

Department of Community Planning and Economic Development - Planning Division Report
Variance
BZZ-5027

Date: December 9, 2010

Applicant: Margaret and Nicholas Bognanno

Address of Property: 5320 West Lake Nokomis Parkway

Project Name: 5320 West Lake Nokomis Parkway Additions

Contact Person and Phone: Margaret Bognanno, (612) 501-6260

Planning Staff and Phone: Shanna Sether, (612) 673-2307

Date Application Deemed Complete: November 9, 2010

End of 60-Day Decision Period: January 8, 2011

Ward: 11 **Neighborhood Organization:** Hale Page Diamond Lake Neighborhood Association

Existing Zoning: R1 Single Family District and SH Shoreland Overlay District

Zoning Plate Number: 38

Legal Description: Not applicable for this application

Proposed Use: Dormer addition and an addition to the existing attached garage

Concurrent Review:

- Variance to reduce the required front yard along Chateau Place to allow for a dormer addition to the existing dwelling
- Variance to reduce the required front yard along Chateau Place to allow for an addition to an existing attached garage accessory to the existing dwelling

Applicable zoning code provisions: Chapter 525, Article IX Variances, Specifically Section 525.520(1) (1) “to vary the yard requirements, including permitted obstructions into required yards not allowed by the applicable regulations.”

Background: The subject property is approximately 50 ft. by 128 ft. (6,400 sq. ft.) and is a reverse corner lot, located at the southeast corner of West Lake Nokomis Parkway and Chateau Place. The property consists of an existing one and one-half story dwelling constructed in 1932. The adjacent property to the northwest has frontage along Chateau Place and is located approximately 60 feet to the front property line. The adjacent structure to the north has frontage along West Lake Nokomis Parkway and is located

approximately 36 feet to the front property line. Due to the platting of the land and the location of the adjacent structure, the subject parcel is entirely located within the required front yard setback established by the property to the northwest. The applicant is proposing to add a dormer to the second floor of the existing single-family dwelling, facing Chateau Place and add one additional garage stall to the existing attached garage, approximately 13 feet to the front property line. Due to the established setback created by the property to the northwest, variances are required to reduce the front yard setback along Chateau Place for the dormer and the garage addition.

Staff has not received correspondence from the Hale Page Diamond Lake Neighborhood Association. Staff will forward comments, if any are received, at the Board of Adjustment meeting.

Findings Required by the Minneapolis Zoning Code - Variance:

- 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.**

Both variances: The applicant is seeking variances to reduce the front yard setback along Chateau Place to allow for a dormer addition and garage addition to an existing single-family dwelling. The adjacent structure to the northwest has created a setback that includes the entire parcel; therefore almost no development of the parcel can occur without a variance. Staff believes there is no reasonable alternative to the variance and that strict adherence to the regulations requires would not allow for any addition to the existing single family dwelling. The adjacent structure to the northwest is located approximately 52 ft. from the proposed attached and the proposed dormer addition is under the existing roof line of the dwelling.

- 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.**

Both variances: The circumstances upon which the variances are sought are unique to the parcel of land and have not been created by the applicant. The applicant is seeking a variance to reduce the front yard setback along Chateau Place to allow for a dormer addition and garage addition to an existing single-family dwelling. The adjacent structure to the northwest has created a setback that includes the entire parcel; therefore almost no development of the parcel can occur without a variance. Staff believes there is no reasonable alternative to the variance and that strict adherence to the regulations requires would not allow for any addition to the existing single family dwelling. The adjacent structure to the northwest is located approximately 52 ft. from the proposed attached and the proposed dormer addition is within the existing roof line of the dwelling.

- 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.**

Both variances: Staff believes that neither of the proposed additions to the dwelling will alter the essential character of the surrounding neighborhood. The garage and dormer additions will be visually and architecturally consistent with the existing single-family dwelling. The applicant is proposing to use stucco to match the exterior materials of the dwelling. Further, staff believes that the proposed additions to the existing single-family dwelling will not be injurious to the use or enjoyment of other property in the vicinity. The proposed dormer addition will allow for a second bathroom to the existing home and the garage addition will allow for an additional vehicle and storage within an enclosed structure. The purpose of required yards is to provide for orderly development and use of land and to minimize conflicts among land uses by providing adequate light, air, open space and separation of uses. The subject property is on a reverse corner lot, with frontage on both West Lake Nokomis Parkway and Chateau Place. Staff believes that the proposed additions meet the intent of the ordinance.

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.

Both variances: The proposed additions to the existing single-family dwelling will not increase street congestion or be detrimental to public safety. The materials and design are durable and are in keeping with the architectural character of the property.

ADDITIONAL FINDINGS FOR THE VARIANCE PER THE SHORELAND OVERLAY DISTRICT:

1. The prevention of soil erosion or other possible pollution of public waters, both during and after construction.

The applicants will be required to prevent soil erosion and possible pollution of public waters, both during and after construction of the proposed addition. The applicants will be required to install a silt fence during construction and will be required to follow all applicable City requirements to prevent any type of water pollution.

2. Limiting the visibility of structures and other development from the protected waters.

The surrounding properties consist of single-family dwellings with similar height and garages in the rear of the property. Staff believes the proposed project will be no more visible than the adjacent dwellings. The view of the Lake Nokomis will not be further limited with the proposed addition.

3. The suitability of the protected water to safely accommodate the types, uses and numbers of watercraft that the development may generate.

The proposed variance should have no impact on the types, uses, and numbers of watercraft that occupy the Lake Nokomis.

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 required front yard along Chateau Place to allow for a dormer addition to the existing dwelling on a reverse corner lot located at 5320 West Lake Nokomis in the R1 Single-Family District and SH Shoreland Overlay District, subject to the following conditions:

1. Community Planning and Economic Development Department – Planning Division staff review and approval of the site and elevation plans.
2. The exterior materials complement the existing 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 required front yard along Chateau Place to approximately 13 feet allow for an addition to an existing attached garage accessory to the existing dwelling on a reverse corner lot located at 5320 West Lake Nokomis in the R1 Single-Family District and SH Shoreland Overlay District, subject to the following conditions:

1. Community Planning and Economic Development Department – Planning Division staff review and approval of the site and elevation plans.
2. The exterior materials complement the existing dwelling.

Attachments:

- 1) Written descriptions and findings submitted by the applicant
- 2) Copy of letters sent to Hale Page Diamond Lake Neighborhood Association and CM Quincy
- 3) Zoning map
- 4) Site plan
- 5) Elevations
- 6) Photographs