

## CITY OF MINNETRISTA



### CITY COUNCIL CONSENT AGENDA ITEM

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**Subject:** Application from John & Lisa Ley for a front yard setback variance at 5962 Hardscrabble Circle.

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

**Meeting Date:** July 14, 2025

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**Overview:** John & Lisa Ley (the “Applicants”) have made a request for a front yard setback variance to reduce the required setback from 50 feet to 16.8 feet for the construction of a detached accessory structure at 5962 Hardscrabble Circle; R-1 – Low-Density Single-Family Residence Zoning District; PID# 26-117-24-13-0011 (the “Property”).

**Background:** A contractor on behalf of the Applicants reached out to the City to discuss a possible project at the Property. The project discussed included the remodel and possible replacement of an existing detached garage on the Property. When discussing the project, staff outlined the setback and hardcover requirements for the contractor to consider. It was noted that the location of the existing garage does not meet the current setback requirements. Because of this, the project became very limited and would not be able to meet the Applicants needs without expansion. As such, the Applicants knew 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 detached accessory structure is a proper use of Residential zoned property. The proposed garage is generally in the same location as an existing

#### **Mission Statement:**

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garage and will maintain a similar setback from the street, which should have minimal impact on the inhabitants of the City.

**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 the Applicants to rebuild a detached accessory structure, 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 and will preserve riparian views as it is not located near the views of adjacent properties.

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 are proposing to rebuild an existing detached garage in generally the same location, which is a reasonable request. It is also the only garage on the Property, so it is reasonable to allow it to be rebuilt.

**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.

The existing detached garage does not meet the required front setback and was originally constructed years ago. Given the angle of the front property line and the location of the existing home, along with the required 50-foot setback, it is not

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possible for the Applicants to build the garage in another location. Moving the garage back would also increase the amount of hardcover on the Property, which is proposed at the maximum allowed 25%. The Property also slopes downward toward the lake, so another location would require grading and possibly include brining in fill to raise the elevation, which would be more intrusive on the neighboring properties.

**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 Applicants are replacing the existing detached garage, which has existed for many years, in generally the same location, so it won't be out of place. The proposed detached accessory structure won't be inconsistent with the surrounding area because there are properties in the area and zoning district have the same or similar buildings.

**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 Planning Commission reviewed the Applicants' request at their June 23, 2025 meeting. At that meeting, the required public hearing was held and no one besides the Applicant was present to speak. After hearing no testimony at the public hearing and reviewing the Applicants' request amongst themselves, a motion was made by Kirkwood and seconded by Hussain to recommend approval of the requested setback variance. Motion passed 6-0. Absent: Livermore, Gangestad, and Rognli.

**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 detached accessory structure is a proper use of Residential zoned property. The proposed garage is generally in the same location as an existing garage and will maintain a similar setback from the street, which should have minimal impact on the inhabitants of the City;
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 the Applicants to rebuild a detached accessory structure, 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

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- and will preserve riparian views as it is not located near the views of adjacent properties;
3. The Applicants propose to use the Property in a reasonable manner because the Applicants are proposing to rebuild an existing detached garage in generally the same location, which is a reasonable request. It is also the only garage on the Property, so it is reasonable to allow it to be rebuilt;
  4. The requested variance is the result of unique circumstances not created by the landowner because the angle of the front property line and the location of the existing home, along with the required 50-foot setback, it is not possible for the Applicants to build the garage in another location. Moving the garage back would also increase the amount of hardcover on the Property, which is proposed at the maximum allowed 25%. The Property also slopes downward toward the lake, so another location would require grading and possibly include brining in fill to raise the elevation, which would be more intrusive on the neighboring properties; and
  5. The requested variance will not alter the character of the locality because the Applicants are replacing the existing detached garage, which has existed for many years, in generally the same location, so it won't be out of place. The proposed detached accessory structure won't be inconsistent with the surrounding area because there are properties in the area and zoning district have the same or similar buildings.

**Recommended Action:** Motion to adopt a resolution approving the requested front yard setback variance at 5962 Hardscrabble Circle based on certain findings of fact outlined in the staff report and subject to the following conditions:

1. The property owner and its contractors must create on-site parking for all construction/demolition vehicles (including, without limitation, pick-up trucks, cars, vans, and other similarly-sized vehicles). All construction vehicles shall be at all times be parked on the site of the demolition activity and NOT on Hardscrabble Circle;
2. Delivery of materials and equipment and removal of materials must be completed in an expedited manner. Empty trailers must not remain parked on Hardscrabble Circle or any other public road except for the period necessary to load and unload. Deliveries and material removal must be coordinated and staged in such a way so as to always allow access for emergency vehicles to all residential driveways;
3. The property owner and its contractors are responsible for sweeping/removing debris from Hardscrabble Circle and any other public roadways at the end of each work day and complete repairs for (a) damaged or destroyed asphalt or other public property within 30 days; and (b) damaged or destroyed private property (e.g. mailboxes, signs, landscaping, utilities, and other items subject to damage by construction vehicles) as soon as possible;
4. The City may require you to install temporary "NO PARKING" signs in areas of congestion as needed in order to ensure access for emergency vehicles to all residential driveways;
5. The Property shall be developed in accordance with the plans submitted with the variance application dated March 3, 2025 prepared by MGE Drafting & Design LLC. The building shall not have a kitchen with permanently installed cooking

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- facilities unless a conditional use permit for a guest home is first issued for the Property;
6. Any required grading shall maintain existing drainage patterns or improve the existing drainage of the lot and adjacent lots;
  7. 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;
  8. The Applicants are responsible for all fees incurred by the City in review of this application; and
  9. 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. Applicants' Narrative
3. Proposed Survey
4. Proposed Plans
5. Proposed Renderings
6. Res. No. 65-25 Approve Setback Variance at 5962 Hardscrabble Circle

**Mission Statement:**


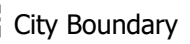

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5962 Hardscrabble Circle



1 in = 100 Ft

-  City Boundary
-  Address Labels
-  Parcels



Variance Request Statement  
John and Lisa Ley  
5962 Hardscabble Circle  
Minnetrista, MN 55364

- A. Property Owners: John and Lisa Ley
- B. Legal Description of property: Lot 35, Lake Minnetonka Highlands, Hennepin County, MN Parcel ID 26-117-24-13-0011
- C. The city currently requires a 50 feet Front property line setback for any new structure
- D. We are requesting a reduction of the front property set back to 16.8 feet to place a new garage with 2<sup>nd</sup> floor loft in a similar location as the current existing garage.

**Variance Request Statement – Front Setback Reduction**

We respectfully request a variance to reduce the required front yard setback from 50 feet to 16.8 feet to allow for the construction of a new garage with loft, to be located in approximately the same footprint as the existing garage. The existing structure is aged, and deteriorated, and should be removed and replaced.

A practical difficulty exists due to the unique and sharp angle of the front property line, which significantly limits buildable area and makes it impossible to reconstruct the garage in its current location—or elsewhere on the property—while meeting the 50-foot setback requirement.

This is the only garage on the property, and a garage is a reasonable and necessary use for year-round vehicle storage and lake-related equipment. The proposed new structure will be consistent with the character of the surrounding neighborhood and is intended solely for personal use, not for increasing property value or generating income.

Approval of this variance will not alter the essential character of the neighborhood. It will not adversely affect the health, safety, or welfare of the community, nor will it obstruct light or air access to adjacent properties. Furthermore, it will not increase traffic congestion, compromise public safety, or negatively impact surrounding property values.

We appreciate your consideration of this request and the opportunity to maintain the functional and aesthetic integrity of our property in harmony with the neighborhood.







# LEY GARAGE



THE CONTRACTOR AND/OR OWNER MUST VERIFY & CHECK ALL DRAWINGS & NOTIFY OF ANY ERRORS OR OMISSIONS FOR POSSIBLE CORRECTIONS PRIOR TO START OF CONSTRUCTION. THE SELECTION & APPLICATION OF CORRECT STRUCTURAL MATERIALS AND SIZING IS ALSO THE RESPONSIBILITY OF THE BUILDER.

SHEET INDEX	
A1	MAIN LEVEL GARAGE PLAN
A2	UPPER LEVEL PLAN
A3	FOUNDATION PLAN
A4	ELEVATIONS
A5	ELEVATIONS
A6	SECTION
A7	ELECTRICAL
A8	DETAILS

SHADRIAN LLC  
Lic. BC639696

TITLE SHEET

SHEET TITLE:

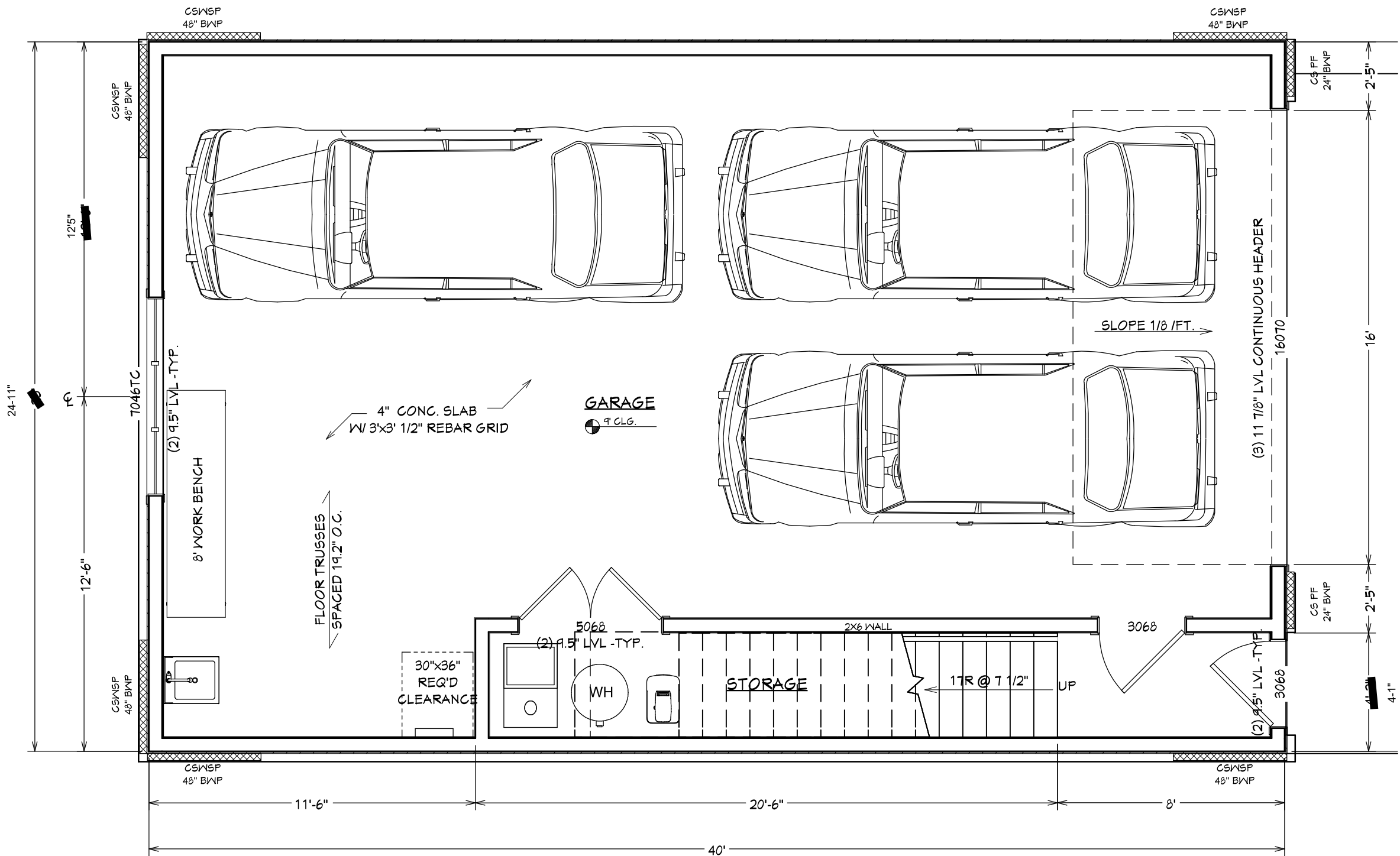
PROJECT DESCRIPTION:  
LEY GARAGE  
5962 HARDCRABBLE CIRCLE  
MINNETRISTA, MN 55364

DRAWINGS PROVIDED BY:  
**MGE**  
DRAFTING & DESIGN LLC  
Maple Grove, MN

DATE:  
3/3/2025

SCALE:

SHEET:  
**T1**

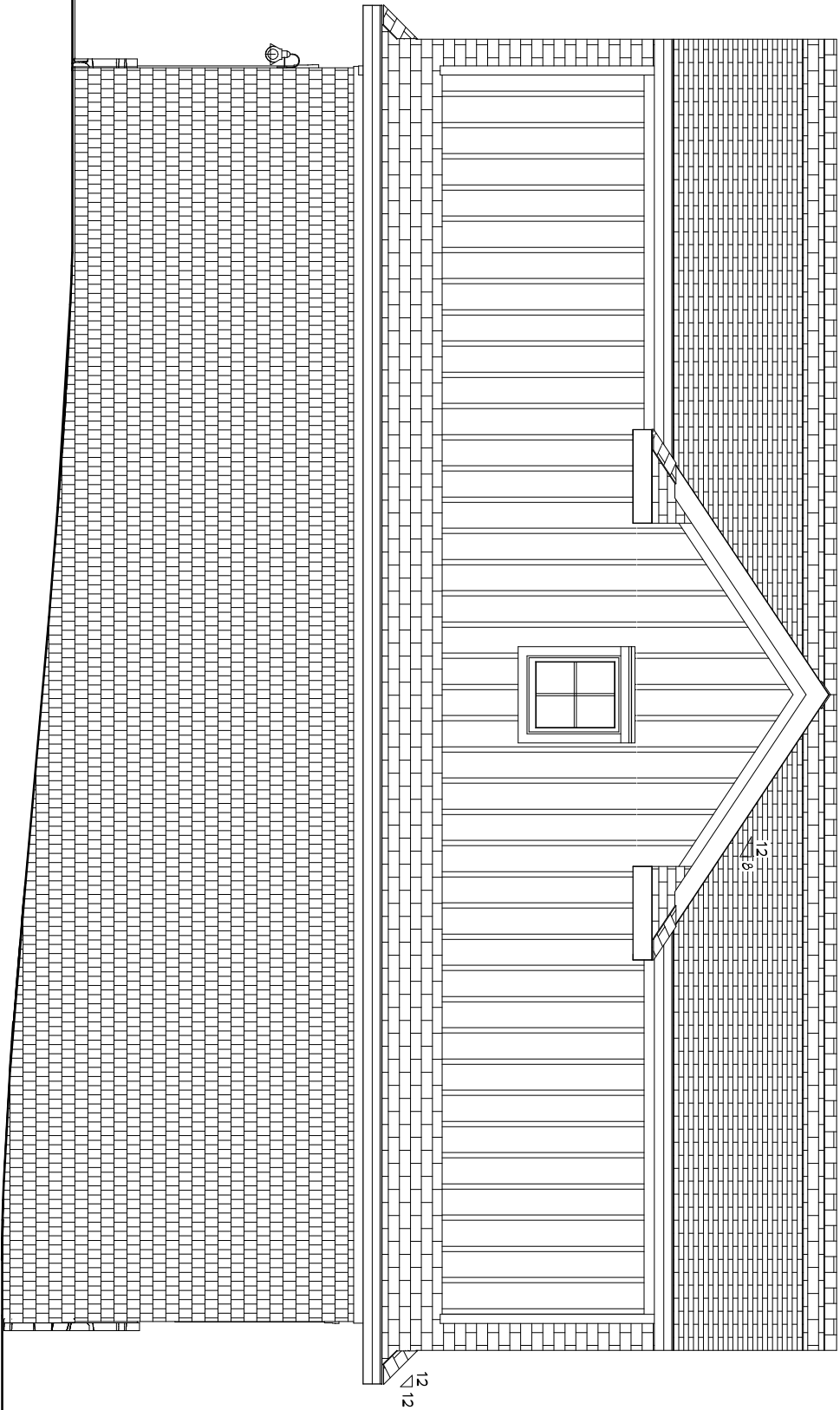


NOTES:  
ALL HEADERS SHALL HAVE  
1 1/2" MIN. BEARING  
SPANS GREATER THAN 4'-10"  
SHALL HAVE 2 TRIMMERS  
ALL HEADERS SHALL BE  
VERIFIED BY BUILDER &  
BUILDING INSPECTOR

MAIN LEVEL GARAGE PLAN  
1/4"=1'-0"

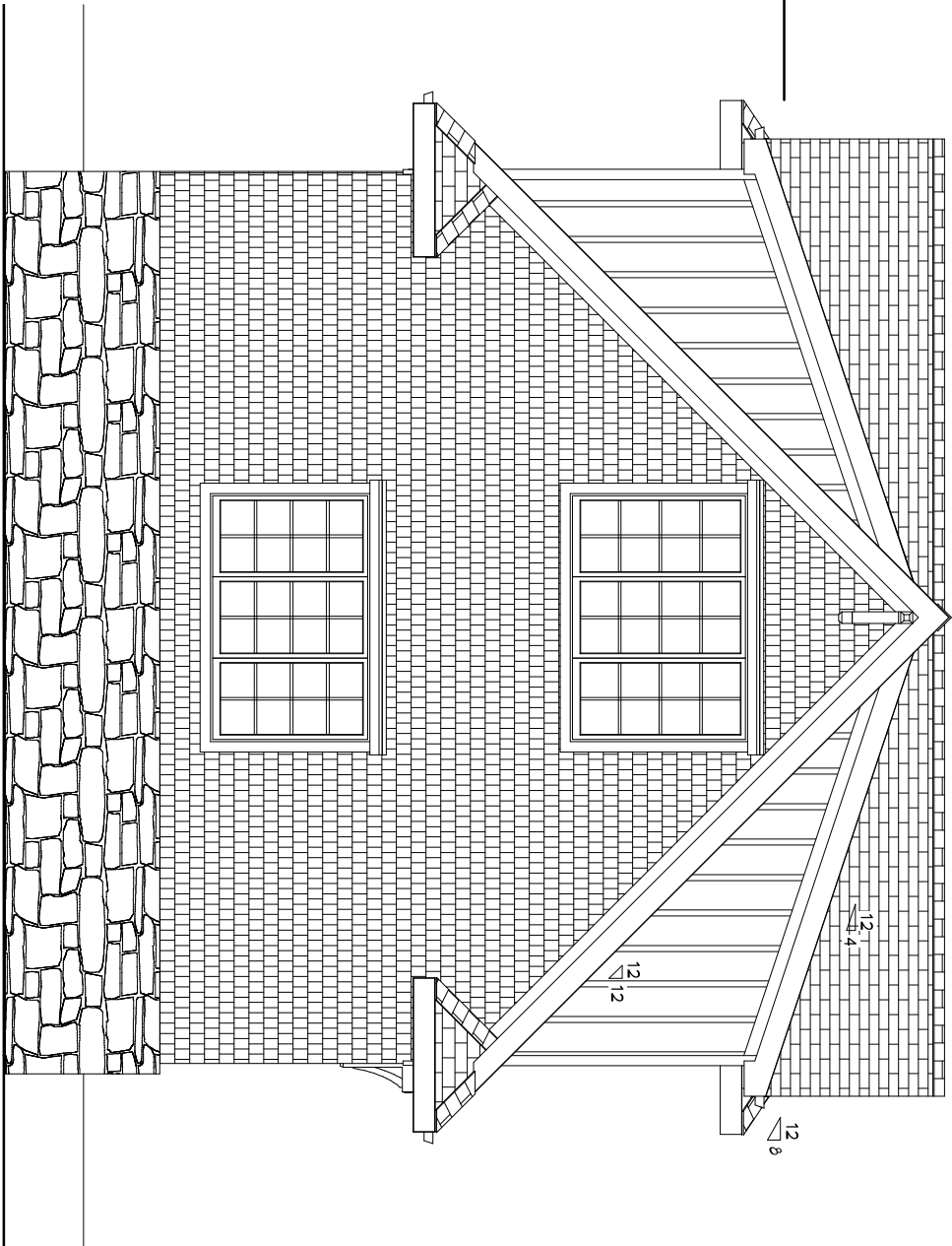
SHADRIAN LLC Lic. BC639696	MAIN LEVEL GARAGE PLAN	LEY GARAGE 5962 HARDCRABBLE CIRCLE MINNETRISTA, MN 55364	DRAWINGS PROVIDED BY: MGE DRAFTING & DESIGN LLC Maple Grove, MN	DATE: 3/3/2025	SCALE:	SHEET: A1
SHEET TITLE:		PROJECT DESCRIPTION:				





RIGHT ELEVATION

3/16"=1'-0"



BACK ELEVATION

3/16"=1'-0"

SHADRIAN LLC

Lic. BC639696

SHEET TITLE:

ELEVATIONS

PROJECT DESCRIPTION:

LEY GARAGE

5962 HARDCRABBLE CIRCLE  
MINNETRISTA, MN 55364

DRAWINGS PROVIDED BY:

**MGE**  
DRAFTING & DESIGN LLC

Maple Grove, MN

DATE:

3/3/2025

SCALE:

SHEET:

A5











**RESOLUTION NO. 65-25**

**CITY OF MINNETRISTA**

**RESOLUTION APPROVING A FRONT YARD SETBACK VARIANCE FOR JOHN  
AND LISA LEY FOR THE CONSTRUCTION OF A DETACHED GARAGE AT 5962  
HARDSCRABBLE CIRCLE**

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, John & Lisa Ley (the “Applicant”) has made an application for a front yard setback variance to reduce the required setback from 50 feet to 16.8 feet for the construction of a detached garage at 5962 Hardscrabble Circle (the “Property”) and which is legally described on Exhibit A attached hereto; and

WHEREAS, on June 23, 2025, the Minnetrista Planning Commission considered the requested front yard setback variance, held a public hearing and, after consideration of the entire record before it, voted 6-0 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 detached accessory structure is a proper use of Residential zoned property. The proposed garage is generally in the same location as an existing garage and will maintain a similar setback from the street, which should have minimal impact on the inhabitants of the City;
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 the Applicants to rebuild a detached accessory structure, 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 and will preserve riparian views as it is not located near the views of adjacent properties;
3. The Applicants propose to use the Property in a reasonable manner because the Applicants are proposing to rebuild an existing detached garage in generally the same location, which is a reasonable request. It is also the only garage on the Property, so it is reasonable to allow it to be rebuilt;

4. The requested variance is the result of unique circumstances not created by the landowner because the angle of the front property line and the location of the existing home, along with the required 50-foot setback, it is not possible for the Applicants to build the garage in another location. Moving the garage back would also increase the amount of hardcover on the Property, which is proposed at the maximum allowed 25%. The Property also slopes downward toward the lake, so another location would require grading and possibly include brining in fill to raise the elevation, which would be more intrusive on the neighboring properties; and
5. The requested variance will not alter the character of the locality because the Applicants are replacing the existing detached garage, which has existed for many years, in generally the same location, so it won't be out of place. The proposed detached accessory structure won't be inconsistent with the surrounding area because there are properties in the area and zoning district have the same or similar buildings.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Minnetrista hereby approves the requested front yard setback variance for the construction of a detached garage at the property generally located at 5962 Hardscrabble Circle, subject to the following conditions:

1. The property owner and its contractors must create on-site parking for all construction/demolition vehicles (including, without limitation, pick-up trucks, cars, vans, and other similarly-sized vehicles). All construction vehicles shall be at all times be parked on the site of the demolition activity and NOT on Hardscrabble Circle;
2. Delivery of materials and equipment and removal of materials must be completed in an expedited manner. Empty trailers must not remain parked on Hardscrabble Circle or any other public road except for the period necessary to load and unload. Deliveries and material removal must be coordinated and staged in such a way so as to always allow access for emergency vehicles to all residential driveways;
3. The property owner and its contractors are responsible for sweeping/removing debris from Hardscrabble Circle and any other public roadways at the end of each work day and complete repairs for (a) damaged or destroyed asphalt or other public property within 30 days; and (b) damaged or destroyed private property (e.g. mailboxes, signs, landscaping, utilities, and other items subject to damage by construction vehicles) as soon as possible;
4. The City may require you to install temporary "NO PARKING" signs in areas of congestion as needed in order to ensure access for emergency vehicles to all residential driveways;
5. The Property shall be developed in accordance with the plans submitted with the variance application dated March 3, 2025 prepared by MGE Drafting & Design LLC. The building shall not have a kitchen with permanently installed cooking facilities unless a conditional use permit for a guest home is first issued for the Property;
6. Any required grading shall maintain existing drainage patterns or improve the existing drainage of the lot and adjacent lots;
7. 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;
8. The Applicants are responsible for all fees incurred by the City in review of this application; and



9. 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 14<sup>th</sup> day of July, 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 5962 Hardscrabble Circle:

Lot 35, Lake Minnetonka Highlands, Hennepin County, Minnesota.