

**Excerpt from the
ZONING BOARD OF ADJUSTMENT MEETING
Community Planning & Economic Development (CPED)
250 South Fourth Street, Room 300
Minneapolis, MN 55415-1385
(612) 673-3153 Phone
(612) 673-2526 Fax**

The following actions were taken by the Zoning Board of Adjustment on December 11, 2014.

Board Members: Sean Cahill, Matt Ditzler, John Finlayson, Eric Johannessen, Dan Ogiba, Matt Perry, Dick Sandberg, Jacob Saufley, Ami Thompson

Committee Clerk: Fatima Porter 612.673.3153

ITEM SUMMARY

Description:

Item # 9 - 2000 Fremont Avenue South (BZZ #6934, Ward 7) (Joe Giant)

Joel Fischer has applied for a variance to increase the maximum floor area ratio to allow for the construction of a single-family home with attached garage for the property located at 2000 Fremont Avenue South.

Action: The Board of Adjustment adopted staff findings and **denied** the application for variance at 2000 Fremont Avenue South to increase the maximum floor area ratio of a new home from 0.50 to 0.54.

Aye: Cahill, Ditzler, Finlayson, Johannessen, Ogiba, Saufley, Thompson

Nay: Sandberg

Motion passed

TRANSCRIPTION

Staff Giant presented the report.

Chair Perry: Thanks Mr. Giant. And thanks for that presentation. Mr. Finlayson.

Board member Finlayson: Thank you for your presentation. What is the minimum distance between a detached garage and a principal structure?

Staff Giant: Six feet.

Chair Perry: Any other questions of staff, Mr. Cahill and then Mr. Sandberg.

Board member Cahill: Thank you Mr. Chair. Mr. Giant just briefly, you mentioned that they made the plans before the amendment were in place?

Staff Giant: To the Chair, Mr. Cahill. They had designed the plans, this might be a better question for the applicant, but I was under the understanding that they had switched designers mid process and some of the information didn't get relayed into the new process. They were submitted after the changes were made.

Board member Cahill: So they were submitted to the City after the amendment.

Staff Giant: Correct

Chair Perry: Mr. Sandberg.

Board member Sandberg: Thanks Mr. Chair. Mr. Giant, when I did the virtual drive-by on Google Street View I thought I saw two structures on this property in the past. Now it's a vacant lot. Historically has this property had a higher floor area ratio with two structures on it than the point five four?

Staff Giant: Through the Chair, Mr. Sandberg, when I first learned about this property it was through our 311 service and I did the same Google Street View and I said this is going to be a tough one. And then I saw the property for myself and it was vacant. I don't know the history behind or the size of the structures that used to be on the property. They were torn down fairly recently. I do know that when you have two single family dwellings on one zoning lot and the district or the City for that matter doesn't allow that. It does create a tremendous amount of difficulty administering the zoning code.

Chair Perry: Are there any other questions for Mr. Giant? I see none. Is the applicant present; if you could give your name and address for the record please.

Joel Fischer (221 1st Ave NE): First of all thank you for your time; I know we're what keeps you from going home tonight but we do appreciate you listening to this as it is very important to our family. We acquired the property in 2013, started the design and development of the home in late 2013 working with the previous builder as Mr. Giant noted. Just to go on record, we did change during that process due to increase cost related to that particular builder. From the beginning of our process, we've always intended to build a single-family home on this lot where we would live, keeping in the spirit of the surroundings. One in terms of size, two in terms of structure and design, and three with the intent with just fitting in with the community. As was previously noted, there were two homes on this lot, one of which was non-conforming. I don't know all the history with this specific lot but everyone I speak to says, oh, 2000 Fremont Avenue. Our meeting with the Lowry Hill neighborhood association, as soon as they heard the address everyone's ears perked up, and were overwhelmingly thankful that a single home for a family was coming into the neighborhood. We have found challenges building, in designing a single family home with an attached garage that fits the current code. One may ask why would you proceed with an attached garage as compared to detached. Part of that rationale is that I am legally blind and so we're trying to minimize any

outdoor traffic from a garage to the home. The disease I have is hereditary and could be passed along to any children so could be an issue in the future. Why we don't meet the current code, we did in the past as Mr. Giant noted and we're trying to keep within the spirit of the size of the surrounding homes, many of which are larger than ours. If you were to include the half story at the top of all the surrounding homes, most of which would exceed the FAR requirement, a rough calculation that we did of the home just to the west of us; would be far in excess of the current FAR; an excess of point six. In terms of keeping with the spirit of the FAR code as Mr. Giant said, the FAR requirement is to minimize over building and having bulk on a lot. As he mentioned we could build a larger home, we don't want to. We want to build the size of the home that we've designed and presented in front of you. One of the objections with the size of the home is the length of the home. It should be noted that the multi-family building just to the north of us, across Franklin Avenue, is essentially the same length. While one could argue our home is long, we're keeping in the spirit and the character of the structure across from us. In terms of the support that was mentioned. We've been very proactive throughout this entire process of trying to keep our neighbors involved and apprised of what we're going to build. As soon as we purchased the lot we went and met all our neighbors, told them that we intend to build on this lot for ourselves, not to flip it, not to develop, not to create a duplex which could be on this lot. So people are very excited to have another family come into the neighborhood, especially with what was there. We have letters of support from the neighbors to the south of us, to the two neighbors to the south of us, to the neighbors to the west of us, across the alley. To the owners of the multi-family property to the north of us along Franklin Avenue, they had the condition regarding the setback along the front of the house. Our intent is to abide by whatever the setback requirements are and would be in line with the neighbors along Fremont Avenue, so that shouldn't be an issue for them. And we have an additional letter of support from a neighbor that lives further up Fremont Avenue. We presented in front of the Lowry Hill neighborhood association. There was another variance presented at that meeting, they said their standard policy for issues like ours is to not approve but not object to something; a double negative. In our case they went on formal record of saying they do support our variance. So you can tell that there is support from the neighborhood and they feel that our home fits with the character and will actually add value to the neighborhood as compared to what was there. And with that I'd be open to any questions.

Chair Perry: Thanks for your testimony Mr. Fischer. I appreciate you staying down, by random lot you ended up at the end of the agenda and are here at City Hall at nine o'clock with the rest of us, any questions of Mr. Fischer? Mr. Sandberg.

Board member Sandberg: Thanks Mr. Chair. I think I noticed in the packet that there's a foot drop in elevation from the front of the property to the rear. Is that part of the characteristic of the property that led you to include an attached garage as well as the other things you mentioned?

Joel Fischer: I can't speak to that because I'm not an engineer and wouldn't know the effects of that, but, we do have our architect here and he can comment on input that he incorporated into the design that may be with respect to the character of the lot.

Chair Perry: Any other questions of the applicant? Mr. Johannessen.

Board member Johannessen: Thank you Chair Perry. Thanks for your presentation. I guess to my math it seems like you're two hundred and forty five square feet over, to get to point five? You're point five?

Joel Fischer: Approximately yes.

Chair Perry: Any other questions? I see none. Thanks again for your testimony. Anyone else like to speak in favor of this application? Name and address for the record please.

Jeff Lindgren (11119 Brittany Dr.): I'm the architect of the project in question here. To speak to your question about the elevation change, to answer that; the reason I had attached it was due to when we started the design, it was allowed as long as we met the square footage. So we had a credit which we had put that in our calculations. So at the time it was working and also for the fact that Mr. Fischer has his eye problem. We were looking at, well, with that much of a grade change from the garage to the house. We wanted to make sure we had a protective walkway from the garage to the house. So that was our intention in that sense. I think the idea that we are trying to uphold the character of the neighborhood, although the homes down Fremont have detached garages, when we looked at attaching it we're also looking at how Franklin is with the longer homes that happen along that drive. So, that was that. And everything else that Joel said.

Chair Perry: Thank you Mr. Lindgren. Anyone else like to speak in favor of this application? I see no one. Anyone like to speak against this application? I also see no one.

Chair Perry closed the public hearing.

Chair Perry: Board comment. Mr. Cahill. Mr. Ditzler.

Board member Cahill: Thank you Mr. Chair. Mr. Chair I think first of all there's a bit of frustration that someone has to be the first one to be the one to have the law applied to them and there's a certain amount of frustration here with that. But I think everything within this plan, project is reasonable, fits within the scope and intent of the law. Fits the neighborhood, but, I still can't get past the practical difficulties. So, if one of my board members can work that out for me, I'd appreciate it.

Board member Ditzler: Thank you Mr. Perry. I would concur with my fellow board member Mr. Cahill and in fact it appears that staff presentation that this ordinance change was to specifically prevent this from happening. I have not heard testimony from the applicant as to why that hardship exists. So I cannot find a hardship either and I would support staff recommendation on this.

Chair Perry: Thank you Mr. Ditzler and since I didn't see the hands go up I'm going to just do it in order, Mr. Finlayson, Mr. Johannessen and Mr. Ogiba.

Board member Finlayson: New construction is a clean slate and a ways can be found to follow the rules. The size of houses were diminished for good reason. I have three tear downs on my block. They're pretty massive and the ordinance was directed towards reducing the impact on the surrounding neighbors. So I agree with staff. Thank you.

Chair Perry: Thanks for those comments. Mr. Johannessen, and then Mr. Ogiba.

Board member Johannessen: Thank you Chair Perry. I guess I agree with staff recommendations and I feel as my co-board member Finlayson said, it's brand new and we can't get two hundred and forty five square feet out of it to meet the rule. I'm in favor of staff findings.

Chair Perry: Thanks for those comments. Mr. Ogiba.

Board member Ogiba: Thank you Chair Perry. I was going to speak in agreement with my fellow board members and in light of that I would like to make a motion to move staff findings.

Chair Perry: There's a motion before us to adopt staff findings and deny the variance request. Is there a second?

Board member Johannessen: Second.

Chair Perry: Mr. Johannessen has seconded that motion, any further discussion on the motion before us? Seeing none, will the clerk please call the roll?

Aye: Cahill, Ditzler, Finlayson, Johannessen, Ogiba, Saufley, Thompson

Nay: Sandberg

Motion passed