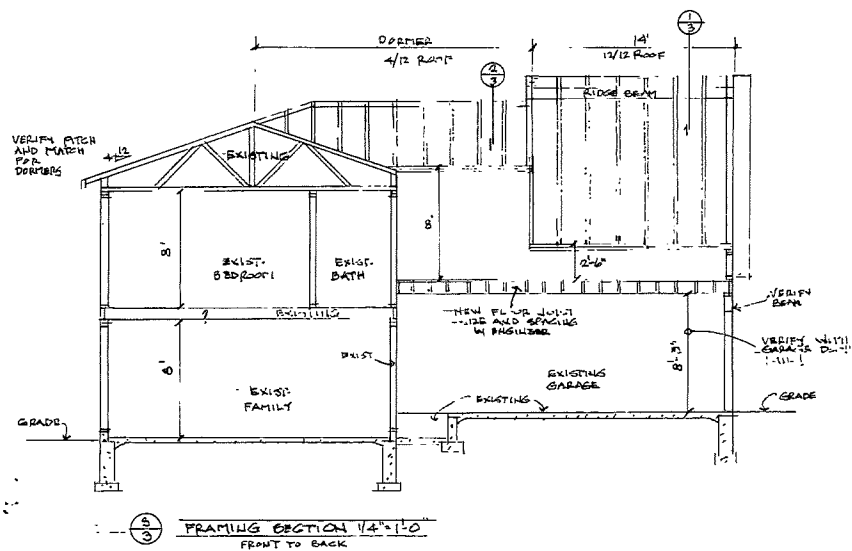
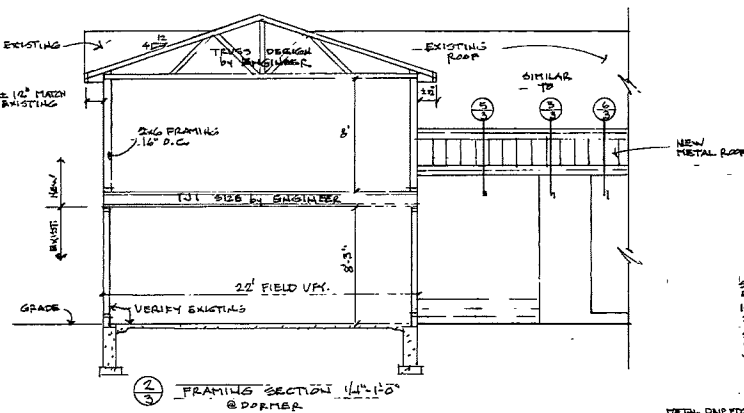




\* NOTE!  
- ALL EXISTING SKEPT  
ABOVE ROOF







January 13, 2025

I understand that my neighbors, Brian and Patty Cutshall, located at 5440 Ridgewood Cove, Minnetrista, MN 55364 are planning on putting an addition above their garage. I am not concerned for my sight line of the lake if the new roof needs to go a few feet higher than the existing roof line.

Sincerely,

A handwritten signature in cursive script that reads "Jane Norling". The signature is fluid and elegant, with the first name "Jane" and last name "Norling" clearly distinguishable.

Jane Norling  
Thomas Norling (Deceased)  
5450 Ridgewood Cove  
Minnetrista, MN 55364

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

### **CITY OF MINNETRISTA**

#### **RESOLUTION APPROVING A SIDE YARD SETBACK VARIANCE FOR BRIAN AND PATRICIA CUTSHALL FOR A HOME ADDITION AT 5440 RIDGEWOOD COVE**

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, Brian & Patricia Cutshall (the “Applicants”) have made an application for a riparian view shed setback variance for a home addition at 5435 County Road 151 (the “Property”) and which is legally described on Exhibit A attached hereto; and

WHEREAS, on February 24, 2025, the Minnetrista Planning Commission considered the requested riparian view shed setback variance, 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 variance; 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 addition maintains the residential nature of the Property, which is a proper use of land within the R-1 zoning district. The proposed addition does not extend closer to the lake or any property lines than the existing structure, which is a reasonable standard to maintain given the existing non-conforming location of the home;
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 an addition to the existing 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 addition does not increased the hardcover on the Property, which will help prevent additional run-off towards the lake;
3. The Applicants propose to use the Property in a reasonable manner because the Applicants desire to add additional square footage to the existing home for entertainment, which is a reasonable request. The additional square footage will be a second story addition, so there will be no additional hardcover added with the request, which is also reasonable;
4. The requested variance is the result of unique circumstances not created by the landowner because the existing home was built prior to the Applicants purchasing the Property and the Applicants inherited the existing non-conformity. The bulk of the existing home is



already located beyond the riparian view shed line. This makes the expansion of the existing structure very challenging due to its existing location, which was not the creation of the Applicants.; and

5. The requested variance will not alter the character of the locality because the proposed building addition results in a modest increase in the size of the home and is located as far from the lake and as close to the street as reasonably and practically as possible. The resulting home remains consistent in size and massing to the other homes in the neighborhood.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Minnetrista hereby approves the requested riparian view shed setback variance for a home addition at the property generally located at 5440 Ridgewood Cove, 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 Applicants 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 Applicants are 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 17<sup>th</sup> day of March, 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 5440 Ridgewood Cove:

Par 1: Lot 8, Block 2, Ridgewood Cove, except that part thereof lying West of a line drawn North perpendicular to the South line of said Lot from a point on the South line of said Lot distant 25 feet East from the Southwest corner of said Lot, according to the record plat thereof.

Par 2: That part of the accretions to Ridgewood Cove lying between the Northeasterly line of said plat and the shoreline of Lake Minnetonka which lies between the extensions of said shoreline of the Northwesterly and South lines of Lot 8, Block 2, Ridgewood Cove, according to the record plat thereof;

Subject to drainage and utility easements as shown on said plat; (As to par 1)

Subject to covenants and restrictions contained in instrument of record in the office of the Registrar of Deeds as Document No. 3253702; (As to par 1)