CPED STAFF REPORT

Prepared for the Zoning Board of Adjustment
BOA Agenda Item #2
September 10, 2015
BZZ-7299

LAND USE APPLICATION SUMMARY

Property Location: 5029 Girard Avenue South
Project Name: 5029 Girard Avenue South Dormer Addition
Prepared By: Janelle Widmeier, Senior City Planner, (612) 673-3156
Applicant: Suzanne Morgan
Project Contact: Jon Crabtree, Inspired Spaces
Request: To allow third story dormer addition to a single-family dwelling.
Required Applications:

Variance	To increase the maximum height from 2.5 stories to 3 stories and from 28 feet to 29 feet, 2 inches.

SITE DATA

Existing Zoning	R1 Single-Family District SH Shoreland Overlay District
Lot Area	4,781 square feet
Ward(s)	13
Neighborhood(s)	Lynnhurst Neighborhood Association
Designated Future Land Use	Urban Neighborhood
Land Use Features	Not applicable.
Small Area Plan(s)	Not applicable.

Date Application Deemed Complete	July 20, 2015	**Date Extension Letter Sent**	August 26, 2015
End of 60-Day Decision Period	September 18, 2015	**End of 120-Day Decision Period**	November 17, 2015

BACKGROUND

SITE DESCRIPTION AND PRESENT USE. The existing use is a 2.5 story, single-family dwelling. The existing dwelling was permitted for construction in 1919.

SURROUNDING PROPERTIES AND NEIGHBORHOOD. There are primarily single-family dwellings in the immediate area.

PROJECT DESCRIPTION. A dormer addition was constructed on the existing single-family dwelling located at the property of 5029 Girard Avenue South. Permits were not obtained to allow the construction of the dormer. The existing dwelling was a 2.5 story structure. The dormer extends almost the full width of the dwelling, which means the top level of the dwelling can no longer be considered a half-story. To qualify as a half-story, the following criteria must be met:

(1) Habitable space located under a gable or hip roof and all of the roof rafters shall be located within two (2) feet of the floor joists, except at gable ends or where dormers are allowed.
(2) Dormers on the half story will meet the following standards.
   a. <u>The total width of all dormers on any façade will not exceed fifty (50) percent of the width of the wall of the floor below the half story roof.</u>
   b. <u>Dormers will be located no closer than three (3) feet from any end-of-house corner of the floor below and any gable end wall.</u>
   c. Dormers will not extend beyond the wall below and will not interrupt the eave edge of the hip or gable roof.

The proposed dormer would not meet the two underlined criteria. The width would be equal to 88 percent of the width of the story below and the ends of the dormer would be located 18 inches from the end-of-house corners of the floor below. The maximum height allowed for a single-family dwelling in both the R1 and SH overlay districts is 2.5 stories or 28 feet as measured at natural grade 10 feet from the center of the dwelling to the average distance between the eave edge and the ridge level for gable, hip and gambrel roofs. Dormers exceeding 50 percent of the building width below a gable, hip and gambrel roof are included in the measured vertical distance. The height measured at the midpoint of the new dormer roof is 29 feet, 2 inches. Therefore, a variance is required to increase the maximum height to 3 stories and 29 feet, 2 inches.

The variance was continued from the August 27, 2015, meeting of the Board of Adjustment to the September 10, 2015, meeting because the public hearing cards were not posted on the subject property 10 days prior to the scheduled meeting date as required by ordinance and the property owner was out of town for the August 27th meeting. The applicant has indicated that they would like the application continued again to the October 1, 2015, meeting of the Board of Adjustment because the property owner would again be out of town for the September 10th meeting. However, an extension of the decision making period beyond the 120 days is needed to continue the application again to ensure an appeal could be accommodated. As of the writing of this report, an additional extension has not been granted.

If the variance is approved, additional windows may need to be provided on the building elevations of the third story to comply with the minimum 5 percent window requirements (section 535.90 of the zoning code). These requirements will need to be addressed on the final plans before building permits can be obtained.

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 increase the maximum height from 2.5 stories to 3 stories and from 28 feet to 29 feet, 2 inches, 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.*

   A bedroom exists in the attic. The applicant has indicated that in order to install a bathroom in the attic level and make it a master suite, the maximum height needs to be increased due to the existing air conditioning equipment and ductwork located in and stemming from the attic, the lack of headroom at the top of the stairs, and the existing location of the attic heating supply unit. Prior to construction, a dormer on the rear of the dwelling existed that complied with the half-story requirements. The new dormer that was constructed does not meet the half-story standards for dormers. Although the site is smaller than a typical R1 zoning lot of 6,000 square feet and the site is not adjacent to an alley, expanding the dwelling to the rear on the first or second level could be an option because the existing lot coverage, impervious surface and floor area ratio are not close to exceeding the maximum zoning requirements. A bathroom could still be added to the attic level and the need for the variance eliminated if the dormer width is reduced and modifications are made to the floor plan layout. Prior to the construction of the new dormer, the height of the dwelling was 2.5 stories and 25 feet, 9 inches. Therefore, practical difficulties do not exist in complying with the ordinance due to circumstances unique to the property and the circumstances creating the need for the height variance have been 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.*

   In general, building bulk regulations are established in order to assure that the scale and form of new development or expansion will occur in a manner most compatible with the surrounding area. Comprehensive plan policies call for single-family infill development to reflect the setbacks, orientation, pattern, materials, height and scale of surrounding dwellings. New construction per story is typically taller than existing development. The height restriction in feet is intended to prevent new development that is grossly out of proportion with existing development.

   The applicant is proposing to expand an existing dwelling. The new dormer is located at the back of the dwelling where it has limited visibility from the public street. The applicant is also not proposing to increase the ridgeline of the roof. The addition should not have significant impacts on the adjacent properties access to light, air and open space because a driveway separates the addition from the dwelling to the north. Prior to the construction of the new dormer, the height of the dwelling was 2.5 stories and 25 feet, 9 inches. The dormer that was constructed does not comply

with two of the standards subject to dormers on a half-story. The width would be equal to 88 percent of the width of the story below instead of the maximum of 50 percent. Also, the ends of the dormer would be located 18 inches from the end-of-house corner of the floor below instead of 3 feet. Therefore the height of the dwelling becomes 3 stories, and 29 feet, 2 inches. Most of the dwellings in the immediate area are 2-stories in height. The curvature of the street results in the home to the south sitting farther to the east compared to the applicant's home. The rear of the dwelling would be quite visible from adjacent properties and would be out of scale compared to the predominant character of the area. For these reasons, the request is not reasonable or 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.*

   Although the new dormer is located at the back of the dwelling where it has limited visibility from the street, the applicant is not proposing to increase the ridgeline of the roof, and the addition should not have significant impacts to the adjacent properties access to light, air and open space, the proposal is not characteristic of dwellings in the immediate area. Most of the dwellings in the immediate area are 2-stories in height. The curvature of the street results in the home to the south sitting farther to the east compared to the applicant's home. The rear of the dwelling would be quite visible from adjacent properties and would be out of scale compared to the predominant character of the area. Further, the size of the dormer would not 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 construction is built to current building codes.

<u>Additional Standards to Increase Maximum Height</u>

In addition to the variance standards, the Board of Adjustment shall consider, but not be limited to, the following factors when determining the maximum height of principal structures in residential districts:

1. *Access to light and air of surrounding properties.*

   The rear dormer addition should not have significant impacts on the adjacent properties access to light, air and open space because a driveway separates the addition from the dwelling to the north. Also, the applicant is also not proposing to increase the ridgeline of the roof.

2. *Shadowing of residential properties, significant public spaces, or existing solar energy systems.*

   The surrounding properties are residential. The site is not adjacent to any significant public spaces and staff is not aware of any existing solar energy systems in the immediate area. Because the addition would not raise the ridgeline of the roof, the proposal would not significantly shadow any surrounding properties.

3. *The scale and character of surrounding uses.*

   Most of the dwellings in the immediate area are 2-stories in height. The proposal is not characteristic of the surrounding area.

4. *Preservation of views of landmark buildings, significant open spaces or water bodies.*

Because the applicant is not proposing to raise the roof ridgeline, the proposal would not affect any public views of landmark buildings, significant open spaces or water bodies.

Additional Standards for Variances within the SH Shoreland Overlay District

In addition, the Zoning Board of Adjustment 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.*

   A dormer addition is proposed. No soil disturbance is proposed or resulted from the dormer addition.

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

   Minnehaha Creek is the protected water in this location. The dormer addition does not face the creek. The property is not visible from the creek due to existing development 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 by Suzanne Morgan for the property located at 5029 Girard Avenue South:

A. Variance to increase the maximum height.

Recommended motion: **Deny** the variance to increase the maximum height from 2.5 stories to 3 stories and from 28 feet to 29 feet, 2 inches to allow a third story dormer addition to a single-family dwelling.

ATTACHMENTS

1. Written description and findings submitted by applicant
2. Zoning map
3. Site plan
4. Floor plans
5. Building elevations
6. Before photos
7. After photos

Inspired Spaces, LLC

Jonathan Crabtree
4336 Lyndale Ave S
Minneapolis, MN 55409
MN Lic. # BC637388
Phone: 612-360-4180

Morgan Residence

5029 Girard Ave S
Minneapolis, MN 55410

STATEMENT OF PROPOSED USE

The building at 5029 Girard Ave S is seeking to have a variance in the dormer requirements based on code 520.160 section 3a. The “dormer” style addition will then be considered a 3rd floor addition, however, we will be matching the existing dormer in slope and height, only being wider than allowed by said code. The proposed attic addition will not project beyond the wall below and will not interrupt the eves of the existing roof line.

** A note about the photos and the project, due to a scheduling mistake, the shell of the addition was framed up before the permitting and variance process was complete. I have been in contact with the inspector for the area and I have come up with plans to rework the shell of the addition if there is no variance allowed. The customer, on the other hand, does not want to limit the addition to the code compliant dormer width, as it does not allow for the function and feel she wants for the space.**

The customer approached me about adding a bathroom to the attic that was her existing bedroom. The second floor bathroom was shared with her children who occupy the 3 bedrooms on the second floor. I came up with a plan that created a back dormer matching the existing front dormer in profile, only wider. Because of the A/C unit currently located in the attic, a dormer code-compliant size would require the A/C unit to either take up over 1/3 of the dormer space, or be jutted out into the existing living space. Both rejected alternate plans are submitted in the application.

We looked into other options of adding a master suite with master bath not in the attic, and they all entailed adding to the footprint of the building and adding significant cost. It would alter the way light comes into the dining room and newly remodeled kitchen, and shrink that already small back yard. Any back addition would also obstruct light getting to the newly remodeled kitchen and dining room, requiring them to be remodeled.

The original plan I came up with that widened the dormer (or attic addition), used the extra space on the south side of the attic to contain the A/C unit, and the north side to visually open up the stair entrance to the space. The total additional finished square footage of floor space beyond the code compliant dormer would be approx. 40 square feet due to the footprint of the large A/C unit.

The plan would widen the dormer-type attic addition to 23ft. instead of the code allowed 13ft. There is currently a 13ft. wide dormer on the front of the house. The proposed back dormer is wider, but its extra width cannot be seen from the street. There is a property just diagonal to the north-east that has a dormer-type 3rd floor attic addition that is larger than 1/2 the width of the building. 5020 Freemont Ave S

Given the topography, the only vantage point to view the larger attic addition is from the back of a handful of houses, one of which has a non-standard dormer-type attic addition. The view from 50th St. would be the same for both the existing dormer and the proposed variance addition, as the view is straight from the side and a few hundred feet away.

This plan would have clothing storage over the A/C unit and allow for a small seating area to give the space more of a master suite feel. This is exactly what the customer wants. It is the norm for the neighborhood, to have a master suite. Not having a true good master suite makes the house deficient of the neighborhood expectations for future buyers and makes the building susceptible to future tear down.

This plan is designed to create the best possible balance between the customer's needs, the need for the city to not have oversized buildings, the neighborhood's desire to have architecturally sound and pleasing buildings and cost-effective construction that maintains the long term viability of the existing building. Building codes have a reason to exist. The height code and the dormer width code exist, in our opinion, to keep excessive building expansion from detracting from a neighborhood's appearance and therefore property values. This plan does not do that since it architecturally matches part of the existing building and because the addition is not visible from the street.

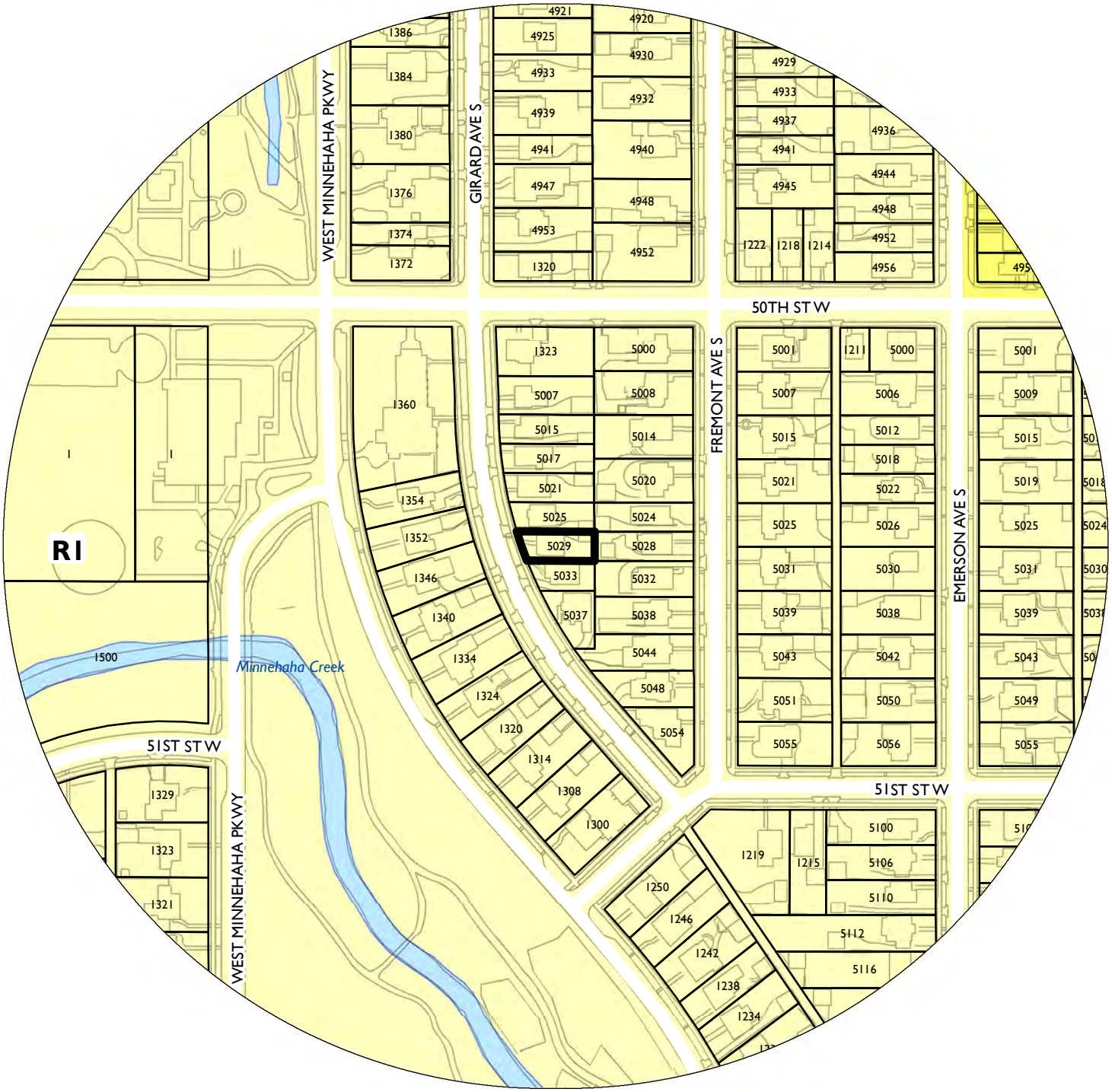
Our intension is to vary as little as possible from the zoning code to try to preserve as much of the intent of the code while giving the customer what they feel they need and deserve. For these reasons, the customer and I, the contractor, feel that this variance is the best balance between the customer's desire to improve the property, the city's need to not have overpowering and imposing residential structures, the long term viability of this building and the lack of waste and inefficiency a future tear down of this property would entail.

Thank you for your consideration,

Jon Crabtree
Inspired Spaces LLC

Suzanne Morgan **13**

NAME OF APPLICANT WARD

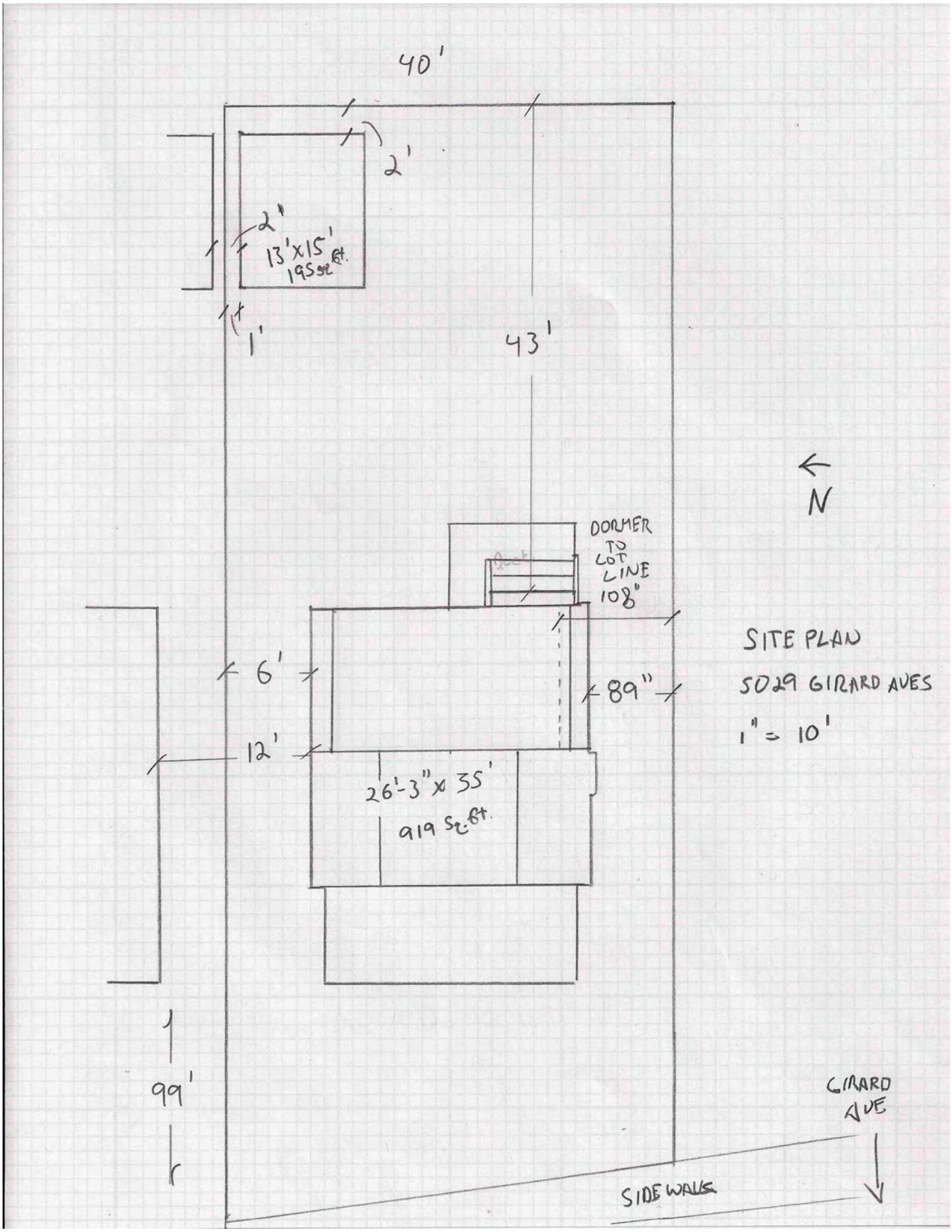


PROPERTY ADDRESS

5029 Girard Ave S

FILE NUMBER

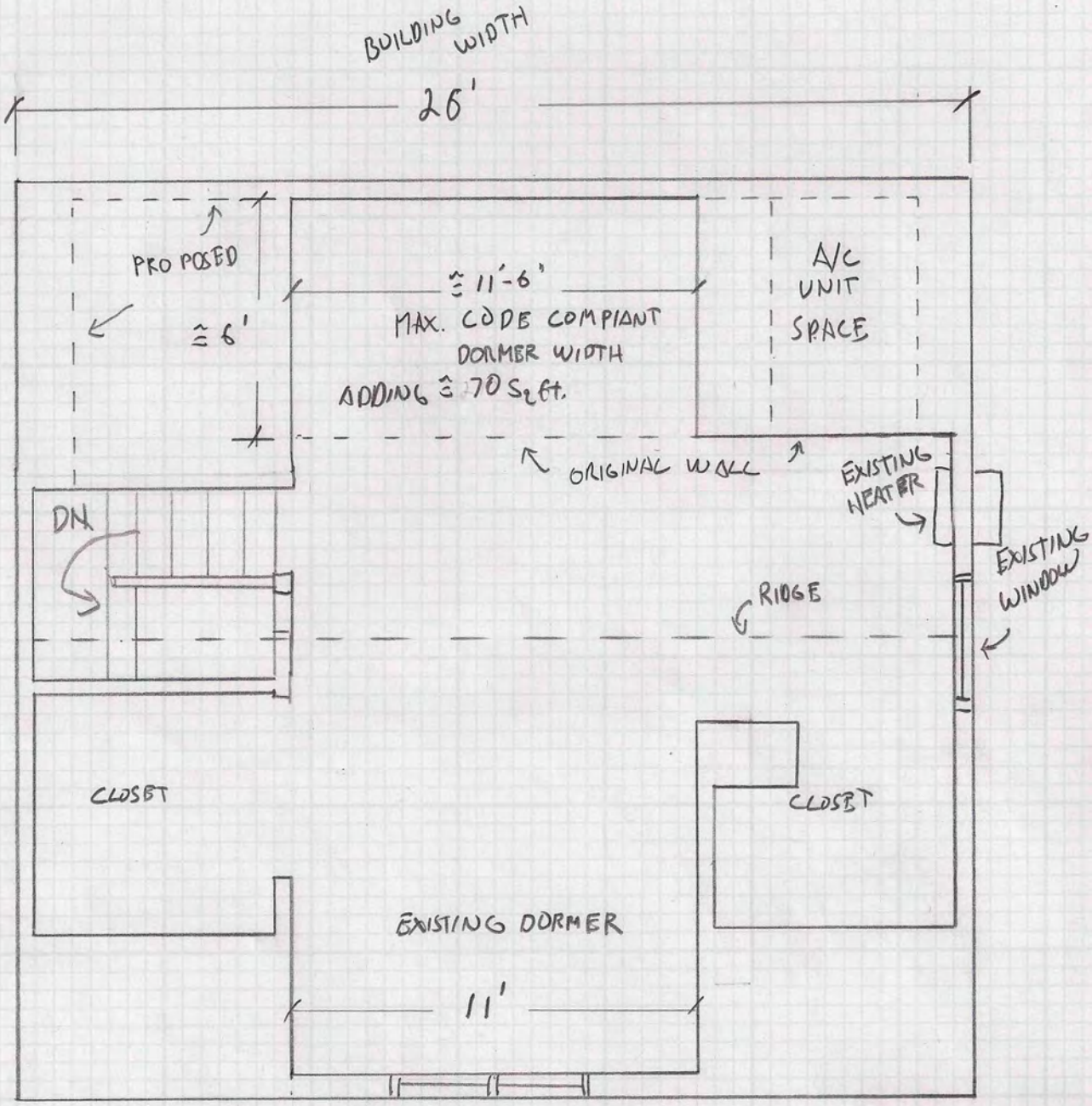
BZZ-7299



SITE PLAN

5029 GIRARD AVES

1" = 10'



EXISTING SQUARE FOOTAGES

1st floor - 920 Sq.ft.
2nd Floor - 650 Sq.ft.
EXISTING 3rd Floor - 375 Sq.ft.
Additional footage for Code Compliant Plan - 60 Sq.ft.

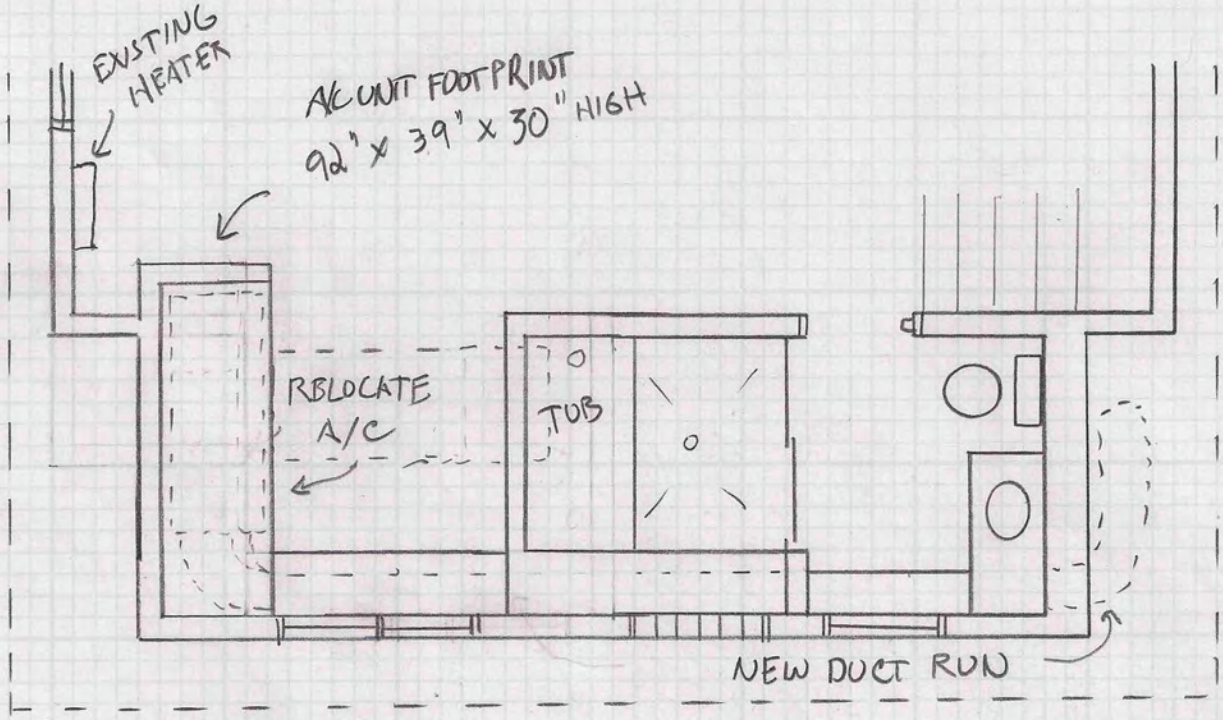
5029 GIRARD AVE S

ORIGINAL FLOOR PLAN

1/4" = 1'-0"

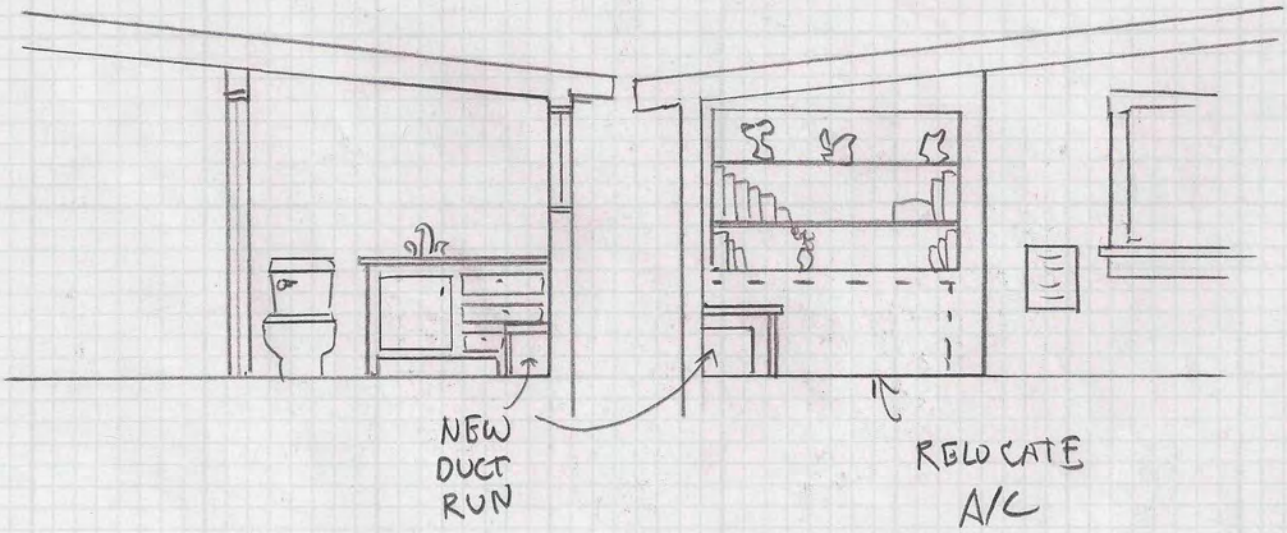
Variance Plan additional to compliant Plan (Building shell) - 60 sq.ft.
Additional Actual finished footage - 45 Sq.ft.

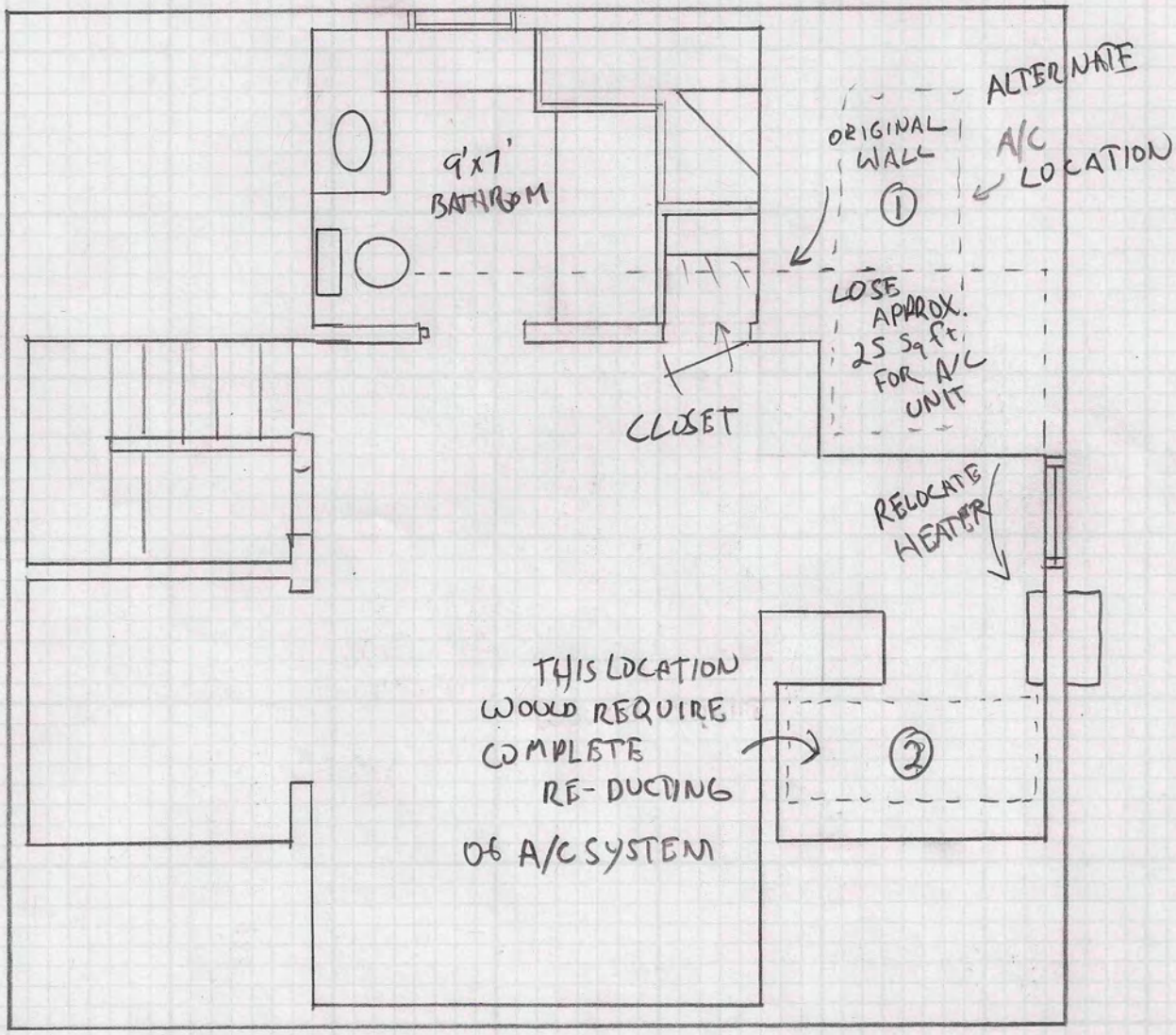
PROPOSED VARIANCE PLAN



5029 GIRARD AVE S

1/4" = 1'-0"



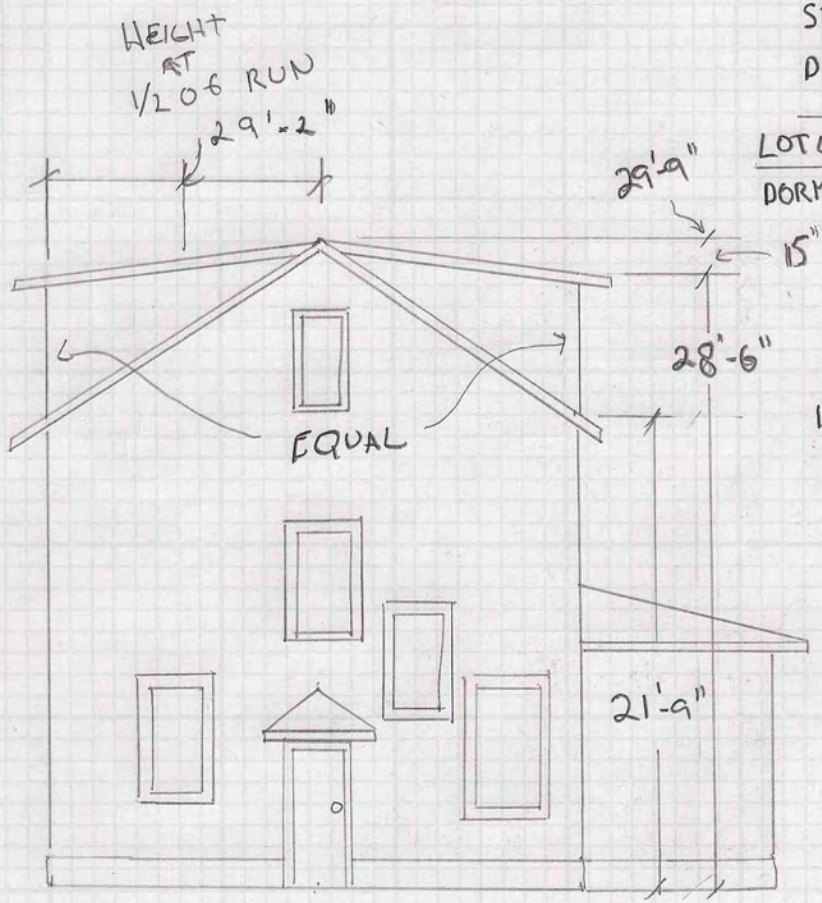


CODE COMPIANT

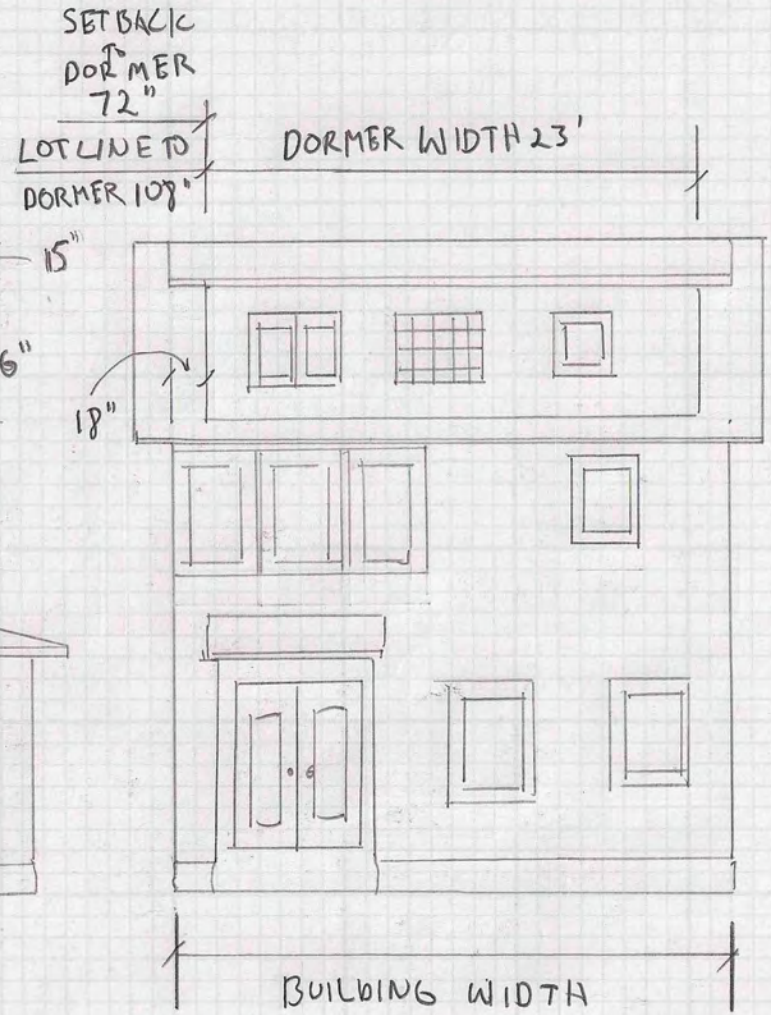
PLAN

5029 GIRARD AVE S

1/4" = 1'-0"



SIDE ELEVATION
1/8" = 1'-0"



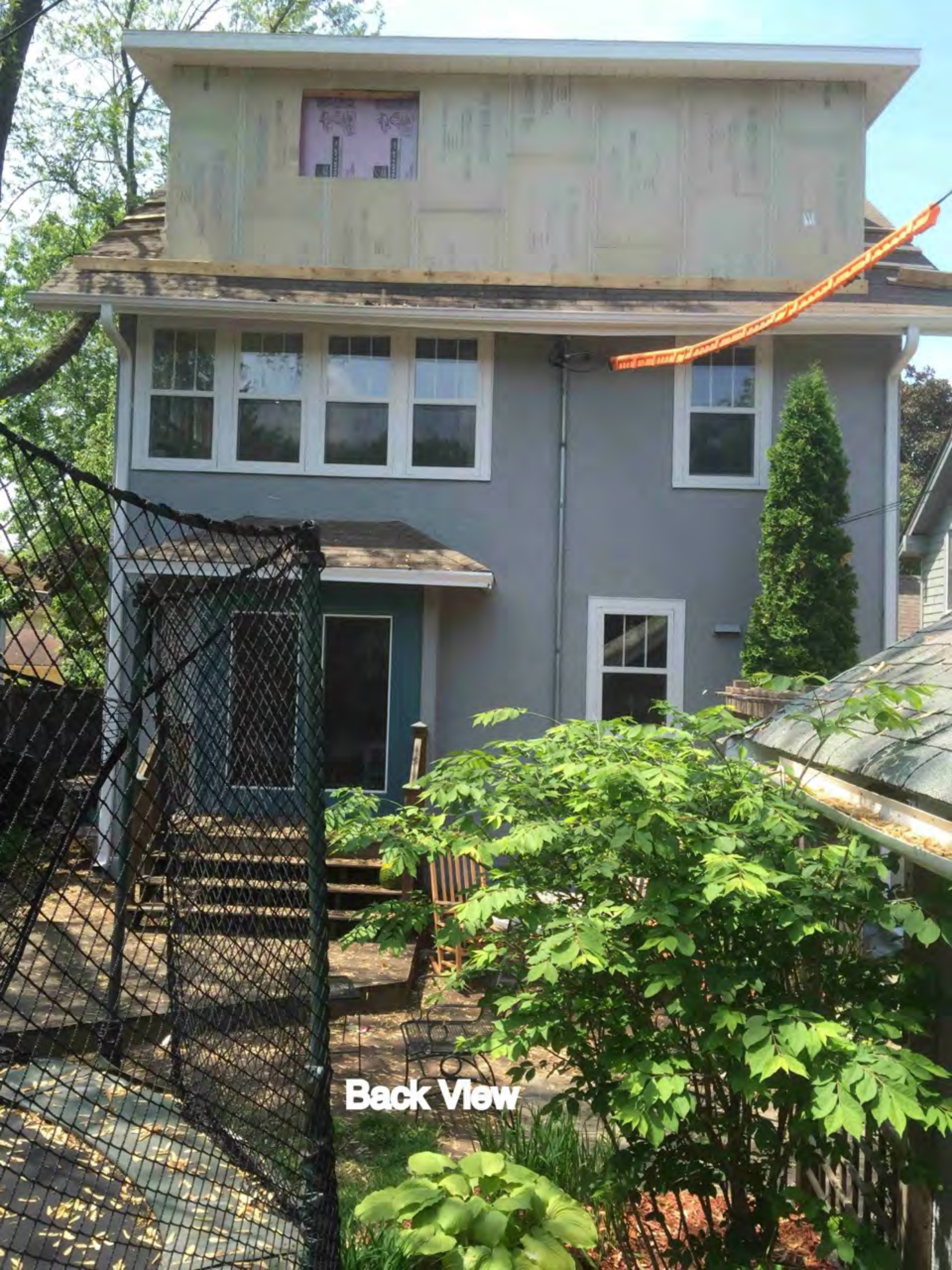
BACK ELEVATION
1/8" = 1'-0"

5029 GIRARD AVE S

Before Addition - Front View
Northstar MLS

5029 Driveway View

Back / Side View


Back View

View From 50th St.

5020 Freemont Ave S

5020 Freemont - Side View