



**LAND USE APPLICATION SUMMARY**

*Property Location:* 5837 Clinton Avenue  
*Project Name:* Variance to Interior Side Yard Setbacks  
*Prepared By:* Andrew Liska, City Planner, 612.673.2264  
*Applicant:* Kenneth Sheehan  
*Project Contact:* Kenneth Sheehan  
*Request:* To reduce the required north and south interior side yard setbacks for the construction of a new single-family dwelling located at 5837 Clinton Avenue.  
*Required Applications:*

<b>Variance</b>	To reduce the required north interior side yard setback from 8 feet to 5 feet
	To reduce the required south interior side yard setback from 8 feet to 5.3 feet

**SITE DATA**

<b>Existing Zoning</b>	RI, AP, & SH Zoning Districts.
<b>Lot Area</b>	12,795 square feet
<b>Ward(s)</b>	11
<b>Neighborhood(s)</b>	Hale Page Diamond Lake Neighborhood Association
<b>Designated Future Land Use</b>	Urban Neighborhood
<b>Land Use Features</b>	NA
<b>Small Area Plan(s)</b>	NA

<b>Date Application Deemed Complete</b>	May 15, 2015	<b>Date Extension Letter Sent</b>	NA
<b>End of 60-Day Decision Period</b>	July 14, 2015	<b>End of 120-Day Decision Period</b>	NA

## BACKGROUND

**SITE DESCRIPTION AND PRESENT USE.** A one story single-family dwelling with attached garage built in 1950 occupies this site. The parcel abuts Diamond Lake to the rear and thus, there is no alley access provided for this parcel. There is an existing front curb cut that accesses the attached garage. The site is approximately 66 feet wide by 190 feet deep. The topography on this parcel is relatively flat on the western half but the eastern half has a 12 foot decrease in grade that leads to a parkland buffer around Diamond Lake.

**SURROUNDING PROPERTIES AND NEIGHBORHOOD.** The structure to the north, 5831 Clinton Avenue, is a two story, single-family dwelling. The structure to the south, 5843 Clinton Avenue is a one story, single-family dwelling. This neighborhood as a whole is primarily single-family dwellings. There is a mixture of older homes, remodeled homes, and new homes constructed in this area. There is not a predominant style of home in this area; they range from single story ranches to two and one half modern dwellings.

Due to the associated change in topography to the rear related to Diamond Lake, many dwellings in this area are aligned close to both side lot lines unlike traditional urban development that utilizes depth of the building towards the rear of the lot.

**PROJECT DESCRIPTION.** The project demonstrates significant changes to the existing first floor and has proposed a second floor. The proposed work exceeds 60% razing or altering of the exterior. The zoning code thus, states this is a new dwelling and the proposed structure must meet all zoning and design standards.

The applicant has proposed a modern two-story structure that utilizes the setbacks of the original structure. Being that this is considered a new home, no grandfather rights exist and the applicant is seeking to vary the north and south interior side yard setbacks.

The proposed plans demonstrate adding an additional 25 feet of garage and storage space along the north interior side at a setback of 5 feet. There is no second story proposed over the garage and storage area. Utilizing the existing south setback of 5.3 feet, the proposal calls for a second story but no expansion to the rear in the required yard. Other than the north interior side yard setback of 5 feet and the south interior side yard setback of 5.3 feet, all other zoning code standards are met with this proposal.

**PUBLIC COMMENTS.** As of writing this staff report, staff has not received any correspondence from the Hale Page Diamond Lake Neighborhood Association. Staff will forward comments, if any are received, at the Board of Adjustment meeting.

**ZONING ANALYSIS.** An analysis indicates that the proposed dwelling meets the Design Standard points for new I-4 dwelling units. Seventeen points are the minimum point total needed for approval and this proposal received 18 out of 27 possible points for the following design standards:

- The exterior building materials are masonry, brick, stone, stucco, wood, cement-board siding, and/or glass (6 points);
- The total diameter of trees retained or planted equals not less than three (3) inches per one thousand square feet of total lot area, or fraction thereof. Tree diameter shall be measured at four and one-half (4.5) feet above grade (4 points);

- Not less than twenty (20) percent of the walls on each floor that face a public street, not including walls on half stories, are windows (3 points);
- The structure includes a basement as defined by the building code (3 points);
- Not less than ten (10) percent of the walls on each floor that face a rear of interior side lot line, not including walls on half stories, are windows (2 points);

## ANALYSIS

### VARIANCE

The Department of Community Planning and Economic Development has analyzed the application for a variance of Chapter 525, Article IX Variances, specifically Section 525.520(1) “to vary the yard requirements, including permitted obstructions into required yards not allowed by the applicable regulations,” 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 circumstances upon which the variances are requested are unique to the parcel of land. The applicant is seeking to utilize the existing excavation and footprint as much as possible for the new dwelling. The location of the foundation was created by the original builder and is outside the current owners’ control. Today, the north and south interior side yard setbacks fail to meet the Zoning Code standard of 8 feet. Given that there is no alley access and the topography to the rear of the parcel has a 12 feet grade change associated with the lake, building to the rear of the existing structure is challenging and may result in negative consequences in both the short and long run with drainage, erosion, and the removal of mature trees.

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 use the property in a reasonable matter. This is a residential area and the proposed use is a single-family dwelling; this use is consistent with the character of the area and the future land-use map demonstrated in the Comprehensive Plan.

The applicant is seeking to utilize the existing footprint and excavation as a part of this project. According to Chapter 535.220 of the Minneapolis Code of Ordinances, the purpose of yard requirements is to provide for the orderly development and use of land and to minimize conflicts among land uses by governing the location of uses and structures.

The proposed north and south interior side yard setbacks are the same distance from the property line as they have been since the structure was originally constructed. The portions of the structure to the north and the structure to the south closest to the proposed side yard encroachments associated with the proposed project are both attached garages. The lack of the alley in this area results in a majority of homes closer than 8 feet to side lot lines; the proposed setbacks would not hinder orderly development nor create a conflict among land uses.

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 variances will not alter the character of the locality or be injurious to the use or enjoyment of other property in the vicinity. Attached garages are very common in this area and the proposal will blend with this area and the proposed setbacks are much more in character of the area than the zoning code minimum of 8 feet would be.

Health, safety, and welfare of the general public will not be compromised if these variances are granted. If approved, this new single-family dwelling will provide this area will a quality structure that will not negatively impact the surrounding homes or Diamond Lake.

## FINDINGS REQUIRED BY THE MINNEAPOLIS CODE FOR DEVELOPMENT IN THE SHORELAND OVERLAY DISTRICT

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

**ALL VARIANCES:** Staff finds that the proposed project will prevent soil erosion by utilizing the existing foundation. No excavating is proposed as a part of this project as this is critical in reducing any runoff and erosion during construction. The applicant has also proposed a rain garden along the north property line to capture runoff following completion of this project. The proposed project will not adversely affect the water quality of the Diamond Lake and must adhere to best management practices during construction regarding erosion control.

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

**ALL VARIANCES:** The proposed project is very intentional about limiting new construction to the rear as this is where many mature trees are located which screen the development from Diamond Lake. With the preservation of these mature canopy trees, the visibility of this project from Diamond Lake would be minimal at most. As a part of the Administrative Site Plan Review, the applicant is receiving Design Standard Points for preserving existing trees. This area will appear much the same as it has.

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

**ALL VARIANCES:** There is no boat access to Diamond Lake from the property. There will be no watercraft associated with this project.

## RECOMMENDATIONS

The Department of Community Planning and Economic Development recommends that the Zoning Board of Adjustment adopt staff findings for the application by Kenneth Sheehan for the property located at 5837 Clinton Avenue:

### A. Variance of the required north interior side yard setback from 8 feet to 5 feet for the construction of a new single-family dwelling.

Recommended motion: **Approve** the application, 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 June 11, 2017, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.

### B. Variance of the required south interior side yard setback from 8 feet to 5.3 feet for the construction of a new single-family dwelling.

Recommended motion: **Approve** the application, 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 June 11, 2017, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.

## **ATTACHMENTS**

1. Zoning map
2. Written description and findings submitted by applicant
3. Survey
4. Site plan
5. Floor plan
6. Building Elevations
7. Photos
8. Context photos of area
9. Correspondence

**Kenneth Sheehan**

**11th**

NAME OF APPLICANT

WARD



## Findings for Variance for 5837 Clinton Ave., Minneapolis, MN 55419

May 13, 2015

The home at 5837 Clinton Ave was built in 1950. At that time, current zoning codes allowed the house to be built closer to the property line for the "interior side yard" than the current code. The house currently has a side yard of 5'-0" on the north and 5'-4" on the south. The current code requires an 8' side yard setback for our property. We are intending to extend the home upwards by one story using approximately 60% of the existing first floor exterior walls; 100% of the existing first floor structure, the fireplace and chimney, garage, and basement will remain. Despite the amount of the existing home that is being retained, the extent of demolition (roof and exterior walls) requires that we comply with the current zoning code which requires an 8' side-yard setback. We are applying for a variance to allow our renovation to use the existing first floor and walls, basement, and foundation to remain. Our intent is to renovate the first floor and add an additional new second floor. This statement will address the three required findings for a Variance and the three required findings for a Shoreland Overlay District.

Variance:

- 1) *Practical difficulties exist in complying with the ordinance because of circumstances unique to the property. The unique circumstances were not created by person presently having an interest in the property and are not based on economic considerations alone.*
  - a. Lack of alley access necessitates entry to garage from the street, therefore the garage takes a portion of the width of the home contributing to the overall width and the existing side lot configuration. This was presumably was allowed under the 1950 Zoning Code.
  - b. Expansion to the rear of the house is undesirable for a number of reasons:
    - i. There is limited access for construction equipment due to the existing home and neighboring structures
    - ii. Encroachment on existing mature trees may damage or kill the trees
    - iii. Significant construction at the rear of the home may obstruct neighbor's view of the lake as seen across our property
    - iv. Construction in proximity to the significant slope down to Diamond Lake would potentially create erosion and harmful conditions for the quality of the lake and park land, either during or after construction.
  - c. Expansion on the existing foundation and first floor is environmentally responsible as well as economically viable. By avoiding demolition of the foundation and associated first floor and basement living space, less building material will need to be disposed of, less disruption to our neighbors will be created, and we will avoid soil erosion concerns.
- 2) *The property owner or authorized applicant propose 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. Use of the home will continue as a single-family, owner-occupied residence.

- b. Adjacent neighbors' access and enjoyment of their property in the vicinity of the side yards will be maintained similar to existing conditions.
- 3) *The proposed variance will not alter the essential character of the locality or be injurious to the use of 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. Vertical expansion on the existing foundation will not significantly change any of the immediate neighbors' experience of their own property. No views will be blocked, no access will be encroached upon, and access to daylight will remain unchanged.
  - b. Houses in the immediate neighborhood vary significantly in size and style. Based on the diverse styles and precedents in the neighborhood, we believe the proposed home renovation will fit in well, complementing the scale and styles found within the current housing. (see attached visual survey of the local housing stock)
  - c. Proposed additional parking on the site will relieve some on-street parking for neighbors.
  - d. A proposed rain garden at the north side yard will contribute to the environmental health of the neighborhood and provide a benefit to our property and our neighbors to the north.

Shoreland Overlay District Variance:

- 1) *The prevention of soil erosion or other possible pollution of public waters, both during and after construction.*
  - a. A proposed rain garden at the north side yard, to be built in conjunction with the neighbor to the north, will capture a significant amount of run-off from entering the storm drains unfiltered - a significant improvement over current conditions.
  - b. Required erosion control will be in place during construction.
- 2) *Limiting the visibility of structures and other development from protected waters.*
  - a. Diamond Lake is bordered by mature trees which block views of the house from the lake. The house is also situated on a hill above the water and set back over 150' so that it is not easily viewed from the lake. The proposed scale and use is consistent with neighboring lakefront properties as well.
- 3) *The suitability of the protected water to safely accommodate the types, uses and numbers of watercraft that the development may generate.*
  - a. The project will not generate watercraft on the lake. There is no boat access to the lake from the property.



PROPOSED PERSPECTIVE 1



EXISTING PHOTOS



PROPOSED PERSPECTIVE 2



SITE PLAN

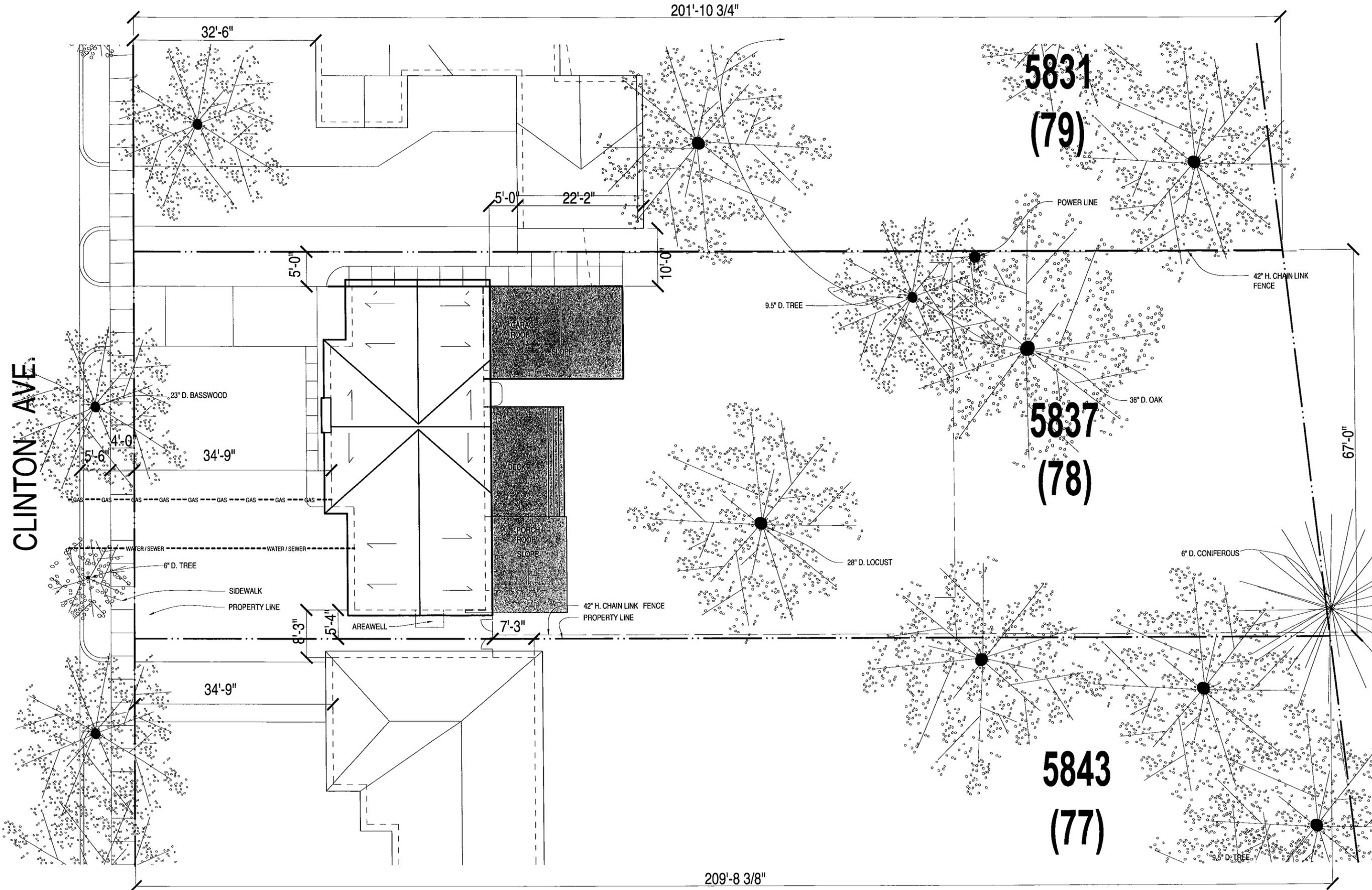


SHEEHAN RESIDENCE - 5837 CLINTON AVE S MINNEAPOLIS, MN 55419 - 612.618.2893

May 14, 2015

EXISTING  
SITE PLAN

CLINTON AVE.



5831  
(79)

5837  
(78)

5843  
(77)

EXISTING SITE PLAN - INCLUDING GARAGE AND PORCH ADDITION  
SCALE = 1/8" = 1'-0"

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Signed By: Ken Sheehan, AIA

Liscence Number: 43985

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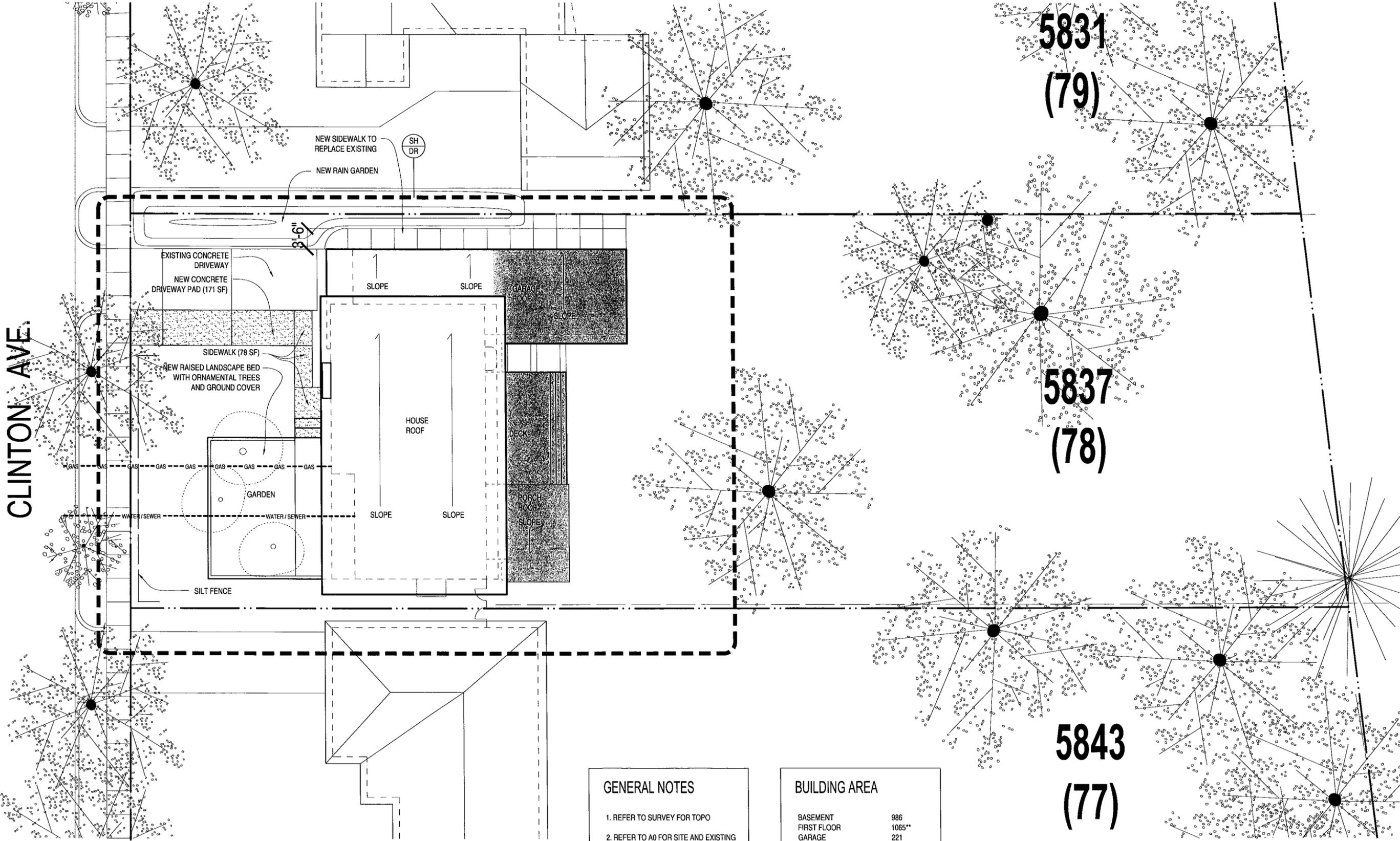
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EXISTING  
SITE PLAN

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CLINTON AVE.

5831  
(79)

5837  
(78)

5843  
(77)

**GENERAL NOTES**

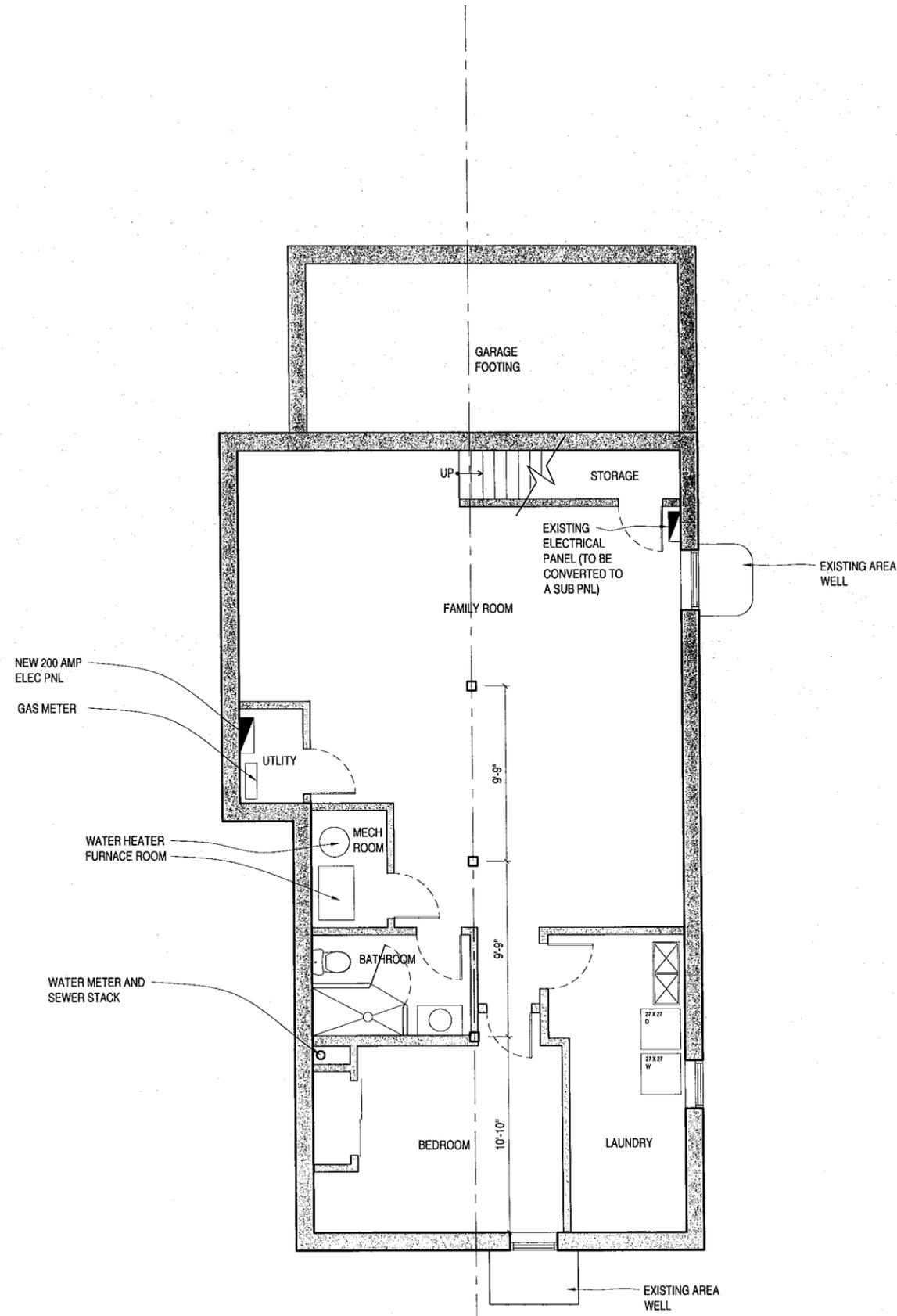
- REFER TO SURVEY FOR TOPO
- REFER TO A0 FOR SITE AND EXISTING STRUCTURE DIMENSIONS

**BUILDING AREA**

BASEMENT	986
FIRST FLOOR	1065**
GARAGE	221
GARAGE ADDTN	369
SECOND FLOOR	1129
TOTAL	3770

\*AREAS ARE TO INSIDE FACE OF WALL  
\*\* NIC SCREENED PORCH

EXISTING  
BASEMENT PLAN



EXISTING LOWER LEVEL FLOOR PLAN  
SCALE = 1/4" = 1'-0"

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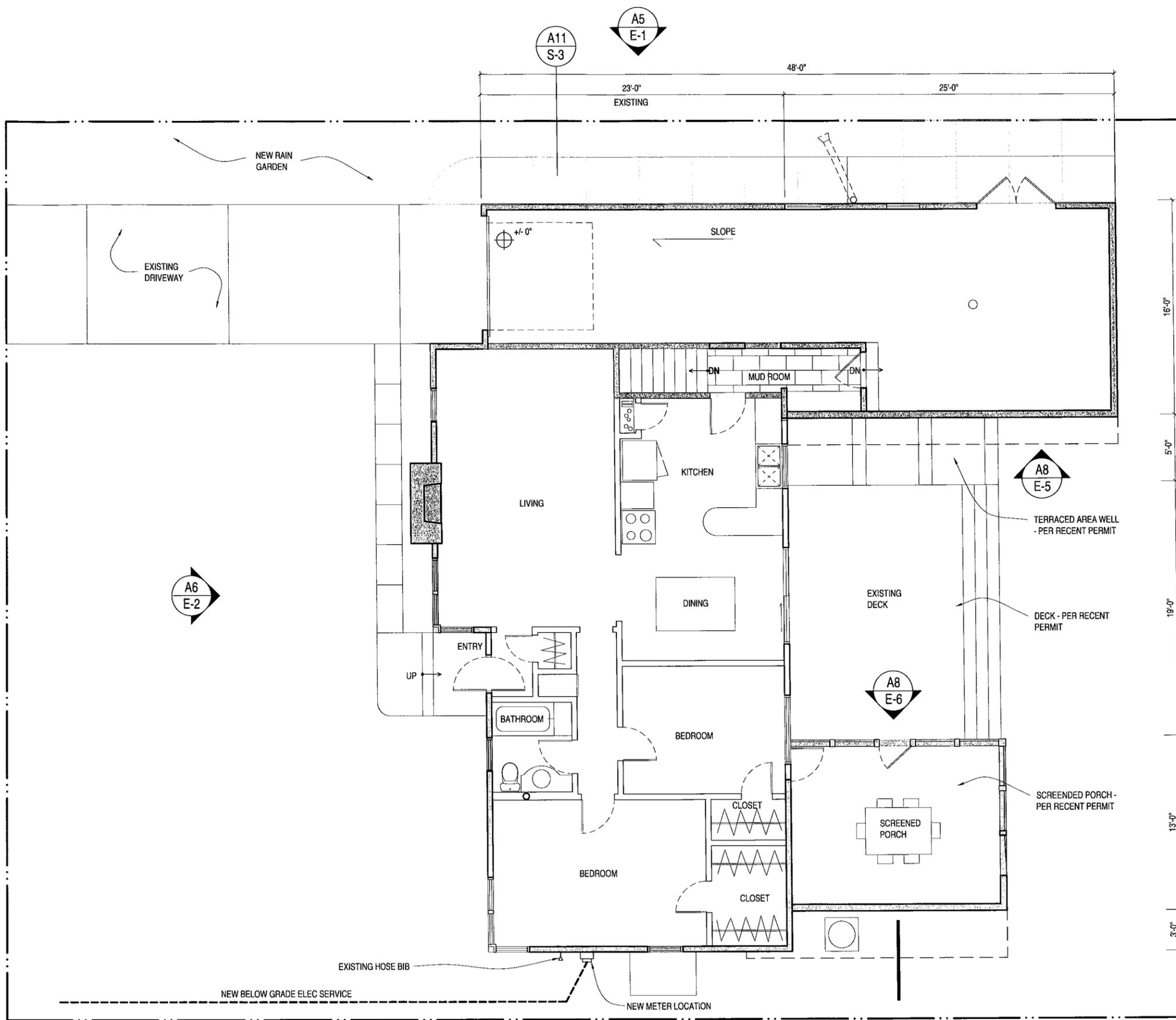
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LEGEND LEGEND

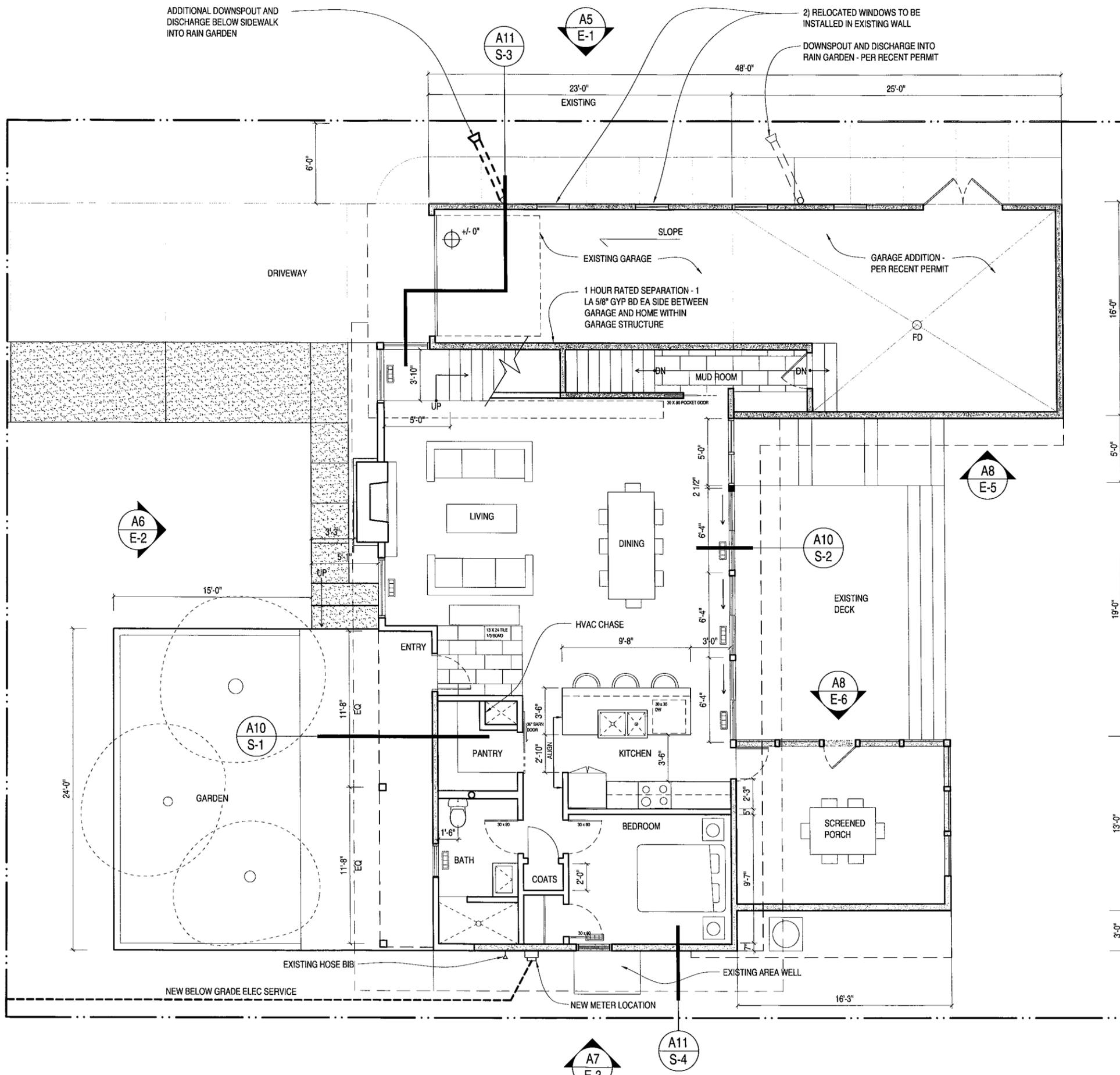
EXISTING WALLS AND WINDOWS TO REMAIN - WALLS WILL BE FURRED TO 6" STUD DEPTH ON INTERIOR

GENERAL NOTES

1. NEW CONSTRUCTION TO BE 2X6 WALL FRAMING
2. PLANS INCLUDE RECENTLY PERMITTED GARAGE, DECK, AND PORCH ADDITION - SHOWN AS EXISTING - TO REMAIN ON THESE PLANS.
3. REFER TO SURVEY FOR SIDE YARD LOCATIONS

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LEGEND

EXISTING WALLS AND WINDOWS TO REMAIN - WALLS WILL BE FURRED TO 6" STUD DEPTH ON INTERIOR

GENERAL NOTES

- NEW CONSTRUCTION TO BE 2X6 WALL FRAMING
- PLANS INCLUDE RECENTLY PERMITTED GARAGE, DECK, AND PORCH ADDITION - SHOWN AS EXISTING - TO REMAIN ON THESE PLANS.
- EXISTING 2X4 WALLS TO BE FURRED OUT TO 6" DEPTH
- SMOKE ALARMS TO BE HARD WIRED AND INTERCONNECTED AT THE FOLLOWING LOCATIONS PER MANUFACTURER INSTRUCTIONS:
  - IN ALL BEDROOMS AND WITHIN 15' OF BEDROOMS, WHERE OCCURS
  - LIVING ROOM NEAR STAIRWAY
  - MUD ROOM
 CO2 DETECTORS TO BE LOCATED WITHIN 10' OF BEDROOMS PER MANUFACTURER INSTRUCTIONS
- ELECTRICAL RECEPTACLES:
  - RECEPTACLES WILL BE LOCATED NO FURTHER THAN 12' O.C. AT "SOLID" PERIMETER WALLS.
  - 20A DEDICATED OUTLETS IN BATHROOMS, LAUNDRY, 2EA IN KITCHEN.
  - RECEPTACLES WILL BE LOCATED AT KITCHEN ISLAND, AND WITHIN 2' O.C. AT KITCHEN COUNTERS.
  - RECEPTACLES WILL BE LOCATED AT FRONT AND REAR OF DWELLING AND SCREENED PORCH
  - FLOOR RECEPTACLES WILL BE COORDINATED WITH FURNISHINGS
- REFER TO SURVEY FOR SIDE YARD SETBACK DIMENSIONS AND LOT DIMENSIONS

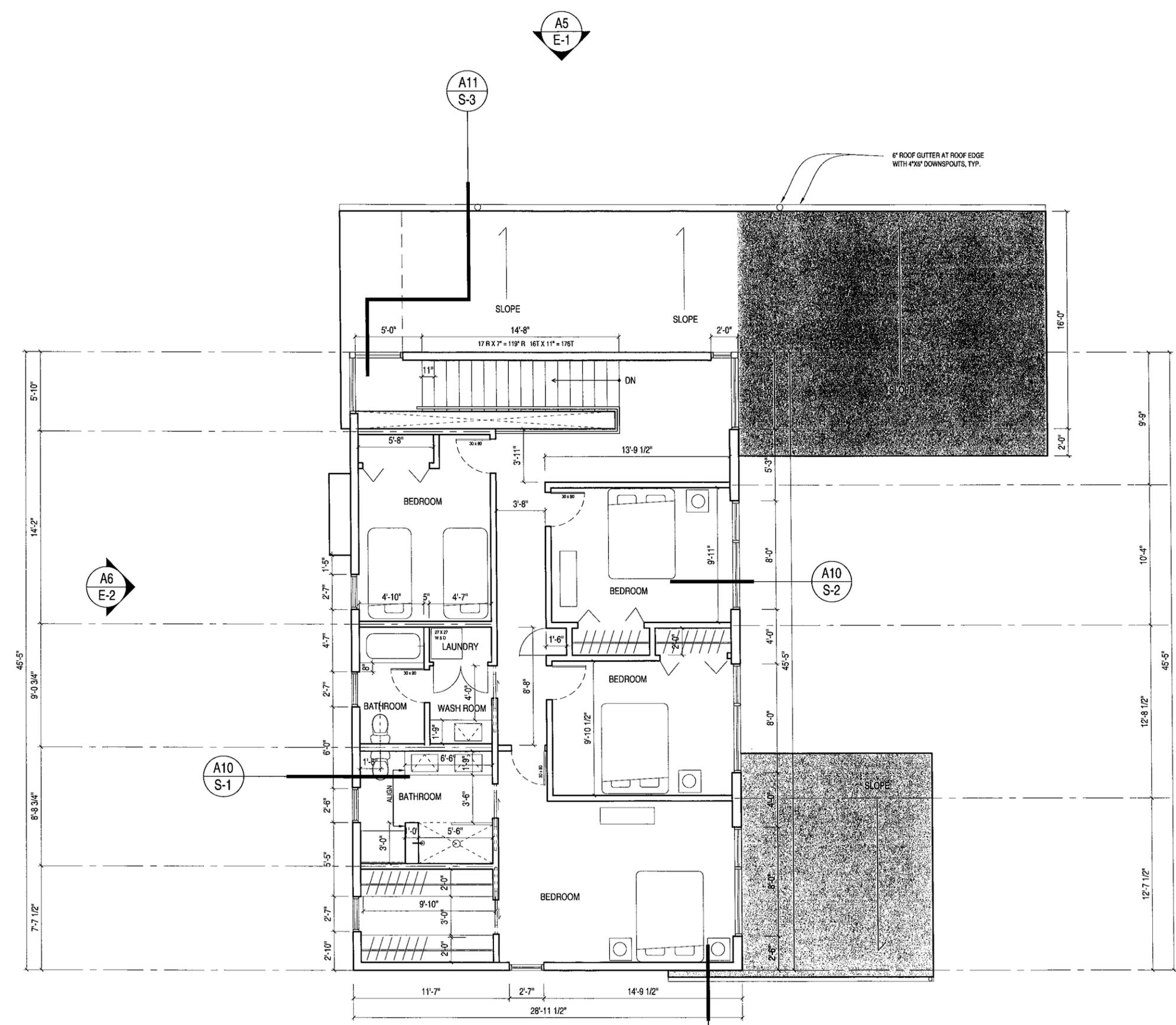
LEVEL ONE FLOOR PLAN  
SCALE = 1/4" = 1'-0"

SECOND FLOOR PLAN

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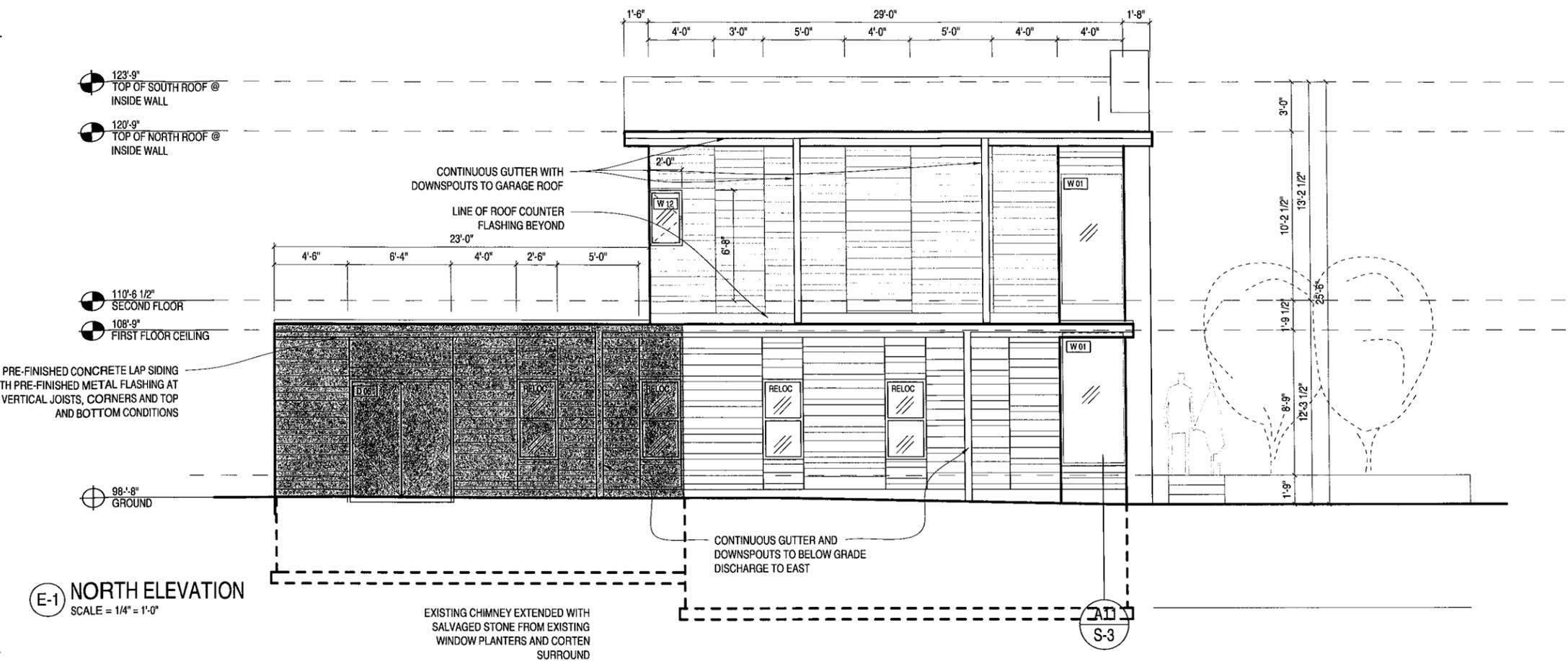
GENERAL NOTES

- SMOKE ALARMS TO BE HARD WIRED AND INTERCONNECTED AT THE FOLLOWING LOCATIONS PER MANUFACTURER INSTRUCTIONS:
  - IN ALL BEDROOMS AND WITHIN 15' OF BEDROOMS, WHERE OCCURS
  - LIVING ROOM NEAR STAIRWAY
  - MUD ROOM
- CO2 DETECTORS TO BE LOCATED WITHIN 10' OF BEDROOMS PER MANUFACTURER INSTRUCTIONS

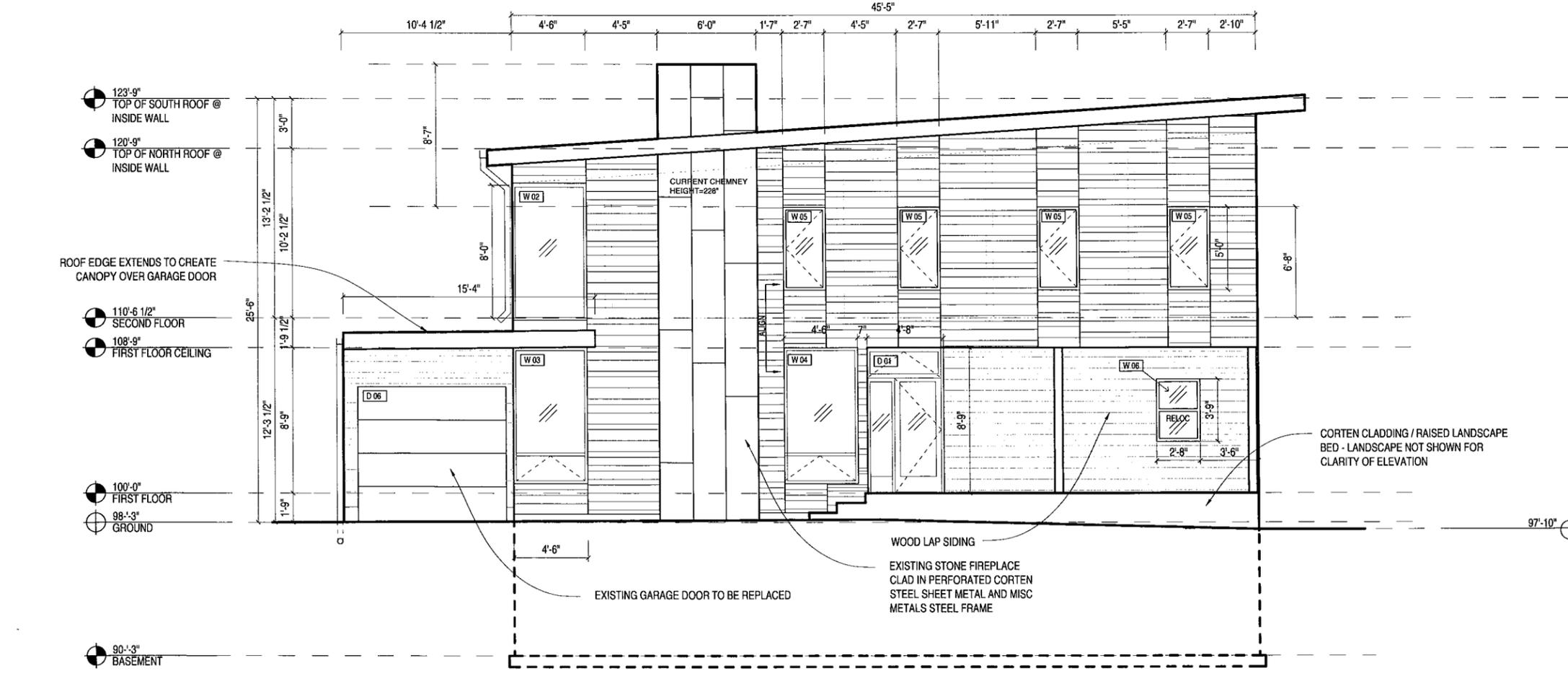


SECOND FLOOR PLAN  
SCALE = 1/4" = 1'-0"

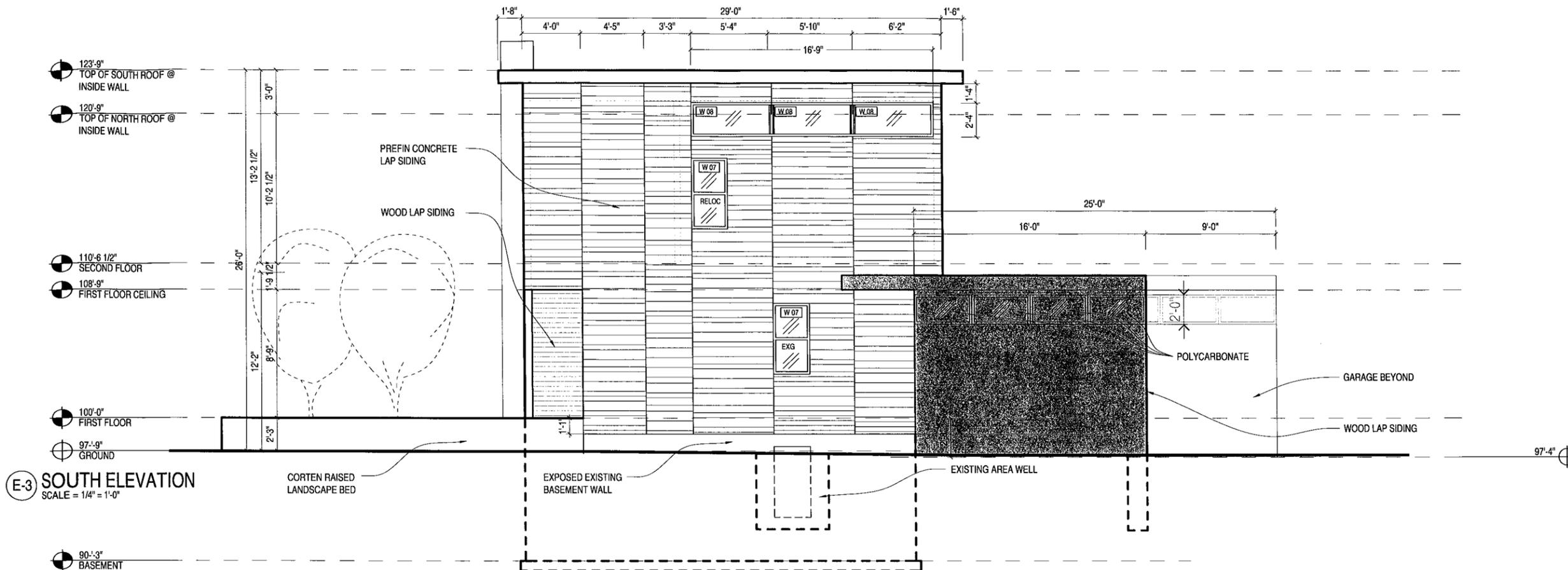

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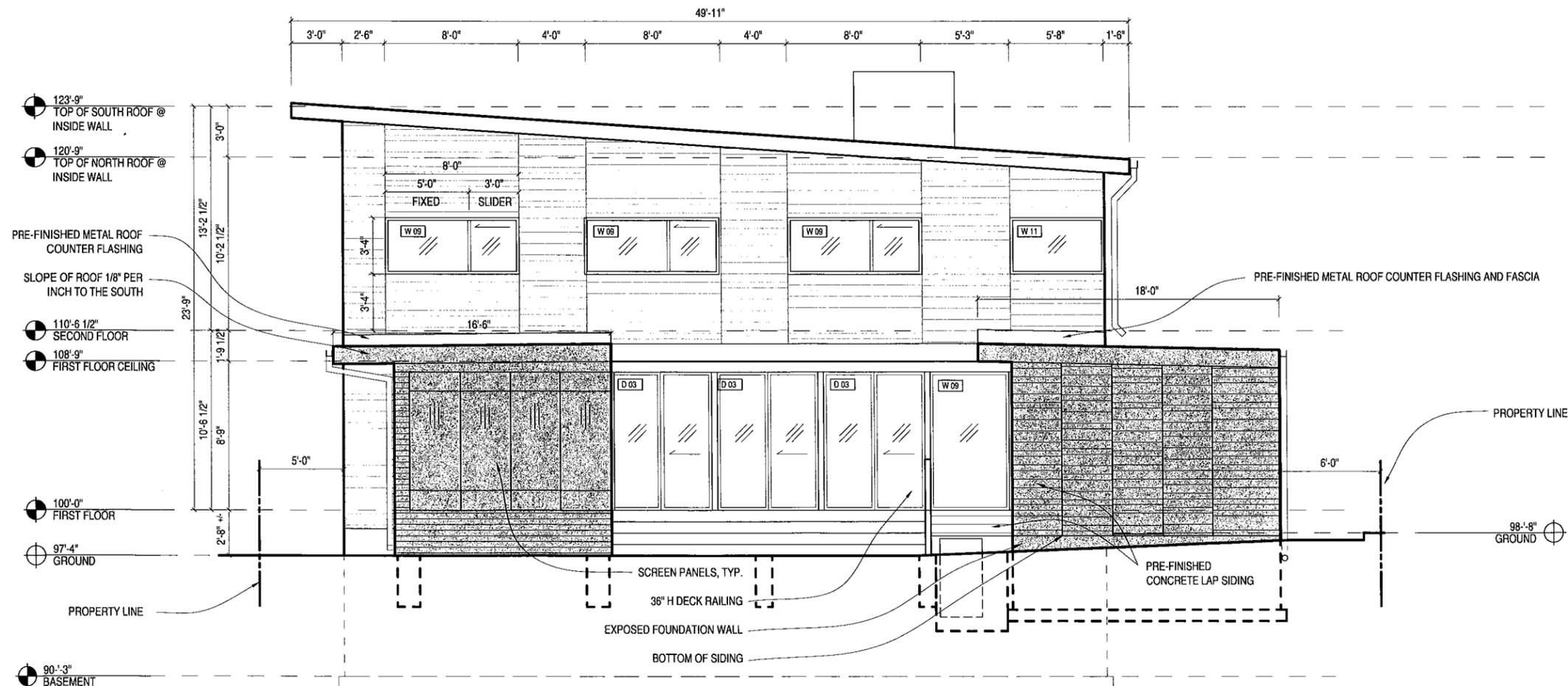
**E-1 NORTH ELEVATION**  
SCALE = 1/4" = 1'-0"



**E-2 WEST ELEVATION**  
SCALE = 1/4" = 1'-0"

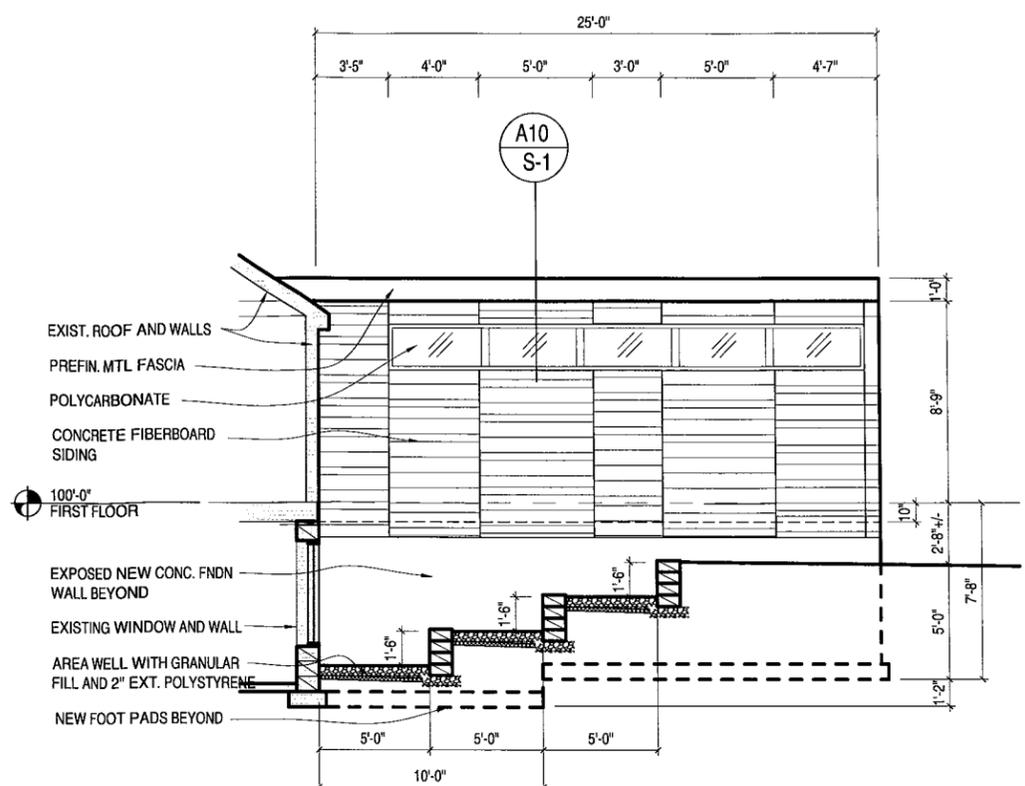


E-3 SOUTH ELEVATION  
SCALE = 1/4" = 1'-0"



E-4 EAST ELEVATION  
SCALE = 1/4" = 1'-0"

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**E-5 SOUTH ELEVATION OF GARAGE -** PER RECENT PERMIT, FOR REFERENCE ONLY  
SCALE = 1/4" = 1'-0"

Number	Location	Quantity	R.O.		Frame Size		Mulled	Marvin Model No.	Comments
			Width	Height	Width	Height			
W 01	Front Stair Landing - 1st and 2nd Flr (north)	2	4'-0"	8'-0"	?	?	Corner Mull	CUCA	Minimal sight line corner mull prep requested for field assembly - Mull to W 02 and W 03
W 02	Front Stair Landing - 2nd Flr (west)	1	4'-6"	8'-0"	?	?	Corner Mull	CUCA	Minimal sight line corner mull prep requested for field assembly - Mull to W 01
W 03	Front Stair Landing - 1st Flr (west)	1	4'-6"	8'-0"	?	?	Corner Mull	CUCA/CUAWN	Minimal sight line corner mull prep requested for field assembly - Mull to W 01. Also includes an 1'-6" H. Awning Window at bottom of window
W 04	Living Room - 1st Flr (west)	1	4'-6"	8'-0"	?	?	No	CUCA/CUAWN	Includes an 1'-6" H. Awning Window at bottom of window
W 05	Front - 2nd Flr (west)	4	2'-7"	4'-11 5/8"	2'-6"	4'-11 1/8"	No	CUCA 3060E	
W 06	Relocated Existing Bathroom Window	1	2'-8"	3'-9"	2'-7"	3'-8"	No	NA	Existing windows being salvaged and relocated
W 07	Relocated and Existing Windows - 1st & 2nd Flr BRs (south)	2	2'-6"	4'-9"	2'-5"	4'-8"			
W 08	Master BR Clerestory	3	5'-5"	2'-3 5/8"	5'-4"	2'-3 1/8"	No	CUPAWN 6428	
W 09	2nd Flr East BR's	3	8'-0" +/-	3'-6"	?	?	Yes	Clad Ultimate Glider	3"W glider+5"W Fixed
W 10	Dining Rm - 1st Flr	2	2'-5"	7'-11 5/8"	2'-4"	7'-11 1/8"	Yes	CUCA2896ET	
W 11	Rear Stair Landing - 2nd Flr	1	5'-8"	3'-6"	5'-5 1/2"?	3'-5"	Corner Mull	CUGLP	Mulled to W11
W 12	Rear Stair Landing - 2nd Flr	1	2'-0" +/-	3'-6"	?	?	Corner Mull	CUCAxxxx	Mulled to W10

**Exterior Door Schedule**

Door	Description	Quantity	Door Size		Rough Opening		Notes
			Width	Height	Width	Height	
D 01	Main Entry Door	1	3'-0"	6'-8"	4'-6"	8'-9"	XOR
D 02	Outswing Door in Kitchen	1	2'-8"	8'-0"			XL
D 03	Sliding French Doors	3	2) 3'-0"	8'-0"	6'-0"	8'-0"	60R80
D 04	Pair of doors at Garage	1	6'-0"	7'-0"	6'-2 1/2"	7'-2"	
D 05	Overhead Garage Door	1	9'-0"	7'-0"			

**% of Window Area Per Façade**

Façade	Description	Window Area		Façade Area		Window %		% Req'd.
		Level 1	Level 2	Level 1	Level 2	Level 1	Level 2	
West	Front Façade (15% Requirement)	100	83.6	597	490	17%	17%	15%
South	South Side Yard (5% Requirement)	40.9	49.7	463	376	9%	13%	5%
East	Back Yard (5% Requirement)	193	103	586	535	33%	19%	5%
North	North Side Yard (5% Requirement)	32	39	512	260	6%	15%	5%

% of New Exterior	Total Exterior Wall Length	Remaining	% Remaining
	160LF	95.3	60%

**Header Schedule**

Roof Load Assumptions:	45psf Total Load	2nd Floor + Roof Load Assumptions:	97psf Total Load
35psf Roof Snow Load		45psf Total Roof Load	
10psf Dead load		40psf 2nd Floor Live Load	
1.15 Load Duration Factor		12psf 2nd Floor Dead Load	
		100plf wall load included in 2nd floor load	

**Window Headers (supporting roof only) 28' Span**

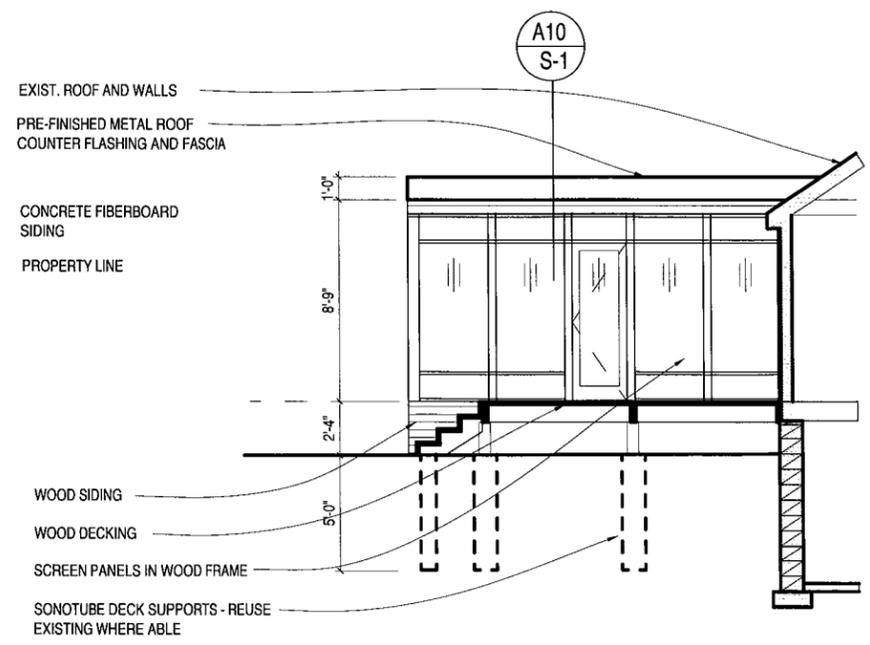
Span	ply	Southern Pine #2	ply	LVL (1 3/4")	Jack Studs
2'-4'	1)	2x10	2)	7 1/4"	2
4'-6'	2)	2x12	2)	7 1/4"	2
6'-8'	3)	2x12	2)	9 1/4"	2

**Window Headers (supporting roof only) 16' or less Span**

Span	ply	Southern Pine #2	ply	LVL	Jack Studs
2'-4'	1)	2x8	1)	7 1/4"	1
4'-6'	1)	2x12	1)	7 1/4"	2
6'-8'	2)	2x12	2)	7 1/4" or 2) 9 1/4"	2

**Window Headers (supporting 2nd Floor and roof) 28' Floor and Roof Span**

Span	ply	Southern Pine #2	ply	LVL (1 3/4")	Jack Studs
4'-6'	2)	2x8	2)	7 1/4"	1
7'	2)	2x10	3)	7 1/4"	2
8'	2)	2x12	3)	9 1/4" or 2) 9 1/2"	3



**E-6 NORTH ELEVATION OF SCREENED PORCH -** PER RECENT PERMIT, FOR REFERENCE ONLY  
SCALE = 1/4" = 1'-0"

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View from rear of home to Diamond Lake

# Sheehan Home - Neighborhood Context Images



Area map for context photos

The following photos document the diverse style and scale of homes along the Clinton Ave. South and Roslyn Place - both streets border Diamond Lake and represent the current housing.

As the photos demonstrate, properties along the lake are frequently two stories in height and often "closely" spaced together. Stylistically, the homes on the streets identified range from contemporary flat or low slope shed roofs, the bungalows, four square, ramblers, neo-colonial, split level ramblers, and several newer homes in a range of styles. Materials range from Wood, to stucco, to fiber cement, and others.

Based on the diverse styles and precedents in the neighborhood, we believe the proposed home renovation will fit in well, complementing the scale and styles found within the current housing.























































