



CPED STAFF REPORT
Prepared for the Board of Adjustment

BOA Agenda Item #5
June 19, 2014
BZZ-6586

LAND USE APPLICATION SUMMARY

Property Location: 566 36½ Avenue NE
Project Name: 566 36 ½ Avenue NE Addition
Prepared By: [Shanna Sether](#), Senior City Planner, (612) 673-2307
Applicant: Kari Anderson
Project Contact: Kari Anderson
Request: To allow for a new second story addition with two cantilevers.
Required Applications:

Variance	To reduce the front yard setback along 36 ½ Avenue NE from approximately 27 feet to approximately 25 feet and 20 feet for proposed second level cantilevers to an existing single-family dwelling
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SITE DATA

Existing Zoning	RIA Single-Family District
Lot Area	5,374 square feet / .12 acres
Ward(s)	I
Neighborhood(s)	Columbia Park Neighborhood Association
Designated Future Land Use	Urban Neighborhood
Land Use Features	Not applicable.
Small Area Plan(s)	Not applicable.

Date Application Deemed Complete	May 23, 2014	Date Extension Letter Sent	Not applicable
End of 60-Day Decision Period	July 22, 2014	End of 120-Day Decision Period	Not applicable

BACKGROUND

SITE DESCRIPTION AND PRESENT USE. The subject property is an existing single-family dwelling that was constructed in 1954. The detached garage was also constructed in 1954. There have been no additions or remodels to the existing structure.

SURROUNDING PROPERTIES AND NEIGHBORHOOD. The surrounding properties are predominately single-family dwellings constructed post-WWII. The dwellings are nearly uniform in design and setback from the front property line along 36 ½ Avenue NE.

PROJECT DESCRIPTION. The applicant is proposing to add a second story to the existing one-story structure. The second floor addition includes two cantilevers, both of which are located closer to the front property line than the adjacent structures. Therefore, the applicant is seeking a variance to reduce the front yard setback along 36 ½ Avenue NE from approximately 27 feet to approximately 25 feet and 20 feet for proposed second level cantilevers to an existing single-family dwelling in the RIA Single-Family District.

PUBLIC COMMENTS. Staff has not received any public comments regarding the requested variances. 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 36 ½ Avenue NE from approximately 27 feet to approximately 25 feet and 20 feet for proposed second level cantilevers to an existing 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.*

Staff recognizes that the increased setback based on the location of the adjacent properties create a practical difficulties existing in complying with the minimum 27 foot setback from 36 ½ Avenue NE. The minimum front yard setback in the RIA District is 20 feet, but has been increased to 27 feet due to location of the adjacent structures. This circumstance has 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 applicant is proposing to construct a second story addition with two cantilevers, one that is 2-feet deep and the width of the dwelling and the other is 5 feet by 9 feet; both are located in the required front yard setback. The purpose of required yards is to provide for orderly development and use of land and to minimize conflicts among land uses by providing adequate light, air, open space and separation of uses. The neighboring dwellings to the east and west are located approximately 10 feet to the existing structure. The applicant is proposing to remodel the dwelling to a more contemporary design and the two cantilevers add square footage and dimension to the front façade in the setback. Staff finds that the 2-foot cantilever is a reasonable use of the property

that will likely not have an impact on the adjacent property. Staff however finds that the proposed 5 foot by 9 foot cantilever does not allow for a reasonable use of the property that is consistent with the ordinance.

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 finds that the granting of the requested variance would not be injurious to the use or enjoyment of other property in the vicinity. As previously mentioned the adjacent homes on the neighboring lots would be located approximately 10 feet from the existing structure. Staff however believes that the proposed cantilever addition, 7 feet closer to the front property line than the adjacent properties would be out of character with the block face. The applicant is proposing to use cement panel and lap siding on the existing structure and proposed addition. In addition, the applicant will be providing the minimum required windows facing public street and interior side property lines for the proposed addition, as required by section 535.90(c) of the zoning code.

If granted, the proposed variances will not be detrimental to the health, safety or welfare of the public or those utilizing the property as long as it is constructed to current building codes. In addition, the proposed enclosed porch will be required to receive 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 36 ½ Avenue Northeast from approximately 27 feet to approximately 25 feet for proposed second level cantilever to an existing single-family dwelling located at 566 36 ½ Avenue Northeast in the RIA Single-Family District, 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 exterior materials used for the addition shall be consistent with the exterior materials of the principal structure on the property.
4. Windows shall comply with section 535.80(c) of the zoning code.

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 **deny** the application for a variance to reduce the front yard setback along 36 ½ Avenue Northeast from approximately 27 feet to approximately 20 feet for proposed second level cantilever to an existing single-family dwelling located at 566 36 ½ Avenue Northeast in the RIA Single-Family District.

ATTACHMENTS

1. Written description and findings submitted by applicant
2. Zoning map
3. Site plan
4. Site survey
5. Plans
6. Building elevations
7. Renderings
8. Photos
9. Correspondence