



CPED STAFF REPORT
 Prepared for the Board of Adjustment

BOA Agenda Item #4
 March 3, 2014
 BZZ-6585

LAND USE APPLICATION SUMMARY

Property Location: 5517 - 5547 Lyndale Avenue South and 603 55th Street West
Project Name: Mount Olivet Patio
Prepared By: [Shanna Sether](#), Senior City Planner, (612) 673-2307
Applicant: Christopher Goring
Project Contact: Christopher Goring
Request: To allow for a new patio and trellis accessory to an existing board and care home/nursing home/assisted living facility.

Required Applications:

Variance	To reduce the front yard setback along Lyndale Avenue South to allow for a new patio and trellis accessory to an existing board and care home
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SITE DATA

Existing Zoning	R5 Multiple-Family District PO Pedestrian Oriented Overlay District
Lot Area	106,252 square feet / 2.4 acres
Ward(s)	11
Neighborhood(s)	Kenny Neighborhood Association; adjacent to Windom Community Council
Designated Future Land Use	Urban Neighborhood
Land Use Features	Community Corridor (Lyndale Avenue) Neighborhood Commercial Node (north of site on Lyndale between 53 rd and 55 th St W)
Small Area Plan(s)	South Lyndale Corridor Master Plan Lyndale Avenue: A Vision

Date Application Deemed Complete	May 22, 2014	Date Extension Letter Sent	Not applicable
End of 60-Day Decision Period	July 21, 2014	End of 120-Day Decision Period	Not applicable

BACKGROUND

SITE DESCRIPTION AND PRESENT USE. The subject property is approximately 2.4 acres and is used as a board and care home. The existing three-story building was constructed in 1960 and was added on to with an addition in 1963. The building was later added on to again in 2003 to allow for a child care center, which was later converted to additional rooming units for the board and care home.

SURROUNDING PROPERTIES AND NEIGHBORHOOD. The predominant land use in the surrounding area is single-family dwellings between Aldrich and Harriet Avenues South. The Annunciation church and school are located to the north of the subject property. The properties just west, across Lyndale Avenue, are the former Barton Volvo site, which is currently being remodeled by Walgreens.

PROJECT DESCRIPTION. The applicant is proposing to add a landscaped area, patio and trellis for residents of Mount Olivet Home adjacent to Lyndale Avenue South. The subject property has a minimum front yard setback along Lyndale Avenue South of 15 feet. The proposed patio and trellis exceed the maximum area to be permitted obstructions in the required front yard; therefore, the applicant is seeking a variance to allow the two structures less than 15 feet from the front property line along Lyndale Avenue South.

RELATED APPROVALS.

Planning Case #	Application	Description	Action
BZZ-1052	Amendment of the conditional use permit to allow for a 460 square foot addition to an existing board and care home. Conditional use permit to allow for a childcare center.	One-story addition and new child care center.	The City Planning Commission approved the two conditional use permits on March 31, 2003.
BZZ-4888	Conditional use permit to convert the existing childcare center to allow for five additional rooming units in the existing board and care home.	Change of use from a childcare center to additional rooming units in an existing board and care home.	The City Planning Commission approved the conditional use permit on August 16, 2010 .

PUBLIC COMMENTS. Staff has not received public comments regarding the requested variance. 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 front yard setback along Lyndale Avenue South to allow for a new patio and trellis accessory to an existing board and care home 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 subject property is located on the east side of Lyndale Avenue along the block face between 55th and 56th Street West. The minimum front yard setback in the R5 Multiple Family District is 15 feet. The applicant is proposing to locate a new landscaped area, patio and trellis up to the front property line along Lyndale Avenue South. Patios are permitted obstructions in the required front yard as long as they do not exceed 50 square feet. Additionally, a trellis is a permitted obstruction in the required front yard as long as it does not exceed 20 square feet. The proposed patio and trellis have been designed to allow for family and social gatherings and are larger than the permitted area to accommodate sufficient space for the quantity of residents. Staff finds that the existing size of the zoning lot and that the only the subject property fronts along the east side of Lyndale for the block face are unique circumstances that create a practical difficulty in complying with the ordinance. These circumstances have not 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.*

The subject property is located in the PO Pedestrian Oriented Overlay District. The purpose of this overlay district is to preserve and encourage the pedestrian character of commercial area as and to promote street life and activity. Further, staff has identified the following relevant policies to the proposed variance request in the South Lyndale Corridor Master Plan:

Blend the area's natural beauty, existing resources and future development to create attractive well-maintained spaces with a distinct sense of place.

Provide streetscape design and building uses that support a pedestrian-friendly environment.

Building uses and public streets should be planned and designed with the goal of enhancing the pedestrian experience. Streetscapes should be crafted of materials that provide interest, ease of movement, places to rest, safety and comfort from the elements. Ground level building uses can add vitality to the street and should be carefully considered as the corridor develops.

A range of open spaces from tot lots and village greens to plazas and courtyards should be distributed along the corridor to strengthen district identity and add development amenities

People work, shop and play together. Healthy communities tend to include a rich variety of public spaces for social gathering, recreation and cultural events. A beautiful parks and open space system can even become a key element contributing positively to the identity of the community. The future of South Lyndale should include a range of usable public spaces.

Staff finds that the applicant is proposing to utilize the property in a reasonable manner consistent with the spirit and intent of the ordinance and the South Lyndale Corridor Master 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.*

Staff has identified that the previous site plan is out of compliance, due to the removal of the required landscaped area and materials in the south parking lot. The subject site is in the PO Overlay District which encourages design that responds to the pedestrian character and activates the street life and activity. The property owner removed some of the vegetation to encourage compliance with Crime Prevention Through Environmental Design (CPTED). Staff finds that with the installation of the landscaped materials in the existing parking lot that complies with Chapter 530 for landscaping and screening and the proposed landscaped plan for the patio, the proposed use will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. Finally, if approved, the proposed variance will not be detrimental to the health, safety or welfare of the general public or those utilizing the property or nearby properties. The proposed patio will have to meet the MN State Building Code for Accessibility and the proposed trellis will require a building permit prior to construction.

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 along Lyndale Avenue South to allow for a new patio and trellis accessory to an existing board and care home/nursing home/assisted living facility located at 5517-5547 Lyndale Avenue South and 603 55th Street West in the R5 Multiple-Family District and PO Pedestrian Oriented Overlay District, subject to the following conditions:

1. Approval of the final site and landscape plans by the Department of Community Planning and Economic Development.
2. All site improvements shall be completed by June 19, 2015, 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
4. Site survey
5. Plans
6. Elevations
7. Renderings
8. Photos