



CPED STAFF REPORT
 Prepared for the Board of Adjustment

BOA Agenda Item #6
 October 9, 2014
 BZZ-6768

LAND USE APPLICATION SUMMARY

Property Location: 4757 Columbus Avenue South
Project Name: Guardian Homes
Prepared By: Robert Clarksen, City Planner, (612) 673-5877
Applicant: Andrew Bare, on behalf of Guardian Homes
Project Contact: Andrew Bare, (612) 310-6879
Request: To construct a new single family dwelling with an attached garage.
Required Applications:

Variance	To reduce the required front yard setback along East 48 th Street from 20 feet to 8.9 feet in the RIA Single Family Residential zoning district at 4757 Columbus Avenue South to construct a new single family dwelling with an attached garage.
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SITE DATA

Existing Zoning	RIA District AP Airport Overlay District
Lot Area	5027 square feet
Ward(s)	8
Neighborhood(s)	Field Regina Northrup
Designated Future Land Use	Urban Neighborhood
Land Use Features	The intersection of 48 th and Chicago, located one block East of the subject site, is a neighborhood commercial node. Also, Chicago Avenue is a Community Corridor between Franklin Avenue and 57 th Street.
Small Area Plan(s)	Not Applicable

BACKGROUND

SITE DESCRIPTION AND PRESENT USE. The subject property is a vacant, rectangular lot located at the Northeast corner of the intersection of Columbus Avenue and East 48th Street. The

Date Application Deemed Complete	September 16, 2014	Date Extension Letter Sent	Not Applicable
End of 60-Day Decision Period	November 17, 2014	End of 120-Day Decision Period	Not Applicable

parcel meets the zoning code definition of a reverse corner lot¹ as the corner side yard is “substantially a continuation of the front yard of the adjacent lot (730 East 48th Street) to the rear”. Due to this classification of the property, the typical corner side yard setback of 8 feet does not apply. Rather, the zoning code requires a setback equal to that of the minimum front yard setback along the 48th Street side of the property, which is 20 feet in the RIA zoning district. The applicant is seeking the variance to provide relief from this regulation.

SURROUNDING PROPERTIES, NEIGHBORHOOD, AND PROJECT DESCRIPTION. The area around the subject property consists primarily of single family residential uses along the west side of the 48th and Chicago commercial area. The adjacent parcel at 730 East 48th Street is located approximately 8.9 feet from the front lot line along 48th Street. The applicant has sited the project to line up with this building and maintain the existing setback along the 48th Street side of the property. The project will meet the minimum 20 foot front yard setback along Columbus Avenue, again lining the proposed dwelling up to the established front yard setback of the existing dwelling at 4749 Columbus. The project would meet the minimum side/rear yard setback requirements of the existing ordinance, and the regulations requiring larger setbacks for wider lots which take effect on October 1st, 2014. The applicant purchased the property for development in June (2014) with the intention of constructing a single family dwelling on the site. The applicant also owns 4749 Columbus, and plans to build another single family dwelling on this property in the future.

PROJECT DESCRIPTION. In addition to the requested variances, the applicant will need to obtain all necessary approvals and permits prior to construction of the project. The proposed use involves the development of a new single family dwelling. As such, the project is subject to the Administrative Site Plan review process as required by Chapter 530 of the zoning code. Due to the timing of the submission of the application, the project could not be evaluated according to the current regulations of the zoning code. CPED staff worked with the applicant to achieve compliance with the new regulations that take effect on October 1, 2014. Upon preliminary review of the materials the applicant has submitted for the proposed variance, the project appears eligible for at least 17 of the possible 27 points available (exterior materials, consistent height with adjacent properties, a full basement, and tree preservation) in the Administrative Site Plan Review process.

¹ As defined in section 520.160 of the zoning code, a reverse corner lot is defined as “A corner lot that includes more than one (1) lot line adjacent to streets of which one (1) lot line is substantially a continuation of the front lot line of the adjacent property to the rear”.

Compliance with Other RIA District Code Requirements

Requirement	Allowed (current)	Allowed (10-1)	Proposed
Minimum Lot Area	5,000 square feet	5,000 square feet	5,027 square feet
Minimum Lot Width	40 feet	40 feet	80.17 feet
Maximum Building Height	2 1/2 stories, 30 feet	2 1/2 stories, 28 feet	2 stories, 24 feet
Maximum Lot Coverage	50%	45%	Approx. 29%
Maximum Impervious Surface	65%	60%	Approx. 40%
Minimum Front Yard (Columbus Ave S)	20 feet	20 feet	20 feet
Minimum Front Yard (East 48th St)	20 feet	20 feet	8.9 feet (requires variance)
Minimum Interior Side Yard (East)	5 feet	8 feet	8 feet
Minimum Interior Side Yard (North)	5 feet	8 feet	8 feet

RELATED APPROVALS. If the application for the variance is granted, the applicant would need to demonstrate compliance with the newly adopted regulations in the residential districts and the Site Plan Review chapter as part of the Administrative Site Plan Review process for 1-4 unit dwellings. As noted above, preliminary analysis by CPED staff appears to show the project will comply with these regulations. Should the applicant elect to obtain points for the preservation of existing tree canopy on the site, a tree preservation/protection plan prepared by a licensed arborist will need to be submitted to ensure the long term viability of a minimum of 15” of existing trees upon development.

PUBLIC COMMENTS. CPED staff has received one written comment opposing the proposed development from a resident concerned about the nature of the variance being requested as “more than 50%” of the requirement (20 feet, the request is to reduce the setback to 8.9 feet), in addition to a concern about “parking” and transportation related issues at this intersection, which doubles as a bus stop for the Minneapolis Public Schools.

Any additional correspondence received prior to the public meeting will be forwarded on to the Board of Adjustment for consideration.

ANALYSIS

VARIANCE

The Department of Community Planning and Economic Development has analyzed the application for a variance to reduce the required front yard setback from 20 feet to 8.9 feet along East 48th Street to allow for the construction of a new single family dwelling at 4749 Columbus Avenue South in the RIA zoning district, 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 variance is requested are unique to the parcel of land. The site has an unusual orientation typical of reverse corner lots that makes it difficult to construct a dwelling on the property and maintain a reasonably sized backyard that offers the privacy available on neighboring lots. The proposed site plan follows an established setback of 8.9 feet, which is nearly one foot more than would be required on a typical corner lot in the RIA zoning district, and which allows for development that maintains a consistent setback with the location of the adjacent dwelling at 730 East 48th Street.

The zoning code would require 20 foot setbacks along both Columbus Avenue South and East 48th Street. Furthermore, adhering to the minimum front, interior side and rear yard setbacks would reduce the buildable area of a standard size to approximately 50% of the lot. The subject site does not have access to a public alley, making it difficult to provide access to an off street parking area in the traditional location at the rear of the property. The applicant has responded by designing a home with an attached garage accessed from 48th Street, which will function as the effective “side” of the proposed dwelling. Staff finds that these circumstances create a practical difficulty that was not created by the applicant.

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 purpose of required yards is to provide for the orderly development and use of land while minimizing conflicts between different land uses by providing adequate light, air, open space and separation of uses. The proposed structure will be located over 30 feet away from the neighboring structure at 730 East 48th Street, and over 35 feet from the existing structure at 4749 Columbus, just north of the subject property. The applicant indicates that the site plan allows for development that minimizes impervious surface (less than 40%) and lot coverage (less than 29%) ratios. Siting the building on the property in this way also maximizes the size of a private yard space for the future property owner, while creating some consistency with setbacks along 48th Street to the east and west of the site. Accordingly, granting the variance allows for development that maintains the existing setback of the adjacent property along 48th Street, complementing the character of the area. Staff finds that the applicant is proposing to use the property in a reasonable manner consistent with the spirit and intent of the ordinance and the comprehensive plan.

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.*

Staff finds that the granting of this variance would not be injurious to the use or enjoyment of other property in the vicinity. As previously mentioned the home on the adjacent lot to the east will be over 30 feet from the proposed structure, and the home to the north will be approximately 35 feet away. The project will provide a setback along 48th Street that is consistent with that of existing development, as the home at 730 East 48th Street also has an 8.9 foot setback from its south property line. The project will comply with the minimum front yard setback along Columbus Avenue and the recently adopted interior side yard setback regulations affecting development on wider lots like the proposed. Staff finds that the proposed single-family structure will be consistent with the character of the area provided compliance with the newly adopted Administrative Site Plan Review regulations (Chapter 530) of the zoning code. If granted, the proposed variance will not lead to development that is detrimental to the health, safety or welfare of the public. The applicant

shall obtain approval for a curb cut to provide for access to the site from 48th Street as proposed, which will ensure the project complies with Public Works standards.

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 required front yard setback requirement from 20 feet to 8.9 feet along East 48th Street to construct a new single family dwelling with an attached garage in the RIA Single Family Residential zoning district at 4757 Columbus Avenue South, subject to the following conditions:

1. The proposed structure shall comply with the Administrative Site Plan Review process set forth in Chapter 530 of the zoning code, including those regulations as amended to take effect on October 1, 2014.
2. The applicant shall obtain approval for a curb cut along East 48th Street.
3. Approval of the final site, elevation and floor plans by the Department of Community Planning and Economic Development.
4. All site improvements shall be completed by October 9, 2016, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.

ATTACHMENTS

1. Written description and findings submitted by applicant
2. Zoning map
3. Site survey
4. Plans
5. Building elevations
6. Photos
7. Correspondence



City of Minneapolis

RE: 4757 Columbus Avenue South Statement of proposed use and description

Dear Mr Clarksen

Guardian Homes LLC owns the property at 4757 Columbus Avenue South. We would like to build a single family 2300+/- square foot home on this property. The property is in the R-1A and the AC District. We are applying for a variance as this is a reverse corner lot.

Thank you for your consideration of this project

Andrew Bare
3606 West 40th Street
Minneapolis, Minnesota 55410
612.310.6879

City of Minneapolis
Minneapolis Development Review
250 South 4th Street room 300
Minneapolis, Minnesota 55415

Attention: Robert Clarksen and Zoning Board of Adjustment

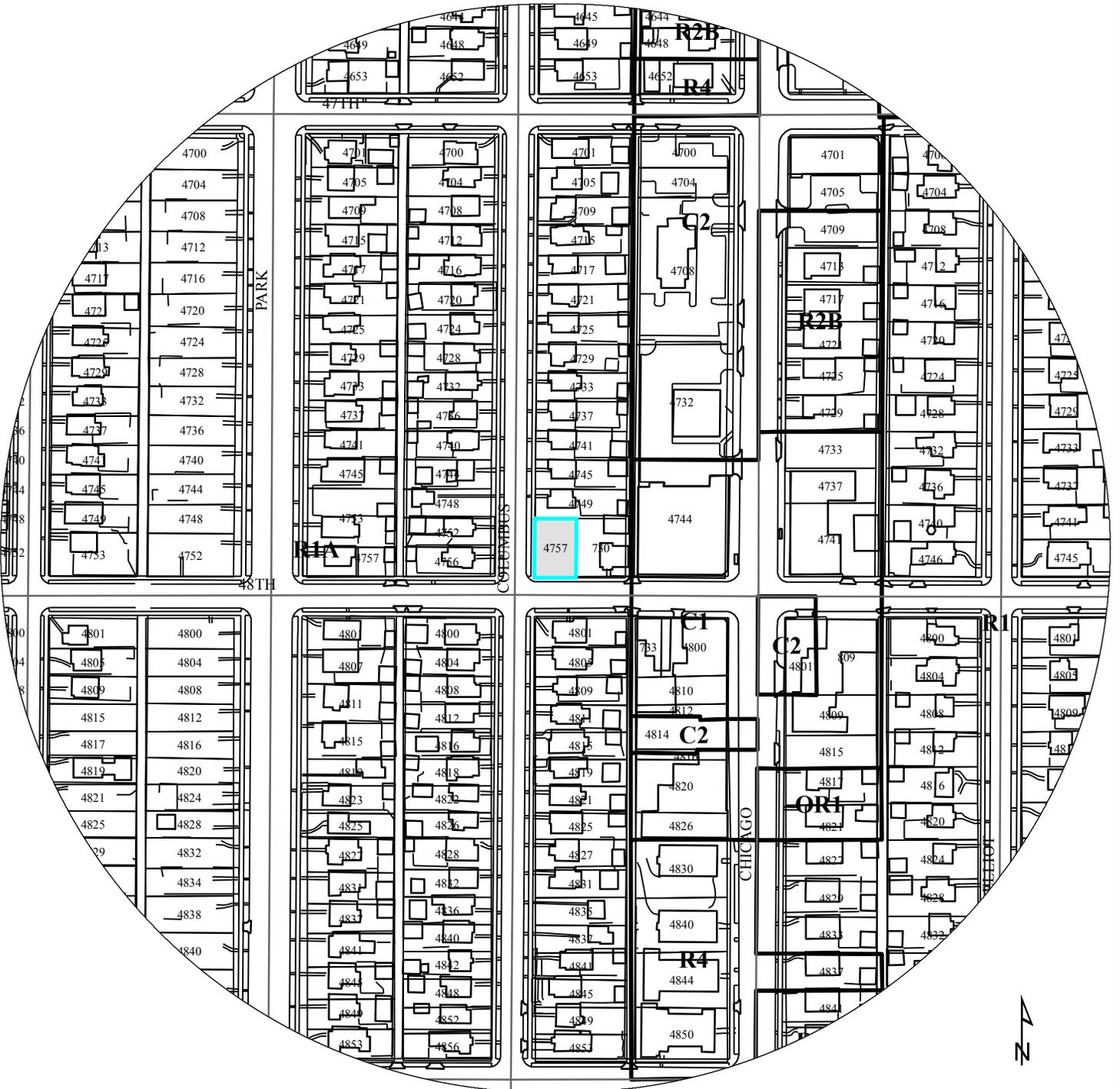
Dear Mr. Clarksen and Zoning Board,

By way of introduction my name is Andy Bare and I have been engaged by Guardian Homes LLC to manage the variance process for a reverse corner lot variance request. We request that the 48th street setback reduced from the district minimum of 20 feet to 9 feet. The subject property is located at 4757 Columbus Avenue South. A written statement below will address the required findings.

1. Our practical difficulty is that a normal corner lot allows for an 8 foot sideyard setback when a reverse corner lot creates 2 front yard setbacks which is 20 feet in an R-1A district at minimum. An additional practical difficulty is reverse corner lots have a higher percentage of no alley access.
2. We are proposing a home that has less than 29% lot coverage and a site plan that has than 40% impervious surfaces. By granting this variance we will create a larger "back" yard and fit in more appropriately with the current street scene. The adjacent home to the east has an 8.9' setback and the home to the west across the street has something similar. By maintaining conforming setbacks on this reverse corner lot we would essentially be creating a condition similar to "alley" houses.
3. As stated above the home to the east and west and south have less than 10' sideyard setback, the character has been established. I have chosen to use an attached garage to maximize yard space and utilize a curb cut on the 48th street side. This was specifically designed because it would be really odd to have a curb cut on the Columbus side, and people are expecting traffic from the alley on the same street.

NAME OF APPLICANT

WARD



PROPERTY ADDRESS

4757 Columbus Avenue South

FILE NUMBER

BZZ-6768

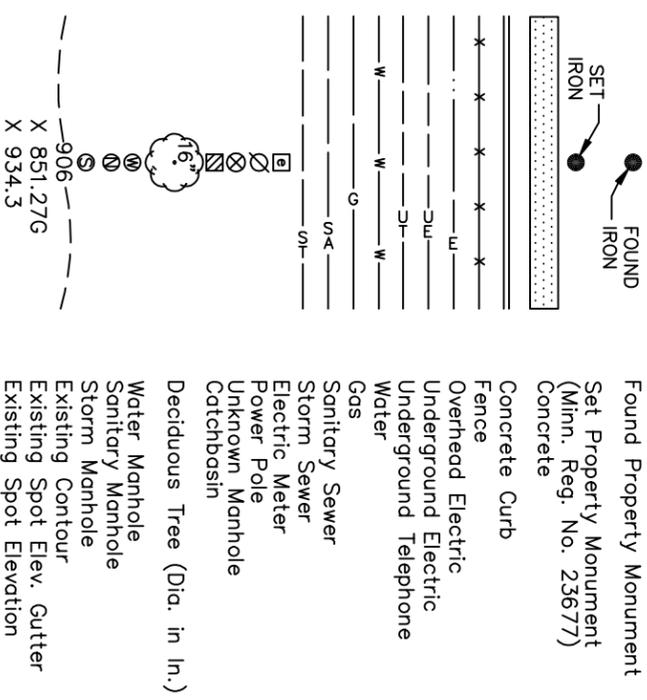
LEGAL DESCRIPTION:

The Westerly 62.73 feet of Lots 16 and 17, Block 1, BELMONT PARK ADDITION, Hennepin County, Minnesota.

GENERAL NOTES:

1. The bearing system used is assumed.
2. The location of the underground utilities shown hereon, if any, are approximate only, PURSUANT TO MSA 216D CONTACT GOPHER STATE ONE CALL AT (612) 454-0002 PRIOR TO ANY EXCAVATION.
3. Site area = 5,027 square feet = 0.115 acres.
4. This survey was made on the ground.
5. No current title work was furnished for the preparation of this survey, legal description, recorded or unrecorded easements and encumbrances are subject to revision upon receipt of current title work.
6. Elevation datum is based on NAVD 88 data. HSJ Benchmark #1 is located Top of Nail (AS SHOWN ON SURVEY) Elevation = 835.27

LEGEND

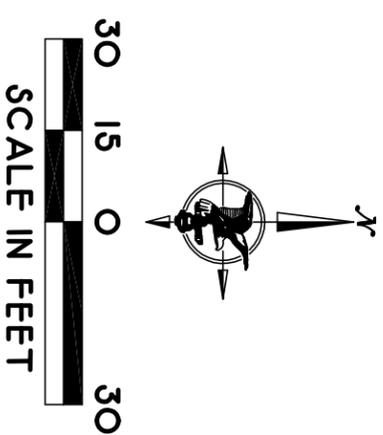
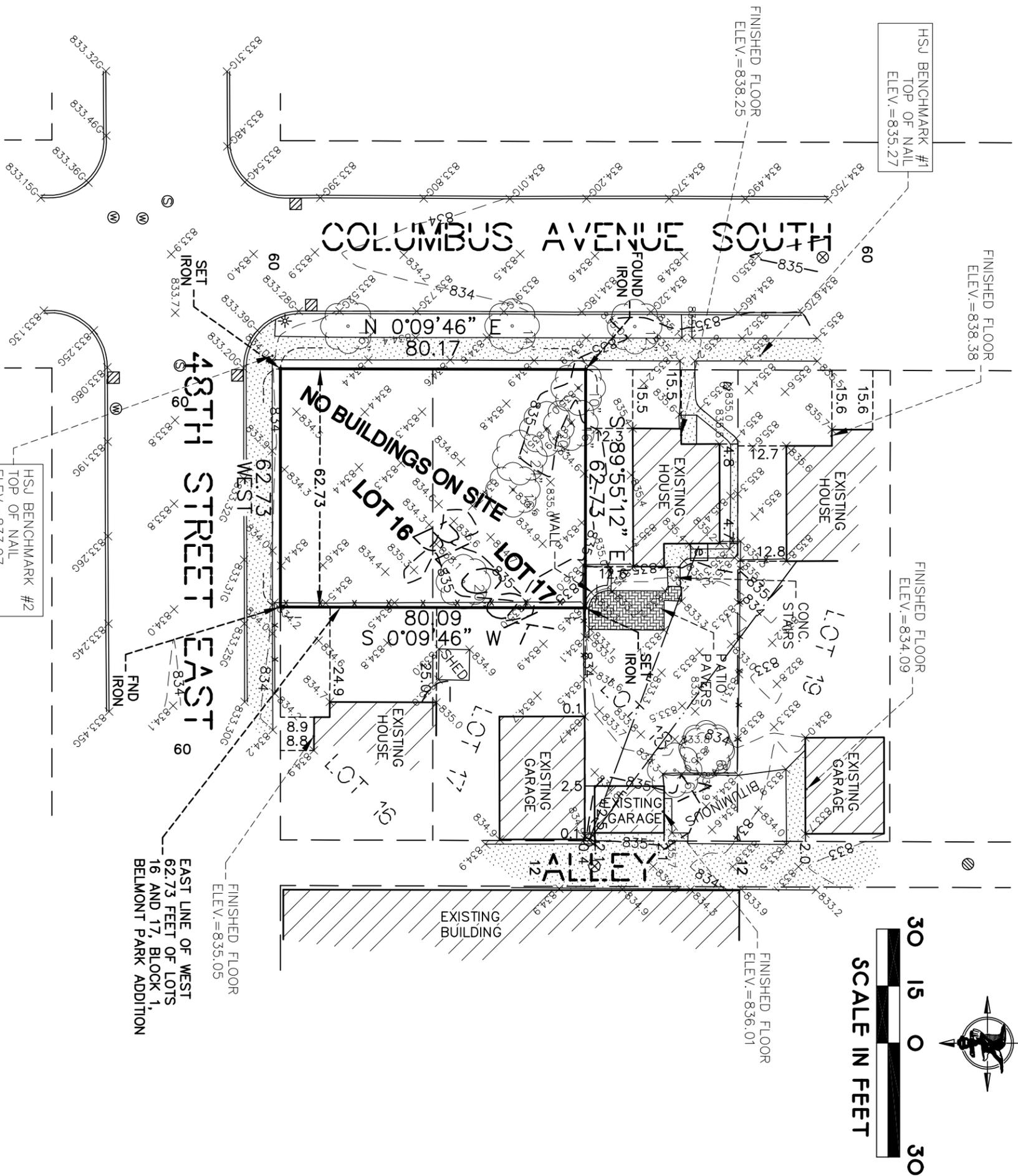


CERTIFICATION:

I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Registered Land Surveyor under the laws of the State of Minnesota.

Date: July 10, 2014

Thomas E. Hodorf
Thomas E. Hodorf
Minn. Reg. No. 23677



LOT CERTIFICATION SURVEY

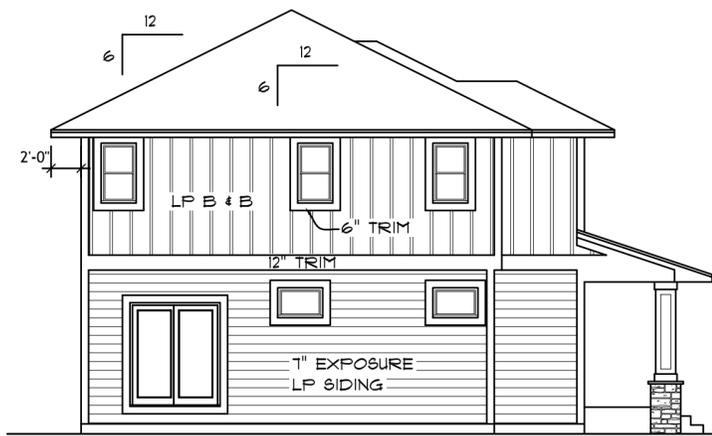
for:
GUARDIAN HOMES

**SITE: 4757 COLUMBUS AVENUE SOUTH
MINNEAPOLIS, MINNESOTA**

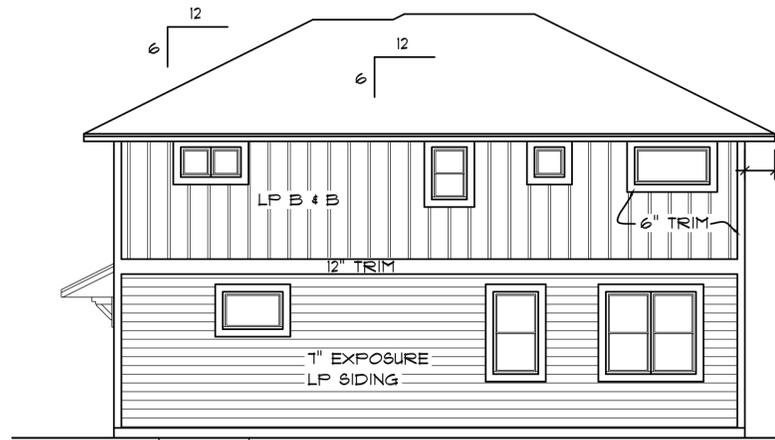


HARRY S. JOHNSON CO. INC.
LAND SURVEYORS & CONSULTANTS
9063 Lyndale Avenue South
Bloomington, Mn. 55420
(952) 884-5341
(952) 884-5344 Fax
Email: tom@hsjsurveyors.com
Web: www.hsjsurveyors.com

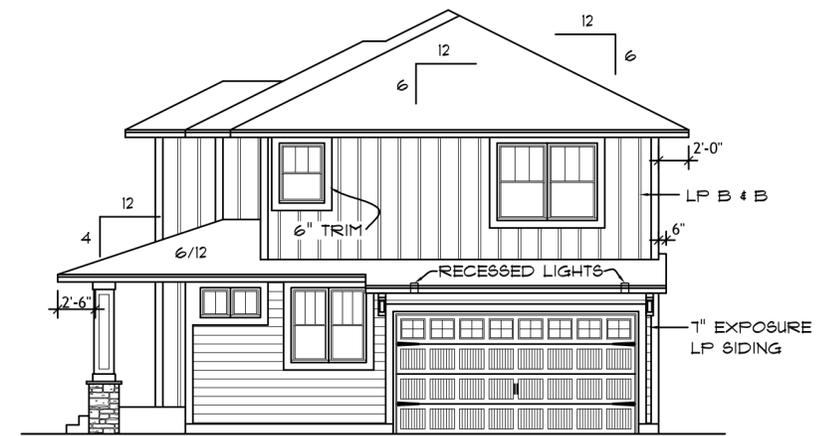
File No. 1-3-8883M	Page 70
W.O. Number 2014304	Book 636
Sheet No. 1 OF 1	CAD Tec. CT



LEFT ELEVATION 1/8" = 1'-0"



REAR ELEVATION 1/8" = 1'-0"



RIGHT ELEVATION 1/8" = 1'-0"



FRONT ELEVATION 1/4" = 1'-0"

- LP SIDING ALL SIDES
- LP B & B ALL SIDES
- PELLA ENCOMPASS WINDOWS
- WINDOW GRIDS FRONT & RIGHT SIDE

*ALL DOOR & WINDOW HEADERS TO BE S.P.F. #2 OR BETTER

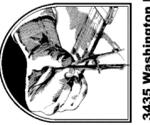
9' POURED FOUNDATION
9' CEILING @ FIRST FLOOR

1st FLR.	905 SQ. FT.
2nd FLR.	1,234 SQ. FT.
TOTAL	2,139 SQ. FT.
GARAGE	368 SQ. FT.
TOTAL	2,507 SQ. FT.

#14-220

SMA

PLANCO
MINNESOTA, INC.
Complete Residential
Drafting & Design Services
Eagan, MN 55122 651-452-0724



PRELIM.	7-14-14
REVISE	7-24-14
FINAL	7-28-14
REVISE	9-3-14
REVISE	9-15-14

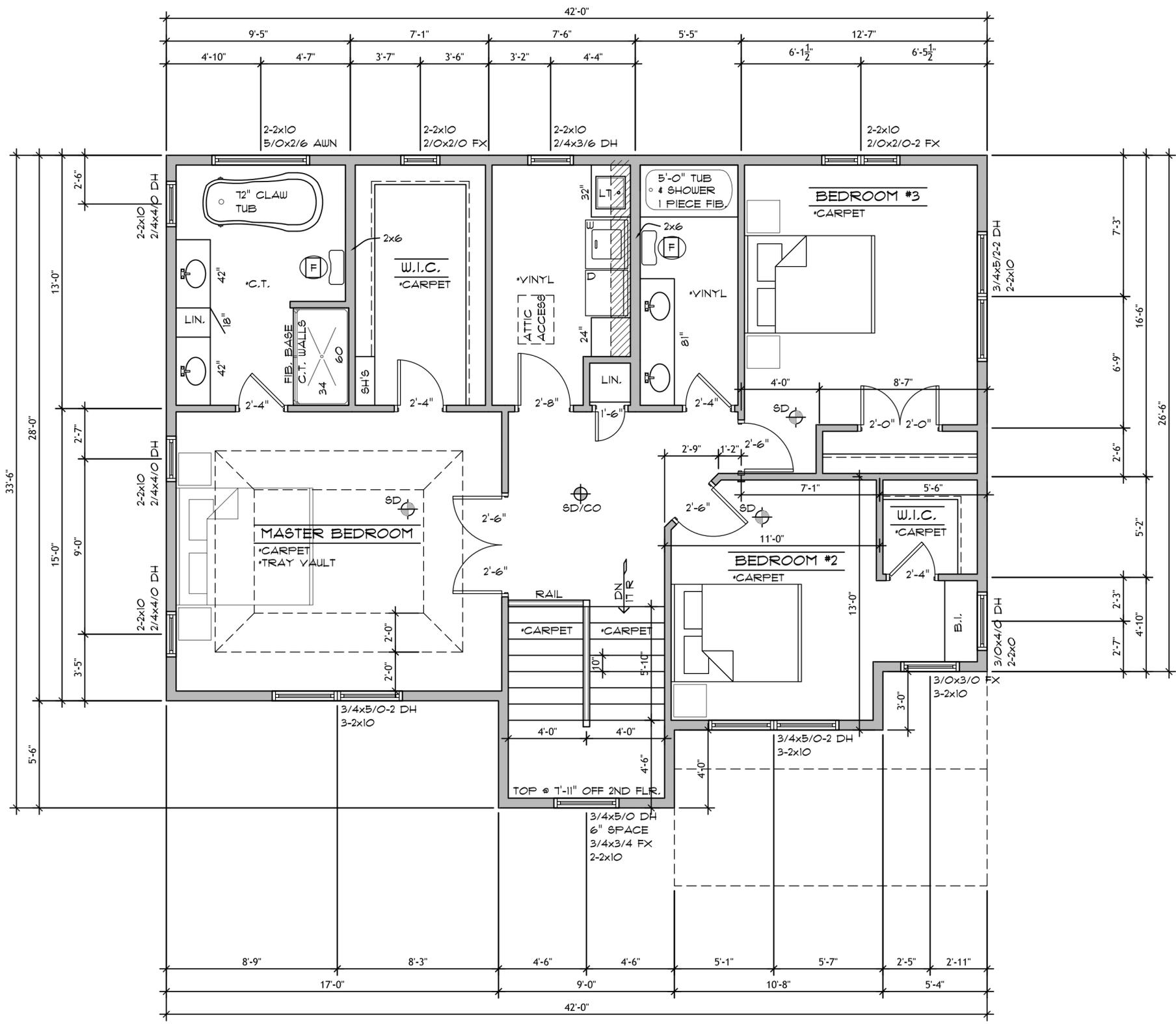
RESIDENCE FOR:

**4757 COLUMBUS
GUARDIAN HOMES**

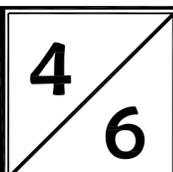
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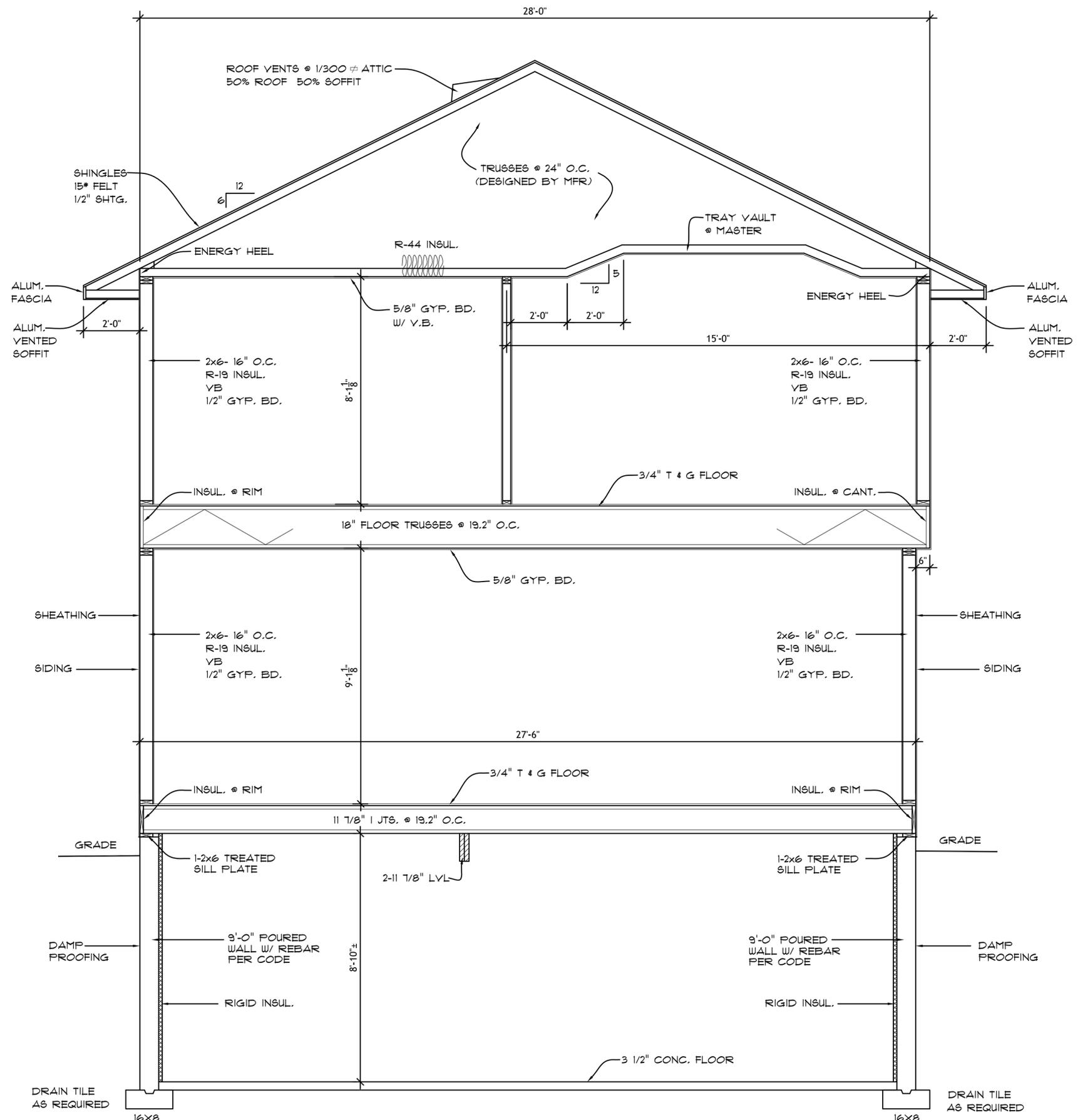
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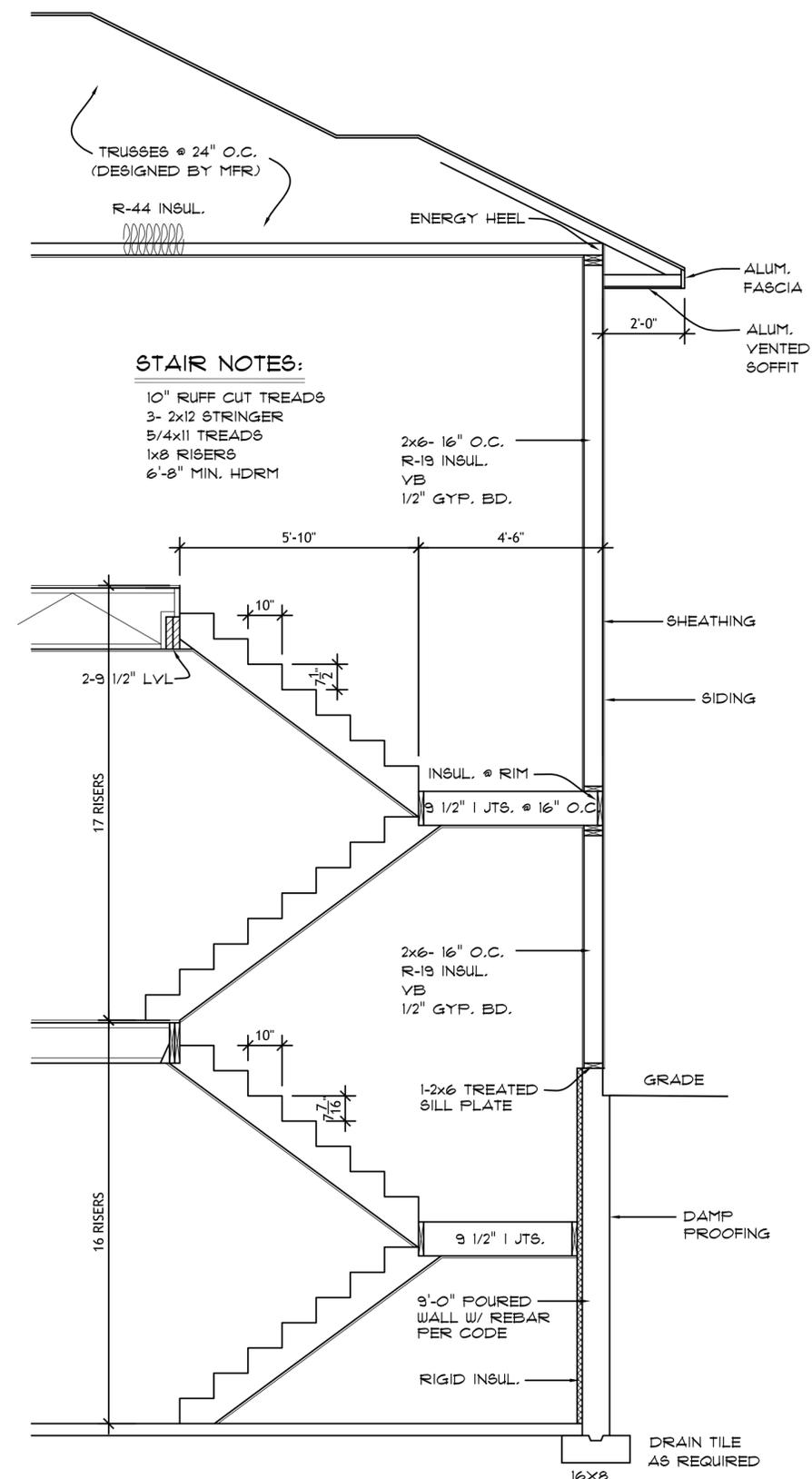


SECOND FLOOR PLAN 1/4" = 1'-0"
1,234 SQ. FT.

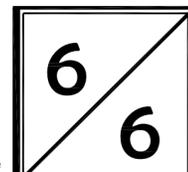


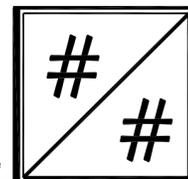
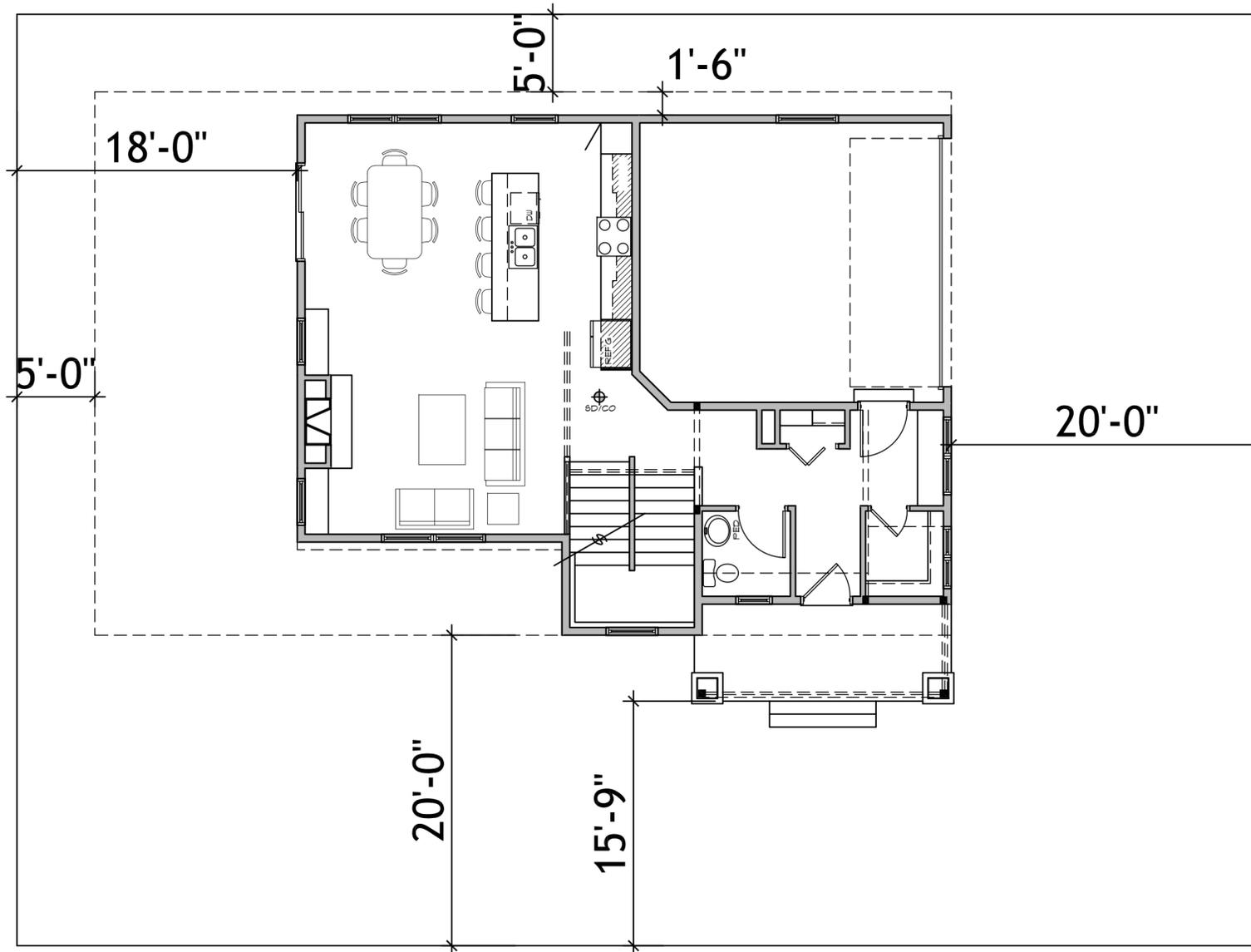


CROSS SECTION 3/8" = 1'-0"



CROSS SECTION 3/8" = 1'-0"









Andy Bare <bare.andy@gmail.com>

Aug 21

to fieldrep ,
housing ,
president ,
elizabeth.glid. ,
bcc: Mike ,
bcc: Patrick

Dear Ms Glidden and representatives from FRNG

My name is Andy Bare and I work with Guardian Homes LLC that bought the vacant lot at 4757 Columbus Avenue South and the home next door at 4749 Columbus Avenue South. We intend to build 2, 3 bedroom single family homes on these sites

We will be applying for a variance at 4757 Columbus Avenue South. It is a reverse corner lot that requires a 20 foot setback on the 47th street side. We will be asking to have this reduced from 20 feet to 8.9 feet. We are asking for this variance so we can build a 3 bedroom home that will have a larger "back" yard. I put back in quotes because it will actually be a sideyard but the people will use it like a back yard.

By granting this variance this home will have a 27x60 foot vs a 16x 60 foot rear yard.

I will be submitting my request on Monday or Tuesday the week of 8.25.2014.

I would be happy to attend your meeting or meet with anyone that is curious about our project. We also follow all of the rules of the new 25 point Construction management agreement so there will be additional neighborhood awareness meetings for both of our projects 15 days prior to construction or before.

I can be reached at [612.310.6879](tel:612.310.6879) or via email at bare.andy@gmail.com. If our preference is snail mail my address is currently 3606 West 40th Street, Minneapolis, MN 55410. I plan to purchase the home at 4749 Columbus for my new home.

From: lila <lilamayes@earthlink.net>
Sent: Friday, September 26, 2014 3:14 PM
To: Clarksen, Robert D.
Subject: Fw: opinion regarding 4757 Park Ave.

>

>Mr. Clarksen,

>I would like to formally express my opinion in regards to the request for variance of the size of the front yard. I am opposed to this request. The corner of 48th St. and Columbus Ave. is a busy congested corner. By allowing this variance it will create a significant visual obstruction, thus increasing the accident potential at this busy business intersection. The obstruction will heavily put students waiting for the school bus on this corner at risk, since this corner is also a bus stop corner for the Mpls. School system. Currently this intersection as a two way stop intersection, and has parking restrictions on 48th St.

>The request is greater than 50% of standing requirements, 8.9 ft. VS 20 ft. I think is entirely to significant to be granted.

>Respectfully submitted,

>Lila Mayes

>4753 Park Ave. So Mpls MN 55407