

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

The following actions were taken by the Zoning Board of Adjustment on May 05, 2016.

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

Board members absent: Dan Ogiba

Committee Clerk: Fatimat Porter 612.673.3153

ITEM SUMMARY

Item # 1

3621 Bryant Avenue South, Ward 10
Staff report by [Kimberly Holien](#), BZZ-7658

The Department of Community Planning and Economic Development recommends that the Zoning Board of Adjustment adopt staff findings for the applications by Daniel Perkins of Farkas Wagner, LLC for a new 4-story residential structure with four dwelling units located at 3621 Bryant Avenue South:

A. Variance to reduce the required north interior side yard setback.

Action: The Zoning Board of Adjustment **approved** the application to reduce the north interior side yard setbacks from 11 feet to 10 feet, subject to the following conditions:

1. Each egress window well in the interior side yard shall not exceed 16 square feet in area, in compliance with Section 535.280 of the zoning code.
2. The fourth floor cantilever shall maintain a front yard setback of 15 feet.

Absent: Ogiba

Aye: Drescher, Finlayson, Johannessen, Thompson

Nay: Cahill, Sandberg, Saufley

Motion passed

B. Variance to reduce the required south interior side yard setback.

Action: The Zoning Board of Adjustment **approved** the application to reduce the north interior side yard setbacks from 11 feet to 10 feet, subject to the following conditions:

1. Each egress window well in the interior side yard shall not exceed 16 square feet in area, in compliance with Section 535.280 of the zoning code.
2. The fourth floor cantilever shall maintain a front yard setback of 15 feet.

Absent: Ogiba

Aye: Drescher, Finlayson, Johannessen, Thompson

Nay: Cahill, Sandberg, Saufley

Motion passed

TRANSCRIPTION

Staff Holien presented the report.

Chair Perry: Thanks for your presentation. Questions of staff? Could you put up the zoning map again? I just want to make sure I understand that 3621 the subject property, directly to the south also is an R5?

Staff Holien: Correct.

Chair Perry: That's where we have a multi-family unit on it right now.

Staff Holien: Yes, the building to the north has 20 dwelling units. And the building to the south has five.

Chair Perry: What happens on the other side of the street that's also all R5?

Staff Holien: The other side of the street, even though it's zoned R5 has a fairly low density residential character to it.

Chair Perry: So single-families or duplexes or some mix. Correct?

Staff Holien: Correct.

Chair Perry: Thanks. And is there, I know there was recently, within this year, some rules changed about parking requirements near high transit corridors. Did that come into play here at all?

Staff Holien: It could have. So the parking requirement for this use is one space per dwelling unit. So for four units, they're required to provide four parking spaces, which they're doing. However, they do qualify for that transit incentive because they are within a quarter mile of a high frequency bus line. Actually, 36th and Bryant both have high frequency transit service. The applicant is not proposing to take advantage of that though; they are providing the one space per dwelling unit.

Chair Perry: Ok, great. Thanks. I don't think we have any other questions, but we may have you back up again. I want to explain to people. I talked a little bit about discussion items; let me describe what the process is here so everybody is clear about it. I'm going to have the applicant come up and they get between 10 and 15 minutes to make their case. And then anybody else that is speaking in favor of the application will get a couple of minutes of time. And then anybody who would like to speak against the application can then speak, and each person gets a couple of minutes a time. Does that all make sense to everybody how things work? Great, so is the applicant present? Like I said, we'll give you about 10 to 15 minutes to make your case.

Opened the public hearing

Daniel Perkins (3033 Excelsior Blvd): I'll be concise; I think Kimberly did a fantastic job explaining the project. If you guys have any specific questions related to the project, like Kimberly mentioned, we have another similar project on 27th and Dupont that's been up for about six or seven months now that has thrived and has done terrific. No issues with parking. There were similar parking requirements there. Like you know, in Minneapolis, it's a very green friendly city, so a lot of our tenants do not have cars, and utilize the mass transit system as well as have many bikes. That was the major concerns, I think, with the neighborhood. So if you guys have any specific questions about the project, I can answer them.

Chair Perry: Alright, any questions of the applicant? I see none. Thanks for giving testimony. Is there anyone else who'd like to speak in favor of this application? I see no one. People who want to speak against? So, you sort of self-organize and come up to the podium in whatever order you would like and give your name and address for the record. And as I said, we'll give you a couple of minutes to speak. So, who's first?

Robert Winberg (3616 Aldrich Ave S): The property we're discussing today is essentially in my backyard. So, I realize that at this point, the house, my neighbor Gary, has been sold, has gone to a company. Somebody's purchased it who wants to build an apartment there, and there's probably nothing that's going to change that. So we're really discussing what the apartment buildings going to be like; whether it's going to be four stories or three stories. But, I feel like, I was reading all of the documentation that was provided by the Department of Community Planning Economic Development. There's, I find some things that just don't seem to be true to me as far as the enjoyment of other property in the vicinity or the use of that property. I mean my backyard; I've lived there for ten years. I like to do gardening, I like to entertain. I mean, there's going to now be an impact on my ability to enjoy the backyard. I feel like there's an impact on the value of my property to some degree as well. There's also, I've seen notes in here about removal of trees. So there are two oak trees in the backyard that are as big as the apartment building next to it. And I feel like those types of things add to the neighborhood and add to the area. It's like one thing that's nice about Minneapolis is the green space. But I can assume that both those trees are going to be taken down as part of this construction. I'm also concerned about parking and just the fact that with the proposed building that there's going to be the two entrances to the top level units are in the back of the building. The fact that the building has five bedroom units, are these going to go to, be rented to young families, people with children, keeping regular hours. Is it going to be rented to people who are 22 years-old and making noise all night facing my bedroom? So those are some of my concerns that I wanted to voice.

Chair Perry: Is there anything today, I get the sense from what I read that people are concerned about the size of this unit and how it might be used. And you just talked a little bit about that. What this board is really focused on is not those things. Because, as you assumed, the applicant can build this unit as they have laid out except for the variance that they need for the side yard setbacks. Is there something specific about the side yard setbacks, because I really would like people to address the variance that is before us.

Robert Winberg: Sure, my apologies. So all things considered, I'd rather have the building with the ugly roof that slopes that'd at least let some more sunlight into my backyard. Than a building that's going to be squared off at the top and block even more light in my backyard. That'll be it.

Chair Perry: So that's why you would ask us to deny the variance?

Robert Winberg: Yes.

Chair Perry: Ok. Thanks. Who's up next? And again if you could give your name and address for the record and do your best to speak to the variance about the required side yard setbacks being reduced from 11 feet to 10 feet.

Paul Moormon (3617 Aldrich Ave S): I would ask that this variance be denied. As I do believe the site should be developed and I would not be opposed to 3 ½ story building. I believe that the building of this size would not fit in with the spirit of the neighborhood and could set, would set a bad precedence for increasing the sizes of the buildings going in the future for our area. I also believe that the zoning laws in the case should be maintained as written to help maintain that. One of the things I'd like to show you is a little bit of a flavor for what is going on in the area. This is across the street, less than a quarter of the way down the block. So there is the precedence is what I'm trying to prove here with 3 ½ story buildings is the maximum buildings that is in the area. This is a picture looking at it. Right in this area here is where the building would be put. Obviously a four story building would extend above the other apartment buildings and the condominiums that are next to it. And I believe that would stand out and wreck the flavor of the neighborhood. Looking south down the street, you can see that it is single-family homes and residential. So, as larger things get built on the corner looking to the north of that block, you will see that that block will completely build up and look more like a huge apartment complex with the height. And there is another closer picture with the existing structure here that would be taken down. This would be a condominium and looking south again. That is the property in question. And like I say, I do believe there should be some development on it, I just don't believe that height would fit in very well. And this is the back as well. You can see how even with the existing structure there, corridors would get narrower and narrower. And I also worry about the concerns of people in the neighborhood and crime with more tight alleys running down. I realize it's only a foot but....so, that's all I have to say.

Chair Perry: On your last point, you've been talking about height which again, the applicant, the City cannot prohibit the height...

Paul Moormon: Correct. But my understanding is that the formula that you have for variance versus height, that in order to have that flat roof and the four stories tall, that is what's translating into the extra foot. And that's what, the variance on each side.

Chair Perry: So, tell me again what, I thought I heard at the end why you were concerned about the width between the buildings, narrowing and.....

Paul Moormon: Looking at the proposed site, to have another building with less setback between the two buildings, this area between the two buildings, I would also be concerned about safety for the tenants.

Chair Perry: How's that?

Paul Moormon: Its one less foot of area between the two buildings. And you also have the additional height with decrease of sunlight and any street light availability in there.

Chair Perry: Ok, thanks. Thanks for coming down and testifying.

Paul Moormon: Thank you for hearing me.

Chair Perry: Who else would like to speak?

Jean Ross (3624 Bryant Ave S): I live directly across the street from this proposed project for 32 years. And I don't think you should allow the variance for the extra foot cause it will set a very bad precedent. There's no hardship here. It's their overblown design that is asking for the extra foot on each side. If they don't have enough circulation in their design, redesign it with fewer bedrooms or something like that. There's no home, or dwelling in our neighborhood that has five bedrooms in it. And this is going have two units with five bedrooms. Our neighbors that own a duplex directly across the street from this proposed project, they're going to sell it to a developer, and they're going to do the same thing. Might even be the same outfit. And they're going to be a foot closer to my house; I don't want it. I don't think they should be allowed the variance at all. We have way too much density already. We have huge parking issues, and this thirteen people potentially that are going to live here, not every one of them is going to be taking mass transit. That's going to be more parking issues in our neighborhood. I know you're not supposed to consider that but, we have with the business node and the Walker Care Center and all this high density housing that's already there, there's no parking. Four parking spaces is completely inadequate for this type of development. Thank you.

Chair Perry: Ok, thanks. You know folks, the reason why I'm saying to focus on the variance in question, if you bring something else up, that the developer can do by right, I don't want to give the impression that we are going to make a decision based on what you've said about height or density because that's not something before us. I'm just trying to set the expectations right. I'm not denying or invalidating what you're saying. I'm just trying to be clear what our decision process is. The parameters and focus of our decision is this variance that's before us; which has to do with the side yard setback.

Jean Ross: I've seen the plans, I don't mind the aesthetics of the design, I just think they should not be, they should stick to the building codes that we have here in Minneapolis and not give them a variance. If there's not enough circulation with their design, they should scale it down and have fewer bedrooms or whatever they need to have adequate circulation.

Chair Perry: Thanks for coming down and testifying. Who else would like to speak?

Rick Schmitz (3625 Bryant Ave S): The building just south of the proposed property. The staff report, page three, top paragraph, last sentence. The increased setback would increase the size of the building up to four stories rather than three and half stories. And so I oppose the variance to have a three, I'd rather have a three and a half story building than a four story building. And that's what that sentence says.

Chair Perry: Thanks for coming down and testifying; next.

Jim Griggs (3612 Aldrich Ave S): I'm just going to skip my notes that I have here. I'm basically speak to you as saying I do not agree with the setback. I know you don't want to hear it but the parking is going to be an issue. It's going to be bad. I do believe the height of the building is too tall and therefore I do not agree with the setback. Thank you.

Chair Perry: Alright thanks. And again, I just want to impress upon people, it's not that I don't want to hear about parking, it's that, if you talk about parking, I want you to know that we can't, that's not something we will take into account unless it relates to the variance in question. So if there was something about, if they were asking for a variance to parking, we would then be taking that into account. But parking would have to, either directly or indirectly somehow relate to the variance in question for us to take that into account. Yes sir? Do you want to give testimony?

(Off mic) Actually I would like to ask a clarification question.

Chair Perry: If you want to come up and, this is on the record so we need to have you give your name and address so you can ask me a question.

Paul Moormon (3617 Aldrich Ave S): Clarification question, when we're talking about height in relationship to the setback, is that a valid discussion with you, because both are related.

Chair Perry: Yes.

Paul Moormon: Ok, thank you.

Chair Perry: Anyone else like to speak?

Karmen Post (3620 Aldrich Ave S): Directly behind the proposed site, so I share the alley with this lot. I'm asking that the requested variance be denied because, I agree that's it's going to be just way too high. So if you keep it narrower then you don't have to go four stories high because I'm going to lose a lot of light in my backyard because of it. And I'm also really concerned about the little verandas that are going off the side up on the fourth floor. I'd rather see, instead of the veranda and then the flat roof, I'd rather see just a total pitched roof, which they showed in the three and a half story picture. I think that there are going to be so many people in this house that they're going to spill out over onto those verandas. And its, there's just not going to be any quiet or privacy or anything. I have lots of other issues with the oak trees that could potentially come down, I understand that's not in the variance necessarily but they haven't even accounted for where all four of the garbage bins are going to go, all four of the recycle bins and the organics bins. It's just going to be so crowded. And our alleys

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are as tight as it is. In the winter time there's no place to put the snow. I've been there three winters now; I own the duplex that's directly behind this. And I do my own snow clearing and there's no place to put snow. In the winter time, the alleys get so narrow that you can't even get through, so I don't know where they're going to put three cars and a...I don't know. it's going to be crazy. I know that something is going to be built there and I would really rather see no variance and a three and a half story house than four stories with a variance.

Chair Perry: Thanks for your testimony. Anyone else like to speak? Name and address for the record please.

Will Steinfield (3525 Bryant Ave S): We live in the condo. We actually are in the condo unit that is facing the proposed development. I live with my partner Tao back there. And there are a couple of things that we wanted to say. I'm very nervous so let me collect my thoughts. So, one of our primary concerns, we just purchased the condo recently, and we actually came from an apartment building that was near another, the previous development that was shown in the slide earlier by this developer. And, it's a very tall, awkward structure that came up right behind our apartment building. That was when we lived on Colfax Ave, one block from Dupont. And the tenants that moved in were similar to what others have described today. They tried throwing trash in our dumpster. Their garbage bins in the back were overhanging into the alleyway because there wasn't enough room, because of the size of the structure. And so that's another concern that carries over into this new development is that the sheer size and they have a proposed four car garage, they're not going to have any room in the back to do waste disposal. Those garbage bins are going to be overhanging. They aren't going to be able to get in and out. My main concern is privacy. We just purchased this condo with a view of the house next door. Now we're looking at a much closer structure, potentially two or three floors looking down at an invasive angle into our unit that stretches the length of the building. So even if your blinds are drawn, you can still see down at that angle. I would like you and ask you to deny the variance so that the building is not any closer than it needs to be. Thank you.

Chair Perry: Are you in the north or the south?

Will Steinfield: South; condo building.

Chair Perry: South unit. Ok, thanks. Anyone else that would like to speak? Name and address for the record please.

Jennifer Starbright (3617 Bryant Ave S): The apartment building right to the north. And I'm here also to speak against the variance. Similar to others, it's the height that I'm opposed to. Specifically because of the trees, they are my main concern. It's an apartment building for me, but I'm in the unit, the upper unit on the southeast corner so I overlook the yard. And two of the oak trees lean into, over into the property line. So, I'm assuming they're going to take them down. Well, they need to cut them back significantly. And I don't think the trees would survive. And I just want to speak to the importance of greenery, how it (inaudible) the environment and it prevents erosion. These are oak trees, they're mature oak trees. Oak trees are one of the most sustainable species in the city. And I love these trees so its personal. But it also really affects the quality of life in the neighborhood. Oh,

and I have a picture to show. So it's these two trees which lean over into the property line that I'm most concerned about. Thank you.

Chair Perry: You're welcome. Thanks for your comments. Thanks for coming down. Anyone else that would like to speak against this?

David Wheeler (3625 Bryant Ave S): Happen to actually be condo president of our building. I want to enter into record 34 signatures on a petition from neighbors who live in the neighborhood that are opposed to the variance. They're opposed to the variance because the building that is proposed, this shows you how well this building does not fit into their neighborhood, nor would the structure that's before us. And I don't believe that the property should go undeveloped. I'm in favor of development. I'm not in favor of the variance. There's no hardship at all except that the builder and the constructors of this want to have more units. There are no five bedroom rental units anywhere in East Harriet; very few in the whole City of Minneapolis. There are some over in the University area. But there are virtually none in the whole city. This is an historic area and its multi dwelling and all sorts of stuff. But nothing as high or as densely populated as this. And the only reason that it's a hardship is they want to put 16 bedrooms in a space that's virtually the size of the building where we are, except we're two and half stories and we've got five units and ten bedrooms. So, my concern is that there really isn't a hardship. What there is, is a desire to put far more people in an area and the only way to do that is to ask for this variance. I want to have a development there. I want it to be a good development. But I don't want it to be one where there are exceptions that are made. I have a series of letters that I'm also going to pass on. Years ago, the City of Minneapolis wisely saved our neighborhood. All that property was being bought up by Walker Methodist residence. And they were going to be building and taking down all those places. But the neighbors hung together and they decided that was not appropriate for a mixed used place to destroy all these single-family homes and to destroy the character of the neighborhood. The City of Minneapolis said no. You have that opportunity to say no to this variance, and I invite you to do that. Thank you so much for the time.

Chair Perry: Thanks for those comments. Anyone else like to speak against this variance request? Are you here to speak against or for?

Council Member Lisa Bender (2433 Dupont Ave S): Neither. But if I may, I'd like to just clarify a couple of things. I serve as the 10th Ward City Council Member. When this project first came to my attention via staff, I communicated to the developer as well as the staff and chair of the neighborhood association as well as the chair of their relevant committee that looks at land use issues. Because some of the projects that have come forward in the 10th Ward that have the pitched roof design, that's more like a tall skinny single-family home design, have gotten some negative feedback. And so I had suggested to the neighborhood and the developer that perhaps they could work together to see if there was a different design option that might be more amiable to the neighbors. I think there was a bit of communication breakdown between like an email typo problem. So unfortunately what I'd hope would happen, would be that the folks could go to, the applicant could go to the neighborhood organization allowing neighbors the chance to review both of those two options to see what the preference was of the neighbors. I just want it to be clear that I don't have a preference for each of the two designs. Obviously if you deny the variance for the side yard setback I think the developer would likely go back to the original design which is the pitched roof. And

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again a couple of the projects in the 10th Ward that have had that design, the neighbors just haven't really thought really, I hear people think it sort of looks like a elongated home, a elongated single-family home, instead of a project that was designed for that height. So I just wanted to clarify some of those specifics. And just make clear that I don't have a position on the two designs. Thank you Sir Chair.

Chair Perry: Thanks for that clarification. As people may well know, if there is an appeal of the variance, first the Zoning and Planning Committee, which Council Member Bender chairs, and then the full Council serves as the appeal body. So it's good to get on the record that the council member does not have an opinion on this. Otherwise that would be a problem for that appeal process. And with that, I would ask is there anyone else that would like to speak against this? I see no one.

Closed the public hearing

Chair Perry: Board comment? And again we're focused on the, again I just want to reiterate, we're focused on the variance itself. And some of us know this area quite well, myself included, in terms of some of the other issues that have been raised regarding parking, etcetera. But what we're here to talk about today is the interior side yard setback variance. And the testimony that we've heard as well as staffs written report, whether we can find or not find for the applicant. Mr. Finlayson.

Board Member Finlayson: You know after having read the report and heard the testimony. I'm buying staffs reasoning that this should go forward, that the variance should be granted. One of the things that I looked at was the overall setbacks. The setback engrossed between the two neighboring buildings and I think it allows wide spacing. So, I am in favor of staff's position.

Chair Perry: Alright thank you. Ms. Holien, I want to have you just refresh our memories, maybe only mine. Right now there's a house there and if you could talk about, go through the numbers again about what the setback is on the house. I know the house is much shorter, but the setback north and south for the house, versus what it's going to be for the proposed development.

Staff Holien: I'm going to have to read the really fine print here, but the setback of the existing structure from the north property line is 4.2 feet, from the south it is, it's not called out on the survey but looking at this I would say, if its 4 feet, the lot is 42 feet wide. Its 4 feet off the north; the house is 24 feet wide, so 20, so 14 feet off the south.

Chair Perry: So about 14 on the south and 4.2 on the north. Which is pretty typical as you said for homes to be sort of scooped up towards north side. And for the development itself we're looking at 10 feet and 10 feet as requested.

Staff Holien: Correct, the applicants proposing to center the structure.

Chair Perry: Thanks, appreciate that. (Off mic speaking from the public) Mr. Wheeler, as I explained once the public hearing is closed, there's no additional public comment. (More off mic speaking) Well, the public hearings closed, so...there may be other opportunities but not at this hearing to bring that up. Other board comment? Mr. Cahill.

Board Member Cahill: Thank you Mr. Chair. Mr. Chair, I'm actually going to disagree with staff on this. Looking at this, I struck by testimony that the conversation was between a pitched roof and a flat roof. It was after that there was neighborhood feedback and conversation with staff that there was an aesthetic question about whether or not the proposed with pitch roof fit into the neighborhood. And the recommendation came forth that a flat roof would be better suited for this location. And that's what I think was the motivating factor behind making the flat roof, therefore creating the necessity for the variance. As I believe staff noted, whether it is a pitched or a flat roof, the interior is not changing. With that is I don't think there is anything about the use that the variance is required to change. I don't think there is any practical difficulty changing. There is no practical difficulty to allow for the variance. I think this is perfectly capable with the pitch roof. Certainly we've heard that members of the community don't like the pitch roof and prefer the flat roof. We now have a number of people from the community saying well we prefer the pitch roof and its three and a half stories. I think either way; if that's the deciding factor it should go towards, essentially following what the building code is. However I point out that, even with the three and a half stories, the concerns noted by of the folks here including density, parking, trash, privacy, will not be affected under a legal building. And so while I hear that, I think that a lot of the concern lays with the nature of the zoning code itself, which is not a matter of discussion for this board. But looking strictly at whether practical difficulties exist, I don't believe they do. And I would find against that and deny the variance. Thank you.

Chair Perry: To summarize it sounds like you are saying that it does not fit in with the character of the neighborhood.

Board Member Cahill: No, I think that's a choice by the community right now. But I think we've had testimony both ways. I simply say there are no practical difficulties for the variance. There is a legal building that could be allowed with the three and a half story pitched roof, which would be entirely legal. With that, it is perfectly possible for the applicant to abide by zoning code without affecting the use of the property itself.

Chair Perry: Ok. Alright, other board comment? I'm saying alright, I don't mean that to mean I agree with you, I'm just acknowledging that I heard you. Mr. Sandberg.

Board Member Sandberg: Thanks Mr. Chair. I started out thinking I agreed with staff recommendation but after hearing Mr. Cahill's argument there, I'm becoming convinced that this project could be built with the same density, essentially the same height, except with the peak instead of the flat roof with the same side yard setback without having a variance. So because the project can be accomplished without a variance, I would say there is not a hardship to doing the project. Unfortunately I don't think the project is going to be better if we deny the variance. I think that it would be a better project, likely with a flat roof. I think it's more aesthetically pleasing but not for the purpose of increasing the density, that's already permitted by the zoning code. And part of the policy of the City is to increase density in these lots. So, I will follow Mr. Cahill's argument that there is not a hardship. But I don't necessarily agree that the project will be better for our denying this variance.

Chair Perry: Thank you. And just to be clear, there's a difference between hardships, the way we used to think about it and practical difficulties. And what I think, what we're trying to find out is can the property be put to reasonable use as it is zoned within the confines of the code. So, is there something about the code that is preventing them from using the property in a reasonable way, which is a little bit different than, you know, showing a hardship? Mr. Saufley.

Board Member Saufley: Thank you Mr. Chair. Just one of the thoughts I had looking at the schematic, looking at the ground level site plan. I see that we've got the egress windows and I would imagine those extend two to three feet from the building itself. And one of the things that always concern me with buildings that are close to each other especially when they get taller is sometimes the need to get equipment between buildings. With buildings being as tall, you know, two stories or three stories tall you can I think safely assume that generally speaking the equipment is fairly small. But when you get up to four stories, you know I don't know how large or how difficult it can be to access spaces on the rooftop or if that would even be a factor. But whatever space there is, it's certainly restricted by the presence of these egress windows and necessarily requires some sort of interaction between neighboring properties. You know just permission to access and things like that. And while again that isn't our concern, the neighborly agreements, it does relate a little bit to the safety of the users in the area. It relates to the practicality, not the practicality but the reasonableness of building so tall seeking setback exceptions. And that's just something that popped into my head, so I thought I'd share.

Chair Perry: Alright thanks. Ms. Thompson.

Board Member Thompson: I think, if I understand correctly the three and a half story building would be able to have the ten foot setback by right. It's just when they go up to four stories is when they need the variance. So I don't think the distance between buildings is addressed so much. Is that correct, staff?

Staff Holien: That is correct. A three and a half story building would only have a setback requirement of 10 feet so it's likely that the presence of the egress windows and the air conditioners on the north side of the building would remain unchanged.

Board Member Thompson: Thank you. And I actually, I agree with staff findings. I think their findings are very solid. And we could grant this variance and meet all the legal findings as required. But, I think hopefully what will happen there will be additional discussion between the developer and the residence, because maybe there could be a solution that both are happy with. But based alone on what staff has given us and the testimony we've heard, I feel like staff's recommendations are solid based on this idea of not, could a legal development happen, but are there proposed uses reasonable within the context of zoning law and our requirements to make findings.

Chair Perry: Thank you for those comments Ms. Thompson. Anyone else like to speak to this? Mr. Johannessen.

Board Member Johannessen: Thank you Chair Perry. I agree with Board Member Finlayson. I think it's, a foot is not a big deal to me. And I think the character would be compromised if it goes with the
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project that was shown as an example; that looks forced. And I know we're not here for aesthetics but I would say the form that it takes as presented is much better for the community. So, I support staff findings. I think it will be an asset to the community as a whole.

Chair Perry: thanks for those comments Mr. Johannessen. Any further comments? Ms. Drescher.

Board Member Drescher: Looking at it, if you would build a 3.5 story structure, again there would be no changes with the interior setbacks. It would be 10 feet as well too. And I agree, having a pitched roof, yes there would be a little more light, but it is really the aesthetic that would not fit in the neighborhood as it is proposed. The other pitched roof, it would just not fit into it. So I do agree with staff findings.

Chair Perry: Thanks for those comments. Any one...I think everyone has weighed in so is there a motion that someone would like to make, unless there's further discussion. Mr. Finlayson.

Board Member Finlayson: I move staff's position.

Board Member Thompson: I second.

Chair Perry: Mr. Finlayson moved staff recommendation to grant the variance and Ms. Thompson has seconded it. Is there further discussion? Without any further discussion will the clerk please call the roll?

Item # 1

3621 Bryant Avenue South, Ward 10
Staff report by [Kimberly Holien](#), BZZ-7658

The Department of Community Planning and Economic Development recommends that the Zoning Board of Adjustment adopt staff findings for the applications by Daniel Perkins of Farkas Wagner, LLC for a new 4-story residential structure with four dwelling units located at 3621 Bryant Avenue South:

A. Variance to reduce the required north interior side yard setback.

Action: The Zoning Board of Adjustment **approved** the application to reduce the north interior side yard setbacks from 11 feet to 10 feet, subject to the following conditions:

1. Each egress window well in the interior side yard shall not exceed 16 square feet in area, in compliance with Section 535.280 of the zoning code.
2. The fourth floor cantilever shall maintain a front yard setback of 15 feet.

Absent: Ogiba

Aye: Drescher, Finlayson, Johannessen, Thompson

Nay: Cahill, Sandberg, Saufley

Motion passed

B. Variance to reduce the required south interior side yard setback.

Action: The Zoning Board of Adjustment **approved** the application to reduce the north interior side yard setbacks from 11 feet to 10 feet, subject to the following conditions:

3. Each egress window well in the interior side yard shall not exceed 16 square feet in area, in compliance with Section 535.280 of the zoning code.
4. The fourth floor cantilever shall maintain a front yard setback of 15 feet.

Absent: Ogiba

Aye: Drescher, Finlayson, Johannessen, Thompson

Nay: Cahill, Sandberg, Saufley

Motion passed