



# CPED STAFF REPORT

Prepared for the Board of Adjustment

BOA Agenda Item #1  
 January 22, 2015  
 BZZ-6954

## LAND USE APPLICATION SUMMARY

**Property Location:** 5024 Park Avenue  
**Project Name:** DiGiacomo Homes Lot Split and New Construction  
**Prepared By:** [Chris Vrchota](#), City Planner, (612) 673-5467  
**Applicant:** Rocky DiGiacomo  
**Project Contact:** Rocky DiGiacomo  
**Request:** Variances to reduce the interior side yard setback for an existing structure to allow for a lot split and subsequent new construction

**Required Applications:**

<b>Variance</b>	Variance to reduce the south interior side yard setback from 8 feet to 3.4 feet for an existing single-family dwelling.
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## SITE DATA

<b>Existing Zoning</b>	RIA Single-Family District/FP Floodplain Overlay District/SH Shoreland Overlay District/AP Airport Overlay District
<b>Lot Area</b>	11,899 square feet
<b>Ward(s)</b>	11
<b>Neighborhood(s)</b>	Page
<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 RIA Single-Family District/FP Floodplain Overlay District/SH Shoreland Overlay District/AP Airport Overlay District and consists of 2 originally platted lots. The property is an irregular polygon measuring 11,899 square feet in area. Presently on site are a 2,100 square foot, 2-story dwelling constructed in 1941. The garage was moved next to the house and attached via a breezeway addition in 1947.

**SURROUNDING PROPERTIES AND NEIGHBORHOOD.** The subject property sits at the point where Park Avenue curves northwest into Minnehaha Parkway, directly across from Minnehaha Creek. The neighborhood is developed with single-family dwellings.

**PROJECT DESCRIPTION.** The applicant is proposing to split the parcel into two lots. They are proposing to retain the existing house on the north half of the lot and construct a new house on the south half. The breezeway connecting the house to the garage would be demolished and the then

<b>Date Application Deemed Complete</b>	December 23, 2014	<b>Date Extension Letter Sent</b>	N/A
<b>End of 60-Day Decision Period</b>	February 2, 2015	<b>End of 120-Day Decision Period</b>	

detached garage would be moved to the rear of the lot. The existing house would be located 3.4 feet from the proposed lot line, creating the need for the variance. The lot split would be processed administratively and would not require any additional public hearings.

No variances are being requested for the construction of the new house on the south half of the site. The applicant has provided a conceptual site plan showing how a house could fit on this lot without the need for variances. Because no variances are being sought for the construction of a house on the south site, detailed plans are not required at this time.

A small portion of the northern tip of the lot is within the floodplain, but the floodplain does not extend into any of the buildable portions of the site.

**PUBLIC COMMENTS.** Staff has not received any public comments as of the printing of this report.

## ANALYSIS

### VARIANCE

The Department of Community Planning and Economic Development has analyzed the application for a Variance to reduce the south interior side yard setback for the existing structure from 8 feet to 3.4 feet to allow for the subdivision of the lot 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.*

The existing house was constructed in 1941, lengthwise on the lot and close to the originally platted lot line. Splitting the lot along the original lot line would re-establish a fully compliant and buildable lot to the south but leave the existing house 3.4 feet from the property line. Moving the line further to the south would create the need for additional variances. Staff finds that these circumstances are unique to the parcel and 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 applicant is proposing to split the parcel to allow for the construction of a new single-family dwelling on the south half of the lot, while retaining the existing house on the north half. The 8' required setback is created by the width of the lot at the front yard setback, which is approximately 74 feet, though the lot tapers to 33.82 feet at the rear. The spirit and intent of the ordinance is to allow for reasonable and safe separation between structures. The portion of the existing house that sits at the 3.4' setback is a relatively small bay with windows and a chimney- the substantial majority of the house sits approximately 5' from the property line that would be created. Splitting the parcel to create a fully conforming lot for new construction while retaining the existing house on the north half of the lot is a reasonable use. Retaining the existing house at the 3.4' setback rather than demolishing it and building a new house on the north lot as well is in keeping with the spirit and intent of the ordinance. It would also meet policy objectives of The Minneapolis Plan for Sustainable Growth, including 10.7.1- "Rehabilitation of holder and historic housing stock should be encouraged over demolition" and 10.7.5 "Provide the flexibility in the city's ordinances to improve and maintain existing structures".

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.*

Granting a variance to allow for the existing house to remain will have the least impact on the essential character of the locality. It would be possible to demolish the existing house and construct a new one at the required setback, but this would have a substantially greater impact on the character of the locality. The variance is being sought for the side where the new house would be constructed- granting the variance will not have any substantial impact on other properties in the vicinity. The corner of the house at the 3.4 foot setback is relatively small, and the majority of the house is at a 5' or greater setback, limiting any potential to impact public health, safety, or welfare.

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.*

Building and erosion control permits will be reviewed and issued before any work may begin on the new lot to the south property. The site is relatively flat and does not contain any steep slopes. A condition has been included requiring an erosion control plan for any new construction on the lot to the south.

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

The applicant is proposing to remove a 2 story breezeway addition as part of the project, which would reduce the visibility of the structure from the creek. A new house on the south half of the lot would not have any greater impact on views from the creek than the many other dwellings in the area.

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

The subject site does not have direct access to the protected water and will not require the accommodation of any watercraft.

## 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 south interior side yard setback for the existing structure from 8 feet to 3.4 feet to allow for the subdivision of the lot for the property located at 5024 Park Avenue in the RIA Single-Family District/FP Floodplain Overlay District/SH Shoreland Overlay District/AP Airport Overlay District, subject to the following conditions:

1. CPED staff review and approve the final site plan, building plans, and elevations.
2. All site improvements shall be completed by January 22, 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. Existing conditions survey
4. Proposed split survey
5. Site plan
6. Photos

## **Statement of Use**

It is proposed that the existing home remain, with the garage moved to the rear of its lot, the same configuration found on surrounding homes. It is also proposed that the line between lots 8 & 9 be altered such that Lot 9 would be a fully conforming lot, allowing for the construction of a new home. The altered lot line also positions the garage such that the 22" maple at the rear of lot 8 can be saved. The existing home was originally positioned to fit entirely on lot 8, prior to the garage addition, intending that lot 9 be open for a new build at some later date. A variance is now required to accommodate original intentions, due to an angled corner of the existing home that slightly projects into the side yard setback. The bulk of the home is indeed 8' from the lot line, conforming to the spirit of the new ordinance. Granting the variance allows the original home to remain. If not granted, the alternate course requiring no variance would be followed: removal of the existing home for the construction of two new homes.

## **Variance Findings**

1) The practical difficulties of meeting the new 8' side yard setback are triggered by the lot's unusual angled shape, as perhaps unintended by the new ordinance. However, the bulk of the home's mass does indeed fit within, and meet the intent of, the new deeper side yard ordinance.

2) The existing home's use would be unchanged. The new home can be built to fully conform to the recently enacted ordinances, without the need for further variances. Our award-winning architect, Charlie & Co., will make every effort to design a home that blends in with surrounding homes.

3) Granting the variance allows the existing home's use and function to remain unchanged, preserving the character of the neighborhood and existing mature trees - as preferred by surrounding neighbors.

## **Shoreland Findings**

1) Keeping the original home, no soil disturbance except as needed to move the garage.

2) Keeping the existing home, no alteration to views will occur.

3) Keeping the existing home, no alteration of watercraft usage.

Rocky DiGiacomo

11th

NAME OF APPLICANT

WARD



PROPERTY ADDRESS

5024 Park Avenue

FILE NUMBER

BZZ- 6954

# CERTIFICATE OF SURVEY - PROPOSED PARCEL CONFIGURATION

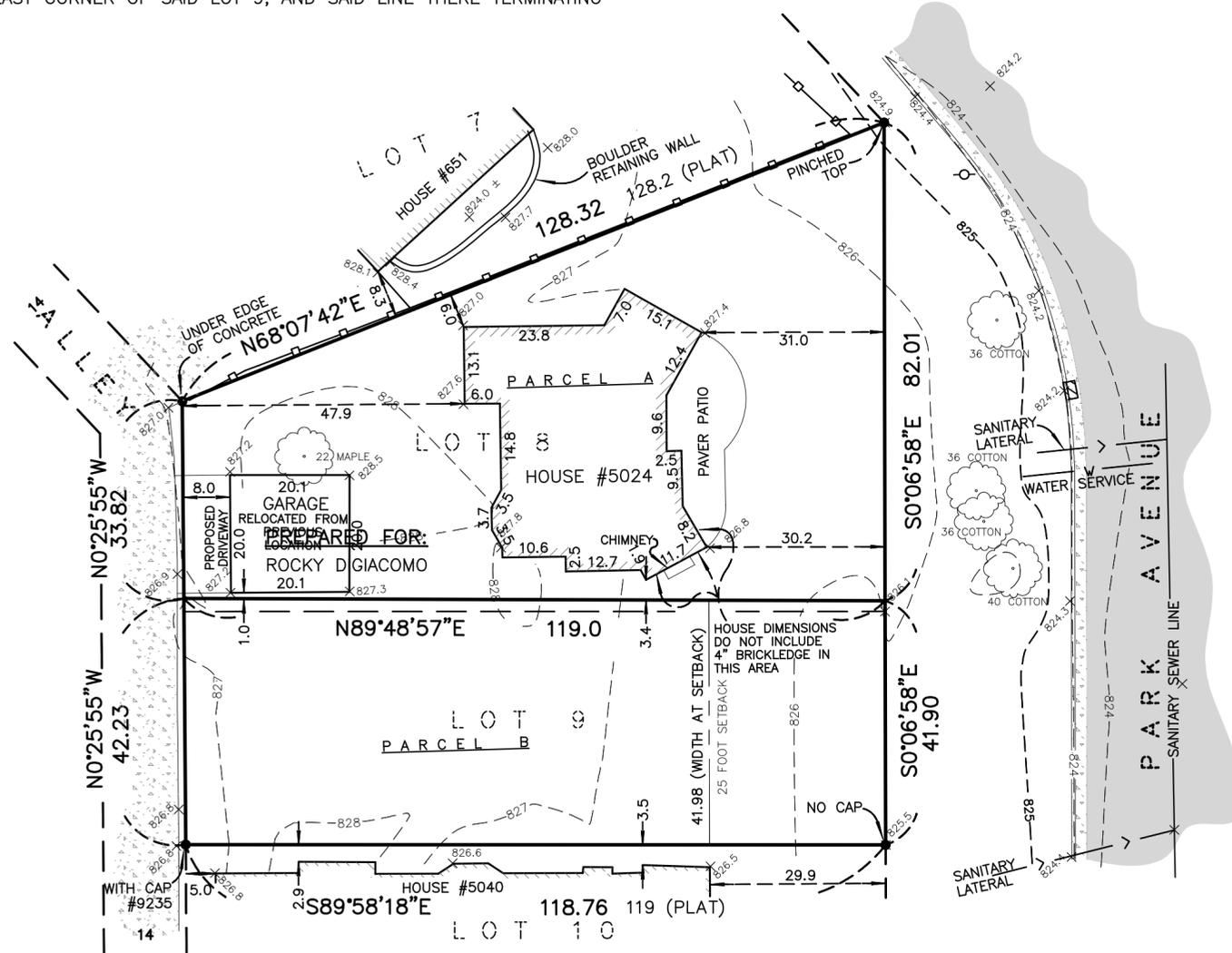
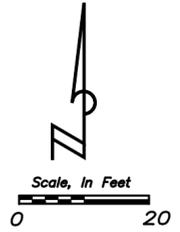
**PROPOSED LEGAL DESCRIPTIONS:**

**PARCEL A:** THAT PART OF LOT 8, EDENHURST, HENNEPIN COUNTY, MINNESOTA WHICH LIES NORTH OF THE FOLLOWING DESCRIBED LINE:

BEGINNING AT A POINT ON THE WEST LINE OF SAID LOT 8, SAID POINT BEING 42.23 FEET NORTH OF THE SOUTHWEST CORNER OF LOT 9 OF SAID EDENHURST; THENCE EASTERLY TO A POINT ON THE EAST LINE OF SAID LOT 8 WHICH LIES 41.90 FEET NORTH OF THE SOUTHEAST CORNER OF SAID LOT 9, AND SAID LINE THERE TERMINATING

**PARCEL B:** THAT PART OF LOTS 8 AND 9, EDENHURST, HENNEPIN COUNTY, MINNESOTA, WHICH LIES SOUTH OF THE FOLLOWING DESCRIBED LINE:

BEGINNING AT A POINT ON THE WEST LINE OF SAID LOT 8, SAID POINT BEING 42.23 FEET NORTH OF THE SOUTHWEST CORNER OF LOT 9 OF SAID EDENHURST; THENCE EASTERLY TO A POINT ON THE EAST LINE OF SAID LOT 8 WHICH LIES 41.90 FEET NORTH OF THE SOUTHEAST CORNER OF SAID LOT 9, AND SAID LINE THERE TERMINATING



**LEGEND:**

- FOUND IRON PIPE (AS NOTED)
- ⊗ SET MAG NAIL WITH WASHER #44109
- SET 1/2" REBAR W/CAP #44109
- ⊕ POWER POLE
- ⊠ CATCH BASIN
- ⊙ SANITARY SEWER MANHOLE
- ⊙ DECIDUOUS TREE (SIZE IN INCHES)
- OH — OVERHEAD UTILITY LINE
- W — WATERMAIN
- S — SANITARY SEWER LINE
- W F — WOOD FENCE
- ▨ CONCRETE SURFACE
- BITUMINOUS SURFACE

**NOTES:**

- 1) THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE INSURANCE COMMITMENT.
- 2) ADDRESS OF THE SUBJECT PROPERTY: 5024 PARK AVENUE, MINNEAPOLIS, MN 55417  
P.I.D.:14-028-24-32-0035
- 3) PARCEL AREAS  
PARCEL A: 6,899 SQ. FT.  
PARCEL B: 5,000 SQ. FT

- 4) BEARING BASIS IS ASSUMED.
- 5) ELEVATION DATUM: NGVD 1929
- 6) DATE OF FILEDWORK: 10-13-2014

**PARCEL A HARDCOVER CALCULATIONS:**

HOUSE/ CHIMNEY:	1,414 SQ. FT.
PAVER PATIO (FRONT)	307 SQ. FT.
GARAGE:	400 SQ. FT.
DRIVEWAY:	100 SQ. FT.
<b>TOTAL</b>	<b>2,221 SQ. FT OR 32.2%</b>

**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 Licensed Land Surveyor under the laws of the state of Minnesota.

SIGNED: *Travis W Van Neste*

Travis W. Van Neste, Minnesota Professional Surveyor #44109  
Michigan Professional Surveyor #46695

JOB # 2014079	ISSUED: 10-24-2014
DRAWN BY: TWVN	REV: 11-26-2014
SCALE: 1" = 20 FEET	

**VAN NESTE SURVEYING**  
PROFESSIONAL SURVEYING SERVICES  
85 WILDHURST ROAD EXCELSIOR, MN 55331  
PHONE (952) 686-3055 TOLL-FREE FAX (866) 473-0120  
WWW.VANNESTESURVEYING.COM



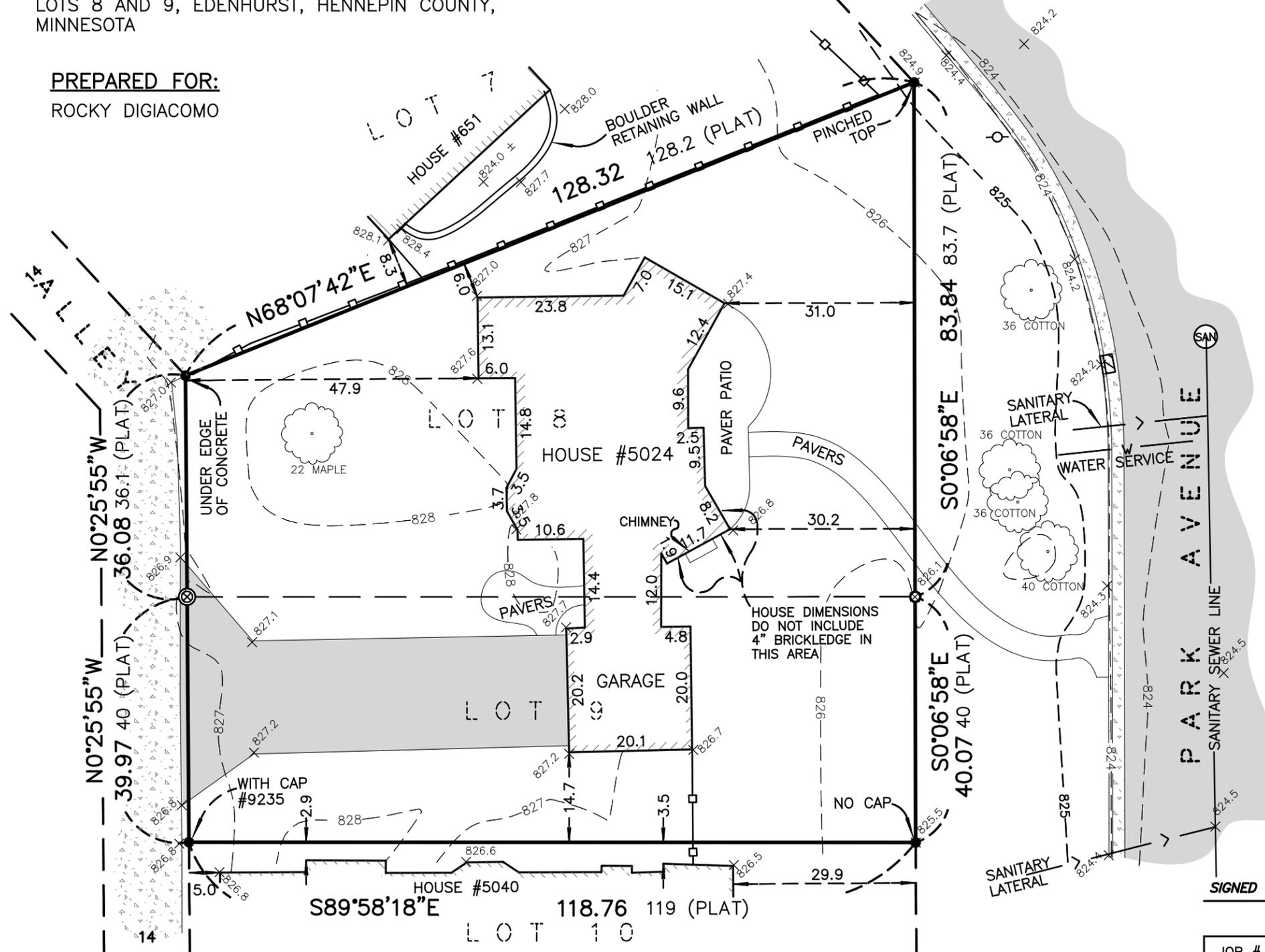
# CERTIFICATE OF SURVEY - EXISTING PARCEL CONFIGURATION

## LEGAL DESCRIPTION:

LOTS 8 AND 9, EDENHURST, HENNEPIN COUNTY, MINNESOTA

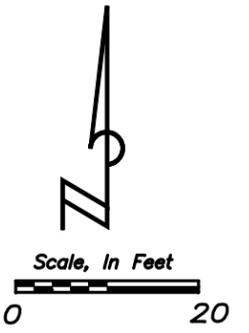
## PREPARED FOR:

ROCKY DIGIACOMO



## LEGEND:

- FOUND IRON PIPE (AS NOTED)
- ⊗ SET MAG NAIL WITH WASHER #44109
- SET 1/2" REBAR W/CAP #44109
- ⊕ POWER POLE
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## 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 Licensed Land Surveyor under the laws of the state of Minnesota.

SIGNED : *Travis W Van Neste*

Travis W. Van Neste, Minnesota Professional Surveyor #44109  
Michigan Professional Surveyor #46695

## NOTES:

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- 5) ELEVATION DATUM: NGVD 1929
- 6) DATE OF FILEDWORK: 10-13-2014

## HARDCOVER CALCULATIONS:

HOUSE/ GARAGE/ CHIMNEY:	1,972 SQ. FT.
DRIVEWAY	1,242 SQ. FT.
PAVER PATIO (FRONT)	307 SQ. FT.
PAVER PATIO (ALLEY SIDE)	110 SQ. FT.
PAVER WALKWAY	135 SQ. FT.
<b>TOTAL</b>	<b>3,766 SQ. FT OR 31.6%</b>

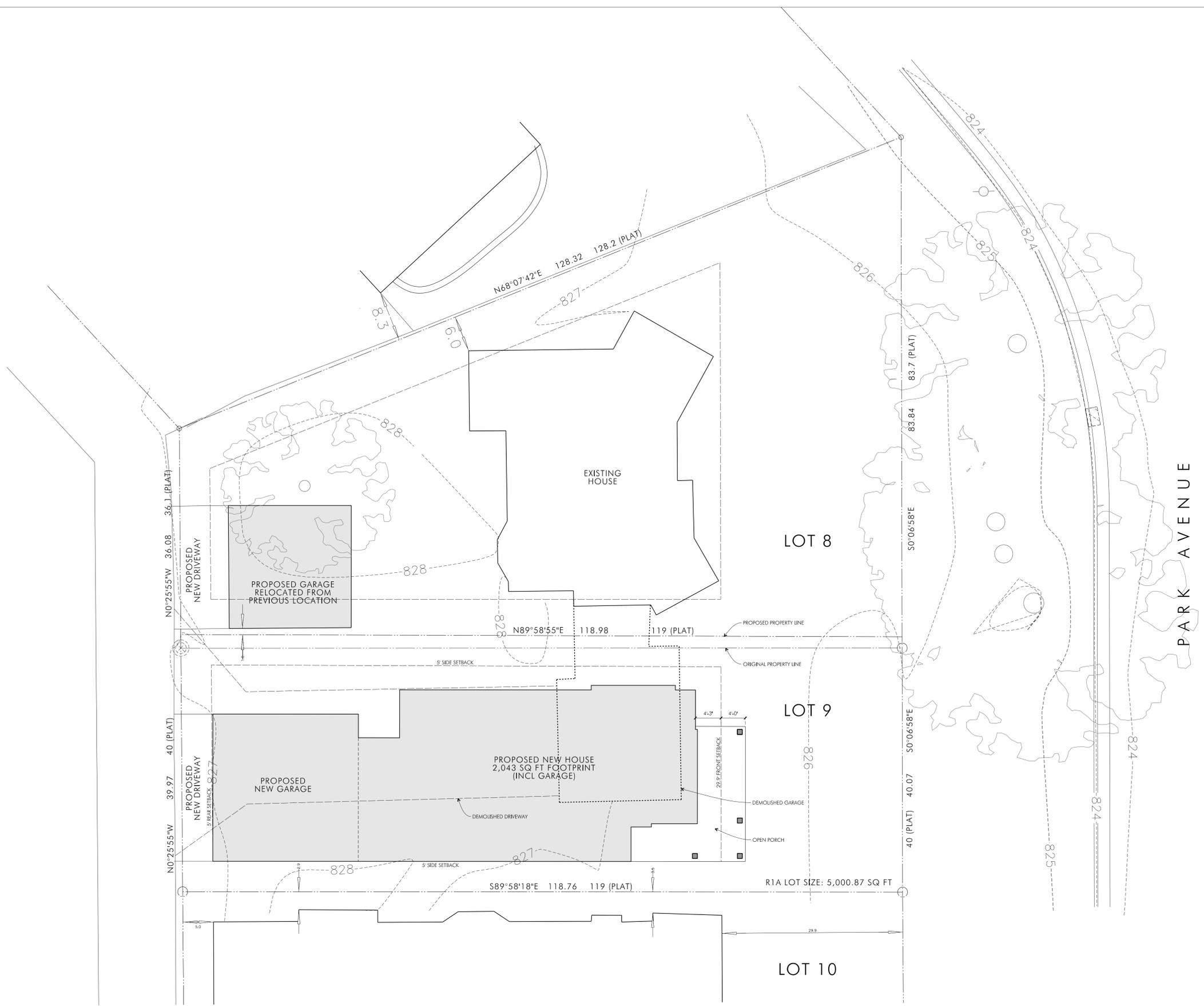
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### VAN NESTE SURVEYING

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PHONE (952) 686-3055 TOLL-FREE FAX (866) 473-0120  
WWW.VANNESTESURVEYING.COM

SHEET 1 OF 1

Plotting Date: 12/10/14 11:25:25 AM  
 P:\\2014\\2014\_01\\2014\_01\_10\\2014\_01\_10\_01\\2014\_01\_10\_01\_01.dwg  
 User: jw\_miller\\jw\_miller  
 Sheet Location: 2102\_P010A1\_EDR\\2102\_P010A1\_EDR\\2102\_P010A1\_EDR\\2102\_P010A1\_EDR.dwg



**Charlie & Company**  
 212 3rd Ave. N., Ste. 356  
 Minneapolis, MN 55417  
 (PH) 612.333.7246  
 www.charlieandco.com

**IMPORTANT NOTE FOR ALL CONTRACTORS & SUB-CONTRACTORS**

1. The Owner/ General Contractor must take full responsibility including providing additional detailing, drawings, and engineering as needed, and to resolve configuration deficiencies in order to coordinate and properly complete the Work. The General Contractor has the right and responsibility to revise configurations and details depicted in the Construction Drawings, as required, to properly construct a code compliant and technically sound project.
2. All structural requirements, including but not limited to footing, foundation and framing work are to be specified by a licensed Structural Engineer, provided by the Owner.
3. The General Contractor is responsible for verifying all covenants, zoning, building, fire, heating, plumbing and electrical code requirements.

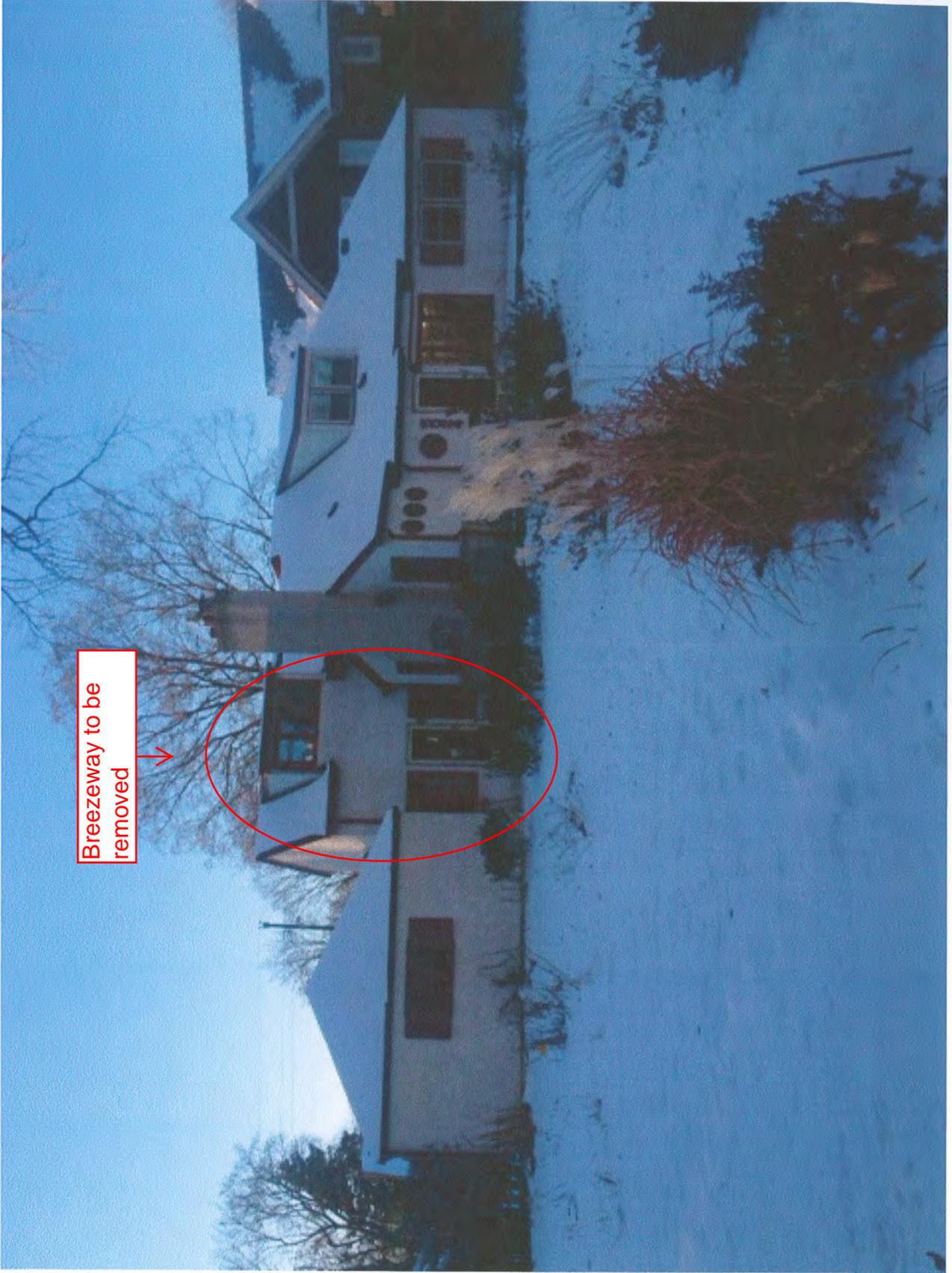
**5024 PARK RESIDENCE**  
 5024 PARK AVENUE S.  
 MINNEAPOLIS, MN 55417

Site Plan

Not for Construction

ISSUANCE DATE:	VARIANCE REVIEW	12.01.14

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Breezeway to be removed

