

CITY OF MINNETRISTA



CITY COUNCIL CONSENT AGENDA ITEM

Subject: Res. No. 36-26 Approving a streetside setback variance and a lakeshore setback variance at 7041 Halstead Drive

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

Meeting Date: April 6, 2026

Overview: Jeffrey & Rachel Swanson (the “Applicants”) have made a request for a streetside setback variance to reduce the required setback from 35 feet to 10.1 feet and a lakeshore setback variance to reduce the required setback from 75 feet to 69.5 feet to allow for the construction of a new single-family home at the property located at 7041 Halstead Drive; R-1 Low-Density Single-Family Residence Zoning District; PID #27-117-24-21-0031 (the “Property”).

Background: The Property was created with the Elbert Lee Shores subdivision in 1958 and a home was built on it in 1959. Since the Property’s creation, the City adopted an ordinance in 1973 establishing a 50 foot lakeshore setback and a later ordinance in 1979 which increased the setback to 75 feet. The City also filed a resolution in 1966 declaring Halstead Drive a public street with a right-of-way width of 66 feet (33 feet from the centerline). Both of these factors have significantly changed the development potential of the Property since it was originally created and rendered the preexisting home non-conforming. The original home has since been torn down, but the challenges of redeveloping the Property still remain given the changes that have occurred since its creation. The Applicants spoke with City staff about the redevelopment of the Property and it became clear a variance was likely going to be required. Staff informed the Applicants of the variance process and what would be required. The request has been outlined in the staff report and the application submittals attached for the City Council to review and consider.

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 property. 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

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.

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 permitted use in the zoning district for the Property. The requested setback variances are consistent with the existing setbacks for many of the homes in the area, which allows for a reasonable use of the Property in a manner that is not detrimental to the surrounding properties.

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 and surrounding area are guided for long term Residential Low per the 2040 Minnetrista Comprehensive Plan. The proposed variance allows for a use consistent with this long-term goal. In addition to simply complying with the future land use plan, the proposed home location does not further hinder the view sheds of adjacent properties and maintains an acceptable setback from 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 are proposing to build a new single-family home, which is a reasonable use of the Property. The request for setback relief from the street side and lakeshore setbacks is also similar with those made for other properties in the past. The reasonableness is further supported because the proposed home does not extend into the riparian views of the adjacent properties.

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

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.

intrude into a setback, the focus of this factor is whether there is anything physically unique about the particular piece of property.

The Property was created in 1958. Since then, the City has adopted ordinances establishing a 50-foot lakeshore setback, which was later increased to 75 feet. The City also declared Halstead Drive a public street with a right-of-way that is 66 feet in width (33 feet from the centerline). Lastly, the curvature of the lakeshore further reduces the building pad when the lakeshore setback is applied. All these factors together create practical difficulties that the Applicants did not create themselves.

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 new single-family home is consistent in size and massing to the others found in the area. Many of the other homes are located closer to Halstead Drive than the required 35-foot setback and some are closer to Lake Minnetonka than the required 75 feet, so the proposed setbacks are not dissimilar to others in the neighborhood.

Neighborhood Comments: Notices were sent out to all property owners within 500 feet of the subject property prior to the public hearing with the Planning Commission. To date, staff has received one written comment regarding this request in advance of this staff report. It has been attached for the City Council to review.

Planning Commission Recommendation: The Applicants' request was presented to the Planning Commission at their March 23, 2026 meeting. At that meeting, the Planning Commission held the required public hearing. No one besides the Applicants were present to speak. After hearing no testimony at the public hearing and then discussing amongst themselves, the Planning Commission made a motion to recommend the City Council approve the requested streetside and lakeshore setback variances, based on certain findings of fact and subject to conditions. Motion passed 5-0. Absent: Taylor, Gangestad, Jamieson, 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 it is consistent with the existing setbacks for many of the homes in the area, which allows for a permitted use of the Property in a manner that is not detrimental to the surrounding properties;
2. The requested variance is consistent with the City's comprehensive plan because the Property and surrounding area are guided for long term Residential Low per the 2040 Minnetrista Comprehensive Plan. The proposed variance is consistent with

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.

- this long-term goal and the proposed home location does not further hinder the view sheds of adjacent properties and maintains an acceptable setback from the lake;
3. The Applicants propose to use the Property in a reasonable manner because single family dwellings are a permitted use in the zoning district and the request for setback relief from the street side and lakeshore setbacks is also similar with those made for other properties in the past;
 4. The requested variance is the result of unique circumstances not created by the landowner because the Property was created prior to the City adopting ordinances for a 50-foot and later a 75-foot lakeshore setback and the declaration of Halstead Drive as a public street with a 66-foot-wide right-of-way; and
 5. The requested variance will not alter the character of the locality because the proposed home is consistent in size and massing to the other homes in the area and many of the other homes in the neighborhood are located closer to Halstead Drive or Lake Minnetonka than City Code allows.

Recommended Action: Motion to adopt a resolution approving the requested street side and lakeshore setback variances at 7041 Halstead Drive based on certain findings of fact outlined in the staff report and subject to the following conditions:

1. The construction shall be consistent with the plan and survey documents submitted with this variance application;
2. Any required grading shall maintain existing drainage patterns or improve the existing drainage of the lot and adjacent lots;
3. The Applicants obtain all necessary permits and approvals from the City and other applicable entities with jurisdiction over the Property prior to any construction;
4. The Applicants are responsible for all fees incurred by the City in review of this application; and
5. 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. Neighborhood Comments
6. Res. No. 36-26 Approving Variances at 7041 Halstead Drive


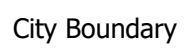

Mission Statement:

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.

7041 Halstead Drive



1 in = 100 Ft

-  City Boundary
-  Address Labels
-  Parcels



February 16, 2026

a. Property owners

Jeffery and Rachel Swanson

Applicant

Thomas Flint

b. Site Data

PID: 2711724210031

Lot 1, Block 1 Elbert Lee Shores

Zoned R1

Lot size: 30901 sf (.7094 acres)

c. Variance request

505.49, Subd. 8, (b), Structure setback from municipal or private right-of-way – 35'

505.49, Subd. 8, (b), Structures setback from ordinary high water mark – 75'

d. Variance written description

We are requesting a variance of the structural setback from the right-of-way to be reduced from 35' to 10.1' (24.9' reduction)

We are also requesting a variance of the structural setback from ordinary high water mark to be reduced from 75' to 69.5' (5.5' reduction)

e. Narrative

The homeowners met with staff to discuss a new home build on the property. They discussed the options with staff and were instructed that matching or bettering the setbacks of the neighboring property to the north would be acceptable. We are matching the right-of-way setback (10.1') that was granted to the north property owner and increasing the setback to the ordinary high water mark from 63' (north property setback from the ordinary high water mark) to 69.5' (an increase of 6.5')

f. Proposal's harmony with intent of City Code

The proposed variance will be in harmony with the general purposes and intent of the zoning ordinance. We are requesting to build a new single family home on a lot that had a single family home (which did not comply with the lot setbacks). The size of the home we are proposing is similar to those of the neighboring properties. We are requesting similar setbacks that the property to the north was recently granted. The lot is fairly narrow, roughly 132' from right-of-way to O.H.W. When applying the setbacks it leaves an area that is 22' deep which makes for a narrow home.

g. Practical difficulties

The lot is narrow, like many of the surrounding properties (most of which don't comply with the structural setbacks).

- i. The homeowners are continuing to use the property as a single family residence in keeping with the current property use and neighboring property uses.
- ii. The plight of the lot was not created by the property owner. It is simply an under sized lot in this zoning district.
- iii. If the variance is granted it would not alter the essential character of the locality. If granted it would be in keeping with the neighboring properties

and is a similar request to that which was granted to the direct northern neighbor's property.

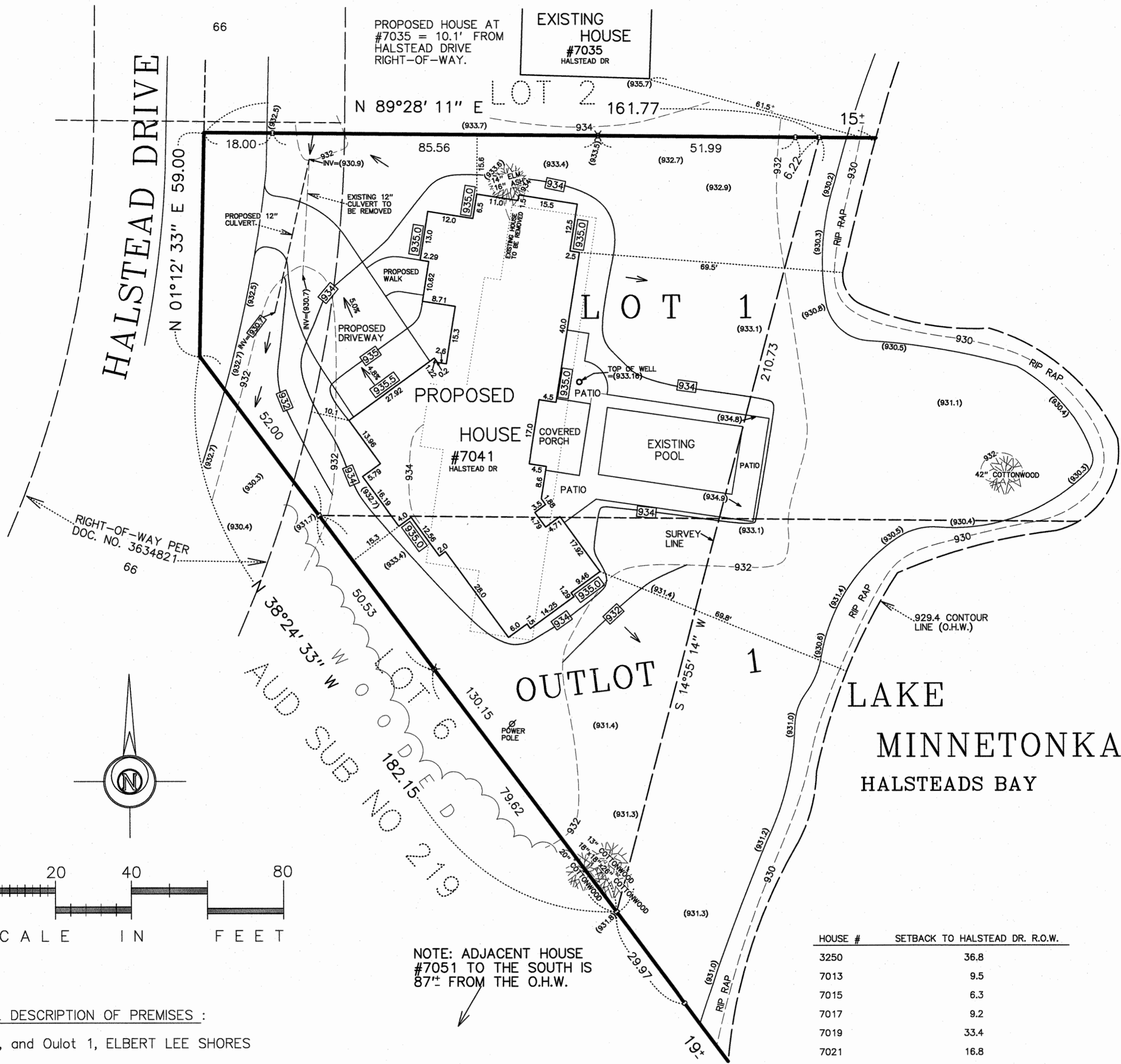
h. Justification

The variance request is not based on a desire to increase the properties value. What we are requesting is to have a property with a similar sized home as the neighboring properties.

i. By granting this variance it will not

- 1) Adversely affect the health or safety of persons residing or working in the neighborhood, it will be in keeping with the neighboring properties.
- 2) Impair an adequate supply of light and air to adjacent properties. It will not affect neighboring properties at all
- 3) Be injurious to property or improvements in the neighborhood. It will be similar to the neighboring properties
- 4) Increase the congestion on public streets. This is a single family home that is replacing a single family home. There will be no increase to the congestion on the streets.
- 5) Endanger public safety. The home will be built in accordance with the building, plumbing and fire code
- 6) Substantially diminish or impair property values within the neighborhood. This will not have any impact on neighboring property values.

CERTIFICATE OF SURVEY FOR
ALEXANDER DESIGN
 OF LOT 1, AND OUTLOT 1, ELBERT LEE SHORES
 HENNEPIN COUNTY, MINNESOTA



NOTE: ADJACENT HOUSE #7051 TO THE SOUTH IS 87"± FROM THE O.H.W.

LEGAL DESCRIPTION OF PREMISES :

Lot 1, and Outlot 1, ELBERT LEE SHORES

- o : denotes iron marker
- ⊗ : denotes spike set as point on line
- (908.3) : denotes existing spot elevation, mean sea level datum
- [910.8] : denotes proposed spot elevation
- 917— : denotes existing contour line, mean sea level datum
- [930]— : denotes proposed contour line

Bearings shown are based upon an assumed datum.

This survey intends to show the boundaries of the above described property, and the location of an existing house, to be removed, spot elevations, topography and the proposed location of a proposed house, driveway and grades thereon. It does not purport to show any other improvements or encroachments.

PROPOSED HARDCOVER :

Lot area = 30,901 Sq. ft.
 For Lot 1 and Outlot 1
 28,269 sf minus right-of-way
 Proposed house = 4164 sf
 Proposed driveway = 703 sf
 Walk = 125 sf
 Covered porch = 248 sf
 Revised conc. patio/pool = 1585 sf
 Total hardcover = 6825 Sq. ft.
 6825 / 28,269 x 100 = 24.14%

HOUSE #	SETBACK TO HALSTEAD DR. R.O.W.
3250	36.8
7013	9.5
7015	6.3
7017	9.2
7019	33.4
7021	16.8
7031	39.7
7035	10.6
7051	69.3
(NOTE: DETACHED GARAGE = 21.8)	
TOTAL / 9 = 25.7 AVG.	

NOTE: HALSTEAD ROAD RIGHT-OF-WAY IS SHOWN PER DOC. NO. 3634821.

PROPOSED ELEVATIONS : (verify)

- 1) Garage = [935.5]
- 2) Main floor = [935.5]

26027REVISED.SCJ

DATE	REVISION
12-2-25	WELL LOCATED, ADDITIONAL INFORMATION SHOWN
12-19-25	ROAD SETBACKS OF ADJOINING HOUSES IN BLOCK
2-16-26	PROPOSED HOUSE



GRONBERG AND ASSOCIATES, INC.
 CONSULTING ENGINEERS, LAND SURVEYORS, & SITE PLANNERS
 445 NORTH WILLOW DRIVE
 LONG LAKE, MN. 55356
 952-473-4141

I hereby certify that this plan, specification, or report was prepared by me, or under my direct supervision, and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

Mark S. Gronberg
 Mark S. Gronberg Minnesota License Number 12755

SCALE	1"=20'
DATE	11-20-25
JOB NO.	26-027



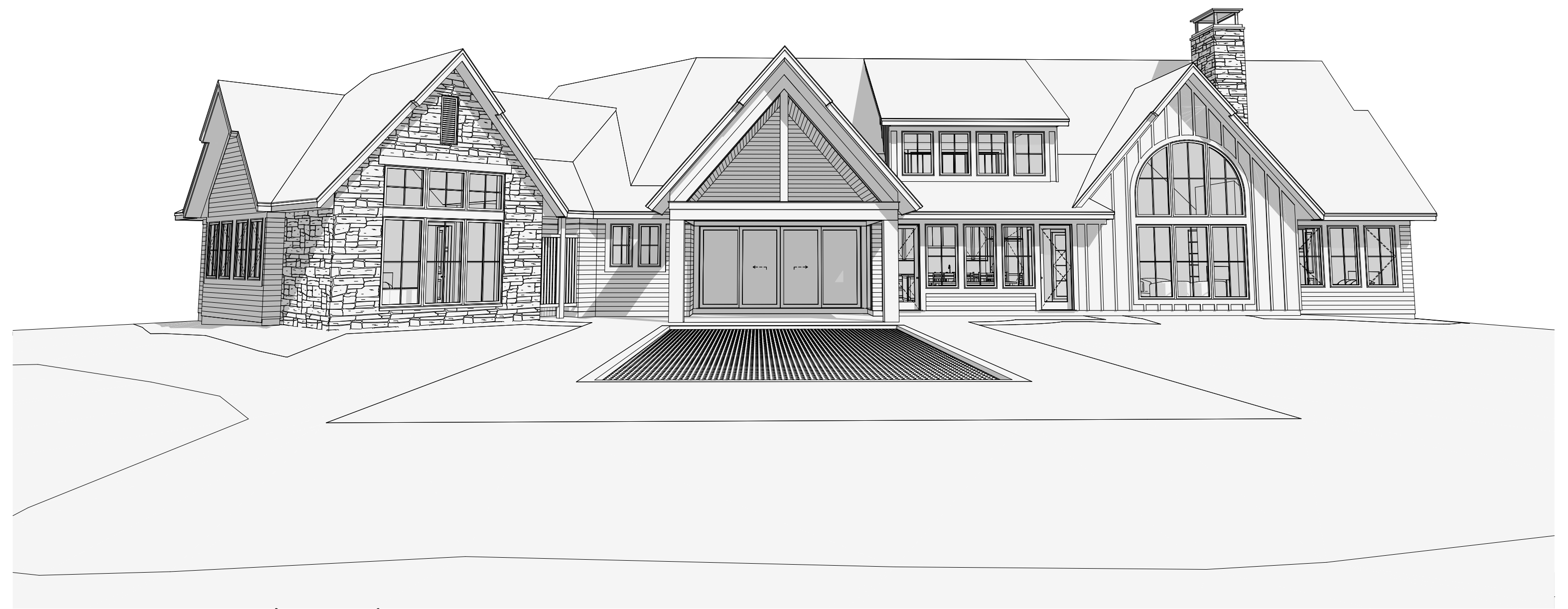
2
AI
STREETSIDE (FRONT RIGHT) PERSPECTIVE
SCALE: 1:114.29



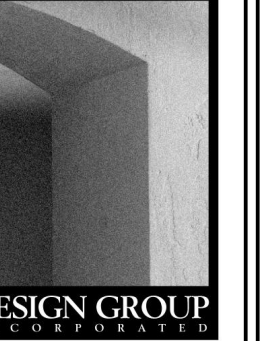
1
AI
STREETSIDE (FRONT) PERSPECTIVE
SCALE: 1:114.29



4
AI
LAKESIDE (REAR RIGHT) PERSPECTIVE
SCALE: 1:114.29



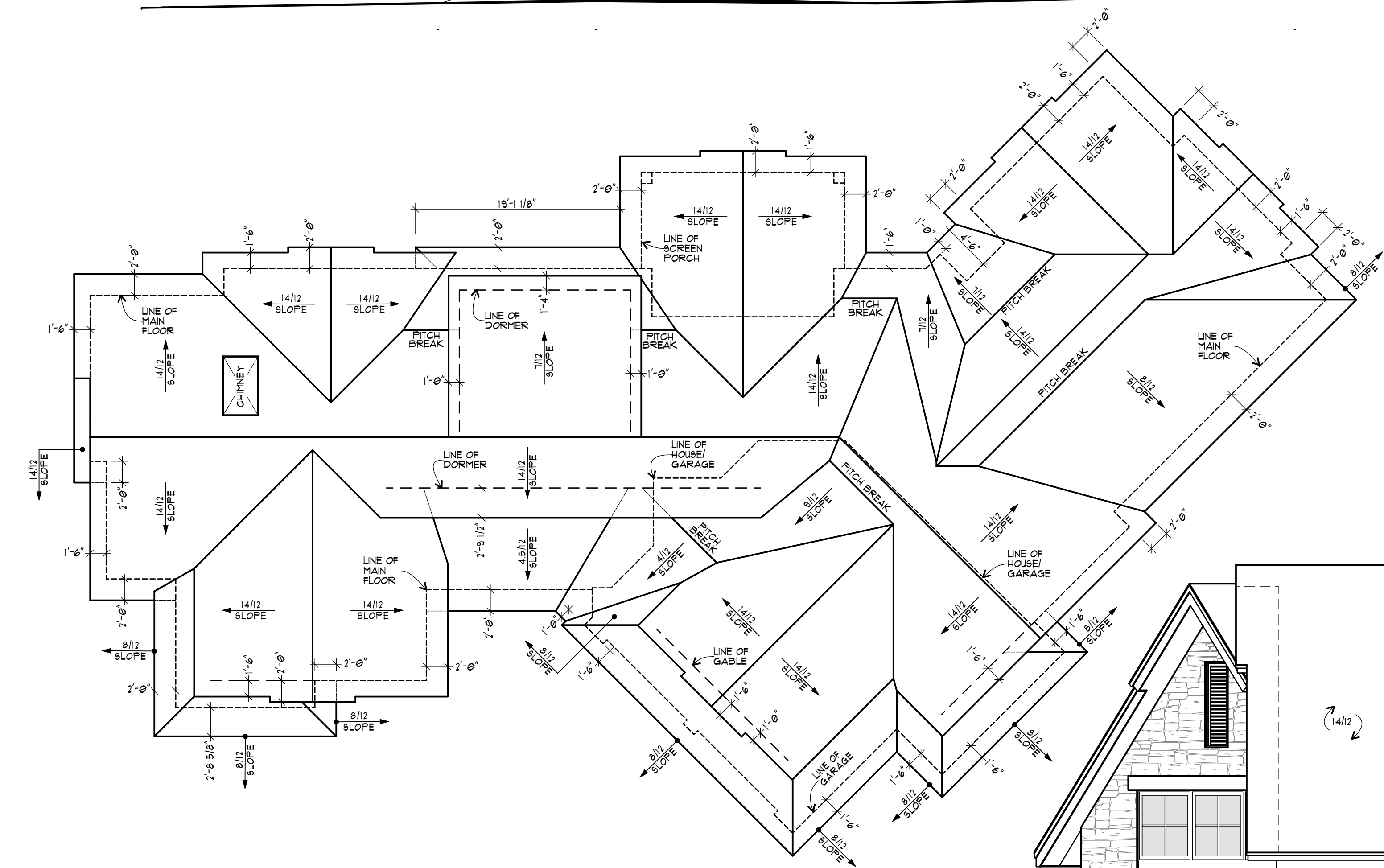
3
AI
LAKESIDE (REAR) PERSPECTIVE
SCALE: 1:114.29





- ASPHALT SHINGLES
- HARDIE BOARD & BATTEN PER ELEVATIONS
- HARDIE 6\"/>

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

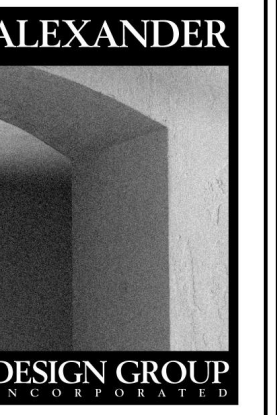


3 ROOF PLAN
 SCALE: 1/8" = 1'-0"



- ASPHALT SHINGLES
- HARDIE BOARD & BATTEN PER ELEVATIONS
- HARDIE 6\"/>

2 LEFT ELEVATION
 SCALE: 1/4" = 1'-0"



275 LAKE STREET EAST
 SUITE #102
 WAYZATA, MN 55391
 Phone: 952.473.8777

ISSUE DATE:
 11 FEBRUARY 2016
 PREVIOUS ISSUE DATES:

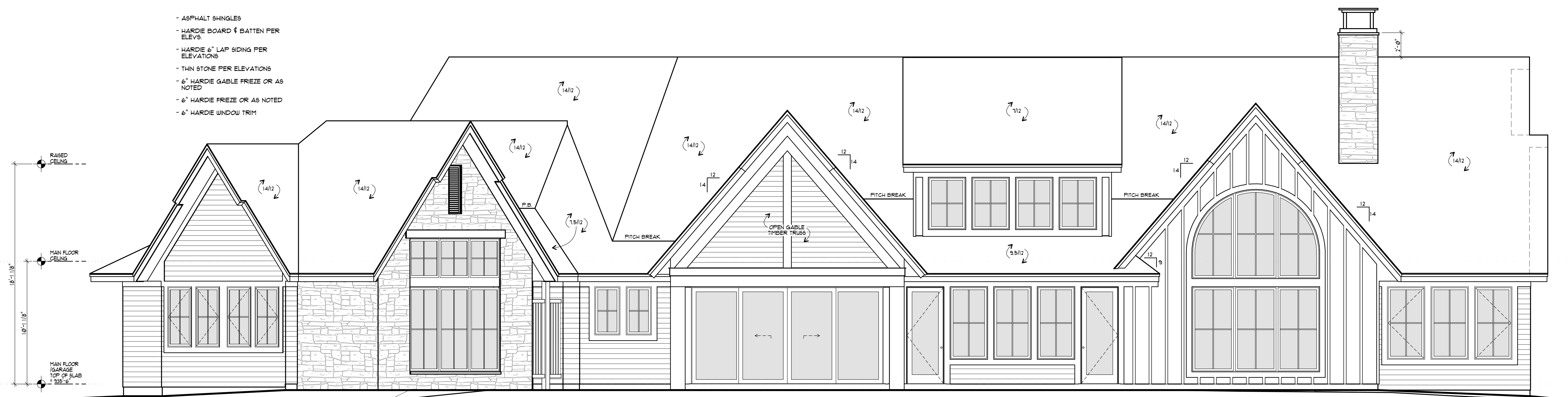
DRAWING DESCRIPTION:
 ELEVATIONS

VARIANCE SET

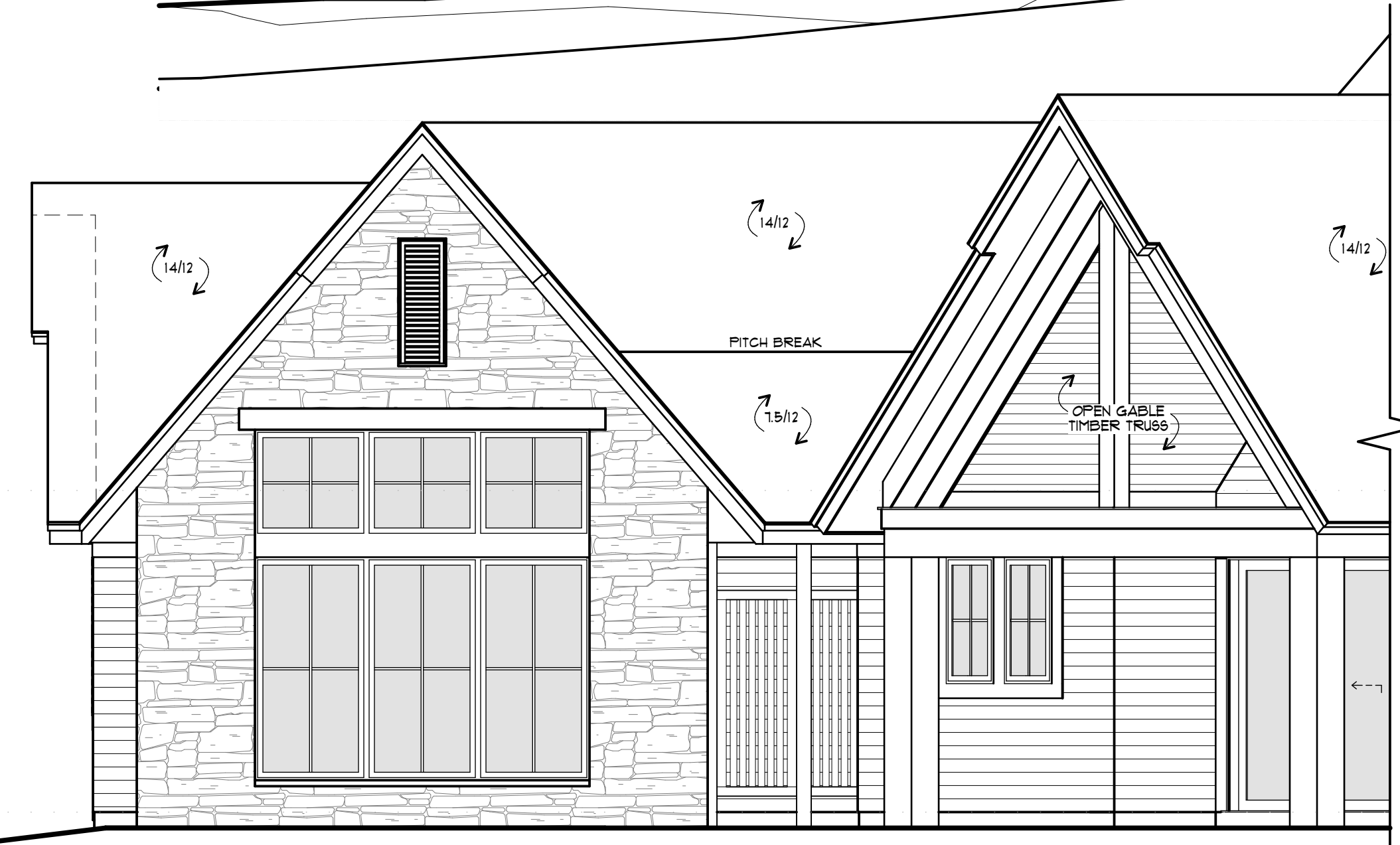
SWANSON RESIDENCE
 1041 HALSTEAD DRIVE
 MINNETRISTA, MN

A2
 2 OF 5

- ASPHALT SHINGLES
- HARDIE BOARD & BATTEN PER ELEVATIONS
- HARDIE 6" LAP SIDING PER ELEVATIONS
- THIN STONE PER ELEVATIONS
- 6" HARDIE GABLE FRIEZE OR AS NOTED
- 6" HARDIE FRIEZE OR AS NOTED
- 6" HARDIE WINDOW TRIM



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

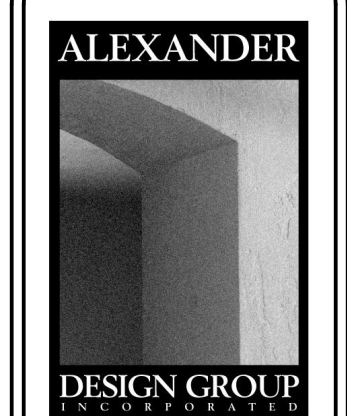


2 ANGLED LEFT ELEVATION
SCALE: 1/4" = 1'-0"

- ASPHALT SHINGLES
- HARDIE BOARD & BATTEN PER ELEVATIONS
- HARDIE 6" LAP SIDING PER ELEVATIONS
- THIN STONE PER ELEVATIONS
- 6" HARDIE GABLE FRIEZE OR AS NOTED
- 6" HARDIE FRIEZE OR AS NOTED
- 6" HARDIE WINDOW TRIM



3 ANGLED REAR ELEVATION
SCALE: 1/4" = 1'-0"



275 LAKE STREET EAST
SUITE #102
WAYZATA, MN 55391
Phone: 952.473.8777

ISSUE DATE:
11 FEBRUARY 2016
PREVIOUS ISSUE DATES:

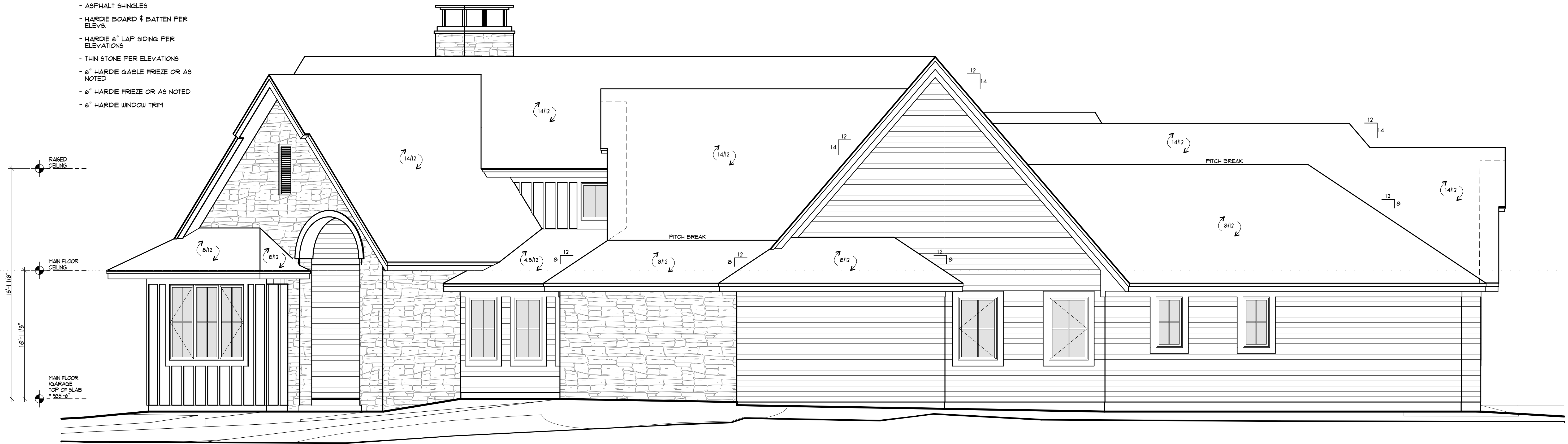
DRAWING DESCRIPTION:
ELEVATIONS

VARIANCE SET

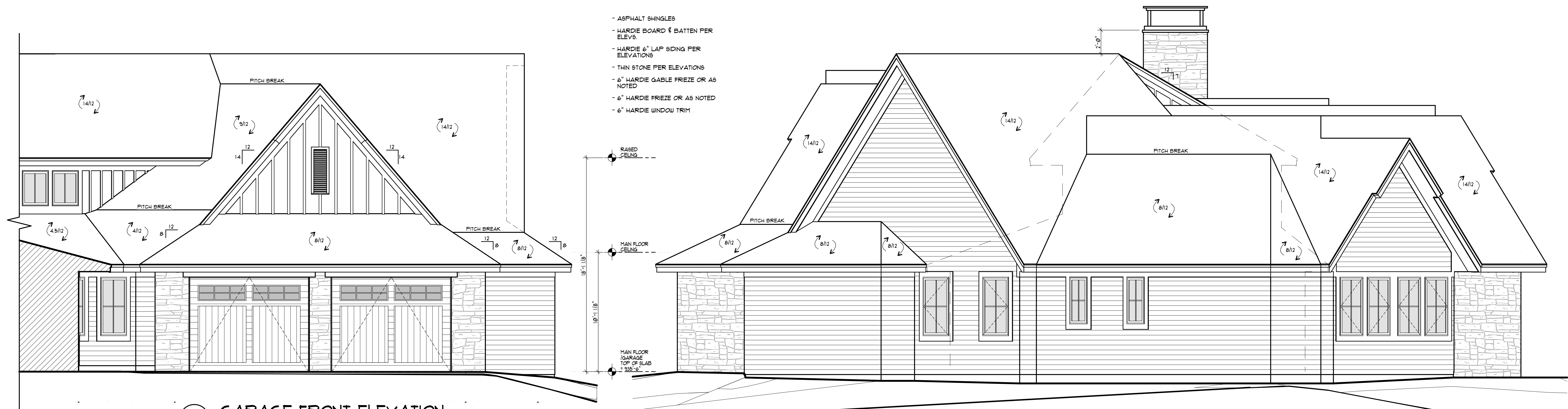
SWANSON RESIDENCE
1041 HALSTEAD DRIVE
MINNETRISTA, MN

A3
3 OF 5

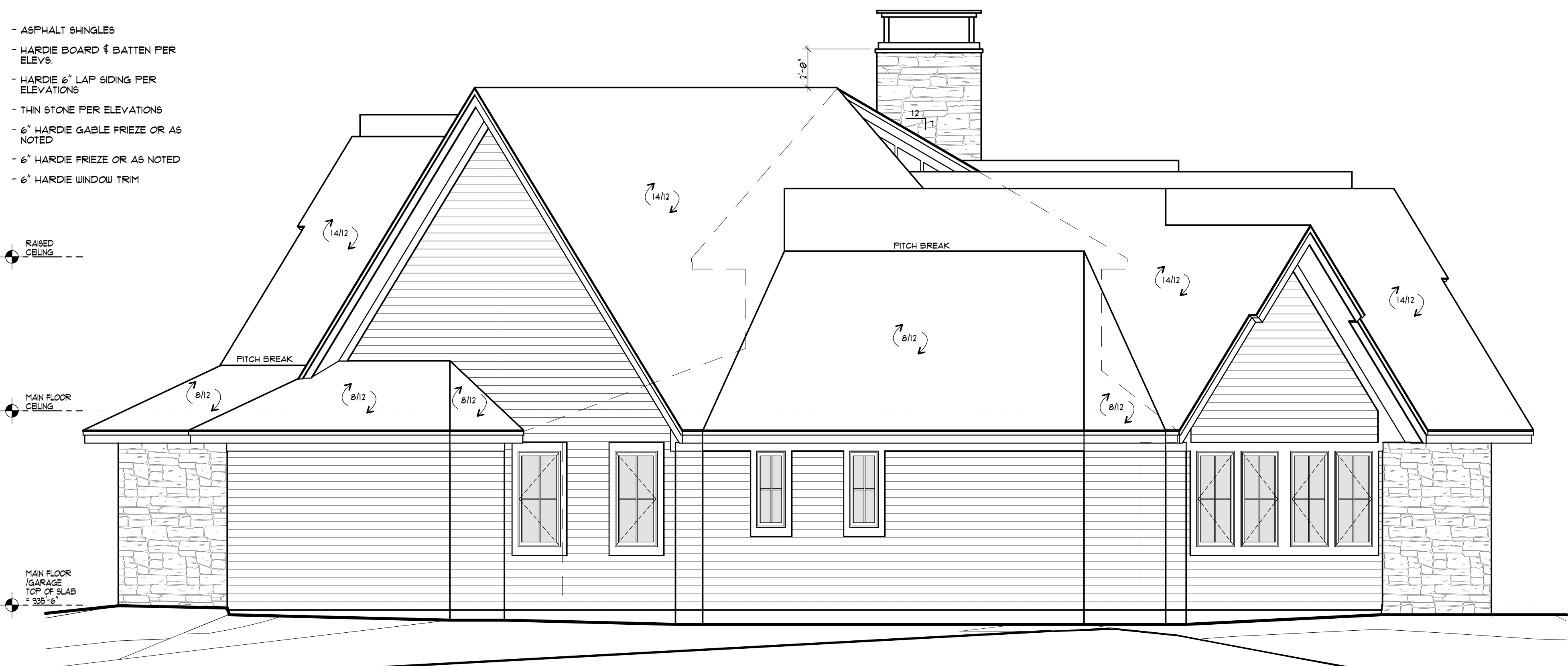
- ASPHALT SHINGLES
- HARDIE BOARD & BATTEN PER ELEVATIONS
- HARDIE 6" LAP SIDING PER ELEVATIONS
- THIN STONE PER ELEVATIONS
- 6" HARDIE GABLE FRIEZE OR AS NOTED
- 6" HARDIE FRIEZE OR AS NOTED
- 6" HARDIE WINDOW TRIM



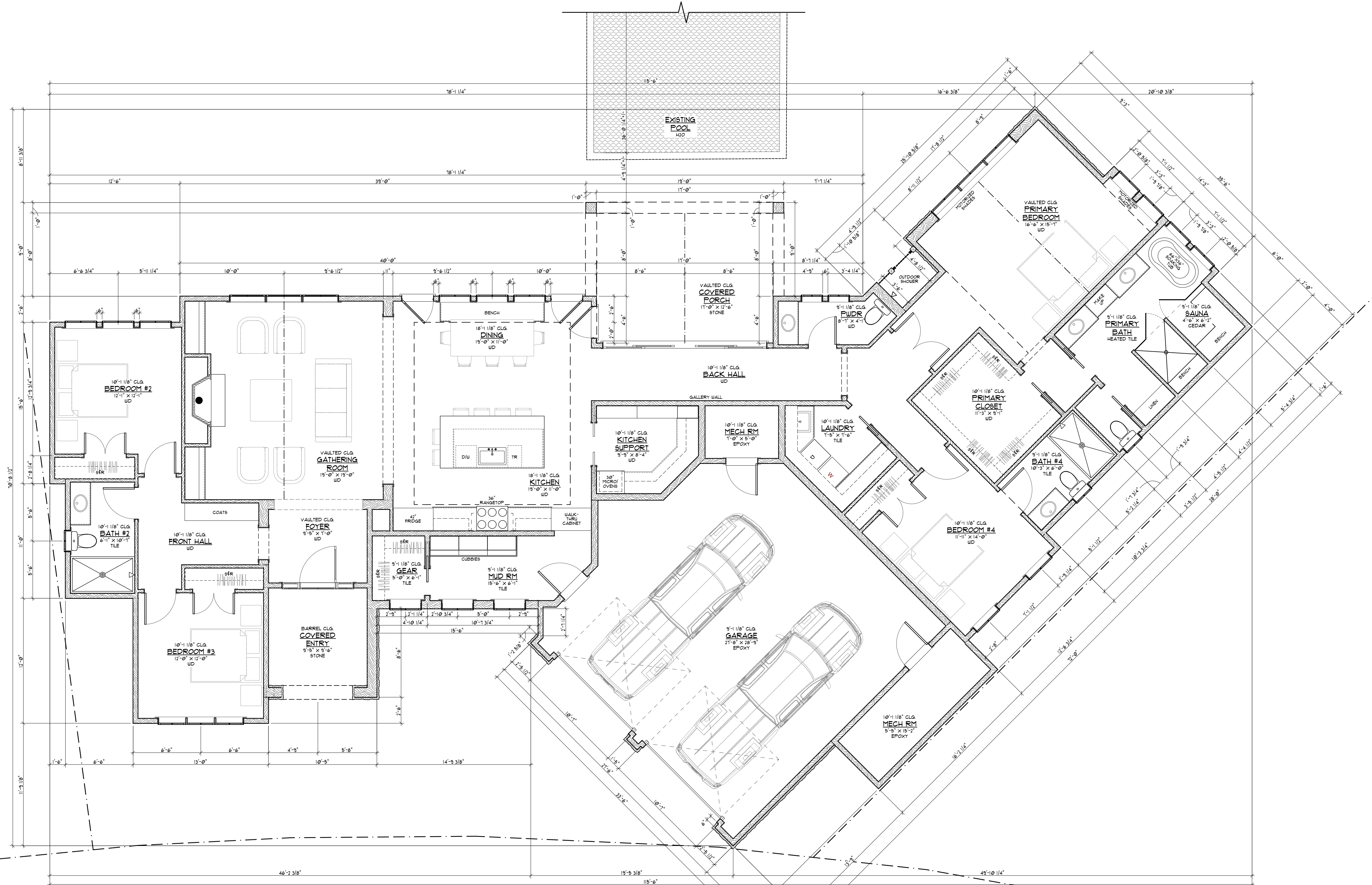
1
A4 ANGED (GARAGE) RIGHT ELEVATION
SCALE 1/4" = 1'-0"



3
A4 GARAGE FRONT ELEVATION
SCALE 1/4" = 1'-0"



2
A4 RIGHT ELEVATION
SCALE 1/4" = 1'-0"



1
A5 MAIN FLOOR PLAN
SCALE: 1/4" = 1'-0"

	FINISHED SQ. FT.	UNFINISHED SQ. FT.
MAIN LEVEL FINISH	3,068	876
COVERED PORCH	348	39
	3,316 FT ²	MECH ROOM 1
		MECH ROOM 2
		FRONT ENTRY
		1,076 FT ²

From: [Mark Kaltsas](#)
To: [Nickolas Olson](#)
Subject: Re: 7041 Halstead Drive - Variance Application
Date: Monday, March 23, 2026 4:01:57 PM

Nickolas,

Thanks for sending the plans over for the variance request. I wanted to send you a quick written comment for the Planning Commission Meeting PH tonight.

My wife and I are in full support of the requested variances and the proposed new home construction on this property.

The proposed plans and home layout have been thoughtfully and carefully designed to fit the unique characteristics of the site. The design is compatible with the surrounding properties and will integrate well into the existing neighborhood context. We believe the project will enhance both the subject property and the overall character of the neighborhood.

For these reasons, we respectfully recommend approval of the requested variances.

Thank you for your consideration.

Thanks,

Mark Kaltsas, PLA



Phone: (612) 567-8786

Minneapolis ■ Chicago

mark@terra-mark.com

www.terra-mark.com

From: Nickolas Olson <NOlson@cityofminnetrista.gov>

Date: Thursday, March 12, 2026 at 1:48 PM

To: "mark@terra-mark.com" <mark@terra-mark.com>

Subject: RE: 7041 Halstead Drive - Variance Application

Hello Mark,

Attached is what was provided with the variance application.

Thanks

Nickolas Olson

Senior City Planner | City of Minnetrista

7701 County Road 110W | Minnetrista, MN 55364

Phone: 952.446.1660 | Direct: 952.241.2524

E-Mail: nolson@cityofminnetrista.gov

Website: www.cityofminnetrista.gov

From: Mark Kaltsas <mark@terra-mark.com>

Sent: Thursday, March 12, 2026 11:46 AM

To: Nickolas Olson <NOlson@cityofminnetrista.gov>

Subject: 7041 Halstead Drive - Variance Application

Nickolas,

I live at 7035 Halstead Drive – directly adjacent to the proposed variance at 7041 Halstead Drive. I received the notice for the variance and would like to request a copy of the proposed site and home plans that were submitted with the application. Please let me know if it cannot be emailed and I can also swing in to pick up a copy.

Thanks,

Mark Kaltsas, PLA



Phone: (612) 567-8786

Minneapolis ■ Chicago

mark@terra-mark.com

www.terra-mark.com

RESOLUTION NO. 36-26

CITY OF MINNETRISTA

**RESOLUTION APPROVING STREETSIDE AND LAKESHORE SETBACK
VARIANCES FOR JEFFREY AND RACHEL SWANSON FOR THE CONSTRUCTION
OF A NEW SINGLE-FAMILY HOME AT 7041 HALSTEAD DRIVE**

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, Jeffrey & Rachel Swanson (the “Applicants”) have made an application for a streetside setback variance to reduce the required setback from 35 feet to 10.1 feet and a lakeshore setback variance to reduce the required setback from 75 feet to 69.5 feet to allow for the construction of a new single-family home at 7041 Halstead (the “Property”) and which is legally described on Exhibit A attached hereto; and

WHEREAS, on March 23, 2026, the Minnetrista Planning Commission considered the requested streetside 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 it is consistent with the existing setbacks for many of the homes in the area, which allows for a permitted use of the Property in a manner that is not detrimental to the surrounding properties;
2. The requested variance is consistent with the City’s comprehensive plan because the Property and surrounding area are guided for long term Residential Low per the 2040 Minnetrista Comprehensive Plan. The proposed variance is consistent with this long-term goal and the proposed home location does not further hinder the view sheds of adjacent properties and maintains an acceptable setback from the lake;
3. The Applicants propose to use the Property in a reasonable manner because single family dwellings are a permitted use in the zoning district and the request for setback relief from the street side and lakeshore setbacks is also similar with those made for other properties in the past;
4. The requested variance is the result of unique circumstances not created by the landowner because the Property was created prior to the City adopting ordinances for a 50-foot and

later a 75-foot lakeshore setback and the declaration of Halstead Drive as a public street with a 66-foot-wide right-of-way; and

5. The requested variance will not alter the character of the locality because the proposed home is consistent in size and massing to the other homes in the area and many of the other homes in the neighborhood are located closer to Halstead Drive or Lake Minnetonka than City Code allows.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Minnetrista hereby approves the requested streetside and lakeshore setback variances for the construction of a new single-family home at the property generally located at 7041 Halstead Drive, subject to the following conditions:

1. The construction shall be consistent with the plan and survey documents submitted with this variance application;
2. Any required grading shall maintain existing drainage patterns or improve the existing drainage of the lot and adjacent lots;
3. The Applicants obtain all necessary permits and approvals from the City and other applicable entities with jurisdiction over the Property prior to any construction;
4. The Applicants are responsible for all fees incurred by the City in review of this application; and
5. 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 6th day of April, 2026 by a vote of ___ Ayes and ___ Nays.

Lisa Whalen, Mayor

ATTEST:

Ann Meyerhoff, City Clerk

EXHIBIT A

Legal Description of 7041 Halstead Drive:

Lot 1, Block 1, and Outlot 1, Elbert Lee Shores as corrected by the Surveyors Certificate of Correction, recorded in Book 1 of Plat Certificates, page 177, and the Court Order entered in Torrens Case No. 14183, Hennepin County, Minnesota.