



CPED STAFF REPORT

Prepared for the Board of Adjustment

BOA Agenda Item #1
 June 19, 2014
 BZZ-6584

LAND USE APPLICATION SUMMARY

Property Location: 3414 West 46th Street
Project Name: 3414 West 46th Street – Variances for New Construction
Prepared By: [Andrew Liska](#), City Planner, 612.673.2264
Applicant: Al Theisen
Project Contact: Al Theisen
Request: Variances to construct a new single-family dwelling.
Required Applications:

Variance	To reduce the front yard setback from 20 feet to approximately 12.5 feet.
Variance	To reduce the west interior yard setback from 5 feet to approximately .3 feet
Variance	To reduce the east interior yard setback from 5 feet to approximately 4.2 feet

SITE DATA

Existing Zoning	RIA District
Lot Area	3,755 square feet
Ward(s)	13
Neighborhood(s)	Linden Hills
Designated Future Land Use	Urban Neighborhood
Land Use Features	N/A
Small Area Plan(s)	N/A

BACKGROUND

SITE DESCRIPTION AND PRESENT USE. The subject property is zoned RIA and is approximately 45 feet by 84 feet (3,755 square feet). A one story single-family residence constructed in 1919 occupies this site. The front yard setback is 12.5 feet, the west side yard setback is .3 feet, and the east side yard setback is 4.2 feet. There is no alley access on this parcel.

SURROUNDING PROPERTIES AND NEIGHBORHOOD. The property to the east, 4554 Abbott Avenue South, is a reverse corner lot with a 1½ story dwelling with a detached garage facing W. 46th Street. The dwelling is setback approximately 13.7 feet from West 46th Street. The property to the west, 3418 W. 46th Street, is a 1 story dwelling and has no driveway. This dwelling is setback approximately 12.4 feet.

Surrounding properties and the Linden Hills neighborhood housing stock as a whole is composed of a diversified mix of old and new dwellings ranging from traditional single-story to modern two-and-one-

Date Application Deemed Complete	May 23, 2014	Date Extension Letter Sent	N/A
End of 60-Day Decision Period	July 22, 2014	End of 120-Day Decision Period	N/A

half-story dwellings. There have been six new single-family dwellings built along the 4500 block of Abbott Avenue South and there have been two new single-family dwellings built along the 4500 block of Beard Avenue South.

PROJECT DESCRIPTION. The applicant is seeking to do an extensive remodel on the current footprint to utilize much of the existing excavation. A two-story, 2,434 square foot dwelling is proposed. The proposed garage is setback approximately 12.5 feet from the front property line. A 4' deck is proposed at this same 12.5 foot setback on top of the garage. The habitable space in the dwelling unit is setback approximately 16.5 feet from the front property line. The east side setback of 4.2 feet is the proposed setback of the entire eastern wall. The west setback of .3 feet is proposed setback of the garage. The applicants have proposed a deck on top of the garage. The habitable building space will be setback from the property line approximately 10 feet. Measured from grade, the height to the midpoint of the peak of the roof is 30 feet.

The scope of work exceeds a 60% demolition and thus, is considered a new single-family dwelling. No grandfather rights exist when constructing new single-family dwellings; due to this, the approved variances to the front and side yards are required.

PUBLIC COMMENTS. Christy Prediger from Linden Hills Zoning Committee contacted staff with the comment that LHiNC Zoning Committee will be reviewing the applicant's plans at their June 16, 2014 meeting. Any update from this meeting and/or additional correspondence received prior to the public meeting will be forwarded on to the Board of Adjustment for consideration.

ZONING ANALYSIS. An analysis indicates that the proposed dwelling meets the minimum standards of a new single-family dwelling. Fifteen points are the minimum point total needed for approval and this proposal received 16 out of 24 possible points for the following design standards:

- The structure includes a basement as defined by the Building Code (5 points);
- The primary exterior building material is stucco (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);
- Not less than ten (10) percent of the walls on each floor that face the interior side and rear, are windows (3 points);
- The structure includes an open, covered front porch 70 square feet or greater (1 point);

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 remodel the existing dwelling and utilize the foundation. Today, the front and side yard setbacks fail to meet Code. The location of the foundation was created by the original builder and is outside the owners' control. The developer is seeking to preserve as much of the natural topography as well as avoid soil and erosion issues with the complete relocation of the structure as Code would require.

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 lot is substandard in size at 3,755 square feet and building on small parcels is more difficult than constructing on larger lots. Even with this challenge, the impervious coverage is at 47.78% and the building coverage is 930 square feet.

The applicant is seeking to utilize the existing footprint and excavation as a part of this renovation. The 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 variances are seeking the setbacks that have been present at the site for the past 90 years.

The proposed 12.5 foot front yard setback is closely aligned with the neighbor to the west (12.4 feet setback) and the reverse corner neighbor to the east (13.7 feet setback) in relation to West 46th Street. Habitable dwelling space is proposed to be setback from the front lot line approximately 16.5 feet. The proposed west interior side yard setback of .3 feet is for the garage and rooftop deck; the dwelling must conform to district setback and is proposed at 10 feet from the property line. These variances reducing required yards will not hinder orderly development nor will they 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 variance will not alter the character of the locality or be injurious to the use or enjoyment of other property in the vicinity. Health, safety, and welfare of the general public will not be compromised if these variances are granted. If approved, the footprint and setbacks of the dwelling will be in the same location as they have been for the past 90 years.

RECOMMENDATIONS

Recommendation of the Department of Community Planning and Economic Development for the Variance:

The Department of Community Planning and Economic Development recommends that the Board of Adjustment adopt the above findings and **approve** the application for a variance to reduce the front yard setback from 20 feet to approximately 12.5 feet for the construction of a new single family dwelling located at 3414 West 46th Street, 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 19, 2016, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.
3. The front yard setback of 12.5 feet is for the garage and roof deck only; the dwelling unit shall not be closer than approximately 16.5 feet to the front property line.

Recommendation of the Department of Community Planning and Economic Development for the Variance:

The Department of Community Planning and Economic Development recommends that the Board of Adjustment adopt the above findings and **approve** the application for a variance to reduce the west interior side setback from 5 feet to approximately .3 feet for the construction of a new single family dwelling located at 3414 West 46th Street, 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 19, 2016, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.
3. The west interior side yard setback of .3 feet is for the garage and roof deck only; the dwelling unit shall conform to district setbacks.

Recommendation of the Department of Community Planning and Economic Development for the Variance:

The Department of Community Planning and Economic Development recommends that the Board of Adjustment adopt the above findings and **approve** the application for a variance to reduce the east interior side setback from 5 feet to approximately 4.2 feet for the construction of a new single family dwelling located at 3414 West 46th Street, 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 19, 2016, 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 plan/Survey
4. Building elevations
5. Floor plans
6. Photos
7. Correspondence