

Department of Community Planning and Economic Development – Planning Division
Variances
BZZ-5707

Date: September 13, 2012

Applicant: DeAnna Evjen

Address of Property: 5949 2nd Avenue South

Contact Person and Phone: DeAnna Evjen, (612) 226-9067

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

Date Application Deemed Complete: August 15, 2012

End of 60 Day Decision Period: October 14, 2012

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

Existing Zoning: R1 Single-Family District, SH Shoreland Overlay District and AP Airport Overlay District

Proposed Use: A new addition, screen porch, deck, patio and detached garage, all accessory to an existing single-family dwelling

Concurrent Review:

- Variance to reduce the required front yard setback along Chester Street from 25 feet to approximately 9.5 feet to allow for a rear addition and enclosed porch to an existing single-family dwelling on a reverse corner lot.
- Variance to reduce the required front yard setback along Chester Street from 25 feet to approximately 8 feet to allow for a ground level patio accessory to an existing single-family dwelling on a reverse corner lot.
- Variance to reduce the required front yard setback along Chester Street from 25 feet to approximately 16 feet to allow for a new detached garage accessory to an existing single-family dwelling on a reverse corner lot.
- Variance to reduce the north interior side yard setback from 6 feet to 2 feet to allow for a new detached garage accessory to an existing single-family dwelling on a reverse corner lot.

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

Background: The subject property is approximately 40.5 feet by 191.5 feet, on average, (7,640 square feet) and contains an existing single-family dwelling with a 12 foot by 18 foot attached garage on a reverse corner lot. The dwelling and attached garage were permitted for construction in 1931.

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The applicant is proposing to demolish the existing attached garage at the rear of the property and construct a 9.5 foot by 23 foot rear addition and 14 foot by 13 foot screen porch and a ground level patio to the rear of the dwelling. In addition, the applicant is proposing to construct a new 22 foot by 28 foot detached garage.

The adjacent structure to the north has frontage along 2nd Avenue South and is setback approximately 45 feet from the front property line. The adjacent property to the east has frontage along Chester Street and is setback approximately 20 feet from the front property line. Due to the platting of the land, the subject parcel is required to meet a minimum required front yard setback of 45 feet along 2nd Avenue South and a minimum setback of 25 feet along Chester Street. Due to the required setbacks along Chester Street, variances are required for the proposed project

As of the writing of this staff report, staff has not received any 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:

VARIANCES: (1) to reduce the required front yard setback along Chester Street from 25 feet to approximately 9.5 feet to allow for a rear addition and enclosed, (2) to reduce the required front yard setback along Chester Street from 25 feet to approximately 8 feet to allow for a ground level patio, (3) to reduce the required front yard setback along Chester Street from 25 feet to approximately 16 feet to allow for a new detached garage, and (4) to reduce the north interior side yard setback from 6 feet to 2 feet to allow for a new detached garage all accessory to an existing single-family dwelling on a reverse corner lot.

- 1. Practical difficulties exist in complying with the ordinance because of circumstances unique to the property. The unique circumstances were not created by persons presently having an interest in the property and are not based on economic considerations alone.**

Addition and patio variances: Staff recognizes that there are unique circumstances of the property, including the lot is a reverse corner lot, the substandard lot width and the existing location of the single-family dwelling that all contribute to practical difficulties in complying with the ordinances. Staff believes that these circumstances have not been created by the applicant. The subject property is a reverse corner lot with a 25 foot setback for the length of the south property line along Chester Street. The lot is substandard in the R1 District at 40.5 feet wide (50 is the minimum). the minimum interior side yard setback for the addition, deck and patio is 4 feet, based on section 531.30[2]a, which reduces the buildable area of the lot to approximately 11.5 feet in width. The dwelling and attached garage were permitted for construction in 1931 and are both located in the required front yard along Chester Street. These unique circumstances would not allow for any of the proposed improvements on the property without a variance.

Garage variances: Staff recognizes that there are unique circumstances of the property, including the lot is a reverse corner lot, the substandard lot width, the existing location of the single-family dwelling and the lack of alley access all contribute to practical difficulties in complying with the

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ordinances. Staff believes that these circumstances have not been created by the applicant. The subject property is a reverse corner lot with a 25 foot setback for the length of the south property line along Chester Street and the lot is substandard at 40.5 feet wide. A detached garage may be located a minimum of 16 feet 9 inches from the front property line and 6 feet from the interior side on a reverse corner lot, per section 535.280(f) of the zoning code. However, based on the lot width the depth of the garage would only be 17 feet 10 inches, which is not sufficient area to allow for the parking of a vehicle. In addition, the lot does not have access to an alley, which would allow for a narrower garage that would provide sufficient depth for a vehicle. The dwelling and attached garage were permitted for construction in 1931 and are both located in the required front yard along Chester Street. These unique circumstances would not allow for any of the proposed improvements on the property without a variance.

- 2. The property owner or authorized applicant proposes to use the property in a reasonable manner that will be in keeping with the spirit and intent of the ordinance and the comprehensive plan.**

Addition and patio variances: Staff believes that the applicant is proposing to use the property in a reasonable manner that is consistent with the zoning code and comprehensive plan. The purpose of yard requirements is to provide for orderly development and use of land and to minimize conflicts among land uses by regulating the dimension and use of yards in order to provide adequate light, air, open space and separation of uses. The proposed addition will continue the existing wall of the dwelling, for 9.5 feet in length. The proposed enclosed porch will be approximately 19 feet from the south property line. The proposed patio will be located approximately 8 feet from the south property line. The adjacent dwelling to the east at 220 Chester Street is located approximately 11 feet from the shared property line. The additions and patio will be located over 100 feet from the adjacent dwelling fronting along Chester Street.

Both garage variances: Staff believes that the applicant is proposing to use the property in a reasonable manner that is consistent with the zoning code and comprehensive plan. The purpose of yard requirements and regulations pertaining to the location of accessory structures is to provide for orderly development and use of land and to minimize conflicts among land uses between principal and accessory uses. The adjacent structure to the north of the proposed dwelling is the detached garage for the property located at 5945 2nd Avenue South, which is located 2.5 feet from the shared property line. The adjacent dwelling to the east at 220 Chester Street is located approximately 11 feet from the shared property line and approximately 70 feet from the proposed detached garage.

- 3. The proposed variance will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. If granted, the proposed variance will not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties.**

All variances: Staff believes that the granting of these variances will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. The applicant is proposing to redash the existing stucco of the dwelling and upgrade the existing dormer on the south side of the dwelling with new fiber cement shake siding. The exterior

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materials of the proposed addition will be stucco to match the existing dwelling. The enclosed porch will have fiber cement lap siding to complement the existing dwelling. The proposed detached garage will be clad with fiber cement lap siding and shake siding, consistent with the enclosed porch and dormer of the dwelling. Finally, if granted the proposed variances will not be detrimental to the health, safety or welfare of the general public. The proposed additions and garage will require a building permit and compliance with the applicable building codes.

Findings required by the Minneapolis Zoning Code for development in the Shoreland Overlay District:

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

Staff is recommending that the applicant use best management practices during and after construction to help prevent soil erosion and other possible pollution. There are no existing steep slopes on or near the subject property. Further, the property is located almost 1,000 feet from Diamond Lake. Therefore, the subject site will not be significantly altered to adversely affect the water quality of Diamond Lake.

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

The proposed additions and garage will most likely not be visible from Diamond Lake. The proposed garage will not be out of character with the surrounding developed properties.

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

The subject site does not have direct access to Diamond Lake. The proposed project will not require the accommodation of any watercraft of any type on the lake.

RECOMMENDATIONS

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 setback along Chester Street from 25 feet to approximately 9.5 feet to allow for a rear addition and enclosed porch to an existing single-family dwelling on a reverse corner lot located at 5949 2nd Avenue South in the R1 Single-Family District, SH Shoreland Overlay District and AP Airport Overlay District, subject to the following conditions of approval:

1. The exterior materials used for the addition shall complement the exterior materials of the principal structure on the property.

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2. Approval of the final site, floor and elevation plans by the Department of Community Planning and Economic Development – Planning Division.
3. All site improvements shall be completed by September 13, 2014, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.

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 setback along Chester Street from 25 feet to approximately 8 feet to allow for a ground level patio accessory to an existing single-family dwelling on a reverse corner lot located at 5949 2nd Avenue South in the R1 Single-Family District, SH Shoreland Overlay District and AP Airport Overlay District, subject to the following conditions of approval:

1. Approval of the final site plan by the Department of Community Planning and Economic Development – Planning Division.
2. All site improvements shall be completed by September 13, 2014, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.

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 setback along Chester Street from 25 feet to approximately 16 feet to allow for a new detached garage accessory to an existing single-family dwelling on a reverse corner lot located at 5949 2nd Avenue South in the R1 Single-Family District, SH Shoreland Overlay District and AP Airport Overlay District, subject to the following conditions of approval:

1. The exterior materials used for the detached garage shall complement the exterior materials of the principal structure on the property.
2. Approval of the final site, floor and elevation plans by the Department of Community Planning and Economic Development – Planning Division.
3. All site improvements shall be completed by September 13, 2014, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.

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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 north interior side yard setback from 6 feet to 2 feet to allow for a new detached garage accessory to an existing single-family dwelling on a reverse corner lot located at 5949 2nd Avenue South in the R1 Single-Family District, SH Shoreland Overlay District and AP Airport Overlay District, subject to the following conditions of approval:

1. The exterior materials used for the detached garage shall complement the exterior materials of the principal structure on the property.
2. Approval of the final site and elevation plans by the Department of Community Planning and Economic Development – Planning Division.
3. All site improvements shall be completed by September 13, 2014, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.

Attachments:

- 1) Written descriptions and findings submitted by the applicant
- 2) Copy of an e-mail sent to Council Member Quincy and Hale Page Diamond Lake Neighborhood Association
- 3) Zoning map
- 4) Survey
- 5) Site plan
- 6) Floor plan
- 7) Building elevations
- 8) Photographs