

Department of Community Planning and Economic Development
Variance Request
BZZ-6239

Date: September 26, 2013

Applicant: Rob Eldridge, AKARE Companies, LLC, 612-250-5820

Address of Property: 4116 Queen Avenue S

Contact Person and Phone: Rob Eldridge, 612-250-5820

CPED Staff and Phone: Michael Wee, (612) 673-5468

Date Application Deemed Complete: September 3, 2013

End of 60 Day Decision Period: November 2, 2013

Ward: 13 **Neighborhood Organization:** Linden Hills Neighborhood Association

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

Proposed Use: New single-family dwelling with attached garage

Concurrent Review:

- A variance to reduce the front yard setback as established by the line connecting the front of the adjacent dwellings along Queen Avenue S from approximately 65 feet to 45 feet measured from the front property line.
- A variance to allow an open front porch projecting over 6 feet into the required front yard for a total depth of 12 feet, and front steps at 8 feet in width.
- A variance to allow a second floor balcony projecting over 4 feet into the required front yard with a total floor area exceeding 50 square feet.

Zoning code section authorizing the requested variance: 546.160; Table 535-1

Background: The subject property is currently zoned R1 Single Family Residential, and is also within the SH Shoreland overlay zoning district. The property consists of a lot roughly 60' by 195' in dimension, for a total of 11,715 square feet, which is generally rectangular in shape, and is improved with a two story nonconforming triplex built in 1900s. The slope as determined by utilizing the GIS mapping is about 16% measured over a horizontal distance of 50 feet. A separate variance is required if development is on a steep slope or within 40 feet of the top of a steep slope. By definition, a steep slope is a grade change of 18% or greater measured over a horizontal distance of 50 feet or more.

The applicant proposes to demolish the existing dwelling and construct a new 2-story single-family dwelling with an attached garage on the lower level facing Queen Avenue. There is no public alley in this block. Original grade will be excavated to allow a driveway to a tuck-under garage. Staff determined that existing grade change is around 16% to not require a separate variance. In addition to the application addressed by this report, the project is subject to Administrative Site Plan Review for 1-4 unit development (BZZ-6190). Staff has completed an initial evaluation and determined the proposed design complies with the requirements including bulk, windows, and height.

The project requires three variances before the site plan review and development may proceed. Minimum front yard setback in R1 district is 25 feet, or the established setback, whichever is larger. In this case, the adjacent home to the north at 4110 Queen Avenue is setback 53.8 feet, while the one to the south at 4120 Queen Avenue is setback 75 feet. Per Section 546.160, the required front yard for the proposed development is established by a line joining the nearest front corners of both buildings, which on average is approximately 63.5 feet (57 feet on the north end and 70 feet on the south end). The applicant is requesting a variance to reduce the front yard setback to 45 feet measured from the front property line on Queen Avenue to the open front porch. If measured to the first floor wall, it is 57 feet and 53 feet measured to the second floor wall.

An open porch, per Table 535-1, can project 6 feet into the required front yard of a single or two-family dwelling provided that the total depth of the porch shall not exceed 8 feet. The proposed open front porch extends to the width of the dwelling with a total depth of 12 feet. In addition, the applicant has requested a variance to allow the front steps to be 8 feet in width, exceeding the maximum 6 feet allowed.

Finally, a second floor balcony is proposed at 96 square feet in area and projecting 5 feet 8 inches into the required front yard. Per Table 535-1, Permitted Obstructions in Required Yards, a balcony shall not project more than 4 feet into the required front yard and shall not exceed 50 square feet in area.

A couple of letters were received via email from a resident at 4512 Drew Avenue S and at 4136 Queen Avenue S expressing their support of the proposed development.

Findings Required by the Minneapolis Zoning Code:

VARIANCE: to allow a new dwelling to reduce the required front yard from a line established by connecting the two adjacent neighboring buildings, from approximately 64 feet to 45 feet.

- 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.**

The applicant is requesting a variance to reduce the required front yard setback from approximately 64 feet to 45 feet to allow for the construction of a two story new single family dwelling. The lot is 60 feet wide by 195 feet deep, which has a grade change of 22 feet from front to rear. Where there is no public alley at the rear, it leaves a limited amount of area on the property open for construction if front yard setback is to follow the established front yard at 70 feet. The adjacent house to the north is setback approximately 54 feet from the front property line, while the house to the south is approximately 75 feet. By drawing a line connecting the corners of adjacent structures, the point on the north end is at 57 feet and on the south end at 70 feet. The house to the south has an attached front garage that is substantially underground except its front portion being exposed above ground at approximately 10 feet from the front property line. The Zoning Administrator has determined that garage of the home to the south is not attached but rather detached. This determination prompted the established front yard setback at 64 feet by connecting the two adjacent neighboring buildings. This unique circumstance was not created by the applicant; therefore, justifying a practical difficulty. Per applicant, granting this variance will optimize open space at the rear to be consistent with the other properties on the block. The placement of the proposed home will also be in line with a number of other residential structures along the block.

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.

The proposed use is a single family dwelling which is consistent in R1 district and in keeping with the spirit and intent of the ordinance and comprehensive plan. Staff has completed the initial review, as part of the Administrative Site Plan for 1 to 4 new construction application, and determined that proposed design complies with the code in terms of floor area ratio, lot coverage, impervious surface, windows, and height.

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.

The proposed variance will not alter the essential character of the surrounding area or be injurious to the use or enjoyment of the other properties in the neighborhood. If the variance is granted, the proposed single family dwelling would be more consistent with existing homes on Queen Avenue that are setback approximately 53 feet. The adjacent dwelling to the north is setback 53.8 feet while the proposed dwelling will have its second floor wall setback at approximately 53 feet, its first floor wall setback at 57 feet, and its open front porch at 45 feet. The proposed location of the new home is more consistent with the existing homes on Queen Avenue. The new home will not block the adjacent neighbor's view of Lake Harriet.

VARIANCE: to allow an open front porch projecting over 6 feet into the required front yard for a total depth of 12 feet and front steps of 8 feet in width.

- 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.**

The front yard setback variance above consequently triggered a separate variance for the proposed open front porch as well. An open front porch can project 6 feet into the required front yard provided that the total depth of the porch shall not exceed 8 feet (Table 535-1). There was staff error in measuring total depth of proposed open porch. The proposed front porch, actually, is 12 feet in total depth and has front steps of 8 feet in width. The steps are proportional in scale to the width of the structure and front porch. The justification for practical difficulty is the same as described on the first variance request.

- 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.**

The proposed use is a single family dwelling which is consistent in R1 district and in keeping with the spirit and intent of the ordinance and comprehensive plan. Staff has completed the initial review, as part of the Administrative Site Plan for 1 to 4 new construction application, and determined that proposed design complies with the code in terms of floor area ratio, lot coverage, impervious surface, windows, and height. The 8 foot wide front steps appear to be proportional in scale to the entire structure and to the width of the open porch.

- 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.**

The proposed location of the new home is more consistent with the existing homes on Queen Avenue. The new home with an open front porch will not block the adjacent neighbor's view of Lake Harriet.

VARIANCE: to allow a second floor balcony projecting over 4 feet into the required front yard with total floor area exceeding 50 square feet.

- 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.**

The proposed use is a single family dwelling which is consistent in R1 district and in keeping with the spirit and intent of the ordinance and comprehensive plan. Staff has completed the initial review, as part of the Administrative Site Plan for 1 to 4 new construction application, and determined that proposed design complies with the code in terms of floor area ratio, lot coverage, impervious surface, windows, and height.

The second floor balcony projects 5.6 feet and has a total area of approximately 96 square feet which exceeded the maximum 50 square feet allowed in the required front yard. The required variance is a consequence of the front yard setback requirement described above.

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.

The proposed use is a single family dwelling which is consistent in R1 district and in keeping with the spirit and intent of the ordinance and comprehensive plan. Staff has completed the initial review, as part of the Administrative Site Plan for 1 to 4 new construction application, and determined that proposed design complies with the code in terms of floor area ratio, lot coverage, impervious surface, windows, and height. The proposed second floor balcony is proportional in scale with the entire structure and the open front porch below.

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.

While the adjacent home to the north is setback approximately 53.8 feet from the front property line, the proposed second floor balcony is essentially setback approximately 53 feet. This is consistent with the current front yard setback in the block. This will not block the neighbor's view of the lake.

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.

The property has grade change but not steep enough to require a variance under the regulations of the Shoreland Overlay District. Staff has determined a 16% slope and will not require a separate variance. However, the applicant is still subject to the provisions of Section 551.500 which include the following:

- 1) The foundation and underlying material shall be adequate for the slope condition and soil type.
- 2) The development shall present no danger of falling rock, mud, uprooted trees or other materials.
- 3) The view of the developed slope from the protected water shall be consistent with the natural appearance of the slope, with any historic areas, and with surrounding architectural features.

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

The proposed two-story single family dwelling is alongside with other existing homes that face Queen Avenue and is located a substantial distance from a protected water. The proposed variances will not increase the structure's visibility from Lake Harriet.

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

The proposed development is a single family dwelling which is a permitted use in R1 district. This development is located more than 50 feet of the ordinary high water mark of Lake Harriet and it will have no impact on the use of the lake by watercraft.

Recommendation of the Department of Community Planning and Economic Development:

The Department of Community Planning and Economic Development recommends that the Board of Adjustment adopt staff findings and **approve** the variance to reduce the front yard setback as established by the line connecting the front of the adjacent dwellings along Queen Avenue from 64 feet to 45 feet, measured to the open front porch, subject to the following conditions of approval:

1. Approval of the project will require the applicant to complete the City's administrative site plan review process prior to issuance of building permits.
2. The enclosed/habitable portion of the dwelling shall be setback not less than 53 feet from the front property line.
3. CPED staff shall review and approve the final site, building and elevation plans prior to the issuance of building permits.
4. All site improvements shall be completed by September 26, 2015, 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:

The Department of Community Planning and Economic Development recommends that the Board of Adjustment adopt staff findings and **approve** the variance to allow an open front porch projecting over 6 feet into the required front yard for a total depth of 12 feet and front steps of 8 feet in width, subject to the following conditions of approval:

1. Approval of the project will require the applicant to complete the City's administrative site plan review process prior to issuance of building permits.
2. CPED staff shall review and approve the final site, building and elevation plans prior to the issuance of building permits.
3. All site improvements shall be completed by September 26, 2015, 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:

The Department of Community Planning and Economic Development recommends that the Board of Adjustment adopt staff findings and **approve** the variance to allow a second floor balcony projecting over 4 feet into the required front yard and a floor area exceeding 50 square feet, subject to the following conditions of approval:

1. Approval of the project will require the applicant to complete the City's administrative site plan review process prior to issuance of building permits.
2. CPED staff shall review and approve the final site, building and elevation plans prior to the issuance of building permits.
3. All site improvements shall be completed by September 26, 2015, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.

Attachments:

- 1) Statement of proposed use
- 2) Variance findings
- 3) Letters to neighborhood organization and Council member
- 4) Letters of Support
- 5) Zoning map
- 6) Project Plans (Survey, Site Plan, Building Plans and Elevations)
- 7) Photographs