

Department of Community Planning and Economic Development - Planning Division Report
Variance
BZZ-4494

Date: August 27, 2009

Applicant: Joe Kurle, on behalf of Martin Richmond

Address of Property: 3539 Cedar Lake Avenue

Project Name: 3539 Cedar Lake Avenue

Contact Person and Phone: Joe Kurle, (952) 237-3436

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

Date Application Deemed Complete: July 16, 2009

End of 60-Day Decision Period: September 14, 2009

Ward: 07 Neighborhood Organization: Cedar-Isles-Dean Neighborhood Association

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

Zoning Plate Number: 23

Legal Description: Not applicable for this application

Proposed Use: Dormer addition and garage addition

Concurrent Review:

- Variance to reduce the established front yard setback along Chowen Avenue South to allow for a dormer addition to an existing single family dwelling.
- Variance to reduce the established front yard setback along Chowen Avenue South from 24 feet to 14 feet for an addition to an existing detached garage.
- Variance to reduce the variance from 6 feet to 6 inches along the south interior side property line for an addition to the existing detached garage.

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

Background: The subject property is an irregularly-shaped, reverse corner lot, located at the southeast corner of Cedar Lake Avenue and Chowen Avenue South. The lot is approximately 53.7 ft. wide at the front and 35.7 ft. wide at the alley and roughly 140 ft. long (5,723 sq. ft.). The property consists of an

existing two and a half story dwelling with a two-stall detached garage, both structures were constructed in 1931. The adjacent property to the south has frontage along Chowen Avenue South and is located approximately 35 feet to the front property line. Due to the platting of the land and the location of the adjacent structure, the subject parcel is almost entirely located within the required front yard setback established by the property to the south. The applicant is proposing to add two small dormers to the front of the existing single-family dwelling, facing Cedar Lake Avenue South and one small dormer and balcony addition to the rear. Due to the established setback created by the property to the south and the added floor area and height created by the dormer addition, a variance is required to reduce the front yard setback along Chowen Avenue South.

The applicant is also proposing to remove the existing flat roof of the two-stall detached garage with a 10/12 pitched gable roof with two dormers to match the proposed addition to the single-family dwelling. The zoning code allows for detached garages to be located no closer than the distance equal to two-thirds of the depth of the required front yard setback on a reverse corner lot. The minimum setback is then reduced to 24 ft. The existing detached garage is also located 14 ft. to the front yard setback along Chowen Avenue South and the expansion of floor area to the garage requires a variance to reduce the front yard setback from 24 ft. to 14 ft.

The existing garage is located 6 inches to the interior side property line along the alley. The minimum interior side yard setback for a detached garage on a reverse corner lot is 6 feet. Therefore, the applicant is requesting a variance to reduce the interior side yard setback along the alley from 6 feet to 6 inches to allow for the garage expansion.

Further, the applicant has submitted an application for an administrative review to increase garage height which will be reviewed if the requested variance is granted.

As of writing this staff report, staff has not received any correspondence from the Cedar-Isles-Dean 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.**

Dormer addition to the single family dwelling: The applicant is seeking a variance to reduce the front yard setback along Chowen Avenue to allow for a dormer addition to an existing single-family dwelling. The adjacent structure has created a setback that almost includes the entire parcel. Strict adherence to the regulations requires would only allow for any expansion of the existing single family dwelling. The adjacent structure is located approximately 80 ft. from the proposed dormer addition. Staff believes that the proposed dormer addition is a reasonable use of the property.

Garage variances: The applicant is seeking a variance to reduce the front yard setback along Chowen Avenue South and along the south interior side property line to allow for a new pitched roof to an existing detached garage. The applicants are proposing the roof change in order to allow

for additional storage space above the existing parking area. Strict adherence to the regulations does not allow for any expansion to the existing detached garage, although the proposed garage is less than the allowed area and height permitted in the R1 District. The adjacent structure is located across an alley is approximately 28 ft. away from the detached garage. In addition, the detached garage's location has been here since 1931 and will not change or expand beyond its existing footprint. Staff believes that the proposed roof adjustment and expansion would allow for reasonable use of the 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.**

Dormer addition to the single family dwelling: The circumstances upon which the variance is 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 Chowen Avenue to allow for a dormer addition to an existing single-family dwelling. The adjacent structure has created a setback that almost includes the entire parcel. Strict adherence to the regulations requires would not allow for any expansion of the existing single family dwelling. The adjacent structure is located approximately 80 ft. from the proposed dormer addition.

Garage variances: The circumstances upon which the variance is 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 Chowen Avenue South and along the south interior side property line to allow for a new pitched roof to an existing detached garage. The applicants are proposing the roof change in order to allow for additional storage space above the existing parking area. Strict adherence to the regulations does not allow for any expansion to the existing detached garage, although the proposed garage is less than the allowed area and height permitted in the R1 District. The adjacent structure is located across an alley is approximately 28 ft. away from the detached garage. In addition, the detached garage's location has been here since 1931 and will not change or expand beyond its existing footprint.

- 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.**

Dormer addition to the single family dwelling: Staff believes the dormer addition to the dwelling will not alter the essential character of the surrounding neighborhood and it will be visually and architecturally consistent with the other proposed dormers on the existing single-family dwelling and detached garage. Further, staff believes that the dormer addition to the existing single-family dwelling will not be injurious to the use or enjoyment of other property in the vicinity because the dormer addition will be constructed above an existing portion of the dwelling. 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 Cedar Lake Avenue

and Chowen Avenue South. Staff believes that the proposed addition meets the intent of the ordinance.

Garage variances: Staff believes the proposed variances will not be injurious to the use of the adjacent property, because the adjacent structure is located across the alley and approximately 28 feet away from the proposed addition. The materials and design are durable, the proposed addition is in keeping with the architectural character of the structure.

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.

All variances: The proposed additions to the existing single-family dwelling and detached garage 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 not be disturbing the existing grade with the proposed project.

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 detached 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 Cedar Lake will not be further limited with the proposed additions.

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

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

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 established front yard setback along Chowen Avenue South to allow for a dormer addition to an existing single family dwelling located at 3539 Cedar Lake Avenue in the R1 Single Family 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 established front yard setback along Chowen Avenue South from 24 feet to 14 feet for an addition to an existing detached garage to an existing single family dwelling for the property located at 3539 Cedar Lake Avenue in the R1 Single Family 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.

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 variance from 6 feet to 6 inches along the south interior side property line for an addition to an existing detached garage of an existing single family dwelling located at 3539 Cedar Lake Avenue in the R1 Single Family District and SH Shoreland Overlay District.

Attachments:

- 1) Written descriptions and findings submitted by the applicant
- 2) Copy of e-mail sent to CIDNA and CM Goodman
- 3) Zoning map
- 4) Site plan
- 5) Building elevations
- 6) Floor plans
- 7) Photographs