



## CPED STAFF REPORT

Prepared for the Zoning Board of Adjustment  
BOA Agenda Item #7  
September 15, 2016  
BZZ-7851

### LAND USE APPLICATION SUMMARY

*Property Location:* 3445 Zenith Avenue South  
*Project Name:* 3445 Zenith Avenue South Additions  
*Prepared By:* [Janelle Widmeier](#), Senior City Planner, (612) 673-3156  
*Applicant:* Burkley Carter  
*Project Contact:* Paige Mooty  
*Request:* Additions to a single-family dwelling.  
*Required Applications:*

<b>Variance</b>	To reduce the established front yard requirement adjacent to Zenith Avenue South to 37 feet to allow additions to a single-family dwelling.
-----------------	---

### SITE DATA

<b>Existing Zoning</b>	RI Single-Family District SH Shoreland Overlay District
<b>Lot Area</b>	9,883 square feet
<b>Ward(s)</b>	13
<b>Neighborhood(s)</b>	West Calhoun Neighborhood Council
<b>Designated Future Land Use</b>	Urban Neighborhood
<b>Land Use Features</b>	Not applicable.
<b>Small Area Plan(s)</b>	Not applicable.

<b>Date Application Deemed Complete</b>	August 16, 2016	<b>Date Extension Letter Sent</b>	Not applicable
<b>End of 60-Day Decision Period</b>	October 15, 2016	<b>End of 120-Day Decision Period</b>	Not applicable

## BACKGROUND

**SITE DESCRIPTION AND PRESENT USE.** The existing use is a single-family dwelling with an attached garage accessed from Zenith Avenue South. The 2.5-story dwelling and garage were permitted for construction in 1938. The site is not adjacent to a public alley. A building permit for an interior and exterior remodel was approved in May of 2016. As illustrated in the attached photos, that remodeling construction is currently underway.

**SURROUNDING PROPERTIES AND NEIGHBORHOOD.** The surrounding properties are predominately single-family dwellings. Lake Calhoun is located one block to the east.

**PROJECT DESCRIPTION.** The applicant is proposing to construct a second floor addition to the existing detached garage located on the north side of the dwelling on the property of 3445 Zenith Avenue South. A second addition is proposed on the east side of the attached garage. It would be one story with a footprint of 120 square feet. The minimum front yard requirement along Zenith Avenue is created by the established setback of the adjacent properties to the north and south by a line joining those parts of both buildings nearest to the front lot line. Both adjacent properties are through lots with frontages on both Zenith Avenue and West Calhoun Parkway. The property of 3440 West Calhoun Parkway is connected to Zenith Avenue by a small sliver of land. Because the adjacent structures are located closer to the parkway and more than 100 feet from Zenith Avenue, each dwelling is entirely behind the subject property as viewed from Zenith Avenue. The proposed second floor addition would be set back 37 feet from the front lot line. The variance of the front yard requirement is needed to allow the additions.

**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 established front yard requirement adjacent to Zenith Avenue South to 37 feet to allow additions to a single-family dwelling, 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 ordinances due to circumstances unique to the property. In the R1 district, the minimum front yard requirement is equal to 25 feet or the established setback, whichever is greater. Because the established setback applies, the subject property is entirely located in the required front yard. No expansion of the existing dwelling is possible without a variance.

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 additions are proposed to be located above and behind an existing attached garage. The garage is stepped back from the front of the dwelling. The front yard setbacks of the subject property are consistent with the setbacks of other dwellings further south on the block that only have frontage on Zenith Avenue. The additions also would not extend closer to the interior side lot line than the existing north wall of the garage. 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 proposed additions would not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. The additions are proposed to be located above and behind an existing attached garage. The garage is stepped back from the front of the dwelling. The front yard setbacks of the subject property are consistent with the setbacks of other dwellings further south on the block that only have frontage on Zenith Avenue. The additions also would not extend closer to the interior side lot line than the existing north wall of the garage. The exterior of the additions would be compatible with the rest of the dwelling. The dwelling is being resided as part of the exterior remodel. The proposed variance would not be detrimental to the health, safety or welfare of the public or those utilizing the property provided the proposed additions are constructed to current building codes.

#### **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 footprint of the proposed rear addition is small and would be located in a relatively flat area of the site. The applicant has indicated that silt fences or soil retaining logs would be used during construction. After construction, vegetation would be established around the new addition.

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

The site is located one block from Lake Calhoun. The area between the protected water and the subject property is developed with single-family dwellings. The proposed additions would 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 by Paige Mooty for the property located at 3445 Zenith Avenue South:

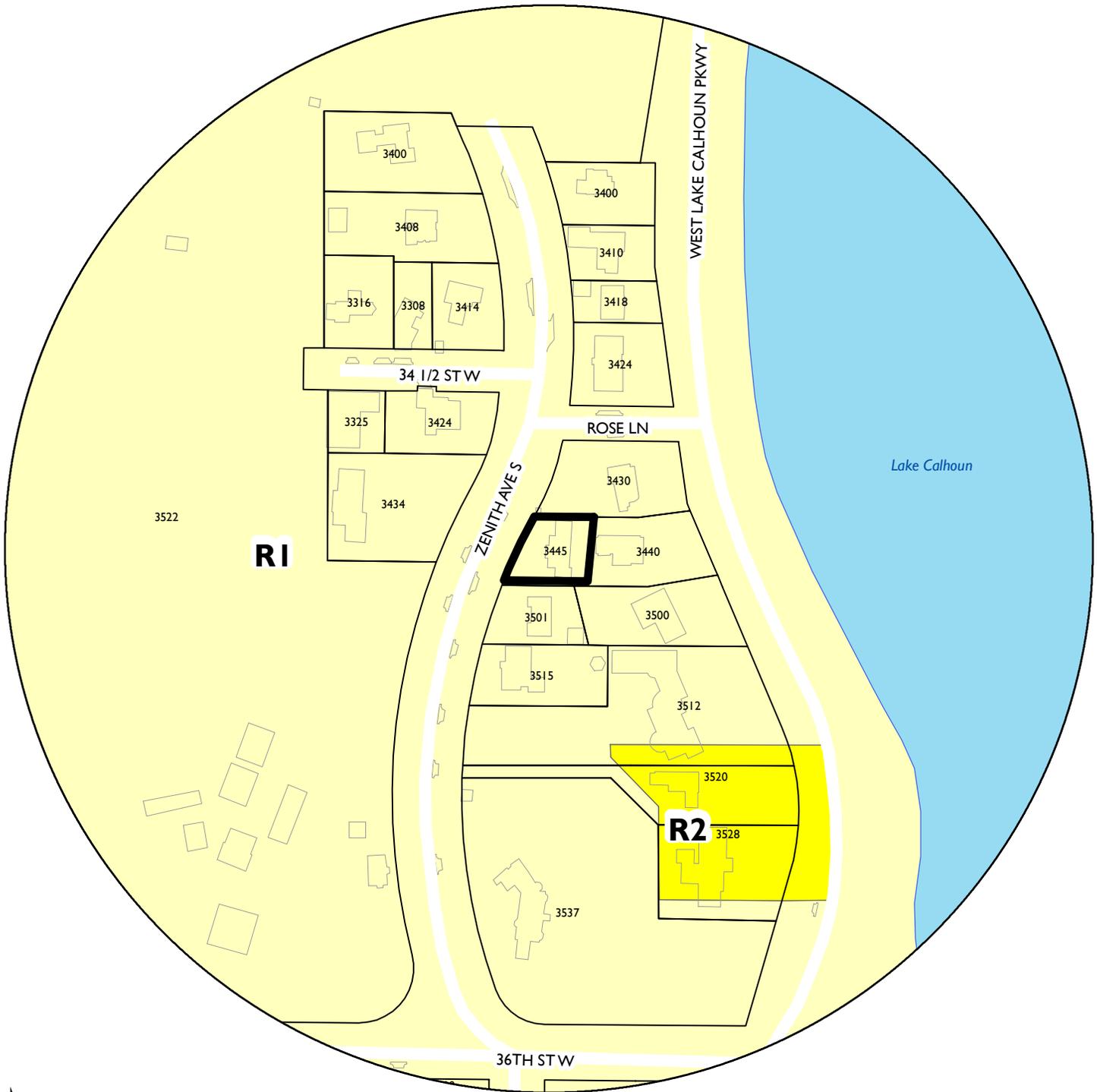
**A. Variance to reduce the minimum front yard requirement.**

Recommended motion: **Approve** the variance to reduce the established front yard requirement adjacent to Zenith Avenue South to 37 feet to allow additions to a single-family dwelling, 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 September 15, 2018, 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. Site survey
4. Site plan
5. Floor plans
6. Building elevations
7. Photos of subject property



PROPERTY ADDRESS  
**3445 Zenith Avenue South**

FILE NUMBER  
**BZZ-785 I**

### Variance #1

I am applying for a variance to add onto an existing dormer over my garage. We are proposing adding two identical dormers on the front of the house with one larger shed dormer on the back of the house. The new room will be used as a bedroom and will include a bathroom and walk in closet. New roof trusses will be added to match the existing pitch of the main structure. All architectural values of the added walls and windows will be compliant with the main house and the neighborhood. The reason for the variance is because of a setback ordinance to the adjacent property which sits on a double lot. The proposed renovation will meet all city and state codes for safety and health. The proposed renovation will add value to our home and the neighborhood.

### Variance #2

I am applying for another variance to extend out the back side of our garage an additional 6'. The way this garage was built in the 1930's does not accommodate today's modern size vehicles. We plan on raising a family in this home and having two safe places to store our vehicles is a necessity. There is not enough room to park two mid-sized vehicles simultaneously. Additionally, there is no room for storing any yard or lawn care equipment. The new 6-foot extension to the garage will have a roof that runs into the existing roofline. The proposed renovation will meet all city and state codes for safety and health.

**LEGAL DESCRIPTION 3445 ZENITH:**

All that part of Lots 31 and 32, Auditor's Subdivision No. 163, Hennepin County, Minn., described as follows: Commencing at the Southwest corner of said Lot 31; thence Northeasterly along the West line of said Lot 31 a distance of 82.45 feet; thence Easterly parallel with the South line of said Lot 31 in a straight line a distance of 90 feet; thence Southwesterly in a straight line to a point in the South line of said Lot 32, distant 122.5 feet East measured along the South line of said Lot 32 from the Southwest corner of said Lot 32; thence West along the South line of said Lot 32 to the Southwest corner of said Lot 32; thence Northeasterly along the Westerly line of said Lot 32 to the point of beginning, excepting the Southerly 7 feet, measured at a right angle to the said South line of the said Lot 32.

**LEGAL DESCRIPTION 3501 ZENITH:**

All that part of Lot 33, Auditor's Subdivision Number 163, described as follows: Beginning at a point on the North line of said lot, distant Westerly 213.6 feet from the Northeast corner of said lot; thence Southeasterly at an angle of 75 degrees and 40 minutes, a distance of 87.73 feet to a point which is 85 feet South of the North line of said lot measured at right angles to said North line of said lot; thence Westerly and parallel with the North line of said lot as extended to the Westerly line of said lot; thence Northeasterly along the Westerly line of said lot to the Northwest corner of said lot; thence Easterly along the North line of said lot to the place of beginning, according to the plat thereof on file and of Record in the office of the Register of Deeds in and for said County.

Together with easement for driveway purposes over a part of Lot 32, Auditor's Subdivision No. 163 described as follows:

Beginning at a point in the South line of said lot distant 106 feet and 4 inches Westerly measured along said lot from the Southeasterly corner thereof; thence in a Northwesterly direction to a point which is 6 feet due North of a point in the South line of said lot which last named point is 136 feet Westerly measured along said line from the Southeast corner of said lot; thence Westerly along a line distant 6 feet North of and parallel with the South line of said Lot 32 to the Westerly line of said Lot 32; thence Southerly along said Westerly line of said lot to the Southeast corner of said lot; thence Easterly along the Southerly line of said lot to the point of beginning as shown in Document No. 1672998 and as referenced in Document No. 3545894.

**SCOPE OF WORK & LIMITATIONS:**

- Showing the length and direction of boundary lines of the legal description listed above. The scope of our services does not include determining what you own, which is a legal matter. Please check the legal description with your records or consult with competent legal counsel, if necessary, to make sure that it is correct and that any matters of record, such as easements, that you wish to be included on the survey have been shown.
- Showing the location of observed existing improvements we deem necessary for the survey.
- Setting survey markers or verifying existing survey markers to establish the corners of the property.
- Showing and tabulating impervious surface coverage of the lot for your review and for the review of such governmental agencies that may have jurisdiction over these requirements to verify they are correctly shown before proceeding with construction.
- Note that all building dimensions and building tie dimensions to the property lines, are taken from the siding and or stucco of the building.
- The plat of Auditor's Subdivision has very little information for dimensions on the curves on the West lines of Lots 31, 32 and 33. We used the curbs as our guides to the layout of those curves, we also found irons that agreed with this reasoning. That said the possibility exists that a judge may not agree with our reasoning if the survey were to be challenged. If this uncertainty is something that you would like to remove, it is possible to go to court and have a judge rule on the matter, but like all legal proceedings, time and money would be involved.

**STANDARD SYMBOLS & CONVENTIONS:**

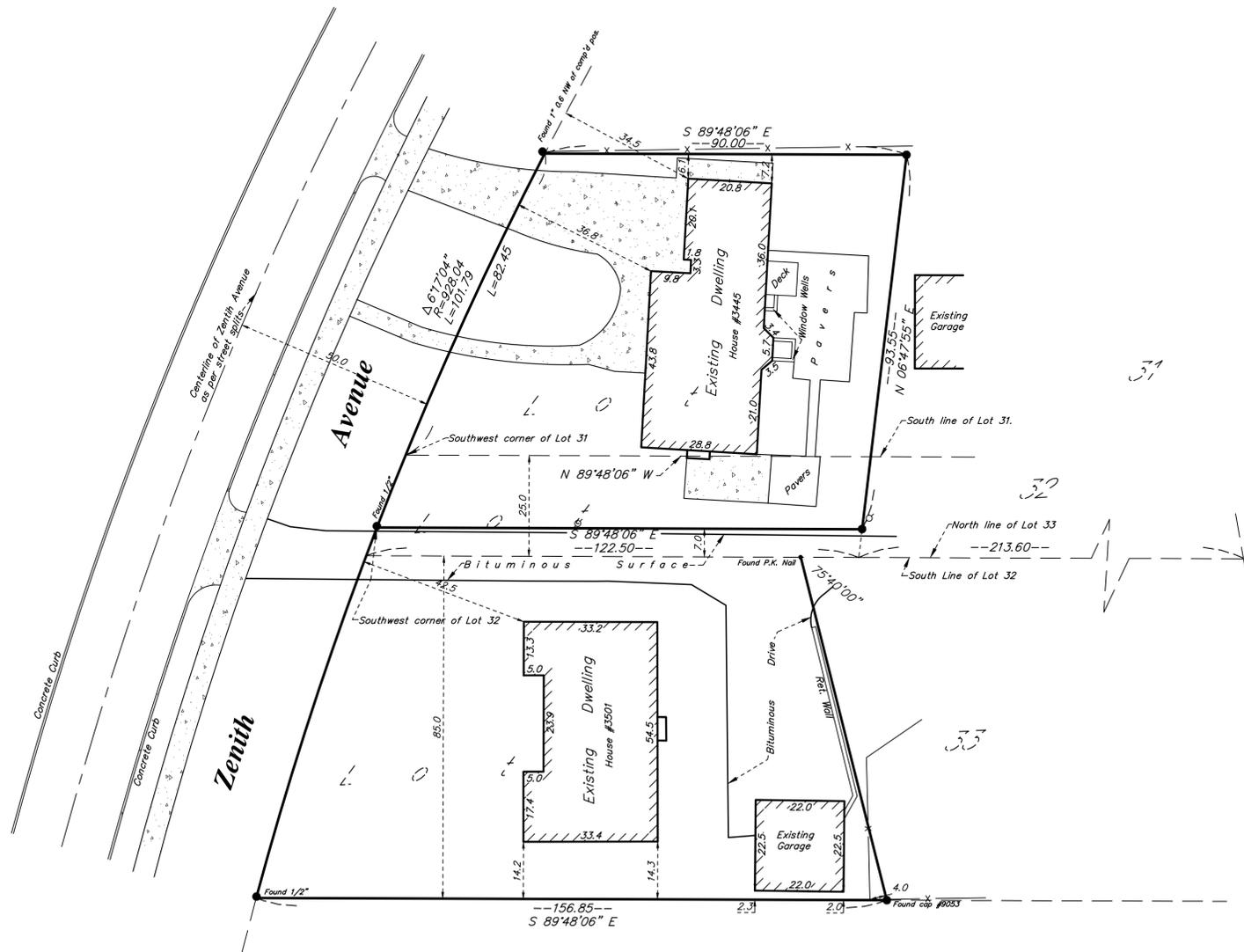
"●" Denotes iron survey marker, set, unless otherwise noted.

**LEGEND**

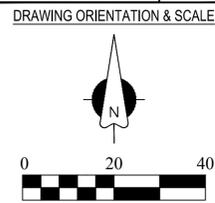
- = CATCH BASIN
- = FIRE HYDRANT
- = POWER POLE
- = MANHOLE
- = TELEPHONE PED.
- = ELEC. TRANSFORMER
- = WELL
- = GATE VALVE
- = LIGHT POLE
- = FENCE LINE
- = SANITARY SEWER LINE
- = WATER LINE
- = GAS LINE
- = STORM DRAIN LINE
- = OVERHEAD UTILITY LINE

= CONCRETE SURFACE

EXISTING HARDCOVER (3445 ZENITH)	
House	1,774 Sq. Ft.
Existing Deck	69 Sq. Ft.
Pavers	776 Sq. Ft.
Concrete Surfaces	1,639 Sq. Ft.
Window Wells	17 Sq. Ft.
<b>TOTAL EXISTING HARDCOVER</b>	<b>4,269 Sq. Ft.</b>
<b>AREA OF LOT</b>	<b>9,883 Sq. Ft.</b>
<b>PERCENTAGE OF HARDCOVER TO LOT</b>	<b>43.2%</b>



DATE	REVISION DESCRIPTION



CLIENT NAME / JOB ADDRESS

**BURKLEY CARTER**

3445 & 3501 ZENITH AVENUE  
MINNEAPOLIS, MN

**Advance**  
Surveying & Engineering, Co.

5300 South Hwy. No 101  
Minnetonka, Minnesota 55345  
Phone (952) 474-7964  
Web: www.advsur.com

I HEREBY CERTIFY THAT THIS PLAN, SURVEY OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY REGISTERED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.

Thomas M. Bloom  
# 42379  
LICENSE NO.  
JULY 19, 2016  
DATE

DATE SURVEYED: JULY 19, 2016

DATE DRAFTED: JULY 19, 2016

SHEET TITLE  
**EXISTING CONDITIONS SURVEY**

DRAWING NUMBER  
**160603 TB**

SHEET NO.  
**S1**

SHEET 1 OF 1

3445  
Zenith Ave SO  
Minneapolis MN 55416

West

1/8" scale

Property  
Scale

Roof Elevation

44'-0" Existing Elevation

DRIVEWAY

Entry Garage

Set-back  
34'-6"

Existing Attached Garage

Existing Home

Existing

Proposed STAIRS  
6'-0" HT of  
EXISTING GARAGE

Proposed Shed  
Roof

Proposed  
SHED

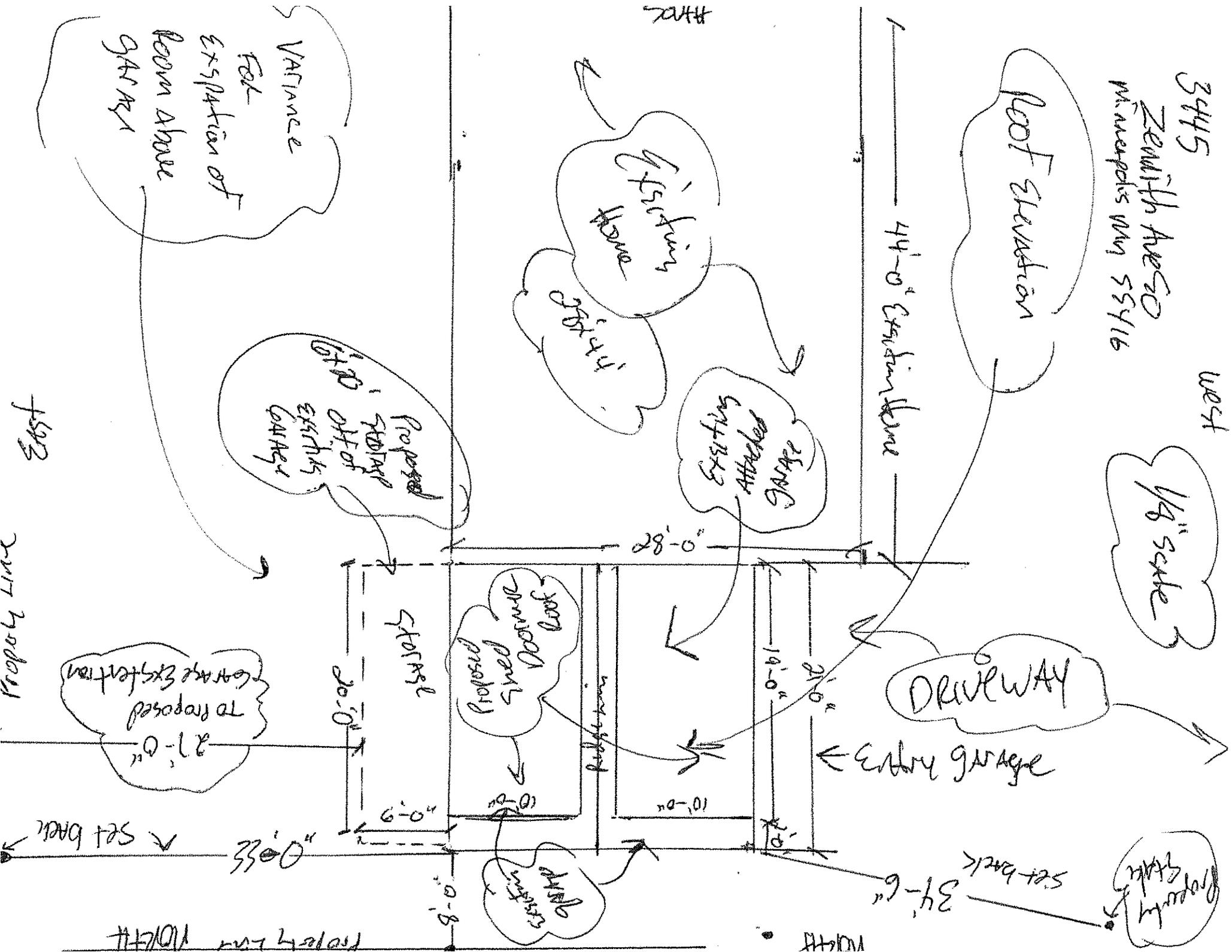
Variance  
For  
Expansion of  
Room Above  
GARAGE

27'-0" TO PROPOSED  
GARAGE ELEVATION

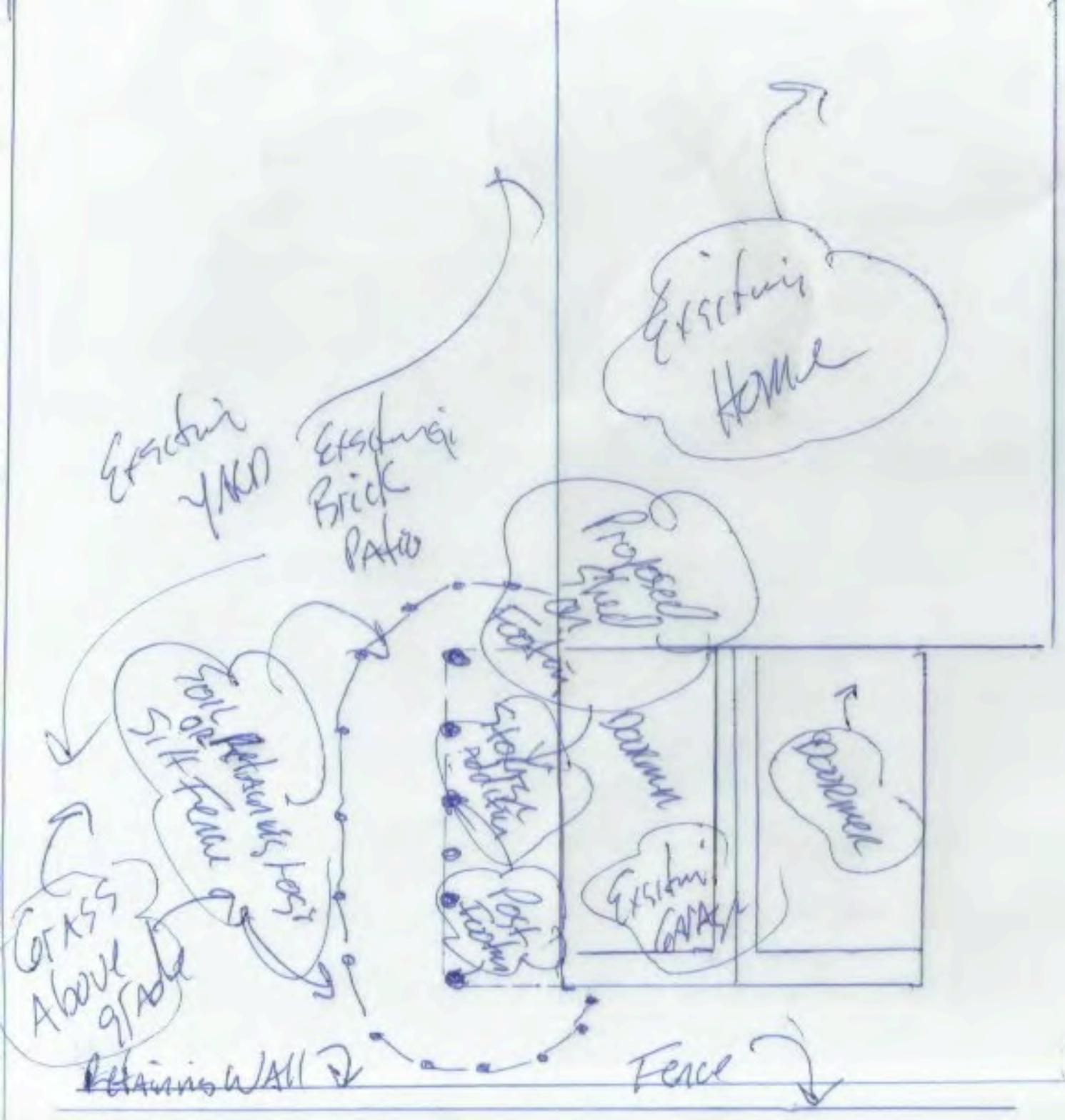
Property Line

Set-back

Property Line NORTH



3445 ~~Zenith~~  
 Zenith  
 Ave 50  
 mps  
 Mn  
 55416



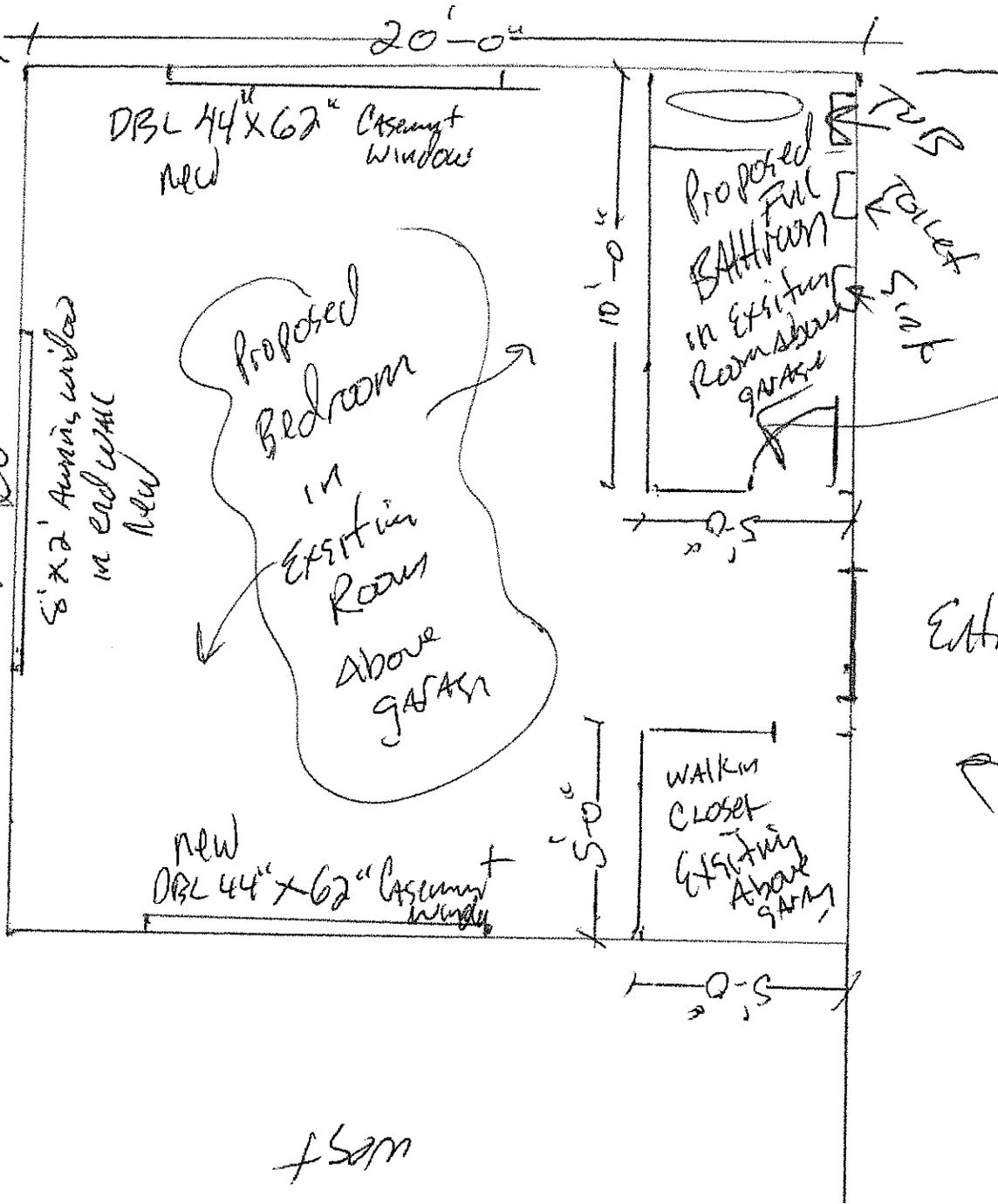
The grade  
 Around Proposed  
 Shed Attached  
 to Existing GARAGE  
 are HARD AND  
 Soft Scapes  
 Above Proposed  
 Footings.  
 Silt Loos will  
 WORK AROUND  
 Perimeter

1/4" SCALE

EAST

3445 Zenith  
Ave So Maps 55416

eye level  
Window  
N/S Existing  
GARAGE  
WALK



FLOOR PLAN  
to Proposed  
EXISTING SPACE  
Above  
EXISTING GARAGE  
Attached

Entry From

Existing  
GARAGE

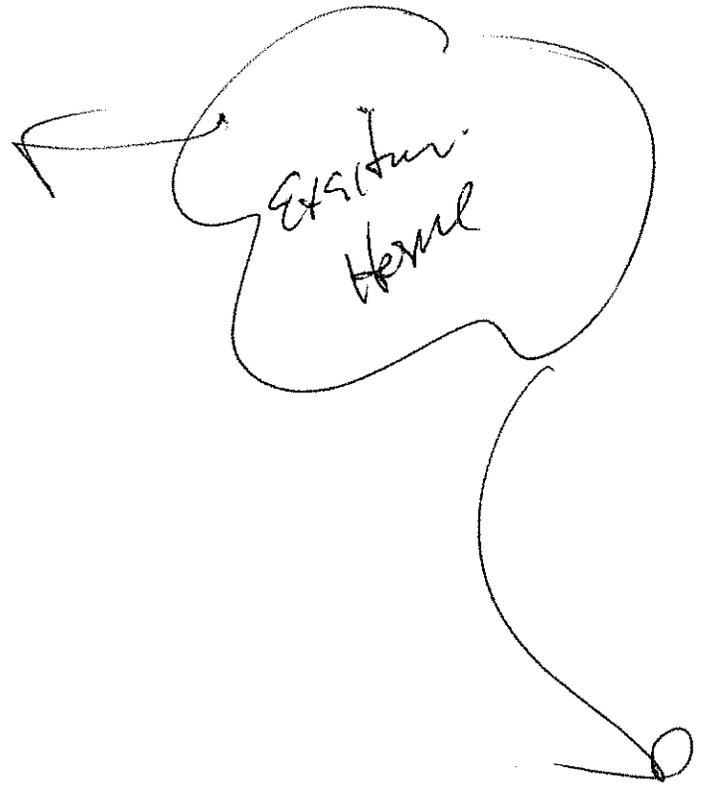
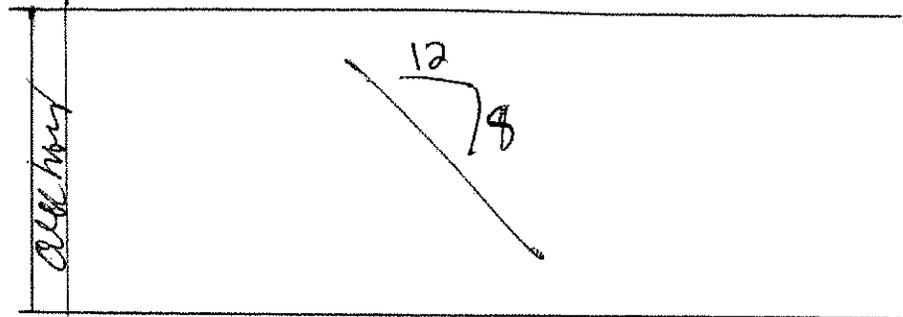
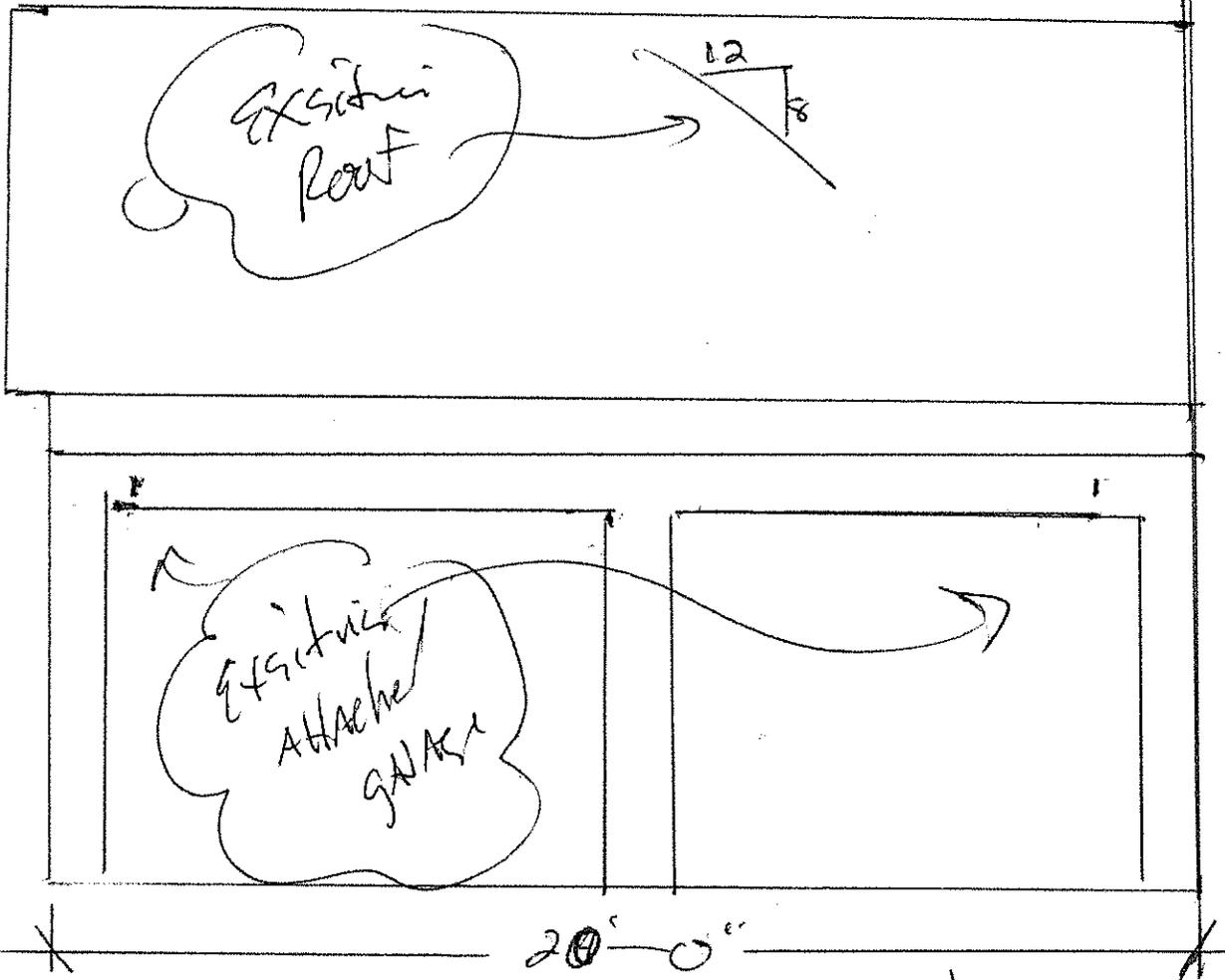
South

FSM

General notes

2

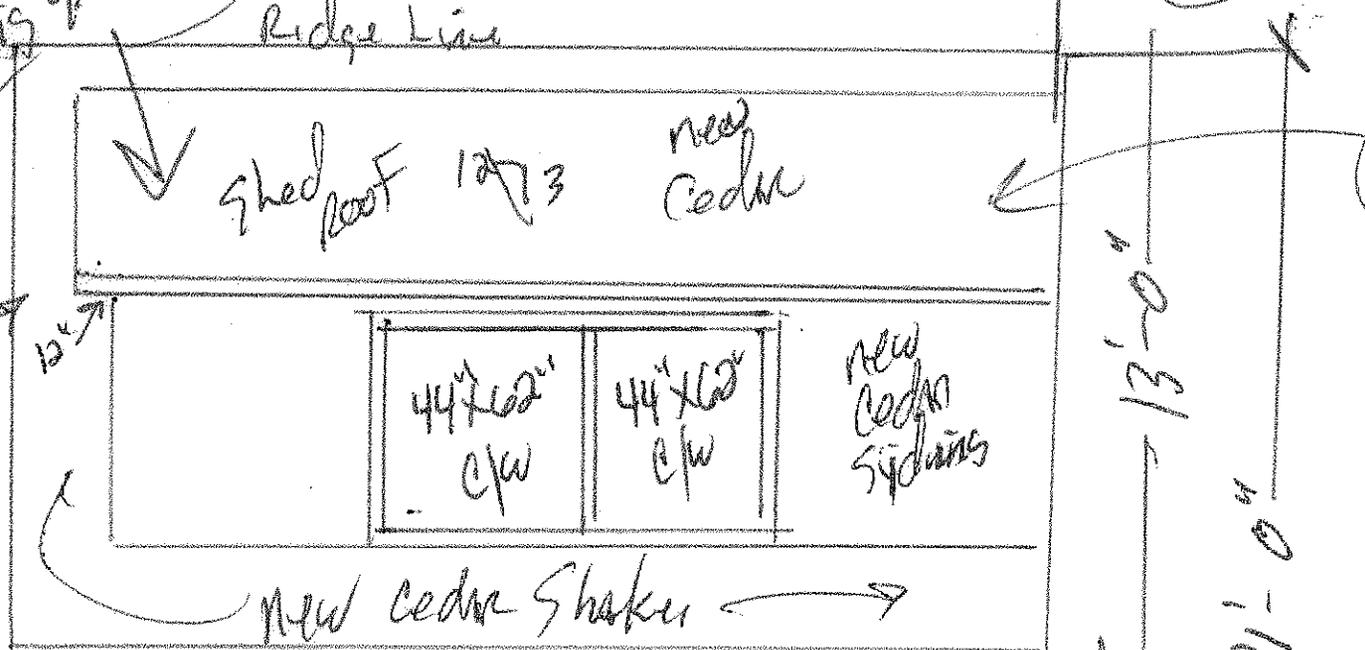
- #1 Match All existing exterior finish
- #2 Room to be insulated and drywalled
- #3 NO Finish to cover Drywall & insulation only
- #4 Egress windows for safety and egress
- #5 closed cell foam ceiling contact to room proposed above



3445  
 Zenith Ave So  
 Minneapolis MN  
 55416

New Proposed Deck over  
Existing Garage  
West Front Elevation  
Ridge Line

1/4" scale



EXISTING GARAGE  
Attached  
to Existing Home

20'-0"  
Street Side

3445  
Zemke Ave So  
1106 11111111

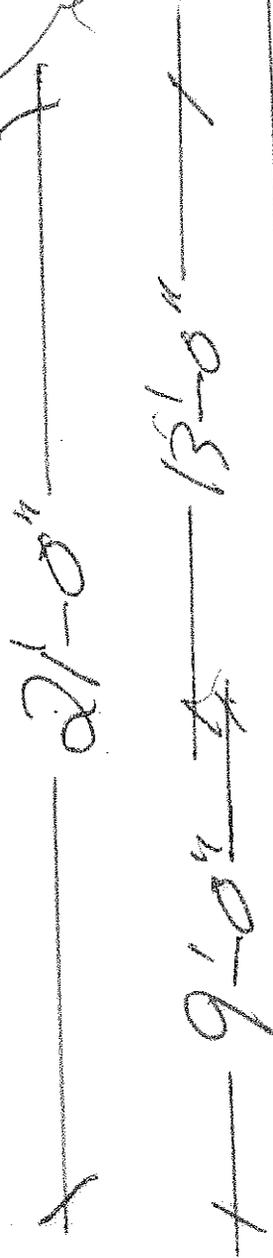
EXISTING GARAGE ATTACHED  
EXISTING HOME

# REAR ELEVATION

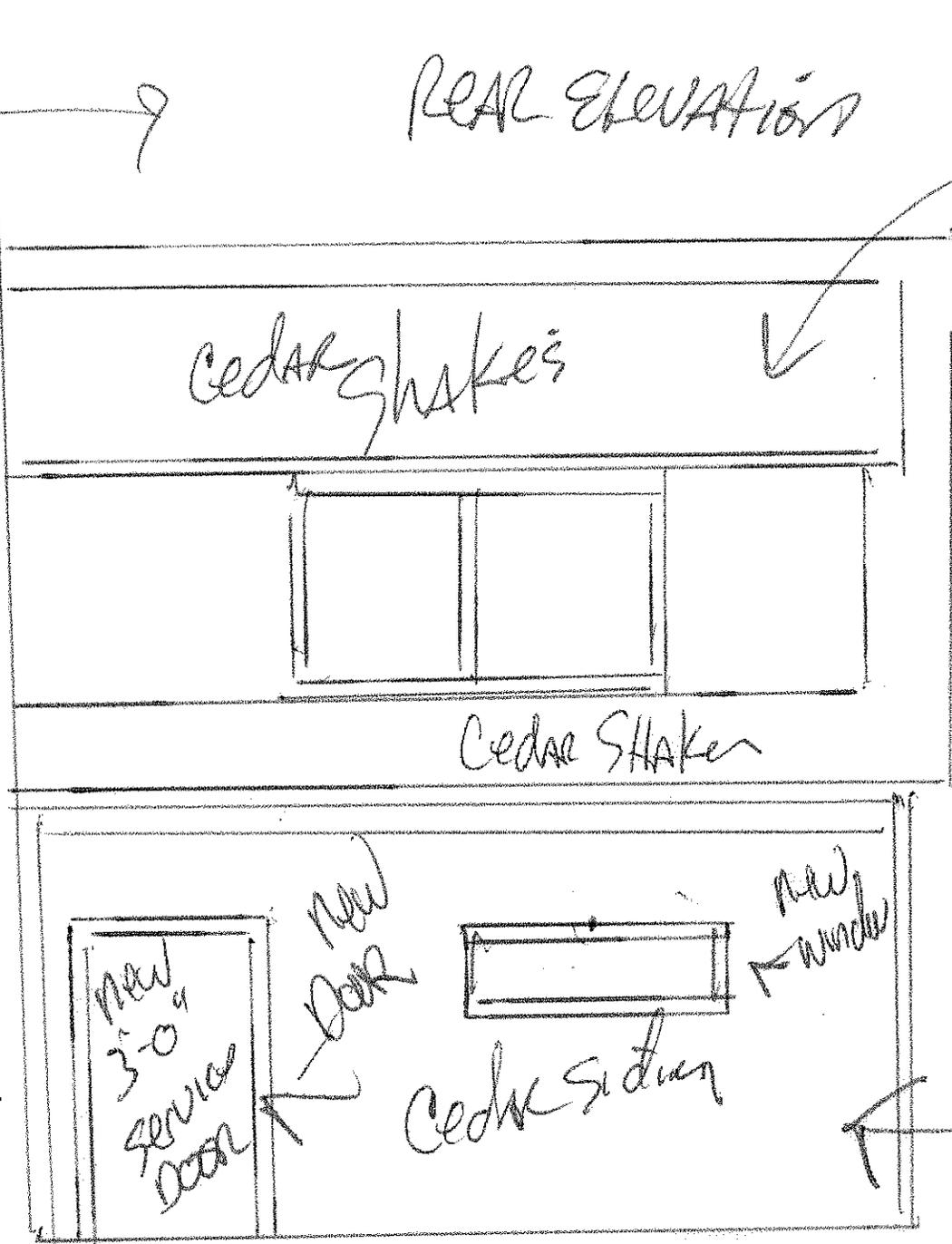
NEW DOOR AND ABOVE EXISTING GARAGE



REAR ELEVATION  
FACING EAST



13'-0"



Cedar Shakes

cedar shakes

Cedar Siding

new 3'-0" service door

new door

cedar siding

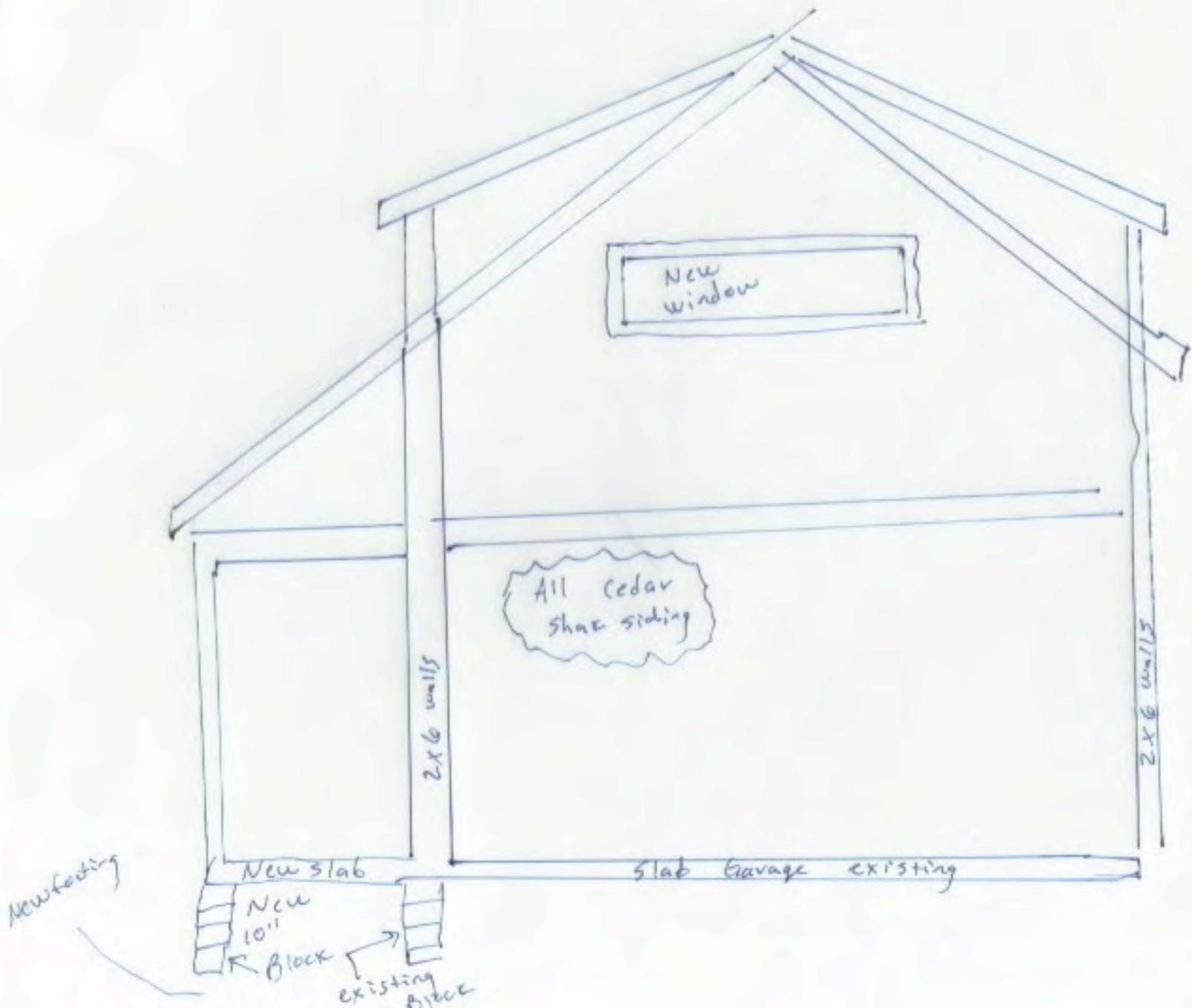
new window

new extension to rear of garage

3445  
Zemeta  
Ave Somers  
MN 55416

20'-0"

1/4" scale



NORTH End  
ELEVATION

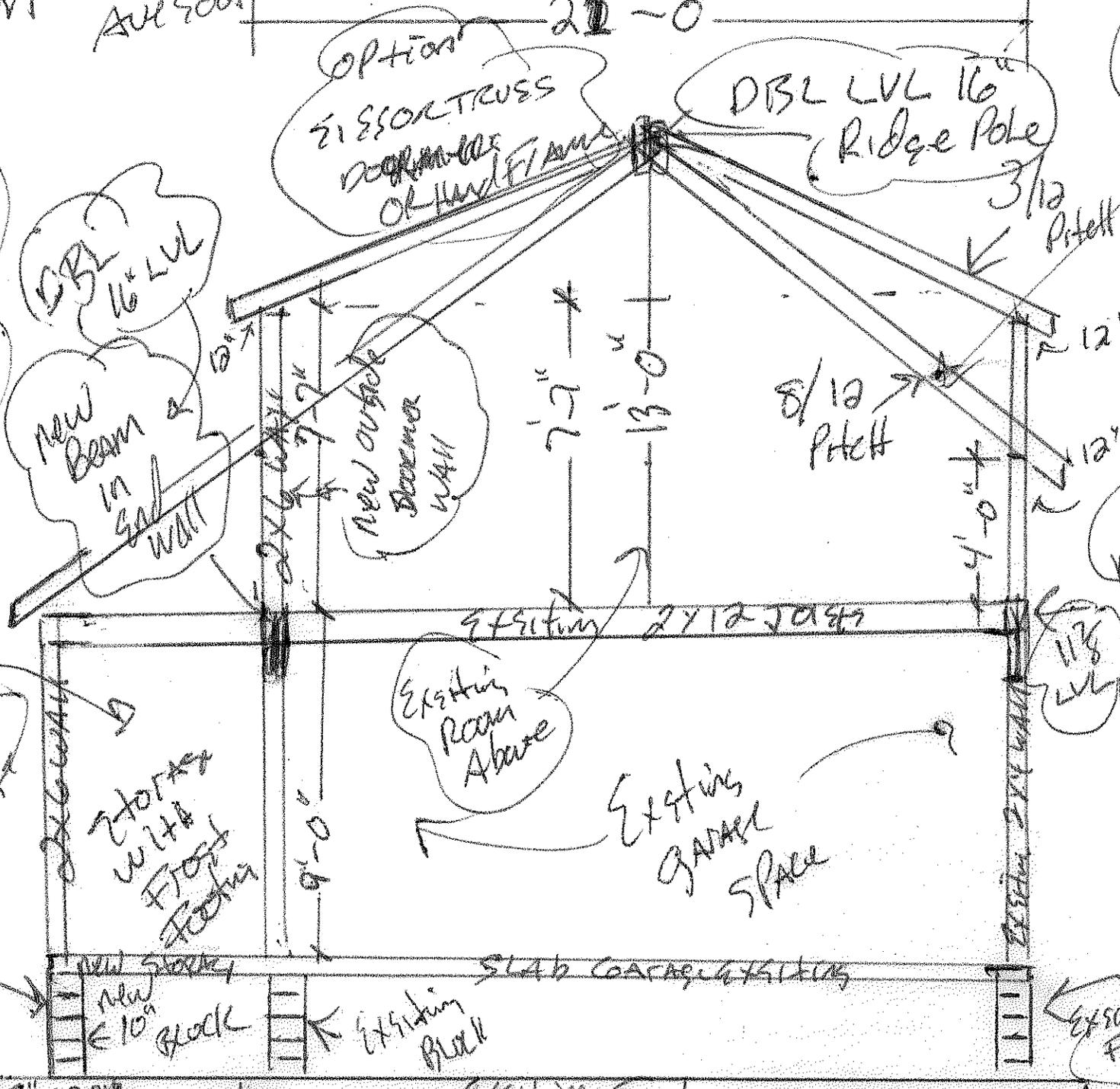
3445  
ZENTH  
AVE SOUTH

CROSS SECTION

Match  
All  
Existing  
Home's  
FINISHES

Proposed  
extension  
6' x 20'  
Back of  
existing  
garage

New  
10" Frost  
wall  
New  
Footings



61"  
95"  
I JUST  
RAFTERS  
16" OK

New  
HATCH  
Above  
existing  
garage  
door

11/8  
LVL

Option  
2: 2x8 TRUSS  
DOORWAY  
OR HALF FRAME

DBL LVL 16"  
Ridge Pole

DBL  
16" LVL

New  
Beam  
in  
Gable  
Wall

New outside  
braced  
wall

Existing  
Room  
Above

Existing  
Garage  
Space

2x10's  
with  
Frost  
Footings

New Slab on  
New  
10" Block

Existing  
Block

Slab on  
Existing

Existing  
Footing  
AND  
SLAB

EXISTING CONCRETE





