



CPED STAFF REPORT

Prepared for the Zoning Board of Adjustment
BOA Agenda Item #1
September 10, 2015
BZZ-7211

LAND USE APPLICATION SUMMARY

Property Location: 1252 Brownie Road
Project Name: 1252 Brownie Road – Goring Residence
Prepared By: Suado Abdi, City Planner, (612) 673-2467
Applicant: Lucas Goring
Project Contact: Lucas Goring
Request: To reduce the required north rear yard and east interior side yard setbacks to allow a two-story addition to an existing Single family dwelling.

Required Applications:

Variance	To reduce the required east interior side yard setback from 8 feet to 0 feet.
Variance	To reduce the required north rear yard setback from 6 feet to 2.6 feet.

SITE DATA

Existing Zoning	RI Single Family District SH Shoreland Overlay District
Lot Area	4,976 square feet / 0.11 acres
Ward(s)	7
Neighborhood(s)	Bryn-Mawr Neighborhood Association
Designated Future Land Use	Urban Neighborhood
Land Use Features	NA
Small Area Plan(s)	<u>NA</u>

BACKGROUND

SITE DESCRIPTION AND PRESENT USE. The subject property, 1252 Brownie Road, is a substandard, slightly irregularly shaped property (angled rear yard property line) located in the RI Single Family District and SH Shoreland Overlay District. The lot measures 93.60 feet x 72.80 feet x 32.02 feet x 102.01 feet (4,976 square feet). The existing single-family dwelling is 2-stories and was built in 1927. The house is nonconforming to east interior side yard setback as it is setback 2.9 feet from the east property line.

The site contains a detached garage that is accessed through the public alley. The garage is setback 2.6 feet from the north rear property line. On August 19, 2015, the applicant secured an easement from the neighbor to the north located at 1250 Brownie Road. The easement resolved an encroachment issue as the eastern wall of the garage was constructed 0.5 feet beyond the boundaries of the property.

Date Application Deemed Complete	June 1, 2015	Date Extension Letter Sent	July 17, 2015
End of 60-Day Decision Period	August 1, 2015	End of 120-Day Decision Period	November 20, 2015

In 1973, the subject site was granted a permit to construct an 8 feet high fence and in 1976, a 5 feet high retaining wall was permitted for construction. However, the attached site plan shows both the fence and retaining wall to be located beyond the boundaries of the property.

SURROUNDING PROPERTIES AND NEIGHBORHOOD. Surrounding properties within a 350-foot radius are single-family homes. Adjacent zoning districts are R1 Single Family District, R2B Two Family District, and OR2 High Density Office Residential District.

PROJECT DESCRIPTION. The applicant is proposing to construct a 2-story addition on the rear of the house that would be attached to both the house and the garage. The existing house, constructed in 1927, is setback 2.9 feet from the east property line. The proposed 2-story addition would continue from eastern corner of the existing house that is setback 2.9 feet from the east property line. The eastern wall of the proposed addition angles slightly, which increases the eastern interior side yard setback to 4 feet, as it is attached to the garage. The proposed plan includes a 6-inch cantilever on the eastern wall of the addition for new kitchen window. The 6-inch cantilever is proposed to be 2.7 feet from the east property line.

Minneapolis Plan Review (building code review) would not allow exterior wall openings if the building wall is less than 3 feet from the property line. In this case, the proposed cantilever for the new kitchen window would not be permitted as proposed since it would be 2.7 feet from the east property lot line.

The required interior side yard setback for this lot is 8 feet. The required rear yard setback in the R1 Single Family District is 6 feet. Since the proposed addition will attach the garage to the principal structure, the garage would have to comply with the minimum yard requirement applicable to a principal structure unless a variance is granted. The detached garage is setback 2.6 from north rear side yard setback and zero feet from the east interior side yard setback. Therefore, the applicant is seeking two variances to reduce the required east interior side yard setback from 8 feet to zero feet and north rear yard setback from 6 feet to 2.6 feet.

The application was continued from the June 25, 2015, Board meeting because the north rear yard setback was identified after the public notice was sent. The application was again continued from the July 16, 2015, Board meeting at the request of the applicant for additional time to establish an easement with the neighbor to the east located at 1250 Brownie Road to resolve property line encroachment on the east side yard. On August 19, 2015, the applicant secured the easement, which is attached in this report.

The end of the 120-day decision period for the application was set to expire September 30, 2015. Since the application was continued twice from June 25 and the July 16 Board of Adjustment meetings, the applicant requested an extension to the period of decision for the land use approvals through November 20, 2015. Action on an appeal of the September 10th Board action could be finalized prior to November 20th.

PUBLIC COMMENTS. As of the writing of this report, one letter of support for the variance request was received. Any additional correspondence received prior to the public meeting will be forwarded on to the Zoning Board of Adjustment for consideration.

ANALYSIS

VARIANCE

The Department of Community Planning and Economic Development has analyzed the application for 1) a variance to reduce the required east interior side yard setback from 8 feet to 0 feet and 2) a variance to reduce the required north rear yard setback from 6 feet to 2.6 feet 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.*

Both variances: Staff finds that practical difficulties exist in complying with the ordinance because of circumstances unique to the property. The shape of the parcel and locations of both the existing single-family dwelling and detached garage are unique to the parcel of land. The unique circumstances were not created by the applicant as the location of the existing house and detached garage are pre-existing conditions.

The existing single-family dwelling, built in 1927, is setback 2.9 feet from the east property line. The existing detached garage, which was permitted for construction in 2007, is zero feet from the east property line and 2.6 feet from the north rear yard setback.

The proposed two-story addition would connect the existing house and the detached garage. Because the garage would be attached to the principal structure, it would have to comply with the minimum yard requirement applicable to a principal structure unless a variance is granted. The required interior side yard setback for this lot is 8 feet. The required rear yard setback in the R1 Single Family District is 6 feet. Therefore, the applicant is seeking a variance to reduce the required east interior side yard setback from 8 feet to 0 feet and a variance to reduce the required north rear yard setback from 6 feet to 2.6 feet.

The proposed addition would have to comply with building code requirements. Additionally, the project shall comply with the minimum window requirement of section 535.90(c) of the zoning code.

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.*

Both variances: Staff finds that the applicant is proposing to use the property in a reasonable manner consistent with the spirit and intent of the ordinance and comprehensive plan. The use is a single-family dwelling, which is a permitted use in the R1 single-family district. The proposed addition will not increase the existing nonconforming setbacks and will align with the existing conditions on the site already. As shown on the attached pictures, the area where the addition is proposed is currently used as patio. The addition would allow for new kitchen on the first floor and a master bedroom on the second floor.

The existing fence and retaining wall would serve as a barrier between the proposed addition and the neighbor to the east located at 1250 Brownie Road. Due to the shape of the lot, there is no other place on the lot that the addition could be constructed without a variance. Staff finds the request is reasonable given the location of the existing house and garage.

Again, the proposed addition would have to comply with building code requirements and shall comply with the minimum window requirement of section 535.90(c) of the zoning code.

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.*

Both variances: Staff finds that granting these variances would not negatively alter the essential character area. The proposed addition is tucked away on the rear of the property and not directly visible from Brownie Road.

The most impacted neighbor would be the adjacent property to the north located at 1250 Brownie Road. The adjacent property is a two-story single-family dwelling with a detached garage. The northwest corner of the neighbor's house is setback 5.9 feet from the shared property line. The neighbor's garage is slightly angled and built closer to the retaining wall and fence. The southwest corner of the neighbor's garage is approximately 3 feet from the shared property line and 1 foot on the northwest corner. The 5 feet retaining wall and 8 feet fence would serve as barrier between the proposed addition and the neighbor.

The proposed variances will not be detrimental to the health, safety or welfare of the general public.

Additional Standards for Variances 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 relatively flat and does not contain any steep slopes. Per the applicant, the contractor will use silt fence to prevent soil erosion or other possible pollutions of public waters. Additionally, as part of the construction management agreement, the applicant would demonstrate erosion and sediment control.

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

Brownie Lake is not visible from the subject site and the addition would not be visible from waters.

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

The subject site does not have direct access to the protected water.

RECOMMENDATIONS

The Department of Community Planning and Economic Development recommends that the Zoning Board of Adjustment adopt staff findings for the application(s) by Locus Goring for the property located at 1252 Brownie Road:

A. Variance of the required east interior side yard setback.

Recommended motion: **Approve** the variance to reduce the required east interior side yard setback from 8 feet to 0 feet, subject to the following conditions:

1. Approval of the site plan, elevation, and floor plans by the Department of Community Planning and Economic Development.
2. The project shall comply with Building Code requirements.
3. The structure shall comply with the minimum window requirement of section 535.90(c) of the zoning code.
4. All site plan improvements shall be completed by September 10, 2017, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.

B. Variance of the required north rear yard setback.

Recommended motion: **Approve** the variance to reduce the required north rear yard setback from 6 feet to 2.6 feet, subject to the following conditions:

1. Approval of the site plan, elevation, and floor plans by the Department of Community Planning and Economic Development.
2. The project shall comply with Building Code requirements.
3. The structure shall comply with the minimum window requirement of section 535.90(c) of the zoning code.
4. All site plan improvements shall be completed by September 10, 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. Floor Plans
5. Building elevations
6. Photos
7. Public comment
8. Easement

VARIANCE LETTER:

To Whom it may concern:

Lucas & Sarah Goring

1252 Brownine Rd.

Minneapolis, MN 55416

763.458.4321

lucas@venturemortgage.com

Practical Difficulties:

#1 We acquired our home in 2008, and love our current home & neighborhood; however, we have just outgrown it. When we purchased the home in 2008 it had been completely renovated on the inside & we did not have any children. The home has two bedrooms upstairs and we now have two children; a boy and a girl, and would like to expand the home so our children can each have their own bedrooms on the second floor next to the master bedroom. The main floor has a small existing galley kitchen that we would like to expand creating an open floor plan concept, the 2nd floor bedroom would be added directly over the kitchen addition.

In order to accomplish this, we need a variance due to our existing structure located 2.9 feet away from the east sideyard setback of the property line. The addition will be constructed in a way that it connects to the existing detached garage; however, the additions foundation will not encroach any closer than the current 2.9 feet from the property line. We are looking to add a small 6" Cant/bump-out @ the new kitchen window wall this will be located 2.7 feet, but still inside eave/ overhang of existing roof.

The original home was built in 1927, and since that time, No additions have been built that I am aware of. I am also under the impression and I assume the property lines were drawn. This pre-existing condition severely limits the project we can take on as we are supposed to have an eight foot setback based on the R1 zoning restrictions where sought. As you can see in the survey, due to our irregular, pie shaped lot, (located on Brownie Rd.) maintaining an eight foot setback inhibit any potential projects. The new project will not encroach any closer to the existing property line.

We are active in the local neighborhood as a small business owner in lawn care. We use the Bryn Mawr Bugle to advertise and provide free services for the volunteer garden in the neighborhood. We have discussed this variance with surrounding neighbors, and have found no opposition to this point.

With the variance, we plan on living in this home for a very long period of time. If we are not granted the variance, we would most likely have to look at surrounding communities for a home that fit the function and serve our family needs, as we would like.

#2 The proposed variance will keep with the spirit in the ordinance and comprehensive plan by improving our single family residence, increasing our property value and continue our investment in the city of Minneapolis. The new addition also serves to enhance the quality of our home by having an attached garage.

#3 Secondly, this variance will not alter the character of the neighborhood, as we are not requesting a tear down of the existing structure and rebuild. From the front, there will be no change to the appearance & character of the house. The addition will be in the rear, and the current plans call for a uniform, seamless transition from the existing structure to the new structure. The addition will have matching stucco / paint color on the exterior, and similar character on the

inside. The addition is also located on the alley side of our home, therefore not affecting anyone or any other homes views or sunlight.

SHORELAND OVERLAY DISTRICT

- #1 The contractor will use silt fence measures to prevent soil erosion during the construction of our addition.
- #2 Brownie Lake can not currently be seen from our house, or any other house in the neighborhood, as it is down a hill from the neighborhood. This project will not impact Brownie Lake either negatively or positively.
- #3 This addition does not affect the use of any watercraft, types or number of from development.

STATEMENT OF PURPOSE:

Variance request for 1252 Brownie Rd, Minneapolis,

Lucas & Sarah Goring

1252 Brownie Rd.

Minneapolis, MN 55416

763.458.4321

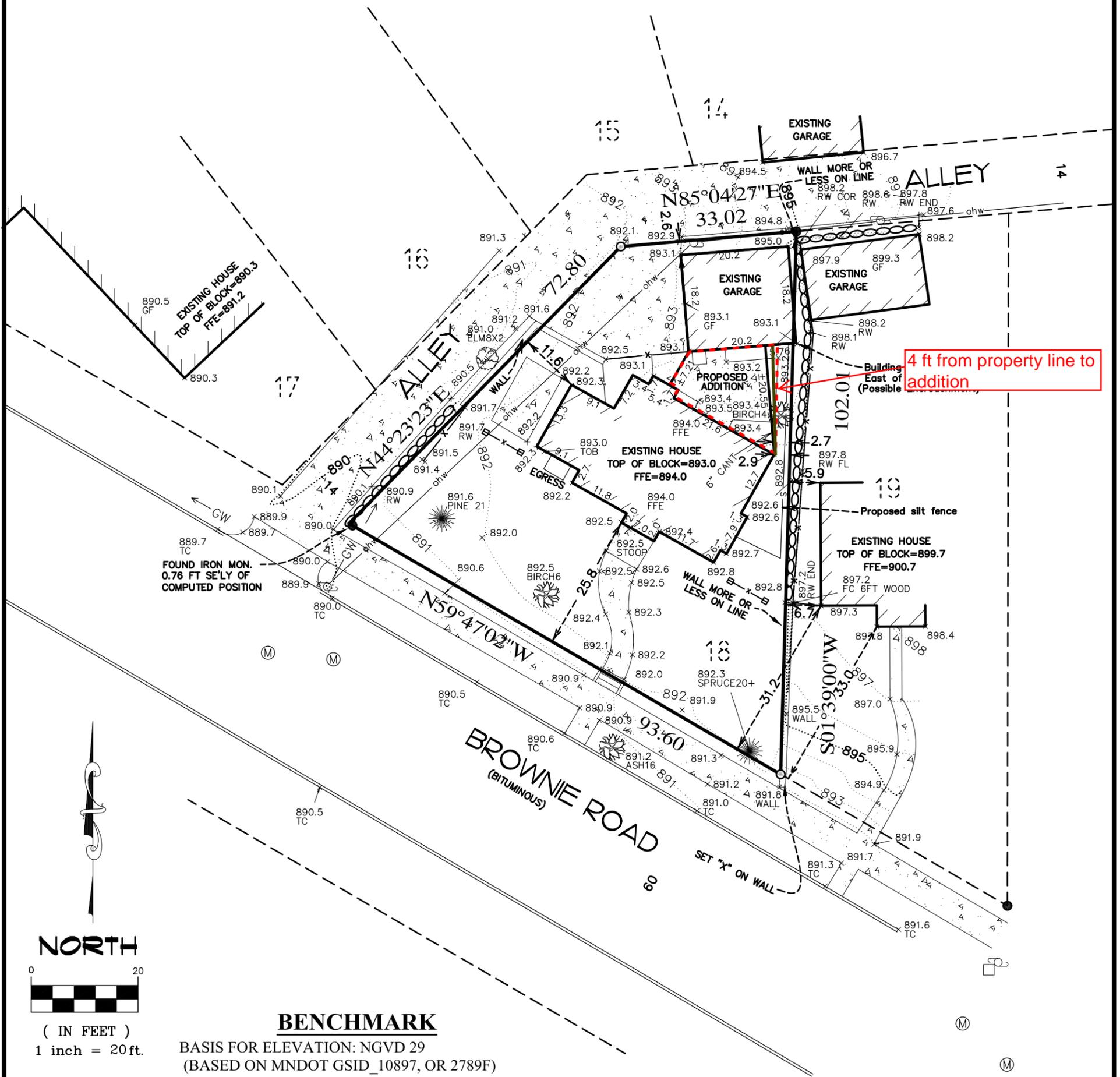
We are requesting a variance from the city of Minneapolis due to the Sideyard setback on the East side of our property line. The existing house structure is 2.9 feet from the property line. The addition will be constructed in a way that connects to the existing detached garage; however, the additions foundation will not encroach any closer than the current 2.9 feet from the property line. There is a small 6" Cant/ window bump-out @ the new kitchen window this will be 2.7 feet, but still inside eave/ overhang of existing roof.

The project will include an expansion of the first floor kitchen (249 SF), and an additional bedroom on the second floor above the kitchen addition (219 SF). This addition will also allow us to connect to existing detached garage creating an attached garage.

CERTIFICATE OF SURVEY

PROPERTY ADDRESS: 1252 BROWNIE ROAD
MINNEAPOLIS MN 55416

FOR: TJB HOMES, INC.



4 ft from property line to addition



BENCHMARK

BASIS FOR ELEVATION: NGVD 29
(BASED ON MNDOT GSID_10897, OR 2789F)

NOTES

- Field survey conducted on May, 13th 2015.
- BEARING'S SHOWN ARE ON ASSUMED DATUM.
- This survey was prepared without the benefit of titlework. Easement, appurtenances and encumbrances may exist in addition to those shown hereon. This survey is subject to revision upon receipt of a title insurance commitment or attorneys title opinion.

AREA CALCULATIONS

TOTAL LOT = ±4976 sq. ft.
House = ±860 Sq. Ft.
Garage = ±366 Sq. Ft.
Concrete = ±894 Sq. Ft.
Proposed Addition = ±250 sq. ft.
Proposed Conc. Removal = ±202 sq. ft.

LEGEND

- DENOTES CATCH BASIN
- ×1011.2 DENOTES EXISTING ELEVATION.
- DENOTES IRON MONUMENT FOUND
- DENOTES IRON MONUMENT SET
- DENOTES UTILITY POLE
- Ⓜ DENOTES MISCELLANEOUS MANHOLE
- ⋯ DENOTES EXISTING CONTOUR
- GW— DENOTES GUY WIRE
- ohw— DENOTES OVERHEAD WIRE
- x— DENOTES EXISTING FENCE
- ▨ DENOTES CONCRETE

LEGAL DESCRIPTION

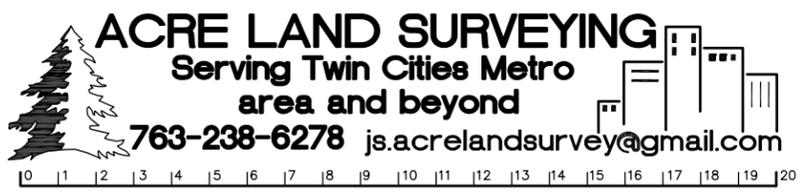
Lot 18, Block 2, BROWNIE LAKE ADDITION TO MINNEAPOLIS, Hennepin County, Minnesota.

I hereby certify that this plan, survey 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.


JOSHUA P. SCHNEIDER

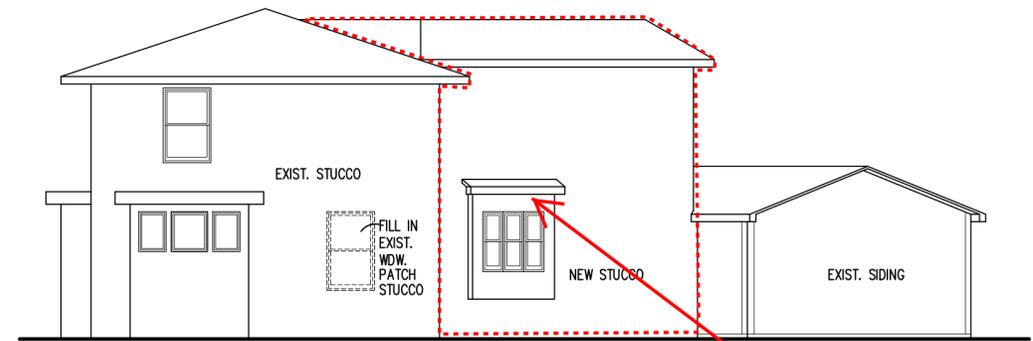
Revised: 5-26-15 (city comments)
Date: 5/14/15 Reg. No. 44655

ACRE LAND SURVEYING
Serving Twin Cities Metro
area and beyond
763-238-6278 js.acrelandsurvey@gmail.com



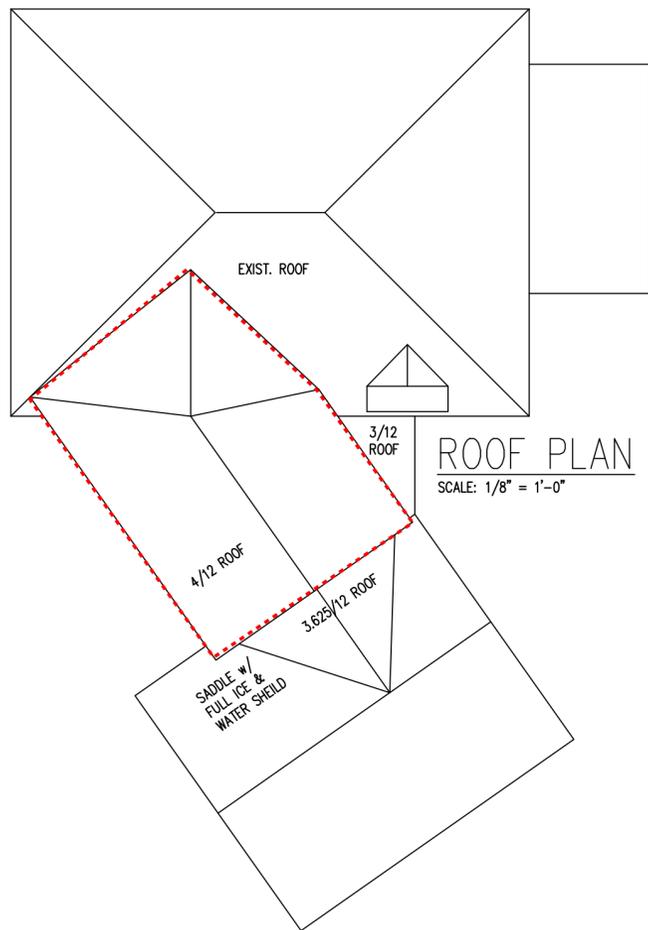


LEFT ELEVATION
SCALE: 1/8" = 1'-0"

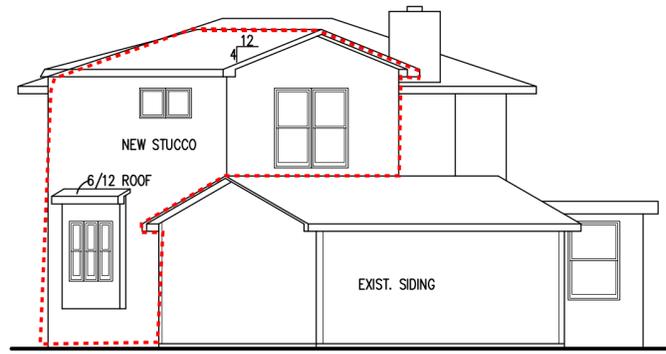


RIGHT ELEVATION
SCALE: 1/8" = 1'-0"

Proposed Cantilever



ROOF PLAN
SCALE: 1/8" = 1'-0"



REAR ELEVATION
SCALE: 1/8" = 1'-0"



FRONT ELEVATION
SCALE: 1/4" = 1'-0"

1ST FLOOR 249 SQ. FT.
2ND FLOOR 219 SQ. FT.

LOT AREA COVERAGE	
TOTAL LOT:	4,967
EXIST. HOUSE:	860
EXIST. GARAGE:	366
CONCRETE:	894
TOTAL EXIST. IMPERVIOUS AREA:	2,120
% OF LOT COVERAGE:	43%
PROPOSED ADDITION:	249
PROPOSED CONC. REMOVAL:	(-202)
PROPOSED IMPERVIOUS AREA:	2,168
% OF COVERAGE AREA:	44%

FAR TOTALS	
EXIST. 1ST. FLOOR AREA:	862
PROPOSED 1ST. FLOOR AREA:	249
EXIST. 2ND FLOOR AREA:	717
PROPOSED 2ND FLOOR AREA:	219
EXIST. GARAGE AREA:	366
TOTAL FLOOR AREA:	2,413
% OF COVERAGE AREA:	49%

LUCAS & SARAH GORING
1252 BROWNIE RD.
MINNEAPOLIS, MN

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UNAUTHORIZED USE OF THE PLAN
IS A VIOLATION OF THE U.S.
COPYRIGHT ACT

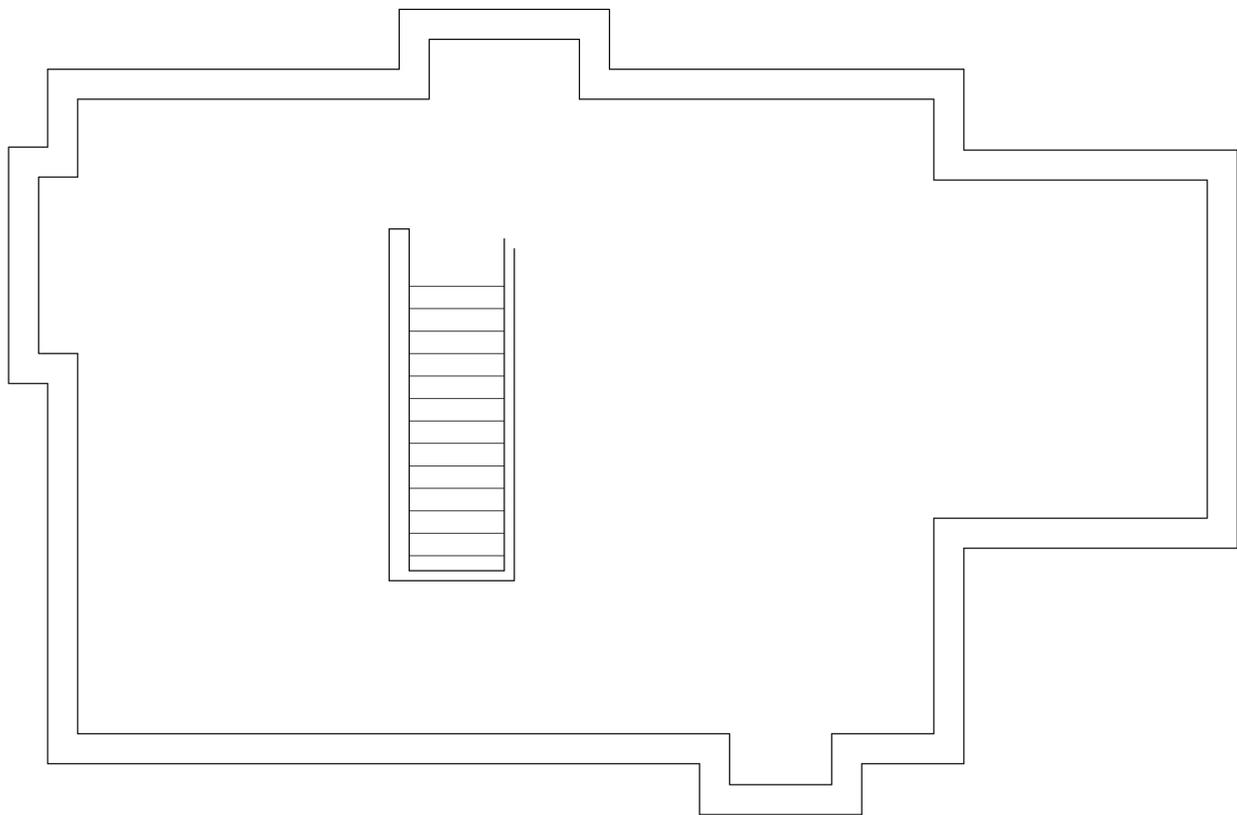
TJB HOMES, INC
9100 BALTIMORE ST. NE SUITE 102
BLAINE MN, 55449
JASON BUDZYNSKI 763-286-4277

DATE:
4-27-15
REVISIONS:

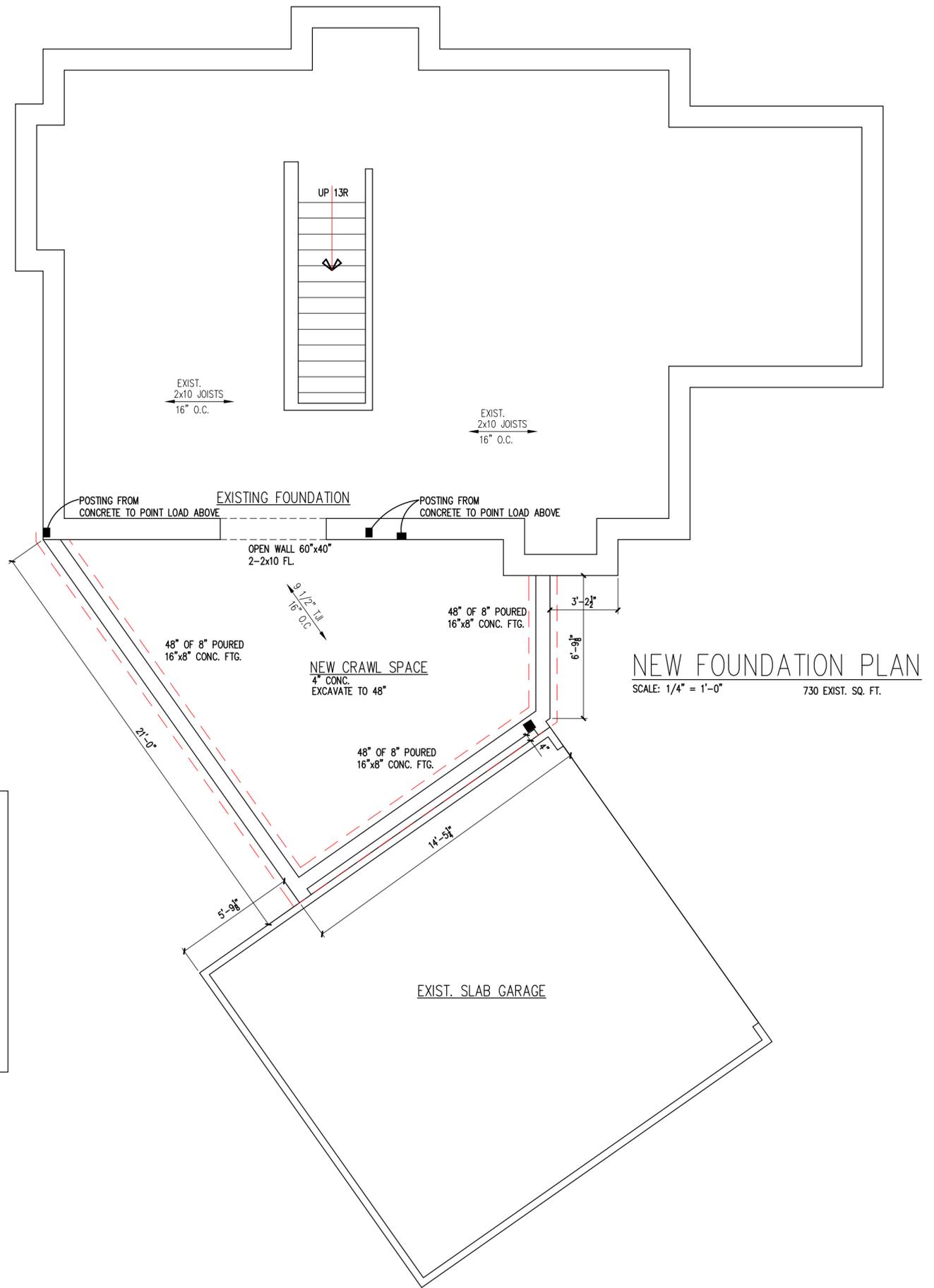
DRAWN BY:
JR
COMM. NO.

SHEET NO.

1



EXIST. FOUNDATION PLAN
SCALE: 1/4" = 1'-0"



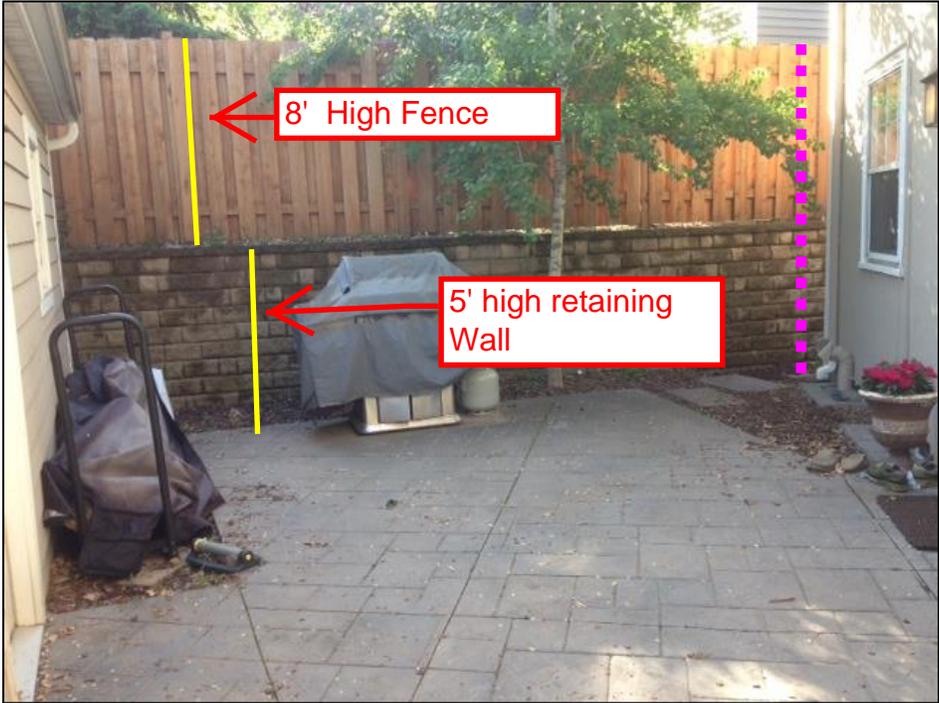
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COPYRIGHT ACT

TJB HOMES, INC
9100 BALTIMORE ST. NE SUITE 102
BLAINE MN, 55449
JASON BUDZYNSKI 763-286-4277

DATE:
4-27-15
REVISIONS:

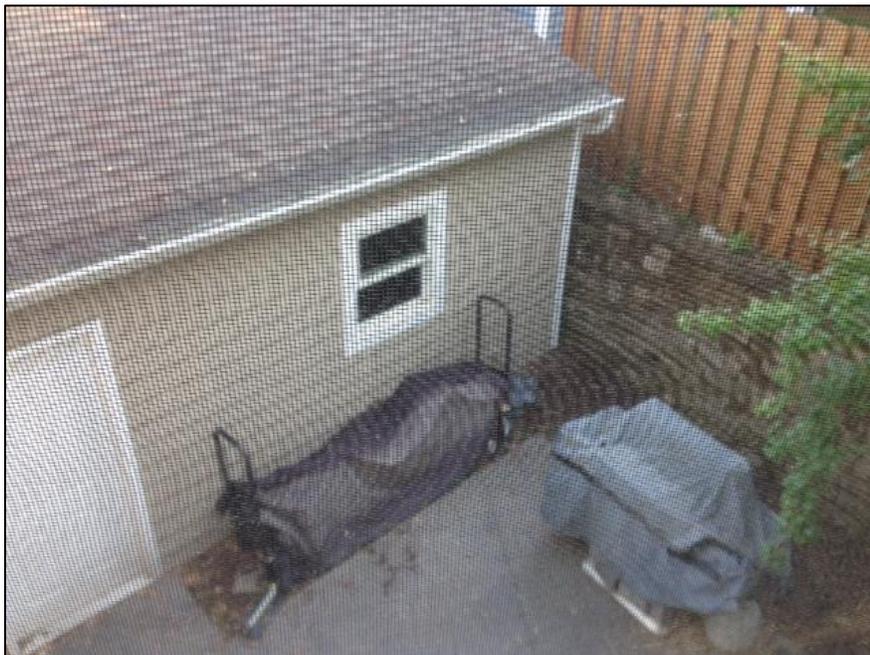
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JR
COMM. NO.
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SHEET NO.

Photos of 1252 Brownie:



Existing back patio





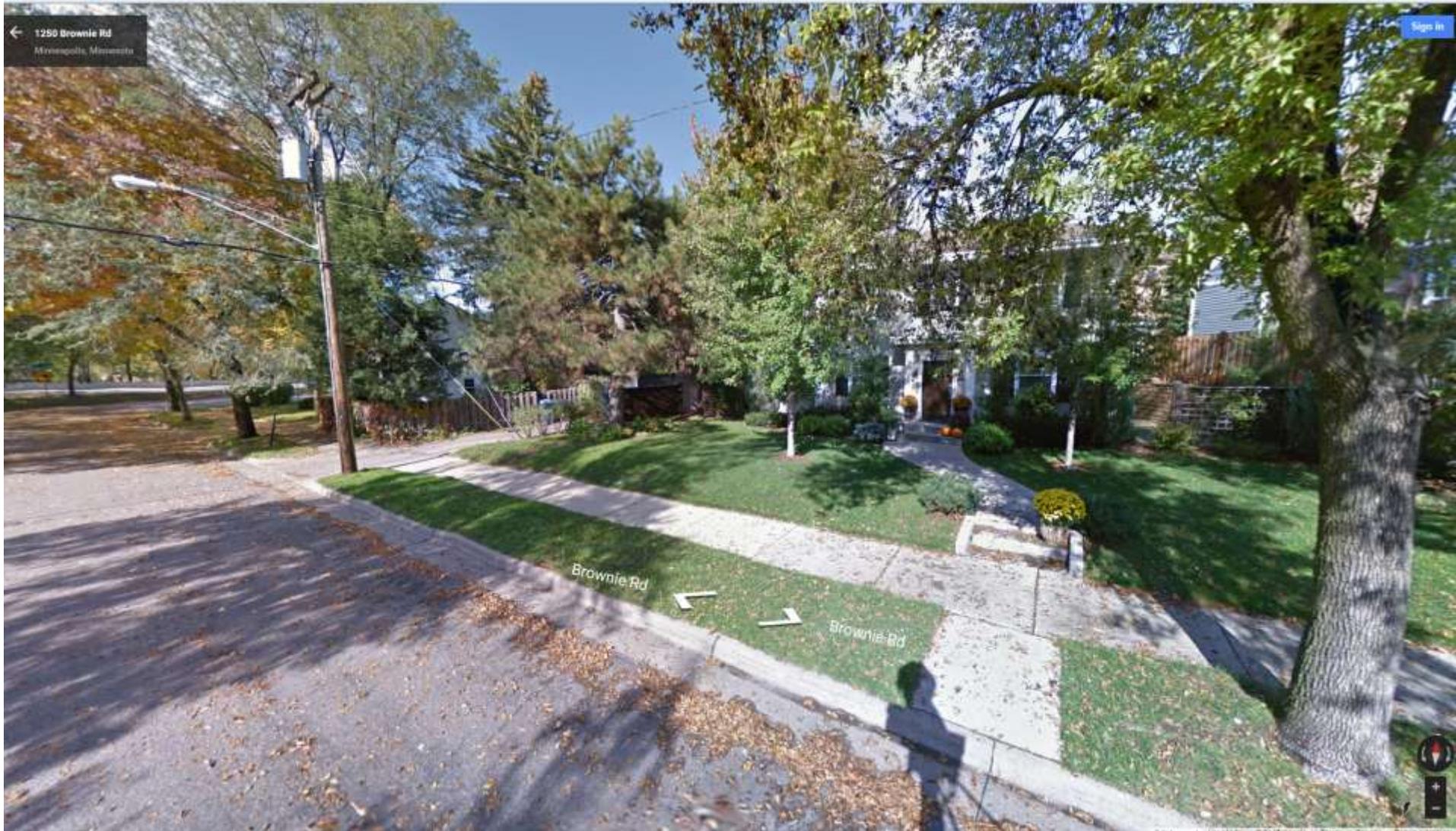
View From second story of where proposed addition will go



View of back patio from inside existing kitchen

← 1250 Brownie Rd
Minneapolis, Minnesota

Sign in



← 1250 Brownie Rd
Minneapolis, Minnesota

Sign in



Brownie Rd

Brownie Rd



Lucas Goring

From: Lucas Goring
Sent: Saturday, May 30, 2015 11:44 AM
To: 'george.seebach@bmna.org'; 'susan.verrett@bmna.org'; 'lynda.shaheen@bmna.org'
Cc: Jason Budzynski (jason@tjbhomes.com); Sarah Goring (SGoring@genoa-qol.com)
Subject: Variance for 1252 Brownie Rd - Area 2 of Bryn Mawr

Good morning –

We are in the process of requesting a variance from the city of Minneapolis for an addition to our home.

Description of the project:

We've lived in Bryn Mawr for seven years and when we moved in, we didn't have kids. We now have two, and the addition we are doing will allow them to each have their own bedroom on the same level as ours.

The addition will extend to the current detached garage (making it attached). The first floor will expand the kitchen; the second floor will be a bedroom for our daughter. The proposed addition will be 249 SF on the main level & 219 SF on the second level.

We plan on starting this project late summer / early fall.

Variance requested:

The variance needed for the project is a sideyard variance. The existing corner of the house is 2.9 feet from the neighbor. The addition will not get any closer to the neighbor, however the requirement is an eight foot setback.

Address:

1252 Brownie Rd
Minneapolis

Our Contact info:

Lucas Goring
1252 Brownie Rd
Minneapolis, MN 55416
C – 763-458-4321
Email – lucas@venturemortgage.com

If you have any questions, please don't hesitate to contact me.

Lucas Goring
Vice President
Venture Mortgage Corporation
7801 E. Bush Lake Rd., Suite 350, Edina, MN 55439

Direct: (952) 843-5134
Fax: (952) 843-5134
Cell: (763) 458-4321
Email: lucas@venturemortgage.com
Website: www.venturemortgage.com



Venture Mortgage, through its membership in Strategic Alliance Mortgage (SAM), is part of an organization of 23 privately-owned commercial mortgage firms having 48 offices throughout the United States. SAM members have arranged over \$90 billion of commercial mortgage loans since 2001 and currently services \$36 billion. In an ever-changing market, SAM members offer the best lender relationships which lead to successful commercial mortgage solutions.



Variance letter sent to Lisa Goodman was sent through City of Mpls online message system.

Here's confirmation of letter:

[Home](#) > [Ward 7 - Lisa Goodman](#) > Thanks

Thank You

Your message has been sent.

Here's what was sent:

Good morning Lisa –

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Address:

1252 Brownie Rd
Minneapolis

Our Contact info:

Lucas Goring
1252 Brownie Rd
Minneapolis, MN 55416
C – 763-458-4321
Email – lucas@venturemortgage.com

If you have any questions, please don't hesitate to contact me.

Abdi, Suado M.

From: jsovell@comcast.net
Sent: Thursday, July 09, 2015 10:07 AM
To: Abdi, Suado M.
Subject: Regarding 1252 Brownie Road

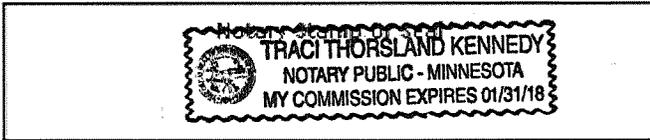
I endorse the variances requested by Lucas and Sarah Goring for their proposed home improvements at 1252 Brownie Road.

Jerry Sovell
1429 Lakeview Ave So

STATE OF MINNESOTA }

COUNTY OF HENNERIN } ss.

The foregoing instrument was acknowledged before me this 19th day of August, 2015, by Sarah Goring f/k/a Sarah Doyscher - Lucas Goring grantee(s).



A handwritten signature in cursive script, appearing to read "Traci Kennedy", written over a horizontal line.

Signature of Notary Public

This instrument prepared by:

Fidelity National Title Insurance Co.
2533 North 117th Avenue
Omaha, NE 68164

EXHIBIT A

The Grantees property is described as follows:

Lot 19, Block 2, "Brownie Lake Addition to Minneapolis", Hennepin County, Minnesota

EXHIBIT B

The Grantees property is described as follows:

Lot 18, Block 2, "Brownie Lake Addition to Minneapolis", Hennepin County, Minnesota