



**CPED STAFF REPORT**  
Prepared for the Board of Adjustment

BOA Agenda Item #1  
January 8, 2015  
BZZ-6913

**LAND USE APPLICATION SUMMARY**

*Property Location:* 4452 Zenith Avenue South  
*Project Name:* 4452 Zenith Avenue South Rear Addition  
*Prepared By:* [Janelle Widmeier](#), Senior City Planner, (612) 673-3156  
*Applicant:* Laurie McGilvray and Tim Schwappach  
*Project Contact:* Pat Mackey, Mackey Malin Architects  
*Request:* A rear addition to a dwelling for an enclosed porch with a roof deck above.  
*Required Applications:*

<b>Variance</b>	To reduce the minimum front yard requirement adjacent to 45 <sup>th</sup> St W on a reverse corner lot from 20 feet to 16 feet.
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**SITE DATA**

<b>Existing Zoning</b>	RIA Single-Family District
<b>Lot Area</b>	5,983 square feet
<b>Ward(s)</b>	13
<b>Neighborhood(s)</b>	Linden Hills Neighborhood Council
<b>Designated Future Land Use</b>	Urban Neighborhood
<b>Land Use Features</b>	Not applicable.
<b>Small Area Plan(s)</b>	Not applicable.

<b>Date Application Deemed Complete</b>	November 26, 2014	<b>Date Extension Letter Sent</b>	Not applicable
<b>End of 60-Day Decision Period</b>	January 25, 2015	<b>End of 120-Day Decision Period</b>	Not applicable

## BACKGROUND

**SITE DESCRIPTION AND PRESENT USE.** The subject property is 5,983 square feet in area with no alley access. The existing use is a single-family dwelling. The existing dwelling was permitted for construction in 1914. The subject property is a reverse corner lot with frontage along Zenith Avenue South and 45<sup>th</sup> Street West.

**SURROUNDING PROPERTIES AND NEIGHBORHOOD.** The surrounding properties are predominately single-family dwellings.

**PROJECT DESCRIPTION.** The applicant is proposing to construct a rear addition to the existing single-family dwelling located at 4452 Zenith Avenue South. The addition will include a screen porch with a roof deck above. The footprint of the addition would be approximately 16 feet by 20.5 feet. The subject property is a reverse corner lot with front yard requirements imposed along both street frontages. The minimum front yard requirement along 45<sup>th</sup> Street West is 20 feet. The proposed addition would be 16 feet from the lot line adjacent to 45<sup>th</sup> Street, which requires a variance. It would comply with all other applicable requirements. The applicant is also proposing to construct a new detached garage. An application to administratively increase the height of the garage has been submitted; however, some adjustments need to be made to the design to qualify for the height increase. Once those requirements for the height increase application have been addressed, the garage will comply with all applicable requirements, including yards.

**PUBLIC COMMENTS.** A letter from the Linden Hills Neighborhood Council was received and is attached to this report. 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 minimum front yard requirement adjacent to 45th St W on a reverse corner lot from 20 feet to 16 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 and is only 42 feet wide. The minimum required front yard adjacent to 45<sup>th</sup> Street is 20 feet. Including the required 6 foot interior side yard, the buildable area of the subject property is only 16 feet wide. The existing subject dwelling is set back up to 9 feet from the lot line adjacent to 45<sup>th</sup> Street. The adjacent dwelling to the west is set back only 4.5 feet from the front lot line. While the zoning code requires a greater front yard for an established set back greater than the district requirement, it does not authorize a lesser yard when the established setback is less than the district requirement.

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. The addition would comply with all other yard requirements and with all other district regulations, including maximum floor area ratio, height, lot coverage and impervious surface. The existing subject dwelling is set back up to 9 feet from the lot line adjacent to 45<sup>th</sup> Street, but the addition is proposed to be setback 16 feet. The adjacent dwelling to the west is set back only 4.5 feet from the front lot line. 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. As described above, the adjacent home on the neighboring lot to the west is located closer to 45<sup>th</sup> Street than the existing dwelling and proposed addition. The design of the addition would be compatible with the existing structure. 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 45<sup>th</sup> St W on a reverse corner lot from 20 feet to 16 feet to allow an addition to a single-family dwelling located at 4452 Zenith Ave S, 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 January 8, 2017, 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. Photos
6. Floor plans
7. Building elevations
8. Correspondence

October 20, 2014

Joseph Giant  
Community Planning & Economic Development  
250 South 4<sup>th</sup> Street, Room 300 PSC  
Minneapolis, MN 55415

**Statement of Proposed Use and Description of Project :**

We propose to build a screen porch addition to the rear of an existing single-family home at 4452 Zenith Avenue S, in the Linden Hills Neighborhood. The property is a corner lot and the house was built in 1914. The property will remain a single family home. With the current reverse corner setback (20') due to the adjacent property at 3312 W 45<sup>th</sup> St., the south portion of the existing house is nonconforming and no extension of it can be built without a variance. We are pursuing a variance to reduce the required reverse corner yard from 20 feet to 16 feet, which is the current structure setback from the property line.

Applicant : Pat Mackey

Owner: Laurie McGilvray and Tim Schwappach

Mackey Malin Architects  
5200 Washburn Avenue S  
Minneapolis MN 55410  
612-220-6190

4452 Zenith Avenue S  
Minneapolis MN 55410

The site is Zoned R1A/ Single Family District. To our knowledge, there are no historic status or HPC implications for the site.

We are applying for:

- Site Plan Review
- Variance to reduce reverse corner front yard setback along 45<sup>th</sup> Street W from 20' to 16'

Photos of the Site and surrounding area are attached.

Site plan and Floor plans are attached.

Linden Hills Neighborhood Council (LHiNC) letter is attached.

October 20, 2014

Joseph Giant  
Community Planning & Economic Development  
250 South 4<sup>th</sup> Street, Room 300 PSC  
Minneapolis, MN 55415

**Variance Findings Statement :**

We are seeking a variance to reduce the required reverse corner yard at 4452 Zenith Ave S. from 20 feet to 16 feet, to allow the construction of a new enclosed (screened ) porch.

Applicant :  
Pat Mackey  
Mackey Malin Architects  
5200 Washburn Avenue S  
612-220-6190

Owner:  
Laurie McGilvray and Tim Schwappach  
4452 Zenith Avenue S  
Minneapolis MN 55410

The site is Zoned R1A. To our knowledge, there are no historic status or HPC implications for the site.

We are applying for:

- Site Plan Review
- Variance to reduce the front yard setback along 45<sup>th</sup> Street W from 20' to 16'

Please see the following page for variance findings.

**Variance – Reduce the required yard along 45<sup>th</sup> Street W from 20 feet to 16 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 adjacent property to the west (3312 W 45<sup>th</sup> Street) fronts onto 45th Street and makes the applicant property subject to “reverse corner” status. This increases the south side yard for the subject property to 20 feet and renders the entire structure nonconforming per Minneapolis Zoning Code, and prohibits any addition in this area. Both houses were built before 1916 and predate the reverse corner designation.

**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 property is a single family dwelling, which is the predominant use in the area. The variance sought is more restrictive than the “regular” corner side yard for the R1A zoning use, and is consistent with the various yards on the block and in the surrounding area. A screened porch on the rear of a single-family residence is consistent with the surrounding uses and structures. The screened porch will be no wider than the back portion of the house, which is in turn narrower than the main bulk of the house. The screened porch will not encroach into the required rear yard.

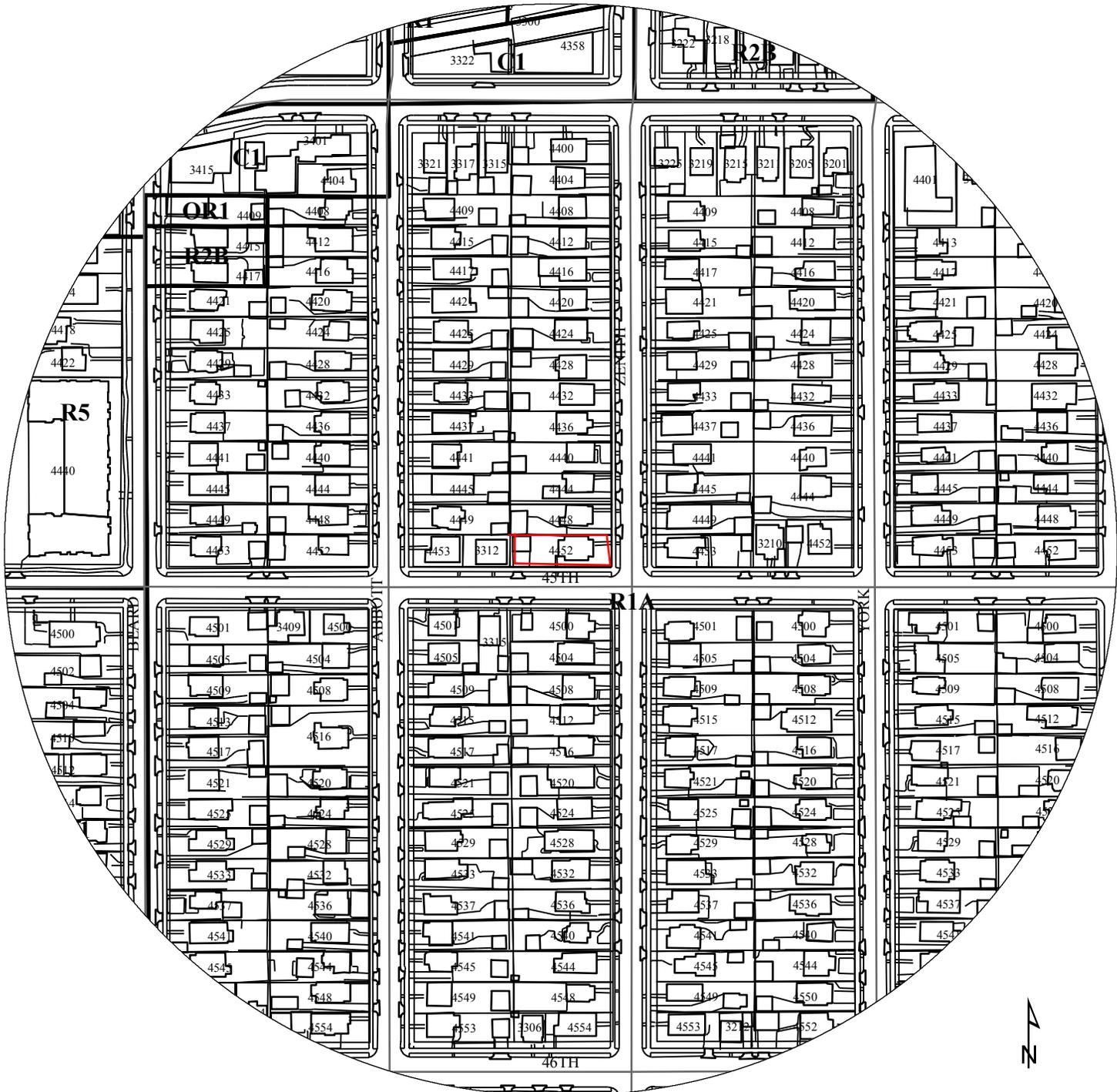
**3) *The proposed variance will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. If granted, the proposed variance will not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property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

The surrounding buildings are predominantly single-family, and predominantly 2-story, and the proposed building is a reasonable and fitting continuation of that pattern. The variance would not contribute to the loss of sightlines from any neighboring properties, nor would it contribute to undue shading of neighboring properties. The rear portion of the house already sits at the proposed setback, and no further encroachment is sought. The variance will not affect the health, safety, or welfare of the general public or nearby properties.

Site plan, floor plans and elevations are attached.

NAME OF APPLICANT

WARD

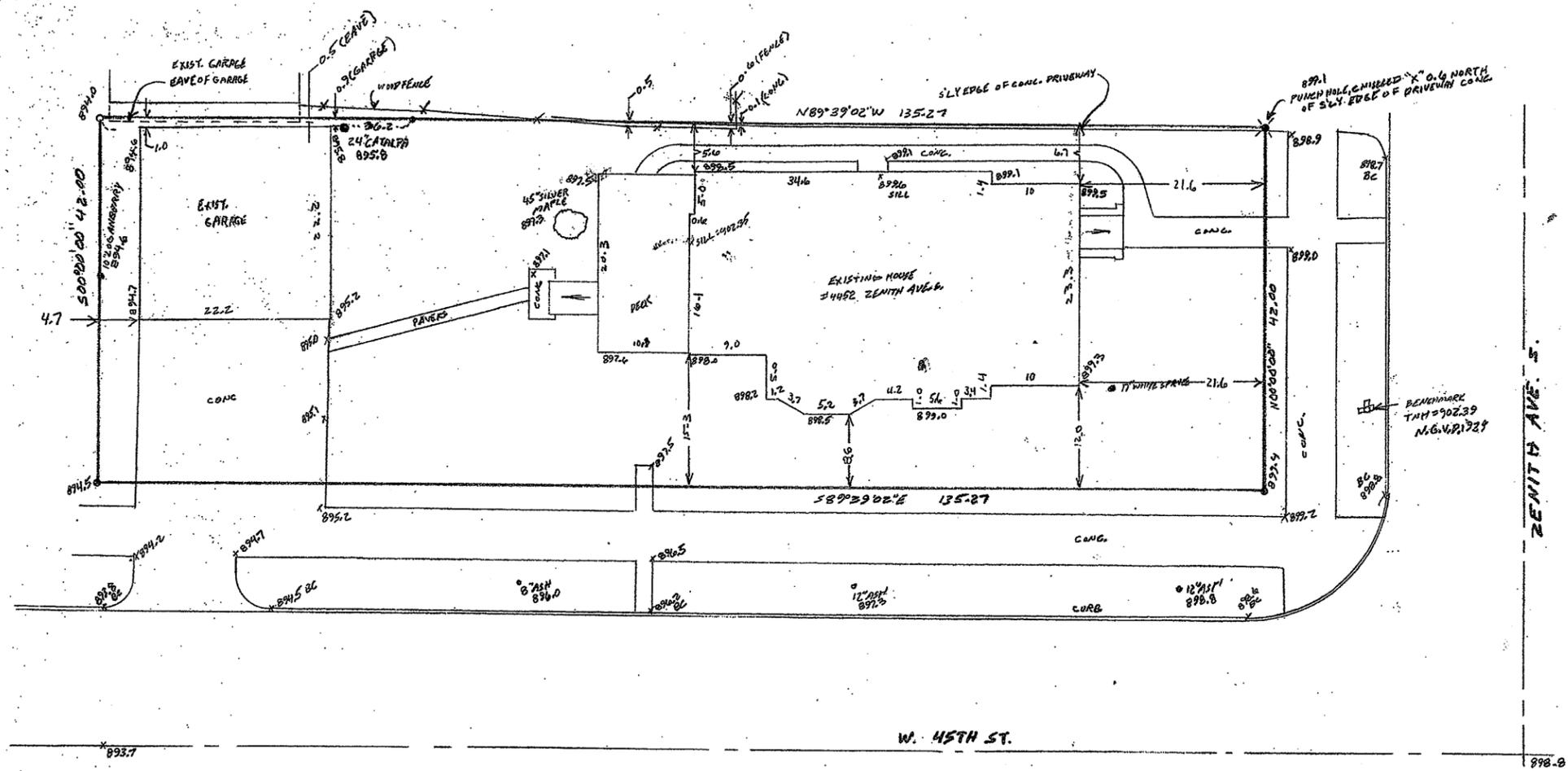


PROPERTY ADDRESS

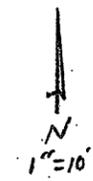
4452 Zenith Ave S

FILE NUMBER

BZZ-6966



○ DENOTES IRON FOUND  
 ⊙ DENOTES IRON SET  
 → DENOTES DIRECTION OF SURFACE FLOW  
 ANN DENOTES EXISTING ELEVATION



LEGAL DESCRIPTION LOT 14, BLOCK 6, SECOND DIVISION OF REMINGTON PARK, HENNEPIN COUNTY, MINNESOTA.



**KIM A. REAUME**  
 LICENSED LAND SURVEYOR  
 763-475-1314  
 763-475-1015 FAX  
 EMAIL- reaumekm@aol.com  
 3305 GARLAND LANE NORTH  
 PLYMOUTH, MINNESOTA 55447

# CERTIFICATE OF SURVEY

BOOK 38	PAGE 13
PROJECT NO. 2003-160	SHEET
REVISIONS	

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.

*Kim Reaume*  
 DATE 4-12-03 REG. NO. 19522













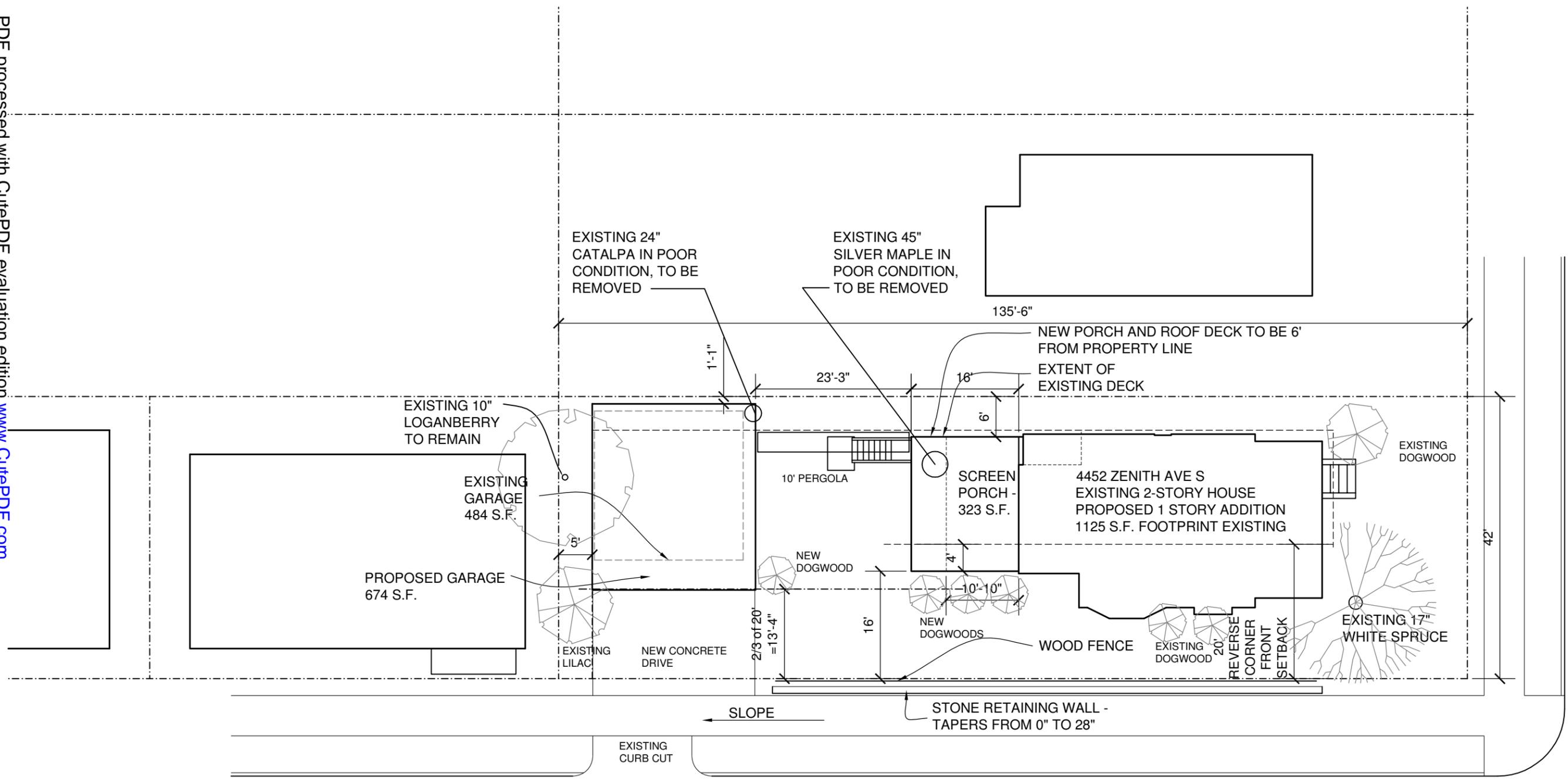
MACKEY MALIN ARCHITECTS

612.220.6190  
MACKEYMALIN.COM

**McGILVRAY RESIDENCE**  
4452 Zenith Ave S  
Minneapolis MN 55410

PROJECT PHASE:	Schematic Design
PROJECT NUMBER:	
ISSUE DATE:	ISSUE DATE
DRAWN BY:	PM

ZENITH AVENUE S



4452 ZENITH AVE S MINNEAPOLIS  
LOT IS 135.27' X 42'  
LOT AREA = 5983 S.F. (PER HENNEPIN COUNTY)  
ZONED R-1A  
5 FOOT SIDE YARD SETBACK  
8 FOOT CORNER SIDE YARD SETBACK  
20 FOOT FRONT AND REVERSE CORNER SETBACK  
5 FOOT REAR SETBACK  
MAX. F.A.R. - 0.5 (2991 S.F.) - 2418 PROPOSED  
65% IMPERVIOUS SURFACE ALLOWED (3686 S.F.)  
2321 IMPERVIOUS S.F. PROPOSED (40.9%)

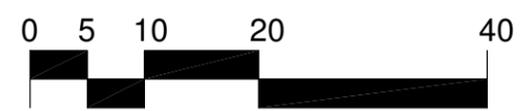
1 DWELLING UNITS PROPOSED  
2 STORIES ALLOWED, NOT TO EXCEED 30 FEET HEIGHT  
2 STORIES DESIGNED, HEIGHT 27.25 FEET  
EXISTING FOOTPRINT - 1125 S.F.  
PROPOSED FOOTPRINT = 1448 S.F.

MAXIMUM GARAGE ALLOWABLE IS 676 S.F., AND IT MUST BE 2/3 OF 20' (OR 13'-4") BACK FROM THE SOUTH LOT LINE.

NEW SCREEN PORCH MUST BE 20' FROM SOUTH LOT LINE WITHOUT A VARIANCE.

**LANDSCAPE NOTES:**  
5983 S.F. LOT AREA  
1125 + 323 + 674 = 2122 S.F. BUILDINGS (PROPOSED)  
3861 S.F. OF SITE NOT OCCUPIED BY BUILDINGS  
20% OF 3861 S.F. = 772 S.F. LANDSCAPE REQUIREMENT  
2 CANOPY TREES REQUIRED, 8 SHRUBS

45TH STREET W



**1 SITE PLAN**  
Scale: 1/16" = 1'-0"



VARIANCE APPLICATION - 10/20/14

**SITE**  
SITE PLAN



IEWS LOOKING TO NORTHWEST ALONG 45 STREET



ABBOTT  
AVE S

**1 STREET WALL ELEVATION**  
NO SCALE

ZENITH  
AVE S



IEWS LOOKING TO NORTHEAST ALONG 45 STREET



MACKEY MALIN  
ARCHITECTS

612.220.6190  
MACKEYMALIN.COM

**McGILVRAY RESIDENCE**  
4452 Zenith Ave S  
Minneapolis MN 55410

PROJECT PHASE:  
Schematic  
Design  
PROJECT NUMBER:

ISSUE DATE:  
ISSUE DATE

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DRAWN BY:  
PM

VARIANCE APPLICATION - 10/20/14

**SITE**

SITE  
PLAN





FLOATING STAIR  
TREADS -  
RECESSED  
STRINGERS, SLAB  
TREADS

**1** ELEVATION  
Scale: 1/4" = 1'-0"



MACKEY MALIN  
ARCHITECTS

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**McGILVRAY RESIDENCE**  
4452 Zenith Ave S  
Minneapolis MN 55410

PROJECT PHASE:  
Schematic  
Design  
PROJECT NUMBER:

ISSUE DATE:  
ISSUE DATE

DRAWN BY:  
PM

VARIANCE APPLICATION - 10/20/14

**A4**

PORCH  
ELEVATIONS



MACKEY MALIN ARCHITECTS

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MACKEYMALIN.COM

**McGILVRAY RESIDENCE**  
4452 Zenith Ave S  
Minneapolis MN 55410

PROJECT PHASE:  
Schematic Design  
PROJECT NUMBER:

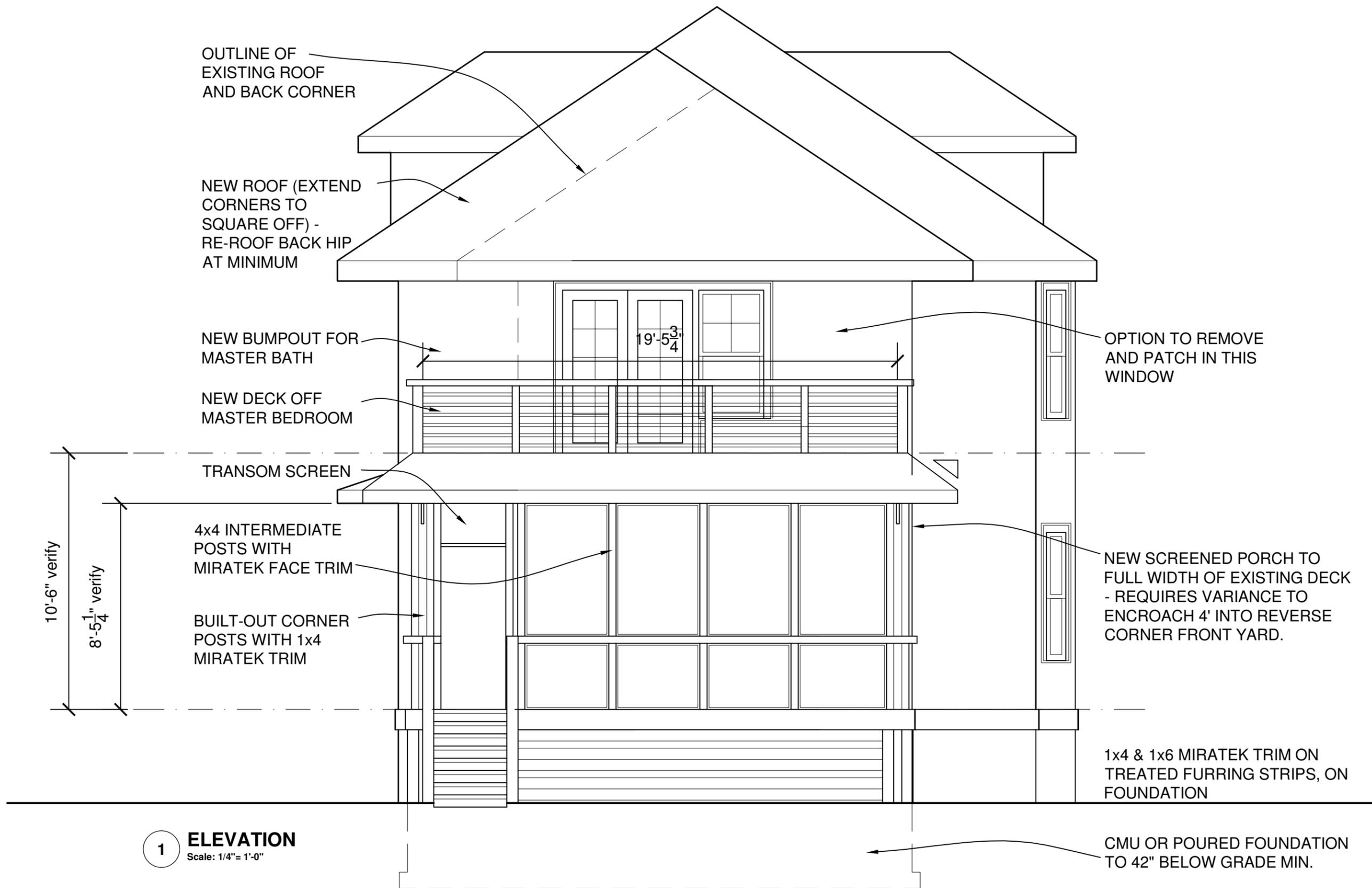
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**A5**

PORCH ELEVATIONS

VARIANCE APPLICATION - 10/20/14





November 19, 2014

Janelle Widmeier, Senior City Planner  
Department of Community Planning &  
Economic Development - Planning Division  
250 S. 4<sup>th</sup> St. Room 300,  
Minneapolis, MN 55415

Re: LHINC Zoning Committee November Meeting: 4452 Zenith Ave S and 3933-35 Thomas Ave S

Dear Ms. Widmeier,

Please be advised of the considerations of the Linden Hills Zoning Committee at its November 17, 2014 meeting, respectfully submitted on behalf of Eric Hansen, Zoning Committee Chair.

The Committee voted unanimously to **Not Oppose** the variance at **4254 Zenith Ave S**, to reduce the side yard setback on 45<sup>th</sup> St. from 20 feet to approximately 16 feet to allow for the construction of a screen porch.

The Committee voted unanimously to **Not Oppose** the variances at **3933-35 Thomas Ave S**, to decrease the minimum lot width and minimum lot area for the two parcels to allow for the construction of single family homes on each lot.

Please contact me if you have any questions.

Regards,

Christy Prediger  
Linden Hills Neighborhood Coordinator  
(612) 481-5574

cc: Eric Hansen, Zoning Committee Chair  
Pat Mackey, Mackey Malin Architects, 4254 Zenith Ave S  
Paul Whiteman, PDW Investments, 3933-35 Thomas Ave S