



CPED STAFF REPORT
Prepared for the Board of Adjustment

BOA Agenda Item #2
November 20, 2014
BZZ-6902

LAND USE APPLICATION SUMMARY

Property Location: 5452 Girard Avenue South
Project Name: 5452 Girard Avenue South Second Story Addition
Prepared By: [Janelle Widmeier](#), Senior City Planner, (612) 673-3156
Applicant: Sarah Walter
Project Contact: Sarah Walter
Request: A 704 square foot, second story addition to a single-family dwelling.
Required Applications:

Variance	To reduce the minimum front yard requirement adjacent to Girard Avenue South from 31.3 feet to 29.7 feet.
Variance	To reduce the minimum front yard requirement adjacent to 55th Street West on a reverse corner lot from 30.1 feet to 9 feet.

SITE DATA

Existing Zoning	RI Single-Family District
Lot Area	7,483 square feet
Ward(s)	13
Neighborhood(s)	Kenny Neighborhood Association
Designated Future Land Use	Urban Neighborhood
Land Use Features	Not applicable.
Small Area Plan(s)	Not applicable.

Date Application Deemed Complete	October 29, 2014	Date Extension Letter Sent	Not applicable
End of 60-Day Decision Period	December 28, 2014	End of 120-Day Decision Period	Not applicable

BACKGROUND

SITE DESCRIPTION AND PRESENT USE. The existing use, a single-family dwelling, was permitted for construction in 1957 with the attached garage. The subject property is a reverse corner lot with frontage along 55th Street West and Girard Avenue South. The lot line adjacent to 55th Street is a corner side lot line.

SURROUNDING PROPERTIES AND NEIGHBORHOOD. The surrounding properties are predominately single- and two-family dwellings. The block on which the subject property is located is 2 typical City blocks joined together. A property with a place of assembly sits in the middle of the block. The properties directly south of the place of assembly only having frontage on 55th Street, which results in the reverse corner configuration of the subject property.

PROJECT DESCRIPTION. The applicant is proposing to construct a 704 square foot, second story addition to the existing one-story single-family dwelling located at 5452 Girard Avenue South. An open porch addition is also proposed for the main entrance facing Girard Avenue. No other changes are proposed to the exterior. The subject property has a minimum front yard setback along Girard Avenue South of 31.3 feet, which is created by the established setback of the adjacent property to the north. The proposed second floor addition would be located 29.7 feet from the lot line and requires a variance. The subject property also has a minimum front yard setback along 55th Street West of 30.1 feet, which is created by the established setback of the adjacent property to the west. The proposed second floor addition would be located 9 feet from the lot line and requires a variance. The proposed porch complies with the standards for permitted obstructions in a required front yard and does not require a variance.

The proposal will comply with all other applicable zoning code provisions, except the amount of windows required on each building wall. The amount of windows provided will need to comply with section 535.90 of the zoning code. This issue will need to be addressed on the plans before permits will be issued.

PUBLIC COMMENTS. As of the writing of this report, staff has not received any correspondence from the neighborhood group. Any 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 minimum front yard requirement adjacent to Girard Avenue South from 31.3 feet to 29.7 feet to allow an addition to a single-family dwelling, based on the following [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.*

Practical difficulties exist in complying with the ordinance due to circumstances unique to the property. The property is a reverse corner lot with two required front yards. Although the

property is 58.7 feet by 127.2 feet in size, the required yards, including side and rear yards, cover over 70 percent of the subject property. Most of the existing dwelling is outside of the remaining buildable area making it difficult for a second story addition to be constructed without a variance. A ground floor addition could be allowed without a variance; however, it would infill most of the back yard. The east wall of the addition would align with the first floor setback of 29.7 feet. The survey provided by the applicant shows that the dwelling to the north is set back 31.3 feet. However, the survey does not show that part of the front wall of the adjacent dwelling extends approximately one foot further toward the front lot line. There are slight variations similar to this for all of the dwellings located on the west side of Girard Avenue between 54th Street and 55th Street and the average established setback of the block appears to be 30 feet.

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.*

In general, yard controls are established to provide for the 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. Other than the variances requested, the project would comply with all other district regulations, including maximum floor area ratio, height, lot coverage and impervious surface. The east wall of the addition would align with the first floor setback of 29.7 feet. As described above, the average established setback of the block on the west side of Girard Avenue between 54th Street and 55th Street appears to be 30 feet. The request is reasonable and consistent with the 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.*

The granting of the variance would not affect the character of the area or be injurious to the use or enjoyment of other property in the vicinity. The east wall of the addition would align with the first floor setback of 29.7 feet. As described above, the average established setback of the block on the west side of Girard Avenue between 54th Street and 55th Street appears to be 30 feet. Allowing the second story addition will retain open space on the property. The design of the addition will be consistent with the existing structure, including the roof pitch and type. If granted, the proposed variance will not be detrimental to the health, safety or welfare of the public or those utilizing the property provided the proposed addition is constructed to current building codes.

VARIANCE

The Department of Community Planning and Economic Development has analyzed the application for a variance to reduce the minimum front yard requirement adjacent to 55th Street West on a reverse corner lot from 30.1 feet to 9 feet to allow an addition to a single-family dwelling, based on the following [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.*

Practical difficulties exist in complying with the ordinance due to circumstances unique to the property. The property is a reverse corner lot with two required front yards. Although the

property is 58.7 feet by 127.2 feet in size, the required yards, including side and rear yards, cover over 70 percent of the subject property. Most of the existing dwelling is outside of the remaining buildable area making it difficult for a second story addition to be constructed without a variance. A ground floor addition could be allowed without a variance; however, it would infill most of the back yard. The south wall of the addition would align with the first floor setback of 9 feet. The minimum corner side yard setback in the R1 District is 8 feet, but is increased to 30.1 feet along 55th Street because the subject property is a reverse corner lot.

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.*

In general, yard controls are established to provide for the 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. Other than the variances requested, the project would comply with all other district regulations, including maximum floor area ratio, height, lot coverage and impervious surface. The south wall of the addition would align with the first floor setback of 9 feet. The neighboring dwelling to the west is located over 90 feet from the proposed addition. The request is reasonable and consistent with the 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.*

The granting of the variance would not affect the character of the area or be injurious to the use or enjoyment of other property in the vicinity. The south wall of the addition would align with the first floor setback of 9 feet. The neighboring dwelling to the west is located over 90 feet from the proposed addition. Allowing the second story addition will retain open space on the property. The design of the addition will be consistent with the existing structure, including the roof pitch and type. If granted, the proposed variance will not be detrimental to the health, safety or welfare of the public or those utilizing the property provided the proposed addition is constructed to current building codes.

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 minimum front yard requirement adjacent to Girard Ave S from 31.3 feet to 29.7 feet to allow a second story addition to a single-family dwelling located at 5452 Girard Ave S in the R1 Single-Family District, 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 November 20, 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 minimum front yard requirement adjacent to 55th St W on a reverse corner lot from 30.1 feet to 9 feet to allow a second story addition to a single-family dwelling located at 5452 Girard Ave S in the R1 Single-Family District, 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 November 20, 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. Site plan
5. Floor plans
6. Building elevations
7. Photos

Statement of Proposed Use and Description of Project

Property Address: 5452 Girard Ave S, Minneapolis, MN 55419

Property Owner: Sarah B. Walter

The proposed use of the project is as a single family home in compliance with the designation in R--1 zoning.

The proposed work for the project is a 2nd story addition to an existing 1957, 2200 square foot rambler.

The addition will include a master bedroom suite and office space. The work will include partial removal of the existing home's roof, and building a second story addition of approximately 704 square feet.

The home will be done in a prairie style consistent with several other homes in near proximity to this home.

Statement Regarding Variance Request

Property Address: 5452 Girard Ave S, Minneapolis, MN 55419

Property Owner: Sarah B. Walter

Zoning Code section authorizing the requested variance: 525.520 (1)

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

The circumstances requiring the variance request are unique due to the location of the existing dwelling. We are requesting a variance to reduce the established setback along W 55th Street from 30 feet to 8 feet to allow for the construction of a 2nd story addition to the existing single story home. The 8' setback is created by the configuration of the property on a reverse corner lot and the placement of the adjacent house to the east. The subject property is 52 x 127 wide. Conforming to the established side yard setback of 30' would reduce the area to build a second story addition to 2' feet. Therefore it is not possible to build a conforming structure on this property without the need for a variance. This is a practical difficulty and 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 the spirit and intent of the ordinance and the comprehensive plan.**

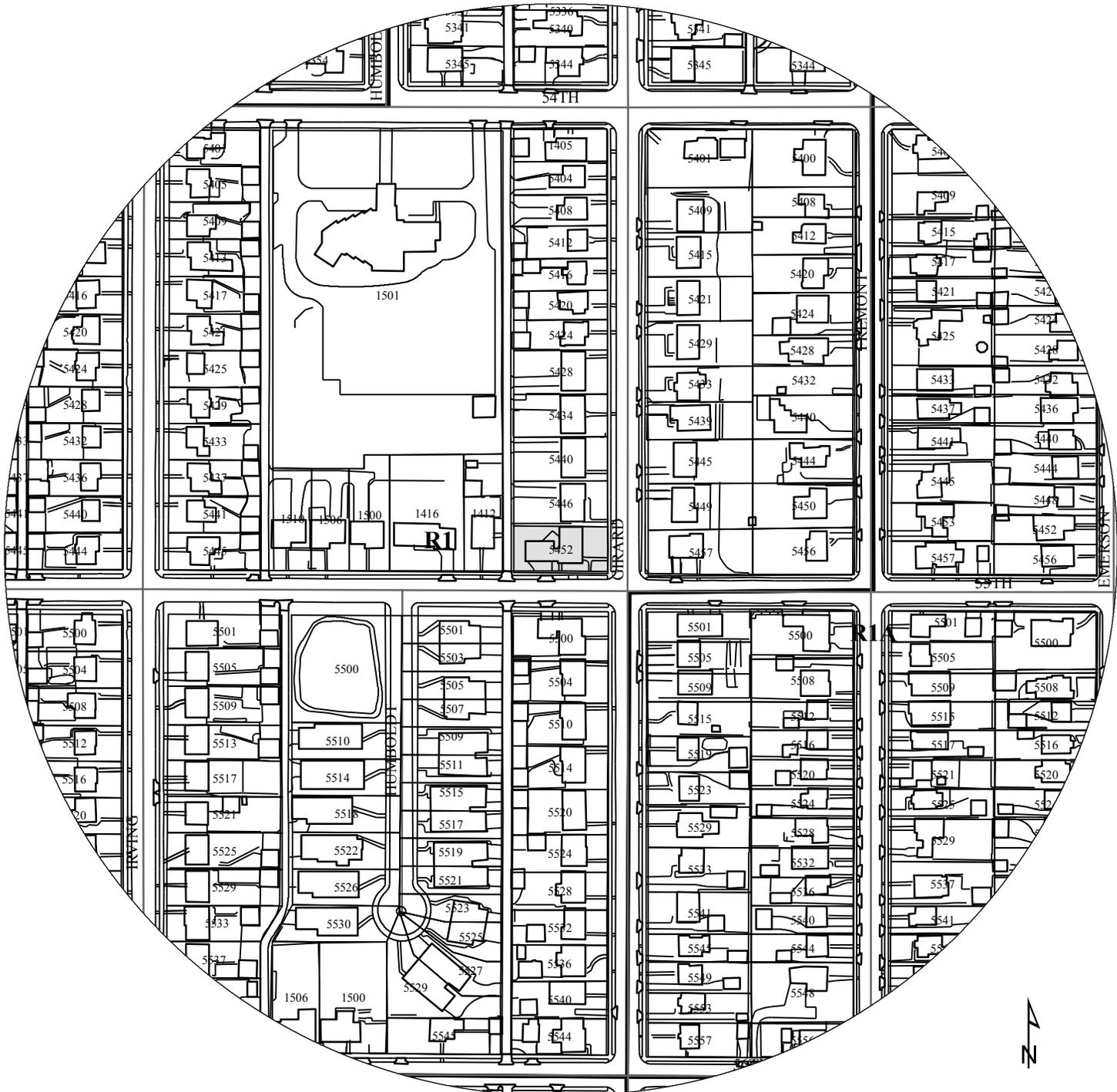
The ordinance was created to keep houses from being built or expanded significantly closer to the property line than the neighboring properties, harming the established character of the neighborhood, and to minimize conflicts among land uses by providing adequate light, air open space and separation of uses. It was not intended to prevent development from occurring on properties, which would be the case if the established side yard setback were applied to this property. The proposed addition will fall within the footprint of the existing home, the second story addition will be 90 feet away from the adjacent home to the east and since the second story addition will not encompass the entire footprint of the existing home it will minimally impact neighboring sightlines.

- 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 addition will not alter the essential character of the locality and as previously mentioned the second story will be 90 feet away from the adjacent home to the east. The proposed addition will also blend into the essential character of the neighborhood by using similar building materials such as concrete board siding. Further, the project will conform to other regulations of the zoning code including the maximum building height and lot coverage requirements.

NAME OF APPLICANT

WARD



PROPERTY ADDRESS
5452 Girard Ave S

FILE NUMBER
BZZ-6902



5452

ADT





SITE ADDRESS: 5452 GIRARD AVE. S
MINNEAPOLIS, MN 55419

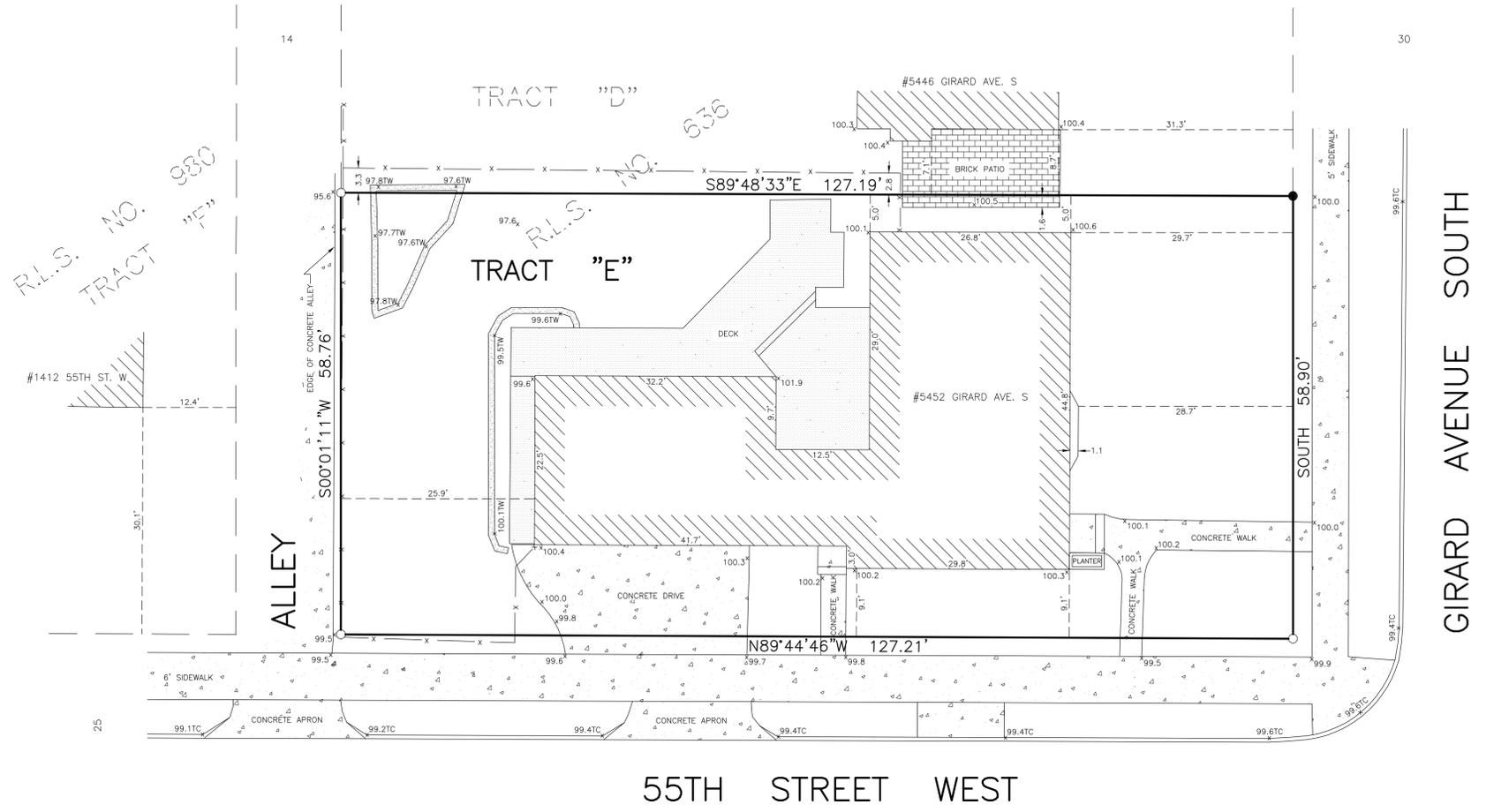
CERTIFICATE OF SURVEY FOR: ADSON HOMES

EXISTING AREA CALCULATION:

Lot Area = 7,483 SF
IMPERVIOUS SURFACE:
House = 2,094 SF
Concrete Drive = 347 SF
Concrete Walks = 207 SF
Deck = 732 SF
Total = 3,380 SF
= 45.2%



SCALE: 1 INCH = 10 FEET



Legend

- x — x — Fence
- ==== Concrete Curb
- ===== Retaining Wall
- x900.0 Existing Elevation
- x900.0TC Top of Curb Elevation
- x900.0TW Top of Wall Elevation
- Denotes Iron Monument Found
- Denotes Set 1/2" x 14" Iron Pipe w/ Plastic Cap Inscribed R.L.S. 15230.

PROPERTY DESCRIPTION: Tract "E", R.L.S. NO. 636,
Hennepin County, Minnesota.

NOTE: No Search Was Made For Any Easements

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.

W. BROWN LAND SURVEYING, INC.

Woodrow A. Brown
Woodrow A. Brown, R.L.S. MN REG 15230

Dated: 05-01-2014

W. BROWN LAND SURVEYING, INC.
8030 Cedar Avenue So., Suite 228.
Bloomington, MN 55425
Bus: (952) 854-4055
Fax: (952) 854-4268

Drawing: 51-14 Date: 05-01-2014 Scale: 1 Inch = 10 Feet 1 Of 1

SITE ADDRESS: 5452 GIRARD AVE. S
MINNEAPOLIS, MN 55419

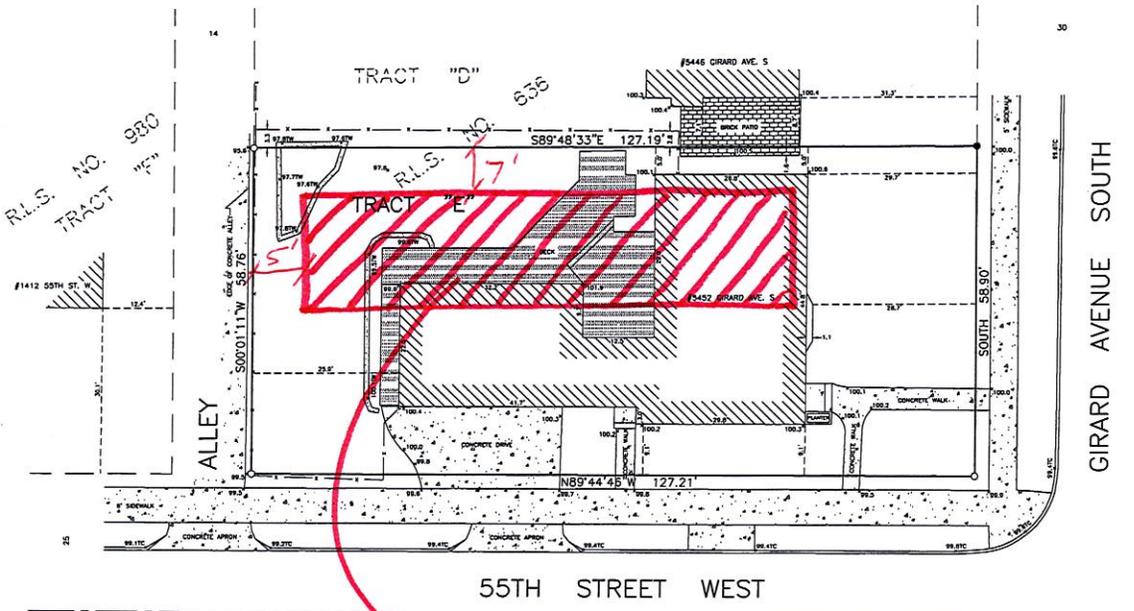
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**APPROXIMATE
BUILDABLE AREA**

Legend

- — — — — Fence
- ==== Concrete Curb
- ===== Retaining Wall
- o Existing Elevation
- x900.0 Top of Curb Elevation
- x900.0TC Top of Wall Elevation
- Denotes Iron Monument Found
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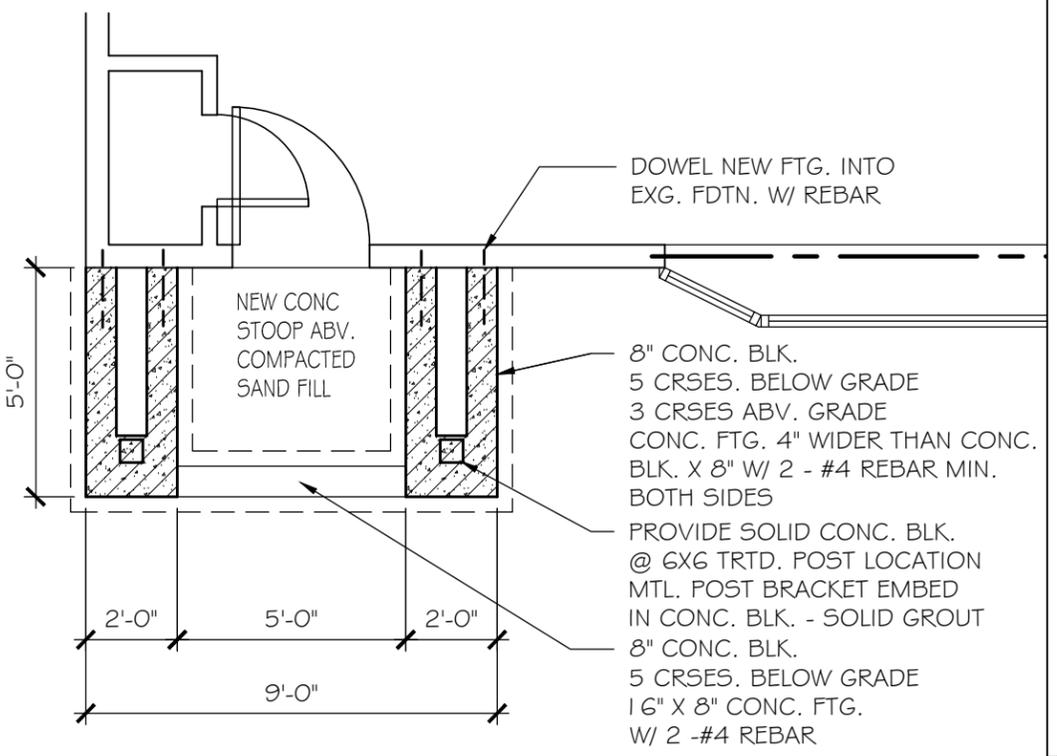
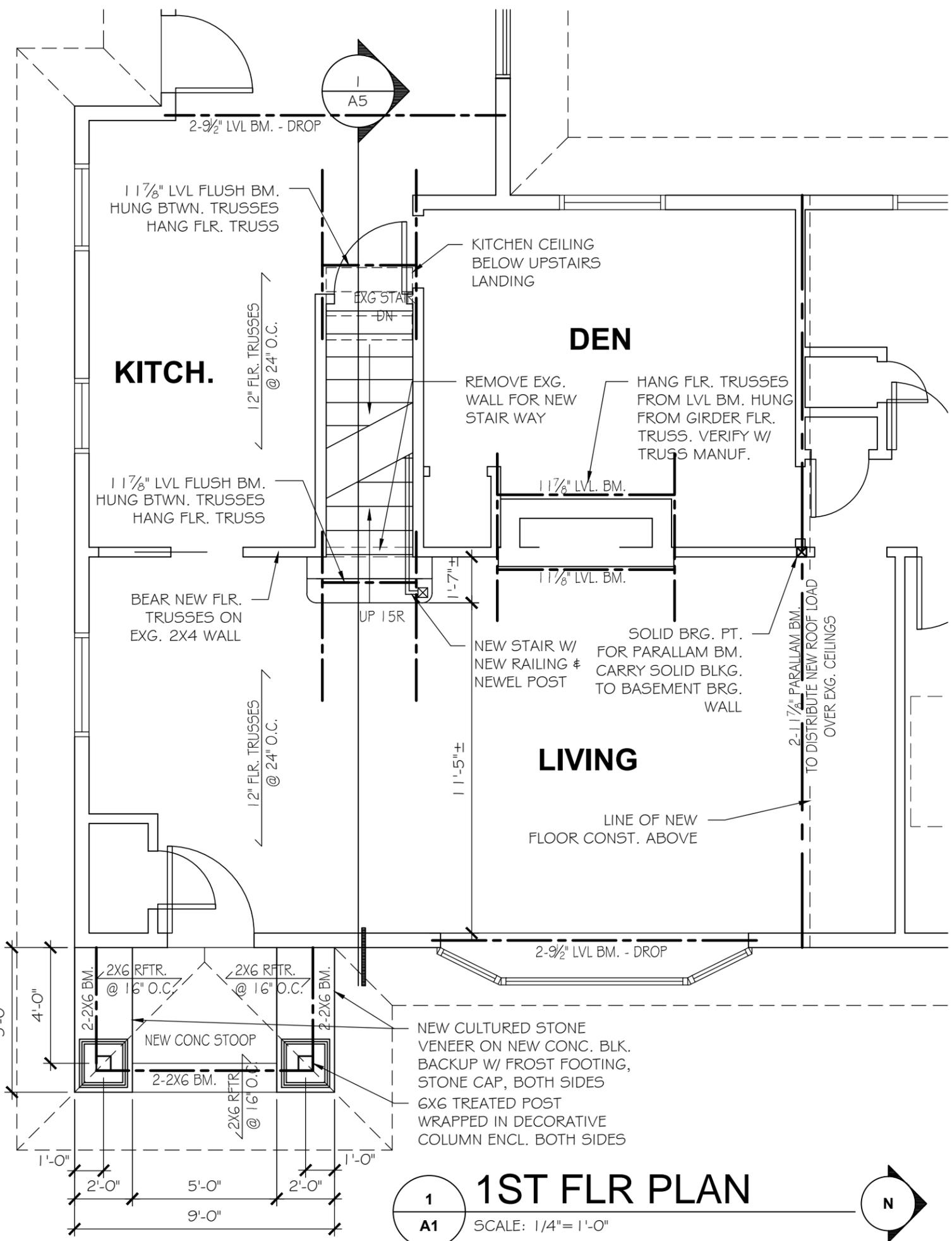
I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly registered Land Surveyor under the laws of the State of Minnesota.

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Dated: 05-01-2014

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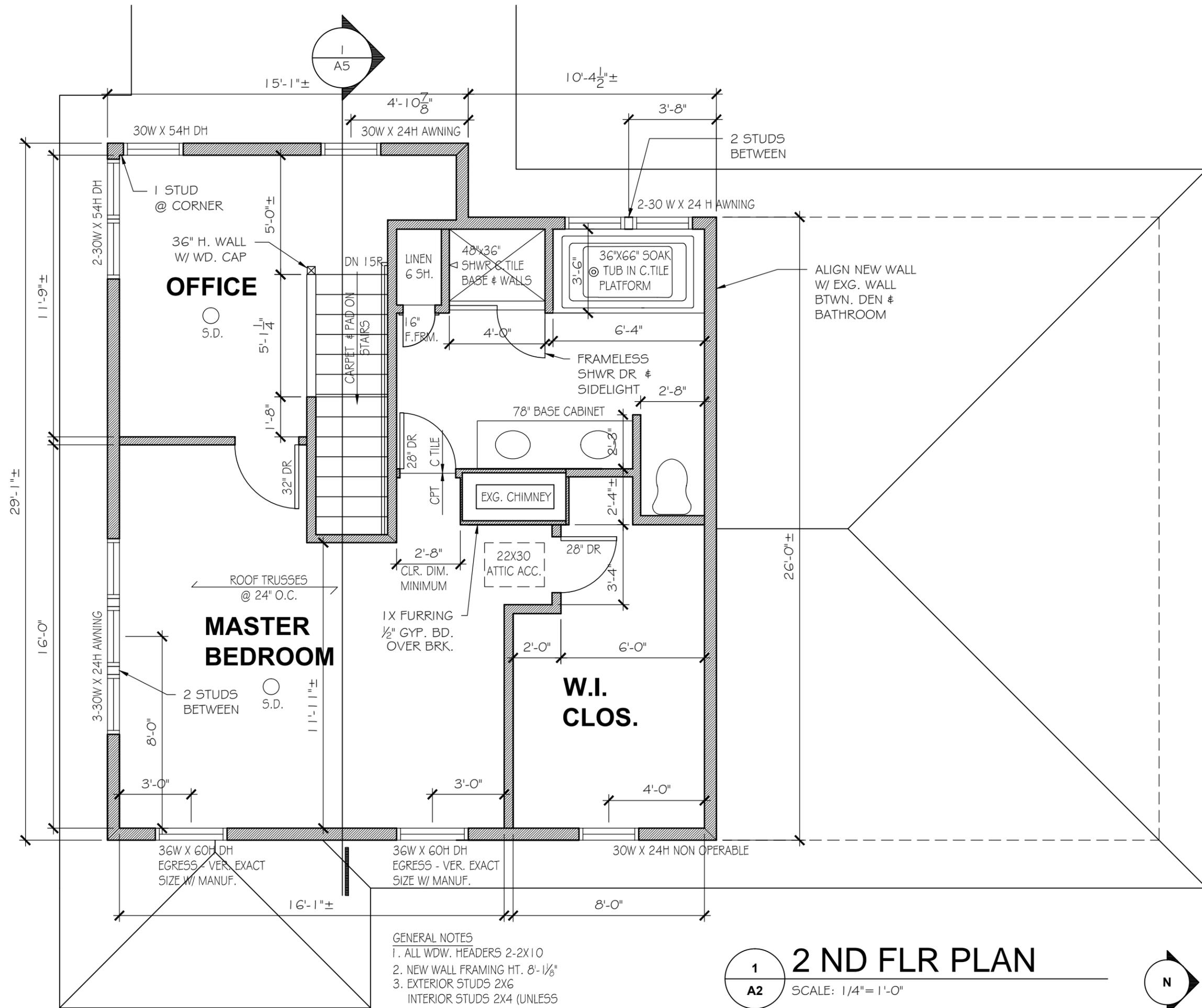


BOYLE ARCHITECTS
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 4519 Robin Circle
 Robbinsdale, MN 55422
 612-991-9491
 763-772-2752

SECOND FLOOR ADDITION FOR TIM EHLERT & SARAH WALTER

5452 Girard Ave. South
 Minneapolis, MN 55419

A1
 24 MAR 2014



GENERAL NOTES
 1. ALL WDW. HEADERS 2-2X10
 2. NEW WALL FRAMING HT. 8'-1/8"
 3. EXTERIOR STUDS 2X6
 INTERIOR STUDS 2X4 (UNLESS NOTED OTHERWISE)

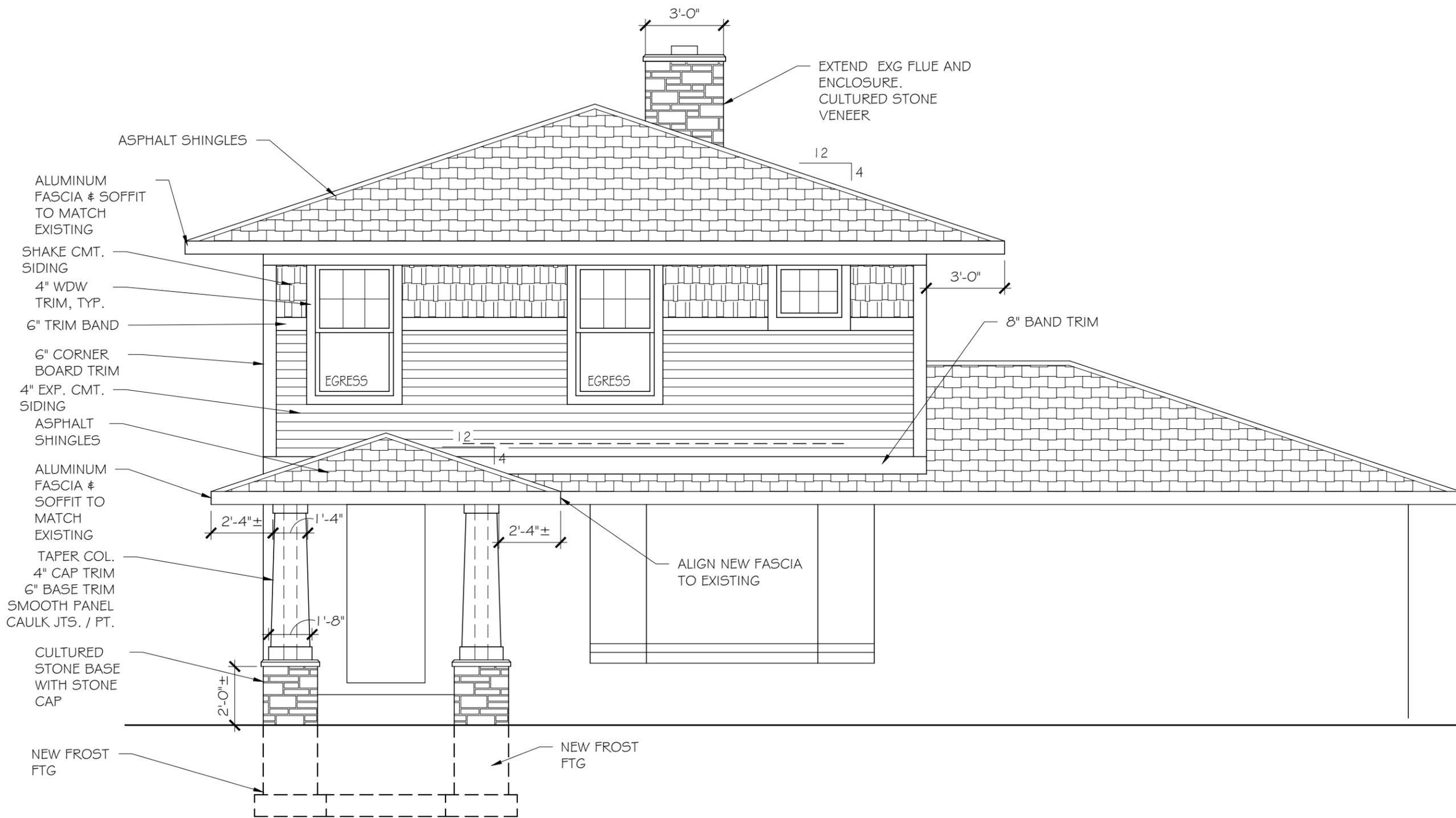
1
A2 **2 ND FLR PLAN**
 SCALE: 1/4" = 1'-0"



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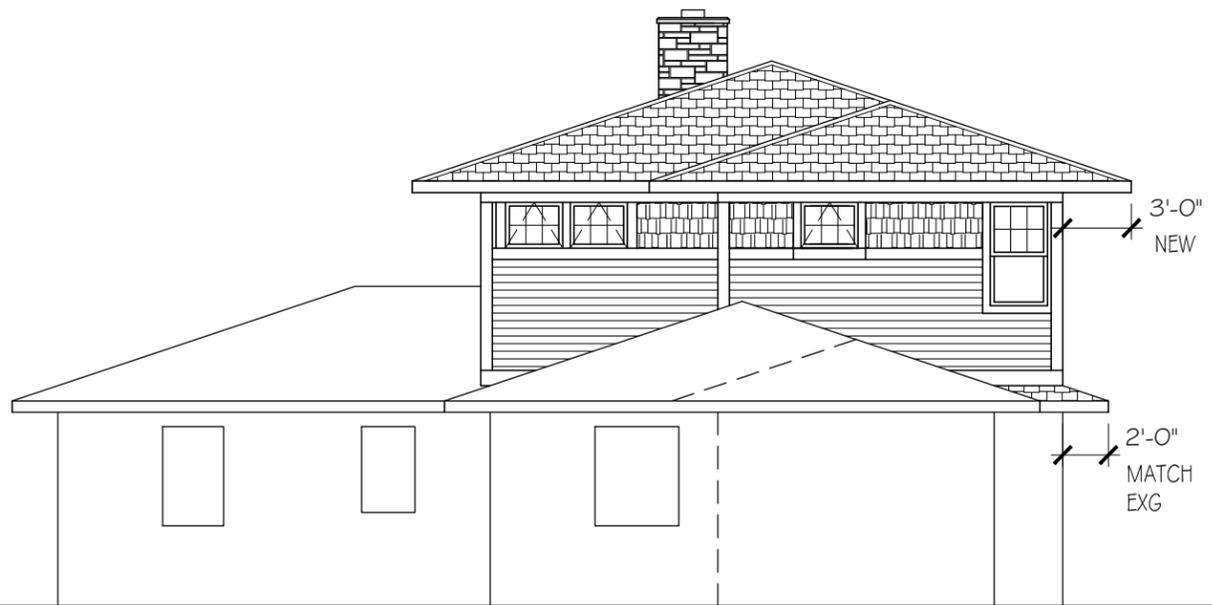
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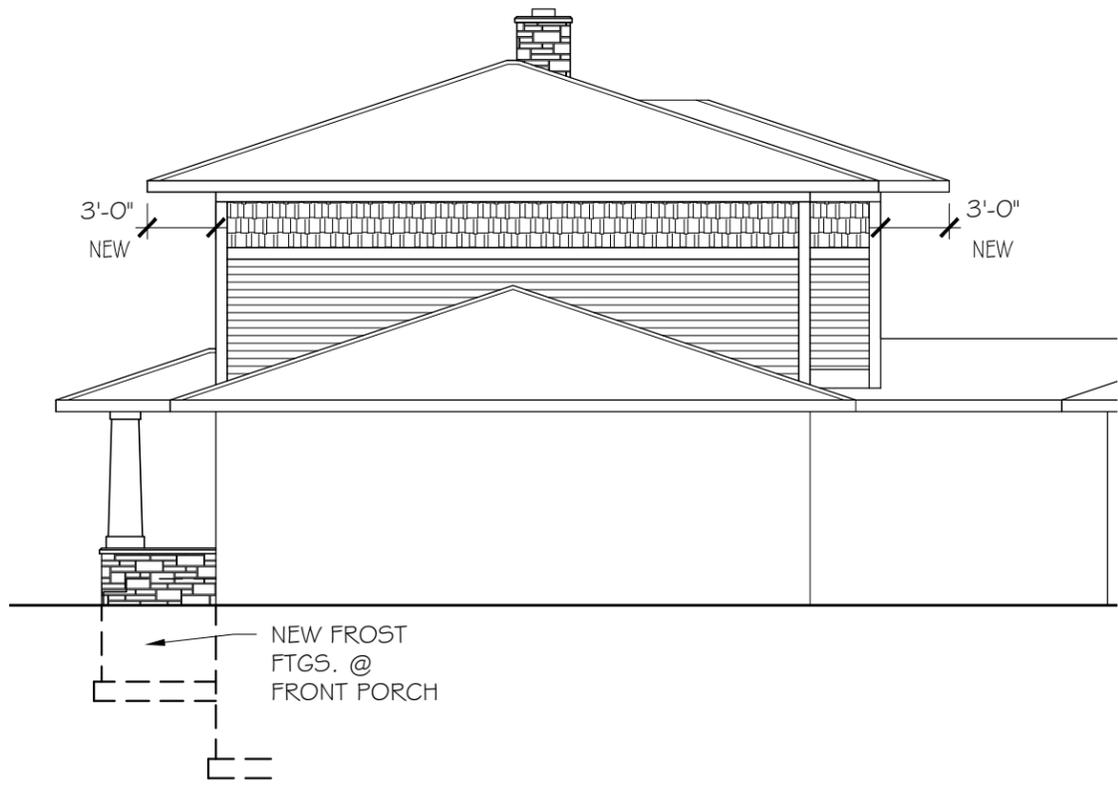
1
A3 **ELEVATION - EAST**
 SCALE: 1/4" = 1'-0"



1
A4 **ELEVATION - SOUTH**
SCALE: 1/8" = 1'-0"



2
A4 **ELEVATION - WEST**
SCALE: 1/8" = 1'-0"



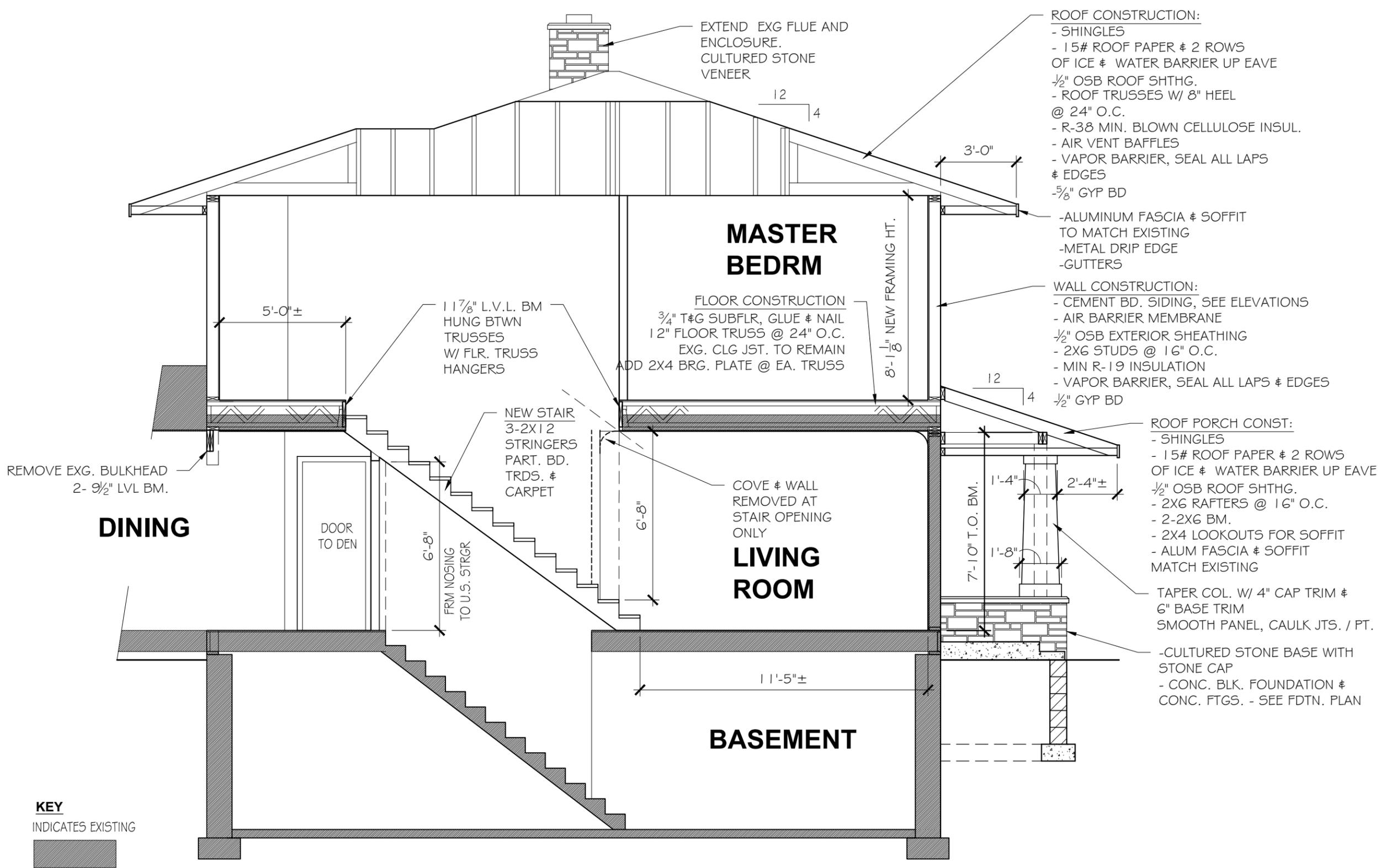
3
A4 **ELEVATION - NORTH**
SCALE: 1/8" = 1'-0"

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SECOND FLOOR ADDITION FOR TIM EHLERT & SARAH WALTER

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A4
24 MAR 2014



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SECOND FLOOR ADDITION FOR TIM EHLERT & SARAH WALTER

5452 Girard Ave. South
 Minneapolis, MN 55419

KEY
 INDICATES EXISTING

1 **BUILDING SECTION**
 A5 SCALE: 1/4" = 1'-0"

A5
 24 MAR 2014