



**Request for City Council Committee Action
From the Department of Community Planning & Economic Development**

Date: November 10, 2005

To: Council Member Gary Schiff, Zoning and Planning Committee

Prepared by: Molly McCartney, City Planner

Presenter in Committee: Jason Wittenberg, City Planner

Approved by: Jason Wittenberg, Supervisor, CPED Planning-Development Services

Subject: Appeal of the decision of the Zoning Board of Adjustment by Doug and Gretchen Gildner.

BZZ-2571 – 21 Park Lane – Cher and Scott Harris have applied for a variance to reduce the front yard setback established by connecting a line between the front two corners of the two adjacent residential structures along Park Lane from 34 ft. to 19 ft. and a variance to reduce the required north side yard setback from 6 ft. to 3.2 ft. to allow for a second story addition to an existing single-family dwelling at 21 Park Lane in the R1 Single-family Residential District.

RECOMMENDATION: The Zoning Board of Adjustment adopted the staff recommendation and approved the variance to reduce the front yard setback established by connecting a line between the front two corners of the two adjacent residential structures along Park Lane from 34 ft. to 19 ft. and approved the variance to reduce the required north side yard setback from 6 ft. to 3.2 ft. to allow for a second story to an existing single-family dwelling at 21 Park Lane in the R1 Single-family Residential District subject to the following conditions:

1. Review and approval of final site and elevation plans by the Planning Department.
2. That the exterior materials of the addition match the exterior materials of the existing dwelling.
3. As required by section 535.90(d) of the zoning code, the garage shall extend no more than five (5) feet closer to the front lot line than the facade of a habitable portion of the dwelling.

Previous Directives: N/A

Financial Impact (Check those that apply)

No financial impact - or - Action is within current department budget.

Community Impact: Other: See attached.

End of 60/120 Day Decision Period: On September 21, 2005, staff sent a letter to the applicant extending the 60 day decision period to no later than December 20, 2006.

Background/Supporting Information

Doug and Gretchen Gildner, property owners of 24 Park Lane, have filed an appeal of the decision of the Zoning Board of Adjustment approving two variances originally filed by Cher and Scott Harris. The variances, for a reduction in the required front and side yard setbacks, were requested in order to construct a 2-story addition that includes an attached garage addition at the property at 21 Park Lane. The application was originally heard at the September 15, 2005, Zoning Board of Adjustment meeting and continued to the October 6, 2005, Zoning Board of Adjustment meeting. The neighborhood group, Cedar Isle Dean Neighborhood Association, requested the continuance at the September 15, 2005 meeting in order for the variances to be discussed at a neighborhood group meeting.

The appellants have stated the decision of the Zoning Board of Adjustment is being appealed because the property is too small to accommodate an addition of this proposed size without imposing on neighbors and altering the character of the neighborhood. In 1990 and 1995, previous owners of 21 Park Lane filed similar variances, which were approved by the Zoning Board of Adjustment but denied by the Zoning and Planning Committee, V-3112 and V-3871. The most recent variance, V-3871, and associated appeal were appealed by the current appellants, Doug and Gretchen Gildner. The appellant's complete statement for the appeal is attached. Information submitted after the appeal was filed by Scott and Cher is also attached.

At the October 6th, 2005, Zoning Board of Adjustment meeting, eight (8) Zoning Board of Adjustment members were present. Eight (8) members voted to adopt the staff recommendation and approved the variance to reduce the front and side yard setback. The original staff report and the actions from the October 6, 2005 Board of Adjustment meeting are attached.

Board of Adjustment

HEARING ACTIONS/MINUTES

Thursday, October 6, 2005
2:00 p.m., Room 317 City Hall

Board Membership: Ms. Debra Bloom, Mr. Matt Ditzler, Mr. David Fields, Mr. John Finlayson, Mr. Daniel Flo, Mr. Paul Gates, Ms. Marissa Lasky, Mr. Matt Perry, Mr. Peter Rand

The Board of Adjustment of the City of Minneapolis will meet to consider requests for the following:

1. **21 Park Lane (BZZ-2571, Ward 7)**
Continued from the Board of Adjustment public hearing held on September 15, 2005

Cher and Scott Harris have applied for a variance to reduce the front yard setback established by connecting a line between the front two corners of the two adjacent residential structures along Park Lane from 34 ft. to 19 ft. and a variance to reduce the required north side yard setback from 6 ft. to 3.2 ft. to allow for a second story addition to an existing single-family dwelling at 21 Park Lane in the R1 Single-family Residential District.

CPED Department Planning Division Recommendation by Ms. McCartney:

The Department of Community Planning and Economic Development – Planning Division recommends that the Board of Adjustment adopt the findings above and **approve** the variance to reduce the front yard setback established by connecting a line between the front two corners of the two adjacent residential structures along Park Lane from 34 ft. to 19 ft. and a variance to reduce the required north side yard setback from 6 ft. to 3.2 ft. to allow for a second story to an existing single-family dwelling at 21 Park Lane in the R1 Single-family Residential District subject to the following conditions:

4. Review and approval of final site and elevation plans by the Planning Department.
5. That the exterior materials of the addition match the exterior materials of the existing dwelling.
6. As required by section 535.90(d) of the zoning code, the garage shall extend no more than five (5) feet closer to the front lot line than the facade of a habitable portion of the dwelling.

TESTIMONY

Staff presented their report and recommendation to the Board of Adjustment.

Finlayson: Any questions of staff? Not at this moment. Is the applicant present? Care to make a statement? For the record, name and address please.

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My name is **Scott Harris** and this is my wife, **Cher Harris**, our address is 21 Park Lane, Minneapolis, 55416. We did submit of course our statement and there was a few things in there that we note that we have neighbors here today in opposition and we have had the opportunity to read the letter submitted by the neighbors, the Gildners and I wanted to make a few comments in advance of what I think to be their statement. Due to the configuration of the lots and the location of houses on our street, 21 Park Lane we would want the Board to recognize that the setback issues are only at one particular point basically. Rather than having straight lined walls, that are at these points where we are seeking the variance. This aerial photo I think if you can see it – makes it rather clear. Because of the winding nature of the street, this point over here, we have put in white which will be the footprint of the proposed design of the new garage. It is only this point where we get as close to the variance that we are seeking. And as the front of the garage moves towards what is the south, because of the nature of the street, we are moving further back in terms of setback.

I know in the Gildners letter that they suggested that if we do this project it will appear as if there is a wall of building between our house and the house to the north, which is this residence. And in fact, there will be a distance. This is a three car garage of our neighbors next door and you can see that there will be no impact on any sight lines. This is the actual residence, but even on the garage because of the curve of the street, we effectively, it is as if we are on a corner here, there is no one that looks in that direction where we are building and the distance between what will be our corner point here and the adjacent garage is about 18 feet of grass/green space between the two. So, to suggest that there will be this wall of construction is simply not accurate. We are currently in our existing garage as close as 3.2 feet from that garage next door now and that is as close as we will ever be and it is not until you get to the very back of our proposed construction that they are that close. So, there will be this substantial space. Indeed it is more space between what are the facades of the two structures than most of the houses on our block, including the neighbors who are complaining and their next door neighbors. As you can see because of the pie shape it is also that that 3.2 distance is only at one point. And as we get closer to the front it does expand to an 18 foot distance between the two of them.

We did not mention in our original statement, I did put in a supplement in the record, an addendum, I don't think it is as easy to see here because of the shadows, but at the south most point of our lot, which is over here, there is also a fire hydrant that we had not made note of. So, in order for us to park in front of our house on the street, which is our circumstance now, we have three cars and are about to have our fourth driver in our family when our daughter becomes 16 in a few months. In order for us to park in front of our house, given the hydrant being here, we have effectively for a full car at least or a truck one space before you hit our driveway, the single car driveway. If we park to the north of our driveway, we are effectively in the driveway of our neighbors the Kirkum's, across the street. So, in order for them to back out either of their two cars, they end up maneuvering around our car, because Park Lane is a narrow street. I know one of the issues that has been raised here is sight lines and hardships on the street. We believe that the proposed project will in fact enhance those issues. It is our cars on the street right now that propose obstacles for our neighbors and for that matter pedestrians if they are walking around. We are proposing a narrow as possible addition to our driveway, but we will get our cars off the street, if we can do this. We would note that since 1995 in particular, when our predecessor made an application, there has been variances of this nature all up and down park Lane, that have been approved and the buildings have been constructed consistent with them. Half the houses on Park Lane right now have protruding garages that move closer to the street. A large number of them have structures that are closer to the street, mainly because of the curving nature of the street than our structure will be. It

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should be noted that since I have taken a look at the record from 1995, with the exception of the Gilders who are here today, all of the neighbors who are in the immediate proximity to our home have supported, enthusiastically have supported the project. Everyone previously as I understand it, the people behind the house had some objection to the height of the Johnson (who is our predecessor) of their plan. We have reduced the height, it will not be equal to the height of our existing roof, and it is going to drop down. It is not a full two-story addition, it is a 1 ½ story with an attic space above the garage, so we didn't impact; it is also a straight line across the garage, unlike what the Johnson's had. Under these circumstances if we had tried to comply with existing Zoning, we would be putting a two car garage, free-standing behind our house, separate from the 1 car garage that is built into the house, and we thought, as the Gildners letter suggests the back yard of our house and others basically form a park area. If we intruded on that park area we think that would be the most offensive thing to our neighbors, so believe that we have come up with a plan that is most esthetically pleasing in the neighborhood, conforms to the look of the neighborhood and obviously we moved there to make sure that, because we love the beauty of the neighborhood, we think the plan will only enhance that. We did note the Gildners letter that there was a suggestion about uniformity of setbacks, in fact as I say, there are a number of houses all up and down our street now that are closer than ours will be at the end of this construction. They raised a question about water pooling at a low point amongst those three back yards, none of the neighbors who are involved with us have an objection to the plan, none of those neighbors behind us, they all enthusiastically support it and the record has letters of recommendation to the Board in it. As I indicated the other complaints by the Gildners in terms of pedestrians, dog walkers - you can see from this footprint that there is no impact from the street, it is not even close. In fact getting our cars off the street will enhance all of those issues and for that reason we hope that the Board will take this under consideration.

Thank you.

Finlayson: Thank you. Anyone else to speak in favor? To speak against? Please. Name and address for the record, please.

I am **Gretchen Gildner**, 24 Park Lane. **Doug Gildner**, 24 Park Lane. About 10 years ago, it was a little over 10 years ago, Doug and I, several of our neighbors went before the Board in opposition to the plan that was very similar to the plan that our neighbors the Harris' are suggestion now. At that point, the Board recommended that the variance be denied and were denied. You might ask, what has changed in those 10 years. Well, we have new neighbors the Harris' and we are all 10 years older. You might think that that is rather a frivolous remark, but I don't believe that it is because when I speak to you about the people last time that opposed the variance, circumstances have definitely changed for them, and I think that is why they are not here today in opposition. Last time, in addition to ourselves there were probably 4 people in opposition to the variances, one next door to us, the Kirkum's who Scott mentioned when he was speaking to you earlier. Directly next door to the Harris', Nancy Beckley. Well, if I may read to you from Jim's letter last time, he said.

Finlayson: That was last time, this is this time.

Gretchen Gildner: Okay. I won't read from the letter.

Finlayson: I do not want to hear anymore of what was addressed last time.

Gretchen Gildner: It is mainly because Scott mentioned that people are not opposed now, and I am saying they are not for a particular reason. Jim's children were much younger then and he

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had concern. I won't read from the letter. That it would be a bad thing as far as the sight lines go for his children on that street. Well, his children now are 13 and 12, so he is not as concerned about that obviously. Nancy Beckley the neighbor directly next door she felt so strongly that she hired an attorney to come speak for her.

Finlayson: It seems to me that we are escaping the thought that that was last time and this is this time. No more of last time. Please.

Gretchen Gildner: I'm sorry. So, we stand before you now the two of us who are directly across the street and if I may show you a couple of pictures.

Finlayson: Please do.

Gretchen Gildner: Pardon me.

Perry: Can I get your address again?

Gretchen Gildner: We are 24.

Doug Gildner: 24 – we are directly across the street, we are the most impacted because we will have to look at this every day.

Perry: Thank you.

Gretchen Gildner: The picture that Doug is bringing up to you is taken directly from the landing of our steps as you look out of the window to directly across the street. That may shed some light on it.

Finlayson: Let it start at one end and work its way down.

Gretchen Gildner: So, since there is no last time, I think it is important that you all understand that as you can see from Scott's picture that Park Lane is a very tight neighborhood. He's absolutely correct that if all of his cars were off the street that it probably would be a better situation, however, when we moved into our house, we had the unhappy surprise that our car would not fit into the garage. Our car sat outside until we got a new, smaller car. Scott's son is off at school so that means one last car, although his daughter as he pointed out is soon to be driving. So, I suppose that means another car. The house that they lived in prior to coming to Park Lane had an unattached single garage, so, I sense that they are familiar with a single garage and that this one is attached, which is a little bit better. They knew coming into this house that because of the configuration of the property, it was really built for a one car garage. Scott pointed out that there has been several variances granted in the last 10 years that we have lived there. This is true. In addition to 3 variances that required several variances in some cases, there has also been 3 tear downs on Park Lane, which is remarkable considering that there are only 26 houses on Park Lane. Basically, we feel that the structure is just too large for the property. We feel that Zoning is at the very heart of Planning. It sets minimums, sets the yard requirements, it sets the setback requirements to provide a zone which will encourage orderly building. We feel that by allowing this structure to come forward and so very close to the Beckley home next door that it will be really a wall like structure as you look from our house and any angle coming down across the street.

Doug Gildner: I wanted to comment that the adjacent homes on the street have a setback that is much less than Scott has commented on setbacks on Park Lane but the two adjacent homes,

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this will come about 10 feet out from the homes that you pass as you proceed down Park Lane, so it will definitely appear quite massive and over-sized for the lot compared to the adjacent homes as you come down Park Lane. At least this part of Park Lane.

Gretchen Gildner: As you can see from the pictures, there will be then – 1, 2, 3, 4, 5 garage stalls in a row creating an essence a garage scape. Thanks.

Finlayson: Anyone else to speak against? I see no one we will close the public portion of this item. Board comment, please.

Rand: I move to approve the staff recommendation.

Gates: Second.

Finlayson: Further comment.

Rand: Further, I would add, what happens if they paint the house pink? You would not like pink?

They can do that, they can paint it pink.

Bloom: If I can just add, I truly believe that the findings the staff had as far as the unique configuration of the lot, single car garage is almost a hardship within itself. But the lot lends a lot of hardship to this, that is why I agree that this is an applicable variance. It is not going any closer to the property line than the existing garage is and they respected that, I think it was very well done and respectful to the neighbors.

Lasky: I will agree with Ms. Bloom. The only concern that I had and thought it was very sensitive to stepping down and used a double door instead of two singles, which is also respectful. What was the rationale for the zoning code for the 5 feet versus 6 that they are proposing for this deck, is there a fire code?

Molly McCartney (staff): When you have an attached front facing garage, the zoning code requires that the garage not project more than 5 feet in front of habitable space. And so, there is a second story addition, the deck on the second story addition that is 6 feet deep, that is not considered habitable space, because it is open.

Lasky: Okay, I was trying to find the rationale for the 5 feet.

Molly McCartney (staff): To prohibit a lot of the front facing garages, the garage is the prominent feature of the house.

Lasky: We just get a lot of them with the decking on the top that are not attached. My only question is whether or not the garage front to back could have been minimized depth wise, I see no problem with the side yard what so ever. For the applicant, is there a reason that you could not have minimized the depth, can you give me the hardship?

Scott Harris: As a matter of fact, in light of our neighbors comment, the second stall is going to be added, which requires us coming closer to the street, will be a stall that can only accommodate a compact car. It is shorter. Since the façade of the garage will be a straight line, our existing stall will be longer than it is now, but the new stall is shallow in depth, a small car will fit into it. For the record, there is a note in there for that 5, 6 issue that you just raised

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that we are very happy to adjust our design to comply with that. It will only be a 5 foot difference between the livable space and the front of the garage.

Finlayson: Further comment? Mr. Gates?

Gates: I certainly concur with the neighbors that it is unfortunate we need to add more garage doors facing the street. Generally speaking that does not enhance the environment, but clearly there is hardship present on the lot, there is no alley, it is an oddly shaped lot and I think that the applicant has taken some pains to try and minimize the effects, so I don't see that the opposition out ways the hardship for the applicant. I support the motion.

Perry: I would echo Mr. Gates comments and after having going over and looking at the site and driving down Park Lane, I think, not technically, but an additional hardship is the road is very, very narrow relative to other streets in the city and that makes the parking in my opinion dangerous to have cars on the street. So, I will be supporting the motion as well. Thank you.

Finlayson: Please call the roll.

Roll Call Vote:

Yeas: Bloom, Ditzler, Fields, Finlayson, Gates, Lasky, Perry, Rand

Nays: None

Recused: None

Absent: Flo

Finlayson: Good Luck and please build it.

Mr. Rand moved to approve the variance. Mr. Gates seconded the motion. Motion passed.

The motion approved the variance to reduce the front yard setback established by connecting a line between the front two corners of the two adjacent residential structures along Park Lane from 34 ft. to 19 ft. and a variance to reduce the required north side yard setback from 6 ft. to 3.2 ft. to allow for a second story to an existing single-family dwelling at 21 Park Lane in the R1 Single-family Residential District subject to the following conditions:

1. Review and approval of final site and elevation plans by the Planning Department.
2. That the exterior materials of the addition match the exterior materials of the existing dwelling.
3. As required by section 535.90(d) of the zoning code, the garage shall extend no more than five (5) feet closer to the front lot line than the facade of a habitable portion of the dwelling.

Department of Community Planning and Economic Development – Planning Division

Variance Request
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Date: October 6, 2005

Applicant: Cher and Scott Harris

Address of Property: 21 Park Lane

Contact Person and Phone: Cher and Scott Harris, (612) 823-6977

Planning Staff and Phone: Molly McCartney, (612) 673-5811

Date Application Deemed Complete: August 22, 2005

End of 60 Day Decision Period: October 21, 2005

End of 120 Day Decision Period: December 20, 2005

Appeal Period Expiration: October 17, 2005

Ward: 7 Neighborhood Organization: Cedar Isle Dean Neighborhood Association

Existing Zoning: R1 Single-family Residential District and SH Shoreland Overlay District

Proposed Use: A front addition to an existing single-family dwelling.

Proposed Variance: A variance to reduce the front yard setback established by connecting a line between the front two corners of the two adjacent residential structures along Park Lane from 34 ft. to 19 ft. and a variance to reduce the required north side yard setback from 6 ft. to 3.2 ft. to allow for a two-story addition to an existing single-family dwelling at 21 Park Lane in the R1 Single-family Residential District.

Zoning code section authorizing the requested variance: 525.520 (1)

Background: This application was continued from the September 15, 2005, Board of Adjustment meeting.

The subject property is a pie shaped lot and consists of an existing single-family dwelling with an attached garage. The subject property is approximately 9,020 sq. ft. and narrows from 97.6 ft. to 14 ft. at the rear of the property. The façade of the existing attached garage projects further than the façade of the habitable space and is 30 ft. from the front property line. The habitable space of the dwelling is 32 ft. from the front property line. The applicant is proposing to enlarge the attached garage to include a second stall and to construct a second story addition. A portion of the existing garage will be

converted to a mudroom. The second story will have a 6 ft. deck on the west side of the addition, which is the front façade. The applicants have stated the proposed addition will match the details of the existing dwelling, including roof pitch (8/12), exterior materials (white shakes) and roofing material. Due to the proposed addition, the applicant is requesting a variance to reduce the required front yard setback along Park Lane from 34 ft. to 19 ft. and to reduce the required north side yard setback from 6 ft. to 3.2 ft.

Two previous variances have been applied for on this property, both to allow for larger attached garages. The first request for a variance was denied, the second request for a variance was approved by the Board of Adjustment in 1995 and appealed by a property owner across the street from the subject property, that appeal was granted and the variance was denied.

Findings Required by the Minneapolis Zoning Code:

1. The property cannot be put to a reasonable use under the conditions allowed by the official controls and strict adherence to the regulations of this zoning ordinance would cause undue hardship.

Front yard setback: The applicant is seeking a variance to reduce the front yard setback established by connecting a line between the front two corners of the two adjacent residential structures along Park Lane from 34 ft. to 19 ft. to allow for a second story addition to an existing single-family dwelling. The existing dwelling is located 31 ft. from the front property line, the existing garage is located 29 ft. from the front property line. Strict adherence to the regulations regarding the required front yard setback would not allow for the proposed addition to the existing single-family dwelling, nor would it allow for any garage addition to the dwelling, except at the rear, with a long driveway. This alternative would significantly increase the amount of impervious surface on the property and would require two separate garages. An attached garage and an addition to a single-family dwelling are reasonable requests in the R1 district.

Side yard setback: The applicant is seeking a variance to reduce the required north interior side yard setback from 6 ft. to 3.2 ft. to allow for a second story addition to an existing single-family dwelling. Strict adherence to the regulations would not allow for the proposed addition to the existing single-family dwelling. A corner of the attached garage is located 3.2 ft. from the property line, the applicants are proposing to match this existing setback. The applicants have suggested it would be possible to meet the 6 ft. setback by notching the corner of the proposed garage, however it would make the addition less useable. An attached garage and an addition to a single-family dwelling are reasonable requests in the R1 district. Staff does recognize a hardship on the pie shaped property.

2. **The circumstances are unique to the parcel of land for which the variance is sought and have not been created by any persons presently having an interest in the property. Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of the ordinance.**

Front and side yard setbacks: The circumstances of the setback variances are unique to the parcel of land due to the location of the existing dwelling, the configuration of the properties in this area, and the configuration of the dwelling on the property. The adjacent property to the north has an attached three car garage that is located 27 ft. from the front property line. The adjacent property to the south has a tuck-under garage that is located 44 ft. from the front property line. As previously mentioned, the subject property is a pie shaped lot. This is a circumstance that is unique to this parcel and not created by the applicant. The alternative to the variance would cause an undue hardship to the property owner, by not allowing the proposed addition. The location of the existing structures, the configuration of properties, and the curvature of the road are not circumstances created by the applicant. The location of the adjacent dwelling to the west is uniquely setback to 53 ft. from the front property line. The majority of the homes are setback 34 ft. from the front property line. The subject property is also located on a curvilinear street, making it difficult to draw a consistent setback along the street, by connect the front corners of dwellings.

- 3. The granting of the variance will be in keeping with the spirit and intent of the ordinance and will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity.**

Front yard setback: Staff believes the addition meets the intent of the ordinance by maintaining the same sightline along Park Lane as the adjacent garage. The addition, if constructed with materials that match the existing dwelling, will not substantially alter the essential character of the surrounding neighborhood because other properties in the immediate area have front facing attached garages. The addition, if constructed with materials that match the existing dwelling, will likely not be injurious to the use or enjoyment of other property in the vicinity. However, the addition will project in front of the existing dwelling, there are other properties across the street that have garages that project in front of the dwelling. Additionally, by including a second story living space the applicants have proposed an addition that is in keeping with the character of the area. The applicants have stated the proposed addition will match the details of the existing dwelling, including roof pitch (8/12), exterior materials (white shakes) and roofing material.

The garage will project 6 ft. in front of the habitable space on the second floor. Garages are prohibited from projecting more than 5 ft. from habitable space per 535.90(d) of the zoning code, which states:

535.90. (d) Attached garage facing the front lot line. Attached accessory uses designed or intended for the parking of vehicles accessory to single and two-family dwellings and multiple-family dwellings of three (3) and four (4) units shall extend no more than five (5) feet closer to the front lot line than the facade of a habitable portion of the dwelling when the garage door or doors face the front lot line.

There is no enumerated variance to adjust this provision of the zoning code. The applicant can reduce the depth of the open deck or the garage by 1 ft. to satisfy this requirement.

Side yard setback: Staff believes the proposed addition would likely not alter the character of the surrounding neighborhood, because the majority of the dwellings in this area have attached garages. The applicant has attempted to integrate the garage addition into the dwelling by including a second story addition above the proposed garage. Examples of other properties in the immediate area that are located at similarly close distances apart on Park Lane are: 4 and 6 Park Lane, 14, 16, 18 Park Lane, 25 and 29 Park Lane, and 34 and 36 Park Lane. Staff recognizes the unique pie shaped lot and the difficulty this lot configuration poses for the property owner. Staff believes that the proposed addition to the dwelling reduces the impact of increased impervious surface so close to Cedar Lake. Staff believes that the small portion of the addition that will project into the required yard will likely not be injurious to the use or enjoyment of other property in the vicinity, because the addition is a portion of the existing dwelling is located 3.2 ft. from the north interior side property line.

4. **The proposed variance will not substantially increase the congestion of the public streets, or increase the danger of fire, or be detrimental to the public welfare or endanger the public safety.**

Front and side yard setbacks: Granting the front and side yard setback variances would likely have no impact on the congestion of area streets or fire safety, nor would the proposed addition to the existing dwelling be detrimental to the public welfare or endanger the public safety, because it is matching the setback of the adjacent dwelling.

Recommendation of the Department of Community Planning and Economic Development - Planning Division:

The Department of Community Planning and Economic Development – Planning Division recommends that the Board of Adjustment adopt the findings above and **approve** the variance to reduce the front yard setback established by connecting a line between the front two corners of the two adjacent residential structures along Park Lane from 34 ft. to 19 ft. and a variance to reduce the required north side yard setback from 6 ft. to 3.2 ft. to allow for a two story addition to an existing single-family dwelling at 21 Park Lane in the R1 Single-family Residential District subject to the following conditions:

1. That the Planning Division review and approve the final site and elevation plans that measure to an architectural or engineering scale.
2. That the exterior materials of the addition match the exterior materials of the existing dwelling.
3. As required by section 535.90(d) of the zoning code, the garage shall extend no more than five (5) feet closer to the front lot line than the facade of a habitable portion of the dwelling