

LAND USE APPLICATION SUMMARY

Property Location: 3403 Saint Paul Avenue
Project Name: 3403 Saint Paul Avenue Deck Addition
Prepared By: Janelle Widmeier, Senior City Planner, (612) 673-3156
Applicant: Allan Hoelzel and Lucie Marusin
Project Contact: Allan Hoelzel and Lucie Marusin
Request: To allow a deck addition to a single-family dwelling.
Required Applications:

Variance	To reduce the minimum front yard requirement adjacent to St. Louis Avenue from 25 feet to 2.5 feet to allow a deck.
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SITE DATA

Existing Zoning	RI Single-family District SH Shoreland Overlay District
Lot Area	7,120 square feet
Ward(s)	7
Neighborhood(s)	Cedar Isles Dean Neighborhood Association
Designated Future Land Use	Urban Neighborhood
Land Use Features	Not applicable
Small Area Plan(s)	Not applicable

Date Application Deemed Complete	May 12, 2015	Date Extension Letter Sent	Not applicable
End of 60-Day Decision Period	July 11, 2015	End of 120-Day Decision Period	Not applicable

BACKGROUND

SITE DESCRIPTION AND PRESENT USE. The existing single-family dwelling was permitted for construction in 2011. The site is a reverse corner lot with frontage on St. Paul Avenue and St. Louis Avenue.

SURROUNDING PROPERTIES AND NEIGHBORHOOD. Single-family dwellings are located to the north, west and south. Townhouses are located to the east.

PROJECT DESCRIPTION. The applicant is proposing to construct a deck off of the first floor kitchen and dining room facing St. Louis Avenue at the property of 3403 St. Paul Avenue. It will replace an existing deck that is allowed as a permitted obstruction. Adjacent to St. Louis Avenue, a 25 foot front yard is required. A deck is a permitted obstruction provided it does not exceed 50 square feet and does not extend more than 4 feet into the required yard. The proposed deck is 210 square feet in area and extends more than 4 feet into the required yard. It would be setback 2.5 feet from the front lot line. A variance is required to reduce the front yard requirement.

RELATED APPROVALS. In 2011, the Board of Adjustment denied a variance to reduce the front yard requirement adjacent to Saint Louis Avenue to allow a raised patio of approximately the same size, height and location as the proposed deck.

Planning Case #	Application	Description	Action
<u>BZZ-5039</u>	Variances	New single-family dwelling	<u>At the 1/20/11 meeting, BOA approved 3 variances and denied 3 variances</u>
BZZ-5099	Administrative site plan review	New single-family dwelling	Approved on 3/16/11

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 St. Louis Avenue from 25 feet to 2.5 feet to allow a deck 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 triangular-shaped, reverse corner lot with two required front yards. The required yards, including the side yard, cover approximately 90 percent of the subject property. The minimum front yard requirement is 25 feet adjacent to St. Louis Avenue. The existing dwelling is set back 2.5 feet. The proposed deck would also be set back 2.5 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. The proposal would comply with all other district regulations. The new deck would be set back 2.5 feet from St. Louis Avenue and would match the set back of the existing dwelling. It would be located over 100 feet from the nearest property on the same block face. The proposal will have minimal impacts on adjacent properties access to light, air and open space. The previous proposal included a raised patio with 9 foot tall walls adjacent public right-of-way. The concern of the height and mass of a blank wall was creating a perception of an unsafe pedestrian environment. The design was also not characteristic of surrounding residential development. The current proposal is of a more open design. To prevent the aforementioned concerns, staff is recommending that the railings are not less than 50 percent opaque. The applicant has indicated that the railing would match the style of the upper deck railing, which is 47 percent opaque. With the adoption of the recommended conditions of approval, 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 new deck would be set back 2.5 feet from St. Louis Avenue and would match the set back of the existing dwelling. It would be located over 100 feet from the nearest property on the same block face. The proposal will have minimal impacts on adjacent properties access to light, air and open space. The design of the deck will be compatible with the existing structure and is designed to match the existing upper deck with cedar decking, posts, top rails and horizontal spindles and a railing that is 47 percent opaque. Due to the location above a slope and a setback of 2.5 feet from St. Louis Avenue, the deck will be very visible. Staff is recommending that finish materials for deck are of high quality. The proposed use of cedar materials is considered high quality. Staff is also recommending that landscaping be provided as a buffer. Because the deck is of a more open design than the previously proposed raised patio, 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 and with the adoption of the recommended conditions of approval.

Additional Standards for Variances within the SH Shoreland Overlay District

In addition, the Planning Commission shall consider, but not be limited to, the following factors when considering conditional use permit or variance requests within the SH Shoreland Overlay District:

1. *The prevention of soil erosion or other possible pollution of public waters, both during and after construction.*

The site is not located on a steep slope. The applicant has indicated that soil retention devices will be employed until adequate ground covers are reestablished. The proposed deck location slopes away from Cedar Lake. The disturbance of soils during construction for the footings is not expected to be significant. Because the deck is next to a slope, staff is recommending that a landscaping plan be required to show how the slope will be stabilized after construction.

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

The site is located over a block from the lake. The area between the lake and the subject property is developed with single-family dwellings and park land. The proposed addition will not be visible due to the existing development, topography and vegetation.

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

This standard is not applicable for the proposed development.

RECOMMENDATIONS

The Department of Community Planning and Economic Development recommends that the Zoning Board of Adjustment adopt staff findings for the application(s) by Allan Hoelzel and Lucie Marusin for the property located at 3403 Saint Paul Avenue:

A. Variance to reduce the minimum front yard requirement.

Recommended motion: **Approve** the application for a variance to reduce the minimum front yard requirement adjacent to St. Louis Avenue from 25 feet to 2.5 feet to allow a deck, subject to the following conditions:

1. The finish materials used for the deck shall be high quality and consistent with the exterior materials of the principal structure on the property. Railings shall be less than 50 percent opaque.
2. Landscaping shall be provided as a buffer and to stabilize the slope between the deck and St. Louis Avenue.
3. Approval of the final site, landscaping, and elevation plans by the Department of Community Planning and Economic Development.
4. All site improvements shall be completed by June 11, 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. Plans
6. Elevations
7. Photos

Statement of proposed use and description of the project.

My wife Lucie and I are planning to build a deck off of our kitchen / dining room at 3403 St. Paul Ave.
(Lot 3, Block 1, Brian Jenson Addition, Hennepin County, Minnesota, ID number 32-029-24-34-0519)

The lot is an oddly shaped corner lot. Because of that and condition of both of the streets being considered fronts, we require 2 variances.

One to build within the front yard setback along St. Louis, and one to allow us to have a deck exceeding 50 ft² in the required front yard.

The deck will be 210 ft² and not extend any closer to the property line than the existing house.

If you have any questions or require more information please contact us at:

Allan Hoelzel
Allan.Hoelzel@Live.com
612 812-2268

Lucie Marusin
Luciemaru@hotmail.com
612.812.1385

Variance (A): **Variance to reduce front yard setback along St. Louis Avenue from 25 feet to 2 feet (546.220)**

Variance (B): **Variance to allow for a deck greater than 50 square feet in the front yard setback (535.280) - Obstructions in required yards**

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.

(A): The property is of irregular shape. The house itself required this same variance to reduce the setback to 2 feet.

(B): The property is an acute triangle located on a corner where both streets are officially considered Fronts. There are no locations for a deck on our lot that are not in a front yard.

(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.

(A): We will not be building the deck any closer to the property line than the current house structure.

(B): This is the most appropriate location for a deck on the property. It will not substantially decrease the openness of the area.

(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.

(A) & (B): The proposed deck's location will not adversely effect the neighbor's enjoyment of their property or alter the area's essential character.

Shoreline Overlay Findings:

(1) The prevention of soil erosion or other possible pollution of public waters, both during and after construction.

We will ensure that soil retention devices are employed to prevent the movement of the soils until adequate ground covers are re-established.

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

There is no possible view of our lot or structure now or will there be after completion.

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

Not applicable, we have no shoreline.



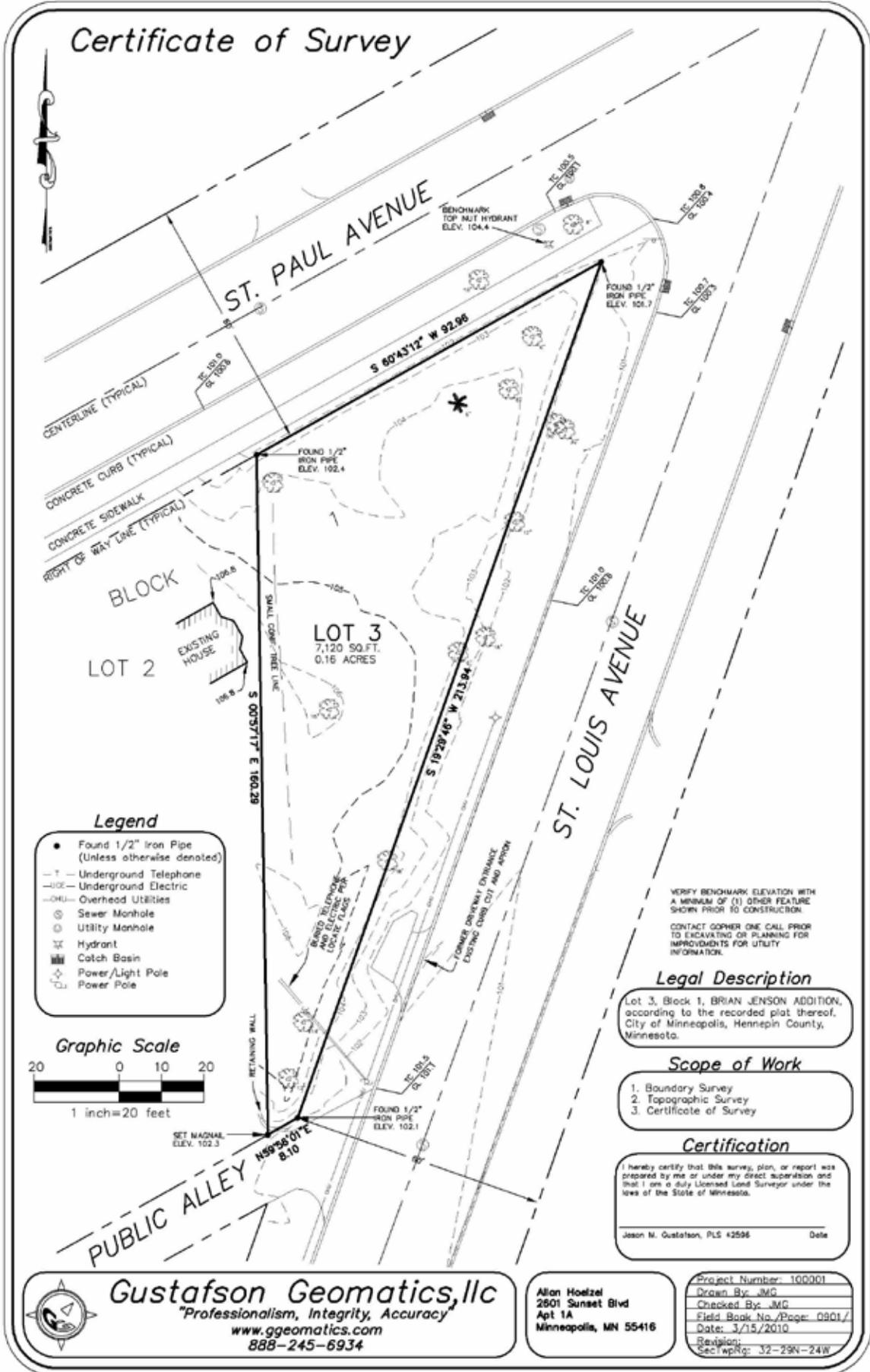
PROPERTY ADDRESS
3403 St Paul Ave

FILE NUMBER
BZZ-7175





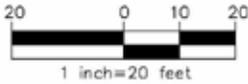
Certificate of Survey



Legend

- Found 1/2" Iron Pipe (Unless otherwise denoted)
- T- Underground Telephone
- UE- Underground Electric
- OHU- Overhead Utilities
- ⊙ Sewer Manhole
- ⊙ Utility Manhole
- ⊙ Hydrant
- ⊙ Catch Basin
- ⊙ Power/Light Pole
- ⊙ Power Pole

Graphic Scale



VERIFY BENCHMARK ELEVATION WITH A MINIMUM OF (3) OTHER FEATURES SHOWN PRIOR TO CONSTRUCTION.
CONTACT OWNER ONE CALL PRIOR TO EXCAVATING OR PLANNING FOR IMPROVEMENTS FOR UTILITY INFORMATION.

Legal Description

Lot 3, Block 1, BRIAN JENSON ADDITION, according to the recorded plat thereof, City of Minneapolis, Hennepin County, Minnesota.

Scope of Work

1. Boundary Survey
2. Topographic Survey
3. Certificate of Survey

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.

Jason M. Gustafson, PLS #2596 Date

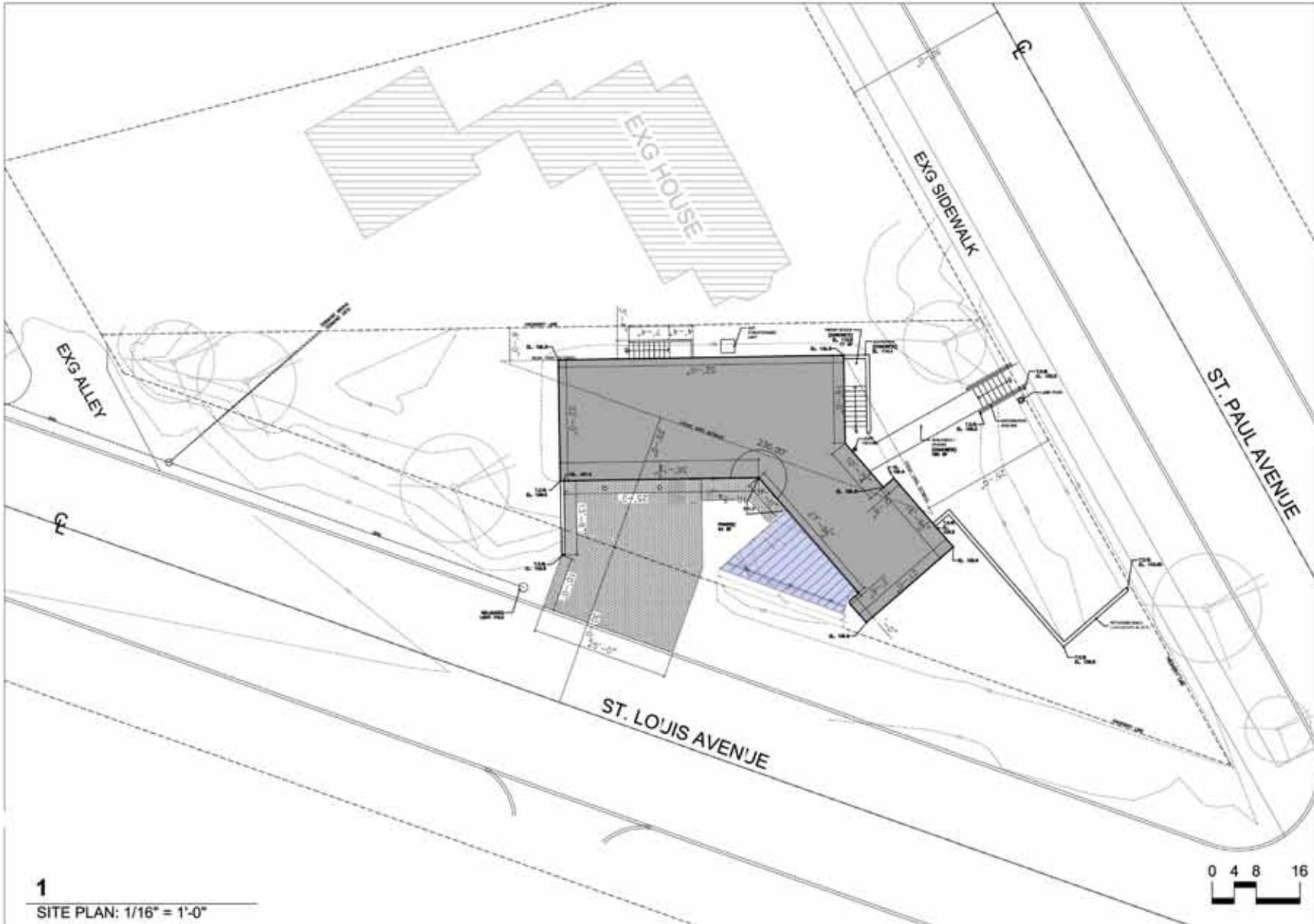


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Alan Hoetzel
 2801 Sunset Blvd
 Apt 1A
 Minneapolis, MN 55416

Project Number: 100001
 Drawn By: JMG
 Checked By: JMG
 Field Book No./Page: 0901/
 Date: 3/15/2010
 Revision:
 SectwpRq: 32-29N-24W

One copy (plus one 8 1/2 x 11) of a scaled and dimensioned site plan.



**HOELZEL /
MARUSIN
RESIDENCE**
3403 ST. PAUL AVE
MINNEAPOLIS, MN
55416

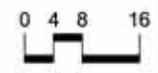


SCALE: AS NOTED

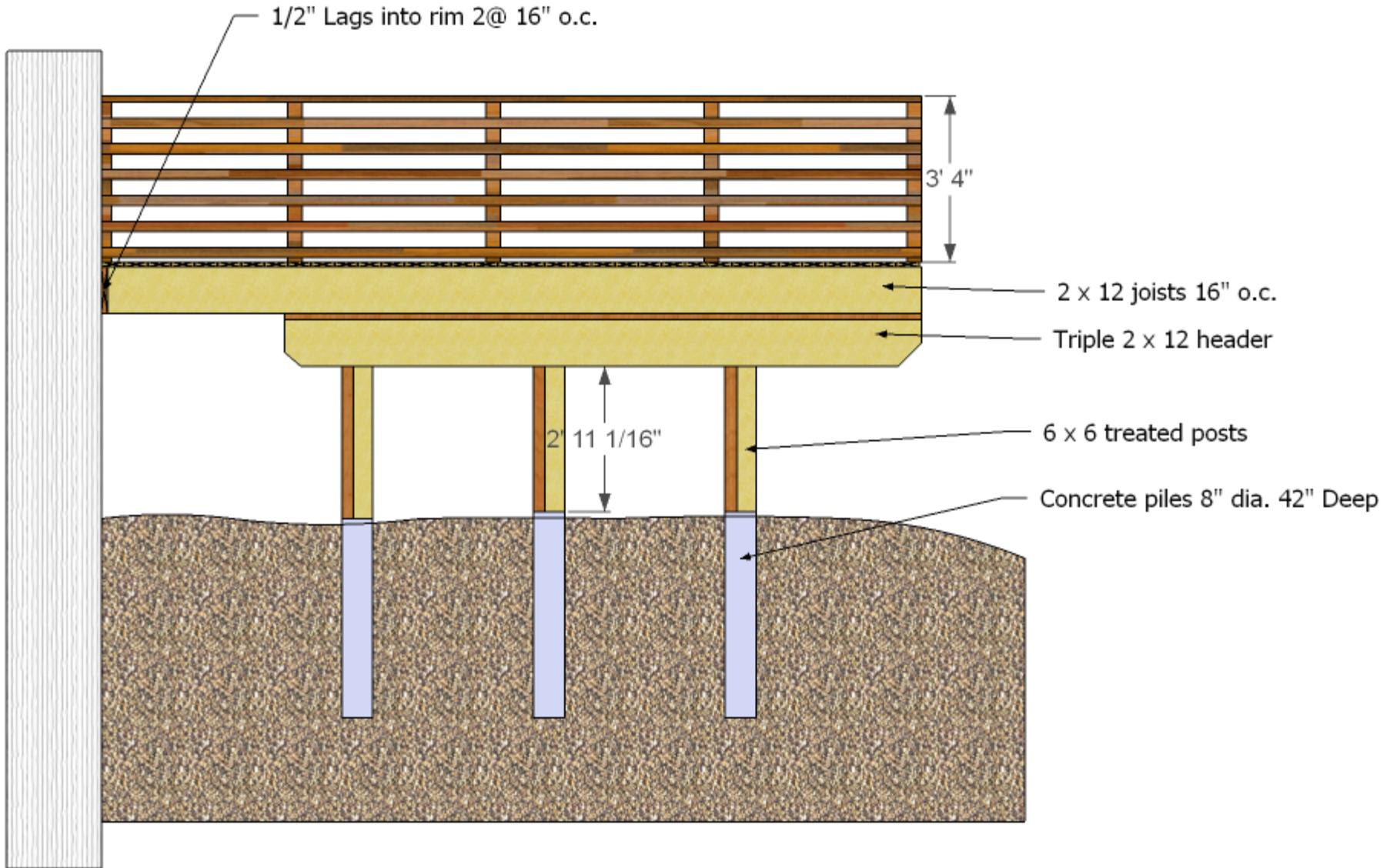
SITE PLAN

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



One copy (plus one 8 ½ x 11) of scaled and dimensioned elevations of each façade (for new construction).



One copy (plus one 8 1/2 x 11) of scaled and dimensioned floor plans showing all floors.

