

**Department of Community Planning and Economic Development - Planning Division Report**

Variance Request  
BZZ-4141

**Date:** September 8, 2008

**Applicant:** Dan Radunz

**Address of Property:** 5912 Girard Avenue South

**Contact Person and Phone:** Dan Radunz, (952) 947-9044

**Planning Staff and Phone:** Robert Clarksen, (612) 673-5877

**Date Application Deemed Complete:** August 6, 2008

**Request For Continuance made by applicant:** September 2, 2008

**Public Hearing:** September 18, 2008

**Appeal Period Expiration:** October 2, 2008

**End of 60 Day Decision Period:** October 4th, 2008

**End of 120 Day Decision Period:** November 3rd, 2008

**Ward:** 13      **Neighborhood Organization:** Kenny

**Existing Zoning:** R1 Single Family Residential District

**Proposed Use:** Single Family Dwelling

**Zoning code section authorizing the requested variance:** Chapter 520 General Provisions; Chapter 525, Article IV Appeals; Chapter 525; Chapter 530 Site Plan Review.

**Background:** Appeal of the decision of the Zoning Administrator

Dan Radunz has filed an appeal of the Zoning Administrator's decision that the proposed structure at 5912 Girard Avenue South 1) exceeds the maximum height regulation resulting in a 3 story dwelling, and 2) the front elevation does not comply with the minimum 15% window requirement. A dwelling located in the R1 District must meet the maximum 2 ½ story or 35 foot height requirement, whichever is less, as well as the minimum window requirements for each elevation, in order to obtain a zoning certificate.

**525.170. Appeals of decisions of the zoning administrator.** All findings and decisions of the zoning administrator, planning director or other official involved in the administration or the enforcement of this zoning ordinance shall be final subject to appeal to the board of adjustment, except as otherwise provided by this zoning ordinance. Appeals may be initiated by any affected person by filing the appeal with the zoning administrator on a form approved by the zoning administrator. All appeals shall be filed within ten (10) calendar days of the date of the decision. Timely filing of an appeal shall stay all proceedings in the action appealed, unless the zoning administrator certifies to the board of adjustment, with service of a copy to the applicant, that a stay would cause imminent peril to life or property, in which case the proceedings shall not be stayed. The board of adjustment shall hold a public hearing on each complete application for an appeal as provided in section 525.150. All findings and decisions of the board of adjustment concerning appeals shall be final, subject to appeal to the city council as specified in section 525.180.

The subject property is an irregular, five-sided lot of record (the survey submitted by the applicant indicates the lot is 6833 square feet) with a maximum dimension of 111 x 70 feet, of which a substantial portion is located in the Shoreland Overlay district. The applicant is proposing to construct a single family residence on this property, and has received approvals from the City Planning Commission and City Council to permit the development. It is worth mention that these approvals were set to expire on June 16, 2008. The applicant subsequently submitted an application for administrative review of a SFD on June 13<sup>th</sup>, 2008. The Zoning Administrator determined these plans did not comply with Administrative Site Plan Review requirements, which led to the filing of the appeal by the applicant.

**Continuance:** The applicant has requested to continue the public hearing regarding this project until the October 30, 2008, Board of Adjustment public hearing.

## **RECOMMENDATIONS**

### **Recommendation of the Department of Community Planning and Economic Development – Planning Division for the site plan review:**

The Community Planning and Economic Development - Planning Division recommends that the Board of Adjustment adopt the above findings and **continue** action on the appeal of the Zoning Administrators decision in reference to construction of a new single family home on the property located at 5912 Girard Avenue South until no later than the public hearing before the Board of Adjustment held on October 30th, 2008.

### **Attachments:**

1. Zoning map
2. E-mail from the applicant requesting continuance, dated September 2, 2008.