



CPED STAFF REPORT
Prepared for the Zoning & Planning Committee

Z&P Agenda Item #1
April 3, 2014
BZZ-6486

LAND USE APPLICATION SUMMARY

Property Location: 4205 Xerxes Avenue South
Project Name: 4205 Xerxes Avenue South Waiver
Prepared By: [Shanna Sether](#), Senior City Planner, (612) 673-2307
Applicant: Rehkamp Larson Architects, Inc.
Project Contact: Will Spencer
Required Applications:

Waiver from Moratorium	To allow for the demolition of an existing single-family dwelling and the construction of a new single-family dwelling.
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SITE DATA

Existing Zoning	RI Single-Family District
Lot Area	6,381 square feet / .15 acres
Ward(s)	13
Neighborhood(s)	Linden Hills Neighborhood Council
Designated Future Land Use	Urban Neighborhood
Land Use Features	None
Small Area Plan(s)	None

Date Application Deemed Complete	March 24, 2014	Date Extension Letter Sent	
End of 60-Day Decision Period	May 23, 2014	End of 120-Day Decision Period	

BACKGROUND

INTERIM ORDINANCE. CHAPTER 590. Providing for a moratorium on the demolition, new construction or establishment of single- and two-family residential dwellings in the RI, RIA, R2 and R2B zoning districts in the neighborhoods of Linden Hills, Fulton, Armatage, Kenny and Lynnhurst.

SITE DESCRIPTION AND PRESENT USE. The subject property is approximately 42 feet by 152 feet and is an existing single-family dwelling with a detached garage. The single-family dwelling was permitted for construction on May 5, 1927. The detached garage was permitted for construction August 10, 1927. In 1968, a 12 foot by 8 foot rear addition was added. In 1976, a foundation was underpinned to the addition. The subject property does not have access to a public alley. There is a shared drive easement across the rear of the properties commencing at 42nd Street West, south to 4217 Xerxes Avenue South.

SURROUNDING PROPERTIES AND NEIGHBORHOOD. The surrounding properties are predominately single-family dwellings with one two-family dwelling located at 4205 Washburn Avenue South. Linden Hills Field is immediately across Xerxes Avenue South from the subject property. Christian Science Church is located two properties to the north at 4147 Xerxes Avenue South. All of the properties within 350 feet of the subject site are zoned RI Single-Family District.

PROJECT DESCRIPTION. The applicant is proposing to demolish the existing single-family dwelling and detached garage. The applicant is proposing to construct a new single-family dwelling with an attached garage, accessed from the rear of the site.

Compliance with Other RI District Code Requirements

Requirement	Allowed	Proposed
Minimum Lot Area	6,000 square feet	6,381 square feet
Minimum Lot Width	50 feet	42 feet ¹
Maximum Building Height ²	2 ½ stories, 30 feet	2 stories, 24 feet
Maximum F.A.R.	2,500 square feet or .5 F.A.R.	2,452 square feet, .38 F.A.R.
Maximum Lot Coverage	50%	30%
Maximum Impervious Surface	65%	55%
Minimum Front Yard (Xerxes Ave S)	25 feet	25 feet (measured to the enclosed porch)
Minimum Interior Side Yard (West)	6 feet	6 feet
Minimum Interior Side Yard (North)	6 feet	6 feet
Minimum Rear Yard (East)	6 feet	53 feet

¹ Per 531.100 a single-family dwelling shall be permitted on a lot of record notwithstanding any other provision to the contrary, in the RI through R4 Districts and ORI District.

² As defined in section 520.160 of the zoning code, height is the vertical distance from the natural grade measured either at the curb level or at a point ten (10) feet away from the front center of the structure or building, whichever is closer, to the average distance between the eave edge and the ridge level for gable, hip and gambrel roofs.

The applicant will need to obtain all necessary approvals and permits prior to construction. In addition to the requested waiver, the applicant will also need to obtain zoning approvals for an administrative site plan review as required by Chapter 530 of the zoning code. Upon review of the submitted application materials for the proposed variances, it was determined that the dwelling qualified for 16 of the possible 24 points available for the site plan review. A minimum of 15 is required. The 16 points were awarded for a full basement, quality exterior materials, 20% of each floor facing a public street are windows, 12/12 pitched-roof, an open front porch and a new deciduous tree.

PUBLIC COMMENTS. Staff has received correspondence from Public Works regarding the proposed waiver application. A copy of their e-mail is attached for reference. Any additional correspondence received prior to the public meeting will be forwarded on to the Zoning and Planning Committee for consideration.

ANALYSIS

WAIVER FROM MORATORIUM

The Department of Community Planning and Economic Development has analyzed the application for a waiver from moratorium at the property at 4205 Xerxes Avenue South based on the following [findings](#):

I. *Substantial hardship is caused by the restrictions.*

Demolition: Staff finds that substantial hardship exists in prohibiting the demolition of the existing single-family dwelling due to the interim ordinance. The subject property has been vacant for four years. The applicant has provided an appraiser's analysis that the existing building has structural issues including cracks in the foundation, the house has sunk eleven (11) inches from east to west along the north side and sixteen (16) inches from east to west on the south side, a false floor would need to be constructed to level the main floor and there is a large crack in the building wall of the front elevation. According to the appraiser, "[b]ased on an estimate by the inspecting construction company, the foundation corrections will have a cost of \$72,000 - \$84,000 to make this home 100% correct."

New Construction: The applicant is proposing to replace an existing single-family dwelling and detached garage with a new single-family dwelling with an attached garage. The existing single-family dwelling is located 3 feet from the north property line where the minimum interior side yard setback is 6 feet. The proposed dwelling will be located 6 feet from the north interior side yards, which will allow a greater separation between dwellings. The applicant has provided a financial hardship analysis that states the cost of delaying the construction of the new single-family dwelling will be approximately \$2,800 per month and will cost approximately \$34,000 total during the year-long moratorium. As proposed, the new single-family dwelling complies with the minimum points required for an administrative approval. However, Public Works has made the following comments regarding the proposed new construction:

- Groundwater may be an issue with the proposed basement/garage floor elevations and trench drain in the driveway. The project proposer should be required to adequately demonstrate that pumping of groundwater will not be necessary, as a discharge to the City system will not be permitted.

- The proposed tuck under garage being lower than the alley creates a significant risk of flooding of that structure. The garage would be the low point on the block, collecting all runoff from the area. The garage should be re-designed so this does not occur.
- The proposed grading creates steep slopes along the side yards, negatively impacting the adjacent properties in terms of stormwater runoff. This should be corrected.
- An erosion and sediment control plan would be required for the project.

Staff finds that measures should be taken to amend the proposed plan to conform to the standards required by Public Works. The applicant is continuing to work with Public Works to ensure compliance. Staff finds that substantial hardship does exist in prohibiting the new construction of a single-family dwelling, in this case, where staff is supportive of demolition of the existing structures.

2. *The waiver will not unduly affect the integrity of the planning process or the purposes for which the interim ordinance is enacted.*

The city council is concerned about the effects of the design, construction methods and environmental impacts including erosion control, stormwater management and groundwater implications from the demolition, new construction and large new additions to single- and two-family dwellings in Linden Hills, Fulton, Armatage, Kenny and Lynnhurst neighborhoods. The city council is concerned that the design of some newly constructed housing in these neighborhoods is incompatible with the traditional design of surrounding properties and may detract from the desirability of these areas as places to live. The city council also is concerned that the design of some newly constructed housing in these neighborhoods may negatively impact the subject property and adjacent properties due to construction nuisances and environmental impacts.

The city council is interested in protecting the livability of the study area by preserving the existing character of its traditional residential neighborhoods. In 2013, 35% of all the demolitions of single- and two-family dwellings were located in the study area and 43% of all new single- and two-family dwellings were approved for construction were in the study area. The city council is concerned about future residential demolition and development in the study area without additional standards for single- and two-family dwellings. The city council is concerned that further development without such standards could negatively affect existing and future residential development and contribute to neighborhood instability.

As a result of the important land use and zoning issues cited above, the city, through its Community Planning and Economic Development Department (CPED) will conduct studies to consider possible amendments to the official zoning controls and establishing additional standards for construction activities to address these issues.

The houses on east side of the 4200 block of Xerxes Avenue South are all single-family dwellings that include both cottages with Tudor elements and ranch houses. The block does not have access to a public alley; however, the subject property has access to a driveway easement that extends from 42nd Street West. The remainder of dwellings on the east block of Xerxes Avenue South has driveways that access a detached garage at the rear of the properties.

The proposed single-family dwelling will have architectural detail similar to the existing cottage on the property. The existing single-family dwelling is located 3 feet from the north property line where the minimum interior side yard setback is 6 feet. The proposed dwelling will be located 6 feet from the north interior side yards, which will allow a greater separation between dwellings. As proposed, the new single-family dwelling complies with the minimum points required for an

administrative approval. The applicant is proposing to construct a rear, attached garage that would be recessed into the existing grade. The predominant pattern on the block includes a single-family dwelling with a detached accessory structure. Further, a detached garage is more consistent with the City's regulations and is incentivized through the administrative design review application process. However, a rear-facing attached garage is more compatible than a front-facing attached garage. Public Works has noted concerns with the proposed plan, including potential environmental issues related to groundwater, stormwater and erosion that could affect the new structure and the adjacent structures. The applicant is continuing to work with Public Works to ensure compliance with these standards. Staff finds that measures should be taken to amend the proposed plan to conform to the standards required by Public Works. The applicant is preparing a construction management plan detailing the phasing of the demolition and construction, staging, waste areas, soil removals/storage and erosion control measures both during and after construction. With compliance with a construction management plan and Public Works standards, staff finds that waiver will not unduly affect the integrity of the planning process or the purposes for which the interim ordinance is enacted.

RECOMMENDATIONS

Recommendation of the Department of Community Planning and Economic Development for the Waiver from Moratorium:

The Department of Community Planning and Economic Development recommends that the City Planning Commission and City Council adopt the above findings and **approve** the waiver application to allow the demolition of an existing single-family dwelling and the construction of a new single-family dwelling located at 4205 Xerxes Avenue South in the RI Single-Family District, subject to the following conditions of approval:

1. Approval of the final site, elevation and floor plans by the Department of Community Planning and Economic Development.
2. The proposed structure shall comply with the administrative site plan review standards required by Chapter 530 of the zoning code.
3. The applicant shall provide a detailed construction management plan addressing the phasing of the demolition and construction, staging, waste areas, soil removals/storage and erosion control measures both during and after construction.
4. The applicant shall provide an erosion and sediment control plan to be reviewed and approved by the Public Works Department.

ATTACHMENTS

1. Written description and findings submitted by applicant
2. Zoning map
3. Site plan

4. Site survey
5. Plans
6. Building elevations
7. Renderings
8. Photos
9. Correspondence