



# CPED STAFF REPORT

Prepared for the Board of Adjustment

BOA Agenda Item #2  
July 24, 2014  
BZZ-6665

## LAND USE APPLICATION SUMMARY

*Property Location:* 3900 Vincent Avenue South  
*Project Name:* 3900 Vincent Avenue South – Variances for New Construction  
*Prepared By:* [Andrew Liska](#), City Planner, 612.673.2264  
*Applicant:* Jeff Nicholson  
*Project Contact:* Jeff Nicholson  
*Request:* Variances to construct a new single-family dwelling.  
*Required Applications:*

<b>Variance</b>	To reduce the front yard setback from 25 feet to approximately 8.72 feet.
<b>Variance</b>	To reduce the corner side yard from 10 feet to approximately 6.3 feet.
<b>Variance</b>	To reduce the corner side yard from 10 feet to approximately 2.55 feet for a deck.

## SITE DATA

<b>Existing Zoning</b>	RI District
<b>Lot Area</b>	6,389 square feet
<b>Ward(s)</b>	13
<b>Neighborhood(s)</b>	Linden Hills
<b>Designated Future Land Use</b>	Urban Neighborhood
<b>Land Use Features</b>	N/A
<b>Small Area Plan(s)</b>	N/A

## BACKGROUND

**SITE DESCRIPTION AND PRESENT USE.** The subject property is zoned RI and is approximately 55 feet by 115 feet (6,389 square feet). A two story single-family residence constructed in 1913 occupies this site. The front yard setback is 8.72 feet; the corner side yard setback is 6.3 feet to the dwelling and 2.55 feet to the deck. A detached garage serves the property and is accessed from 39<sup>th</sup> Street West.

**SURROUNDING PROPERTIES AND NEIGHBORHOOD.** The property to the south, 3904 Vincent Avenue South, is a one story single-family dwelling with a front yard setback of 12.18 feet. The property to the west, 3901 Washburn, is a corner lot with a corner side yard setback off of 39<sup>th</sup> Street West of approximately 7.4 feet.

<b>Date Application Deemed Complete</b>	July 2, 2014	<b>Date Extension Letter Sent</b>	N/A
<b>End of 60-Day Decision Period</b>	August 31, 2014	<b>End of 120-Day Decision Period</b>	N/A

Surrounding properties and the Linden Hills neighborhood housing stock as a whole is composed of a diversified mix of old and new dwellings ranging from traditional single-story to modern two-and-one-half-story dwellings.

**PROJECT DESCRIPTION.** The applicant is seeking to do an extensive renovation of the existing structure. Originally, the applicants sought to remodel the second floor of the dwelling. While preparing for the remodel, it was discovered that the footings and foundation are substandard and in dire need of being replaced. With this foundation work required, the owners opted to remodel the existing first floor as well.

A two-story, 2,068 square foot dwelling is proposed. The structure currently has an 8' x 5' mudroom to the rear of the structure and this remodel will remove said mudroom. The new single-family dwelling is slightly smaller than the existing structure.

The scope of work exceeds demolition of 60% of the structure and thus, is considered a new single-family dwelling. No grandfather rights exist when constructing new single-family dwellings; due to this, the approved variances to the front and corner side yard are required for this development.

**PUBLIC COMMENTS.** As of writing this staff report, staff has not received any correspondence from the neighborhood association. Staff will forward comments, if any are received, at the Board of Adjustment meeting.

**ZONING ANALYSIS.** An analysis indicates that the proposed dwelling meets the Design Standard points for new single-family dwellings. Fifteen points are the minimum point total needed for approval and this proposal received 18 out of 24 possible points for the following design standards:

- Not less than one (1) off-street parking space per dwelling unit is provided in an enclosed structure that is detached from the principal structure (5 points);
- The structure includes a basement as defined by the Building Code (5 points);
- The primary exterior building material is cedar siding (4 points);
- Not less than ten (10) percent of the walls on each floor that face the interior side and rear, are windows (3 points);
- The development includes at least one deciduous tree in the front yard (1 point);

## ANALYSIS

## VARIANCE

The Department of Community Planning and Economic Development has analyzed the application for a variance of 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.” based on the following [findings](#):

- I. *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 circumstances upon which the variances are requested are unique to the parcel of land. The applicant is seeking to reconstruct a home on the property utilizing the existing dwelling and footprint as much as possible. The location of the foundation was created by the original builder and is outside the current owners' control. Today, the front and corner side yard setbacks fail to meet the Zoning Code standards. The developer is seeking to preserve as much of the natural topography as well as avoid soil and erosion issues with the complete relocation of the structure as Code would require.

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 applicant is proposing to use the property in a reasonable matter. This is a residential area and the proposed use is a single-family dwelling; this use is consistent with the character of the area and the future land-use map demonstrated in the Comprehensive Plan.

The applicant is seeking to utilize the existing footprint and excavation as a part of this reconstruction. The overall height of the structure will increase approximately 6" with the installation of a new floor structure. The According to Chapter 535.220 of the Minneapolis Code of Ordinances, the purpose of yard requirements is to provide for the orderly development and use of land and to minimize conflicts among land uses by governing the location of uses and structures.

The proposed 8.72 foot front yard setback is closer to Vincent Avenue South than the structure to the south at 12.18 feet but this is the front yard setback that has been present since this structure was originally built.

The proposed corner side yard setback of 6.3 feet is closely aligned with the neighbor, 3901 Washburn Avenue South corner side yard setback of approximately 7.4 feet.

These variances reducing required yards will not hinder orderly development nor will they create a conflict among land uses. If these requested variances are granted, the new single-family dwelling on this site would much resemble the structure that has been present on this site since original construction.

The proposed corner side yard setback of 2.55 feet for the construction of the deck is oriented closer to 39<sup>th</sup> Street West than the nearest neighbor, as they are setback 7.4 feet. A deck currently occupies this setback and will be removed during reconstruction of the foundation. The City has no record of a building permit for this deck and its location so there is no grandfather rights that the owners can exercise to reconstruct this deck within a year in its same location; the variance is required.

The owners have proposed a smaller deck in the meantime to serve the back entrance but hope to rebuild the deck to the current size in upcoming years.

3. *The proposed variances 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 variances will not alter the character of the locality or be injurious to the use or enjoyment of other property in the vicinity. Health, safety, and welfare of the general public will not be compromised if these variances are granted. If approved, the footprint will actually be slightly less than the existing and the setbacks of the dwelling will be in the same location as they have been for since the dwelling was built.

## RECOMMENDATIONS

### **Recommendation of the Department of Community Planning and Economic Development for the Variance:**

The Department of Community Planning and Economic Development recommends that the Board of Adjustment adopt the above findings and **approve** the application for a variance to reduce the front yard setback from 25 feet to approximately 8.72 feet for the construction of a new single family dwelling located at 3900 Vincent Avenue South, subject to the following conditions:

1. Approval of the final site, elevation and floor plans by the Department of Community Planning and Economic Development.
2. All site improvements shall be completed by June 19, 2016, 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 for the Variance:**

The Department of Community Planning and Economic Development recommends that the Board of Adjustment adopt the above findings and **approve** the application for a variance to reduce the corner side yard from 10 feet to 6.3 feet for the construction of a new single family dwelling located at 3900 Vincent Avenue South, subject to the following conditions:

1. Approval of the final site, elevation and floor plans by the Department of Community Planning and Economic Development.
2. All site improvements shall be completed by June 19, 2016, 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 for the Variance:**

The Department of Community Planning and Economic Development recommends that the Board of Adjustment accept the **withdrawal** of the application for a variance to reduce the corner side yard from 10 feet to 2.55 feet for the construction of a deck attached to the new single family dwelling located at 3900 Vincent Avenue South.

## ATTACHMENTS

1. Written description and findings submitted by applicant
2. Zoning map
3. Site plan/Survey
4. Floor plans
5. Building elevations
6. Photos
7. Correspondence

**Variance Application for 3900 Vincent Ave South, Minneapolis MN 55419**

**A written statement by the applicant which addresses the following required findings:**

(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.

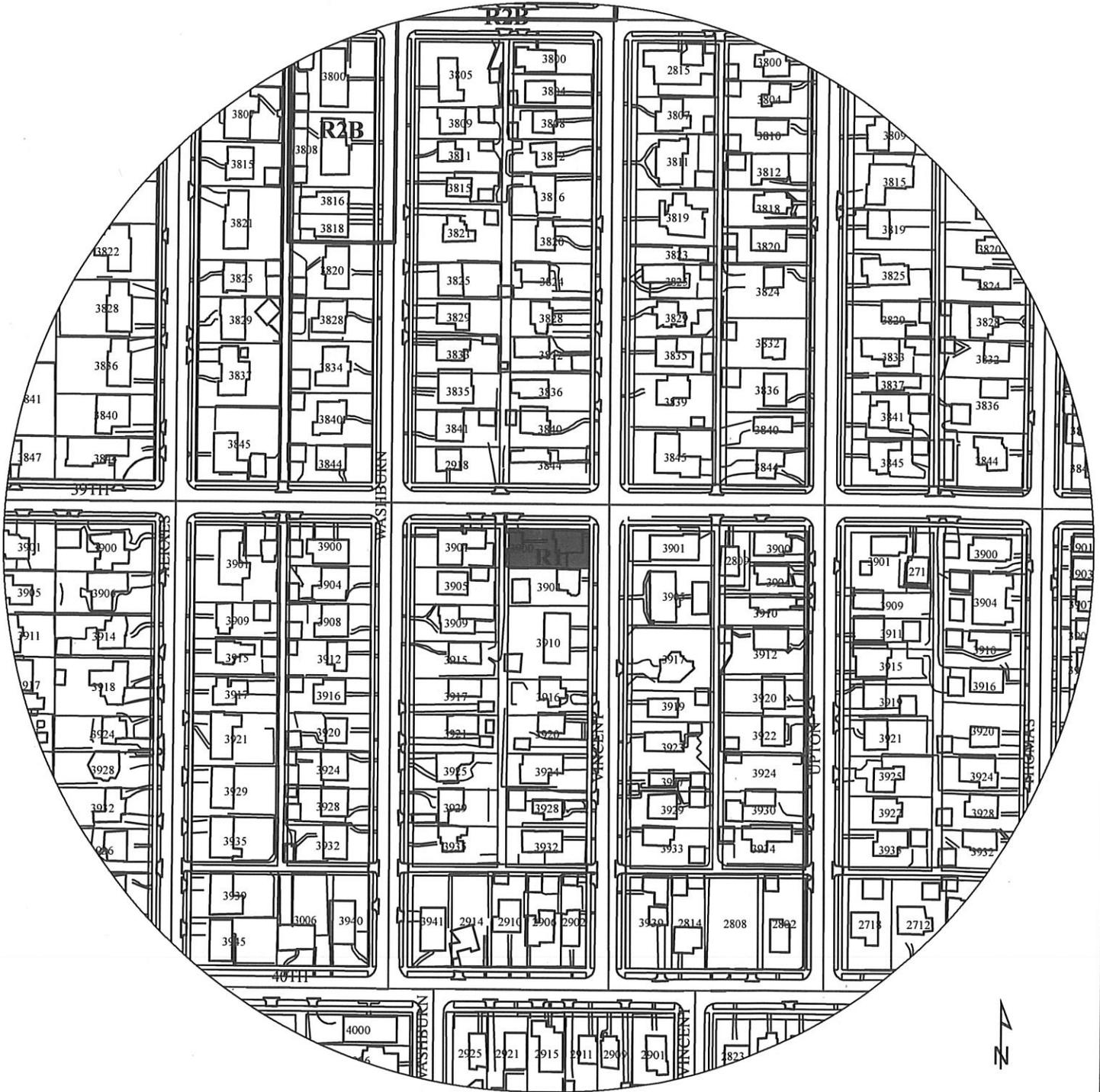
The home was situated in the lot, when the home was built by previous owners.

(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 homeowners wish to maintain the property as a single family residence. They are seeking to decrease the home in overall size, with the removal of a small (5'x8') entry addition on the west side of the home. The homes present height will be raised 6" to accommodate the new floor structure, being installed over the new basement. The new basement and floor structure replace poorly constructed and maintained elements of the existing house. The foundation of the SE corner of the home for instance does not go more than 12" below grade. Far less than the code requires and frost safe depth of 42" which is mandated in new construction.

(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 home will look much the same as it does now. The only perceivable differences to neighbors will be new windows and siding on the main level. The new siding on the main level will match the second level's current cedar lap siding.

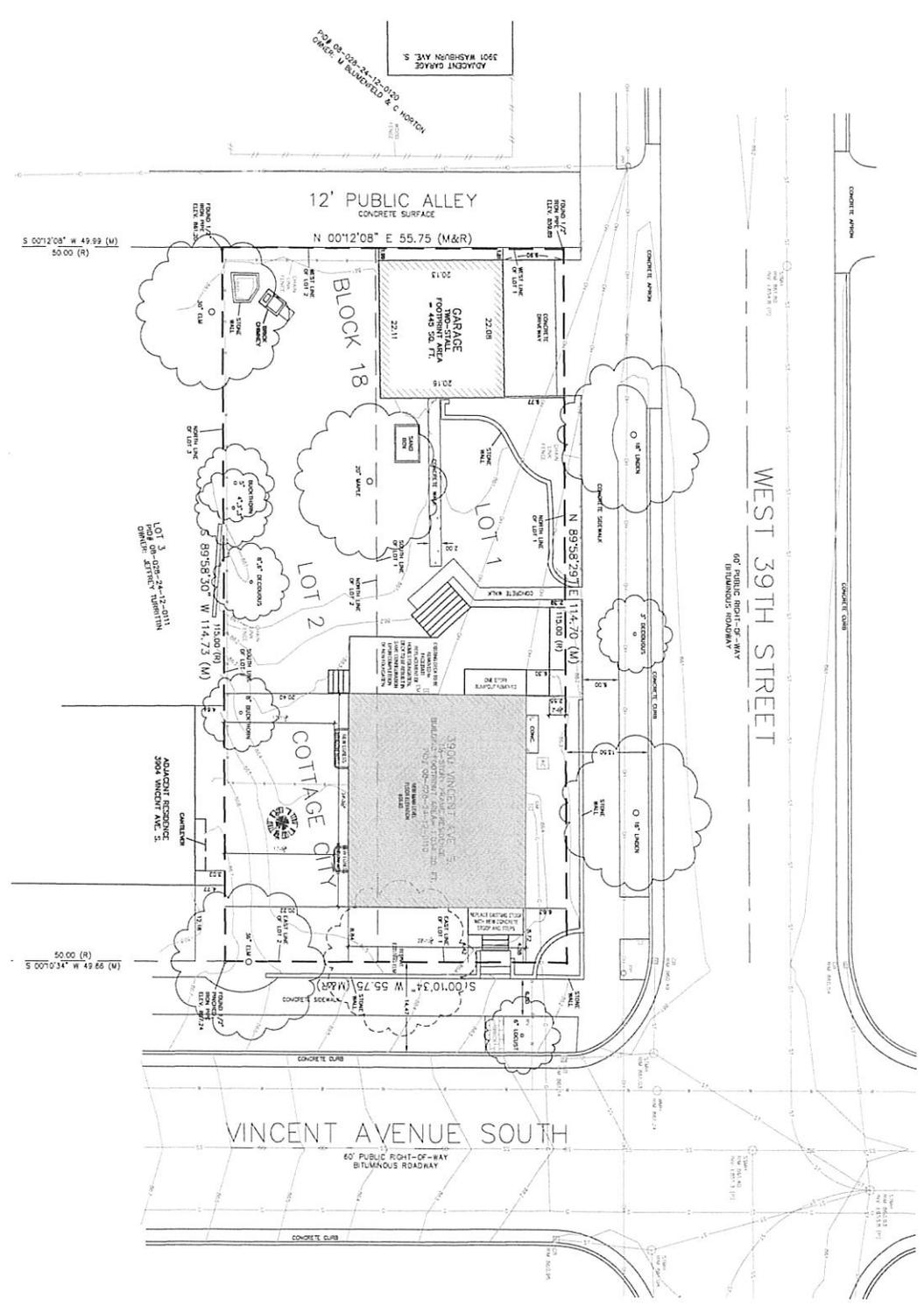


PROPERTY ADDRESS

3900 Vincent Avenue South

FILE NUMBER

BZZ-6665



**A0.0**  
Title:

Site Plan

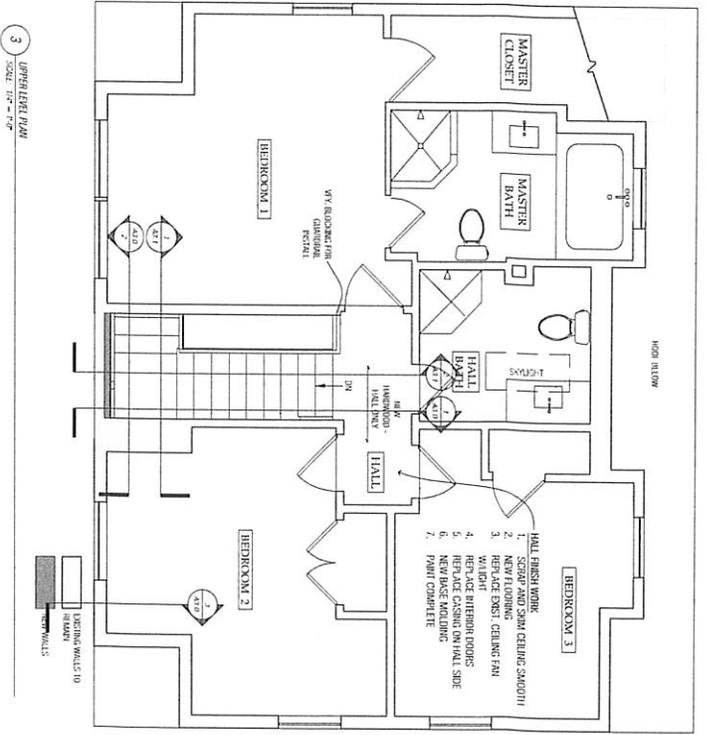
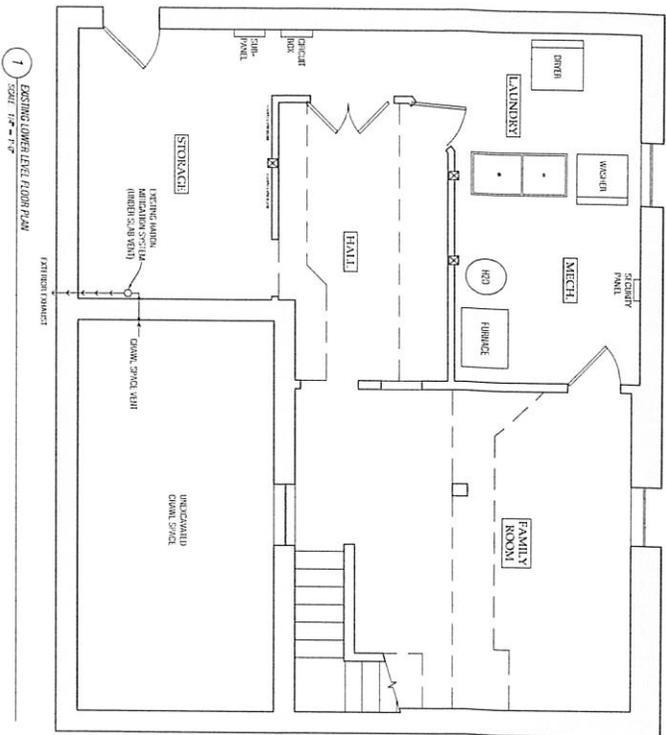
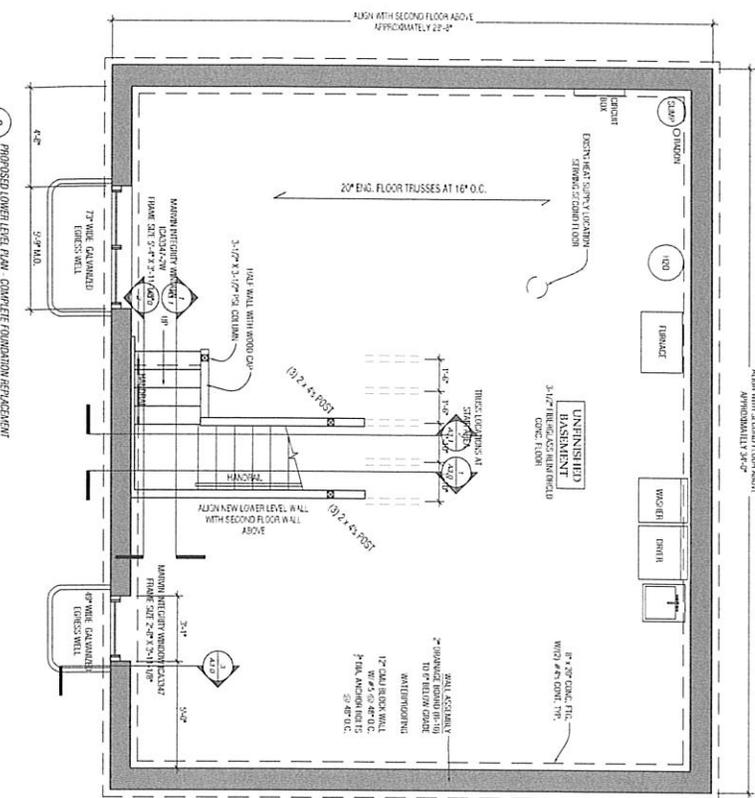
ISSUE	DATE
REVISION SET	6.23.2014
WORKBOOK	7.1.2014

**Ihrig-Gruber Residence**  
Whole House Remodel

3900 Vincent Avenue South  
Minneapolis, MN 55410

3331 Lyndale  
Minneapolis, MN 55416  
Tel: (612) 929-2300  
Fax: (612) 929-1127





<p><b>PROJECT MANAGER:</b> ERIC STAMONOW (952) 232-9113 estamon@quartresawndesignbuild.com</p> <p><b>FIELD SUPERINTENDENT:</b> LARRY BRACKWELL (612) 701-2440 larry@quartresawndesignbuild.com</p> <p><b>PROJECT DESIGNER:</b> JEFF NORTONSON (952) 232-9113 jeff@quartresawndesignbuild.com</p>	
<p><b>SHEET INDEX</b></p> <p>A10 LOWER LEVEL PLANS A11 MAIN LEVEL DEMO/EXIST PLAN &amp; NEW FLOOR PLAN A20 EXTERIOR ELEVATIONS A21 EXTERIOR ELEVATIONS A30 STAIR SECTIONS A40 INTERIOR ELEVATIONS A41 INTERIOR ELEVATIONS A10 ELECTRICAL FLOOR PLAN</p>	
<p><b>ISSUE</b></p> <p>BD SET 3.13.2014 C.D. SET 4.22.2014 REV. C.D. SET 4.27.2014 REV. C.D. SET 5.28.2014 VANDANCE 7.1.2014</p>	<p><b>DATE</b></p>

**Ihrig-Gruber Residence**  
Whole House Remodel  
3900 Vincent Avenue South  
Minneapolis, MN 55410

**QUARTRESAWN**  
DESIGN BUILD

320 W. 48th St.  
Minneapolis, MN 55410  
Tel: (952) 926-3700  
Fax: (952) 926-1157

**A1.0**  
LOWER LEVEL PLANS  
Ihrig - Gruber





**QUARTERSAWN**  
DESIGN + BUILD

1201 W. 48th St.  
Minneapolis, MN 55410  
Tel: (612) 928-3700  
Fax: (612) 928-1157

# Ihrig-Gruber Residence

Whole House Remodel

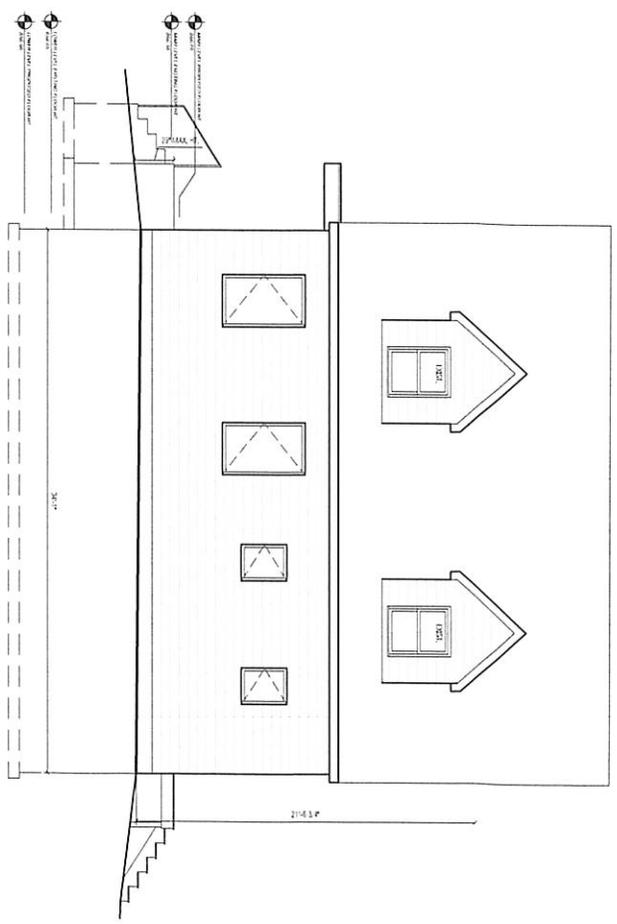
3900 Vincent Avenue South  
Minneapolis, MN 55410

ISSUE	DATE
MO. SET	1.11.2014
CO. SET	4.22.2014
REV. C.D. SET	4.22.2014
REV. C.D. SET	5.16.2014
VARIOUS	7.1.2014

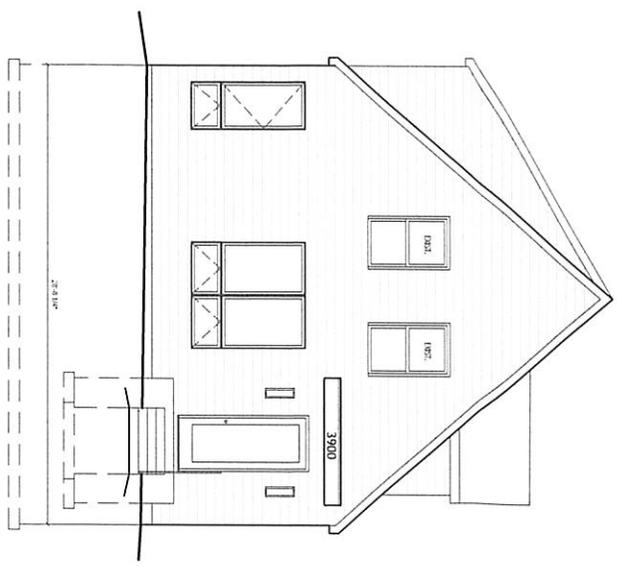
## EXTERIOR ELEVATIONS

**A2.0**

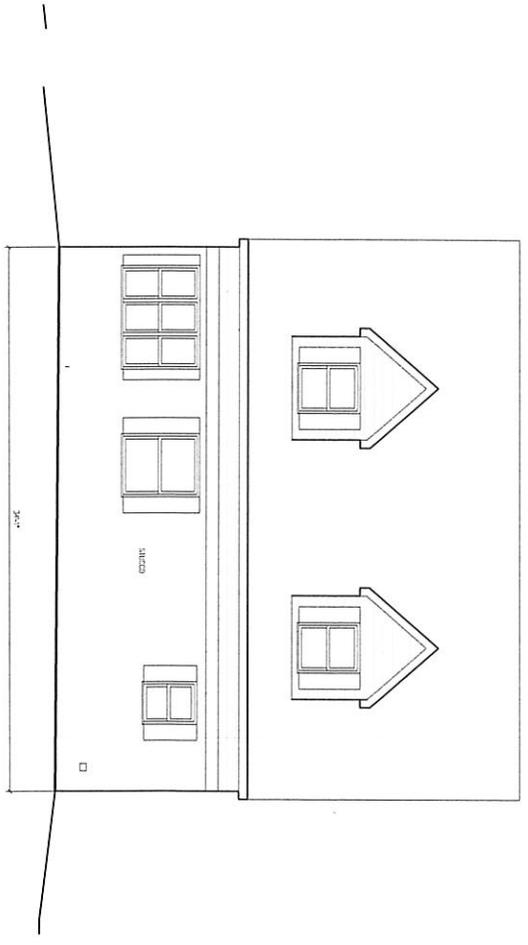
Ihrig - Gruber



**2** NORTH ELEVATION  
SCALE: 1/8" = 1'-0"



**1** EAST ELEVATION  
SCALE: 1/8" = 1'-0"



**4** EXISTING NORTH ELEVATION  
SCALE: 1/8" = 1'-0"



**3** EXISTING EAST ELEVATION  
SCALE: 1/8" = 1'-0"



