



CPED STAFF REPORT
Prepared for the Board of Adjustment

BOA Agenda Item #10
September 11, 2014
BZZ-6754

LAND USE APPLICATION SUMMARY

Property Location: 4045 Upton Avenue South
Project Name: 4045 Upton Avenue South – Variances for New Construction
Prepared By: Andrew Liska, City Planner, 612.673.2264
Applicant: Jeffrey W. Laux, Jr.
Project Contact: Jeffrey W. Laux, Jr.
Request: Variances to construct a new single-family dwelling.
Required Applications:

Variance	To reduce the required north interior side yard setback from 6 feet to 3.2 feet
Variance	To reduce the required north interior side yard setback for a covered open porch from 6 feet to 3.2 feet
Variance	To reduce the required front yard setback along 41st Street West from 25 feet to 8.4 feet on a reverse corner lot for the construction of the dwelling
Variance	To reduce the required front yard setback along 41st Street West from 25 feet to approximately 10 feet for the construction of a detached garage

SITE DATA

Existing Zoning	RI District
Lot Area	6,460 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 RI and is a reverse corner lot that measures approximately 37.5 feet by 168 feet (6,460 square feet). A one story single-family residence constructed in 1913 occupies this site. A detached garage is located in the rear and is accessed from 41st Street West. The north interior side yard setback is 3.2 feet; the front facing 41st Street West is 8.4 feet.

SURROUNDING PROPERTIES AND NEIGHBORHOOD. There is a 6 unit residential building, 2610 41st Street West, to the east of the property with a front yard setback approximately 19 feet. There is a single-family dwelling to the north, 4041 Upton Avenue South. The front yard setback off of

Date Application Deemed Complete	August 19, 2014	Date Extension Letter Sent	N/A
End of 60-Day Decision Period	October 18, 2014	End of 120-Day Decision Period	N/A

Upton Avenue South matches the subject property and has a south interior yard setback of approximately 15 feet. There is a substantial grade change to the rear of the subject property and the dwelling to the north. A large retaining wall retains natural grade.

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-half-story dwellings.

PROJECT DESCRIPTION. The applicant is seeking to do an extensive addition to the existing structure. The scope of work exceeds a 60% demolition and thus, is considered a new single-family dwelling from the zoning perspective. No grandfather rights exist when constructing new single-family dwellings. Due to this, variances to the west front yard facing Upton Avenue South, the north interior side and the south front yard facing 41st Street West are required for this development.

PUBLIC COMMENTS. As of writing this staff report, staff has not received any correspondence from the Linden Hills Neighborhood Association. Staff will forward comments, if any are received, at the Board of Adjustment meeting.

ZONING ANALYSIS. An analysis indicates that the proposed dwelling meets the Design Standard points for new single-family dwellings. Fifteen points are the minimum point total needed for approval and this proposal received 20 out of 24 possible points for the following design standards:

- Not less than one (1) off-street parking space per dwelling unit is provided in an enclosed structure that is detached from the principal structure (5 points);
- 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 facing a public street 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);

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.*

REVERSE CORNER VARIANCES: The circumstances upon which the variances are requested are unique to the parcel of land. Due to the reverse corner lot and the substandard width of 38 feet, development on this parcel would not be possible without this variance; the parcel is unbuildable otherwise. The applicant did not create this reverse corner lot.

NORTH INTERIOR SIDE VARIANCES: The circumstances upon which the variances are requested are unique to the parcel of land. The applicant is seeking to add a second floor and remodel the existing dwelling and utilize the existing footprint. The location of the existing foundation was created by the original builder and was not 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.*

NORTH INTERIOR SIDE (DWELLING AND PORCH): The applicant is proposing to use the property in a reasonable manner. This is a residential area and the proposed use is a single-family dwelling with setbacks that have existed on the site since the original construction. The proposal includes a cantilevered second story to the rear with a porch underneath. This use is consistent with the character of the area and the future land-use map demonstrated in the Comprehensive Plan.

The applicant is seeking to utilize the existing footprint and excavation during this renovation. 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.

These variances reducing the north interior side yard will not hinder orderly development nor will they create a conflict among land uses. The dwelling to the north, 4041 Upton Avenue South, has a south interior side setback of approximately 15 feet from 4045 Upton and a driveway runs between the two dwellings. If all of the requested variances are granted, the new single-family dwelling on this site would have the same setbacks as the existing, only with two stories as opposed the one that currently exists.

REVERSE CORNER (DWELLING AND GARAGE): The applicant is proposing to use the property in a reasonable manner. This parcel is unbuildable without the variance to reduce the required front yard setback from 41st Street West. They have proposed a single-family dwelling with detached garage. This is consistent with the character of the area and the future land-use map demonstrated in the Comprehensive Plan.

There is an existing garage located approximately 2.5 feet from 41st Street West. The applicant is seeking to remove the existing garage and construct a 24 foot by 28 foot garage setback approximately 10 feet from 41st Street West. With the property to the east, a garage in any location on the lot would be in the front yard setback; this proposal aims to minimize the impact to the front yard by locating the garage further to the north. There is also an 8 foot setback from the neighbor to the east, 2610 41st Street West, to provide additional distance between the garage and the neighboring property.

A boulevard tree exists in the approximate location of a possible expanded curb cut to 41st Street West. If the applicant wishes to remove said tree and expanded the curb cut, they would need approval from the Park Board as well as Public Works to do so.

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.*

ALL VARIANCES: The proposed variances 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.

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 required north interior side yard setback from 6 feet to approximately 3.2 feet for the construction of a new single family dwelling located at 4045 Upton Avenue South, 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 11, 2016, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.

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 required north interior side yard setback for the construction of a covered open porch from 6 feet to approximately 3.2 feet, 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 11, 2016, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.

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 41st Street West from 25 feet to approximately 8.4 feet for the construction of a new single family dwelling located at 4045 Upton Avenue South, 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 11, 2016, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.

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 required front yard setback along 41st Street West from 25 feet to approximately 10 feet for the construction of a detached garage in the front yard setback along 41st Street West, 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 11, 2016, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.

3. Prior to any boulevard tree removal, approval from the Park Board is required.
4. Prior to any curb cut expansion, approval from Public Works and the Zoning Department is required.

ATTACHMENTS

1. Written description and findings submitted by applicant
2. Zoning map
3. Site plan/Survey
4. Building elevations
5. Garage Elevations
6. Photos
7. Correspondence

Variance # 1

Side Yard set back

Request to allow construction of a 2nd story addition above existing first story. Existing first story is 3.2 feet from the North property line. Current side yard setback requirement is 6 feet.

1. The existing first story is 3.2 feet from the north property line where it was originally built. Complying with the ordinance would make the proposed 2nd story sit 2.8 feet south of the 1st story and thus the second story wall would not be directly on top of the first story wall. This configuration would be outside the sound standard structural construction practices and inconsistent with other homes in the area.
2. The proposed plan for this second story addition results in a finished home consistent with other homes in the neighborhood.
3. The proposed plan does not alter the essential character of the locality. In fact the addition of a second story directly on top of the first story is similar to other properties near by.

Variance # 2

Reverse Corner Lot

Request to allow construction of a 2nd story addition above existing first story. Existing first story is 8.4 feet from the south property line. Because this lot is considered a reverse corner lot the side yard has a front yard set back of 20 feet.

1. Because of the reverse corner lot the construction on the 2nd floor addition would be limited to approximately 10 feet in width. In addition the south wall of the 2nd story would not be constructed directly on top of the existing first story wall which would be difficult if not impossible to construct in a structurally sound fashion. The applicant did nothing to cause the conditions that require the variance requested.
2. The proposed plan is for a home and use of home entirely consistent with other homes in the area.
3. The proposed plan does not alter the essential character of the locality. The addition of a second story directly on top of the first story is similar to other properties near by.



PROPERTY ADDRESS

4045 Upton Avenue South

FILE NUMBER

BZZ-6754

PLAT OF SURVEY & SITE PLAN

FOR: Jeff Laux, Jr

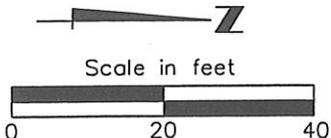
4045 Upton Av. Minneapolis, MN

Lot 12 and the south 1.00 feet of Lot 13, Block 13,

First Division of Remington Park,

Hennepin County

UPTON AVENUE



PROPOSED 2ND STORY ABOVE EXISTING 1ST STORY

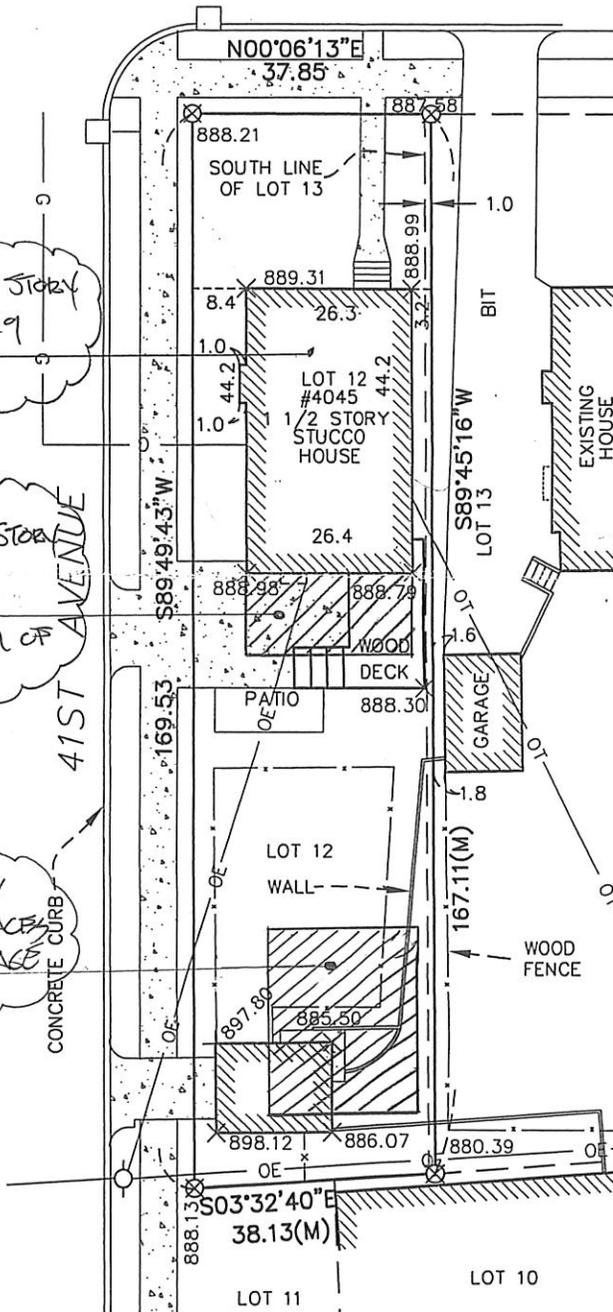
LEGEND

- (M) measured distance
- (P) dimension per plat
- telephone pole
- catch basin
- ▨ concrete
- iron monuments
- × 888.99 existing elevations
- G — gas line
- OE — over head electric line
- OT — over head telephone line

PROPOSED 2ND STORY ABOVE REAR PORCH
NO EXPANSION OF FOUNDATION

PROPOSED NEW GARAGE REPLACES EXISTING GARAGE

BENCHMARK CITY CONTROL MONUMENT on centerline of Upton Ave. 8' south of centerline 40th street. Monument 1.45 feet below surface. Elevation = 995.02 feet



Bire 178345

I hereby certify that this survey was prepared by me or under my direct supervision and that I am a duly registered land surveyor under Minnesota Statutes Section 326.02 to 326.16

Lloyd E. P...
Reg. No. 18421 Date: 6-3-03

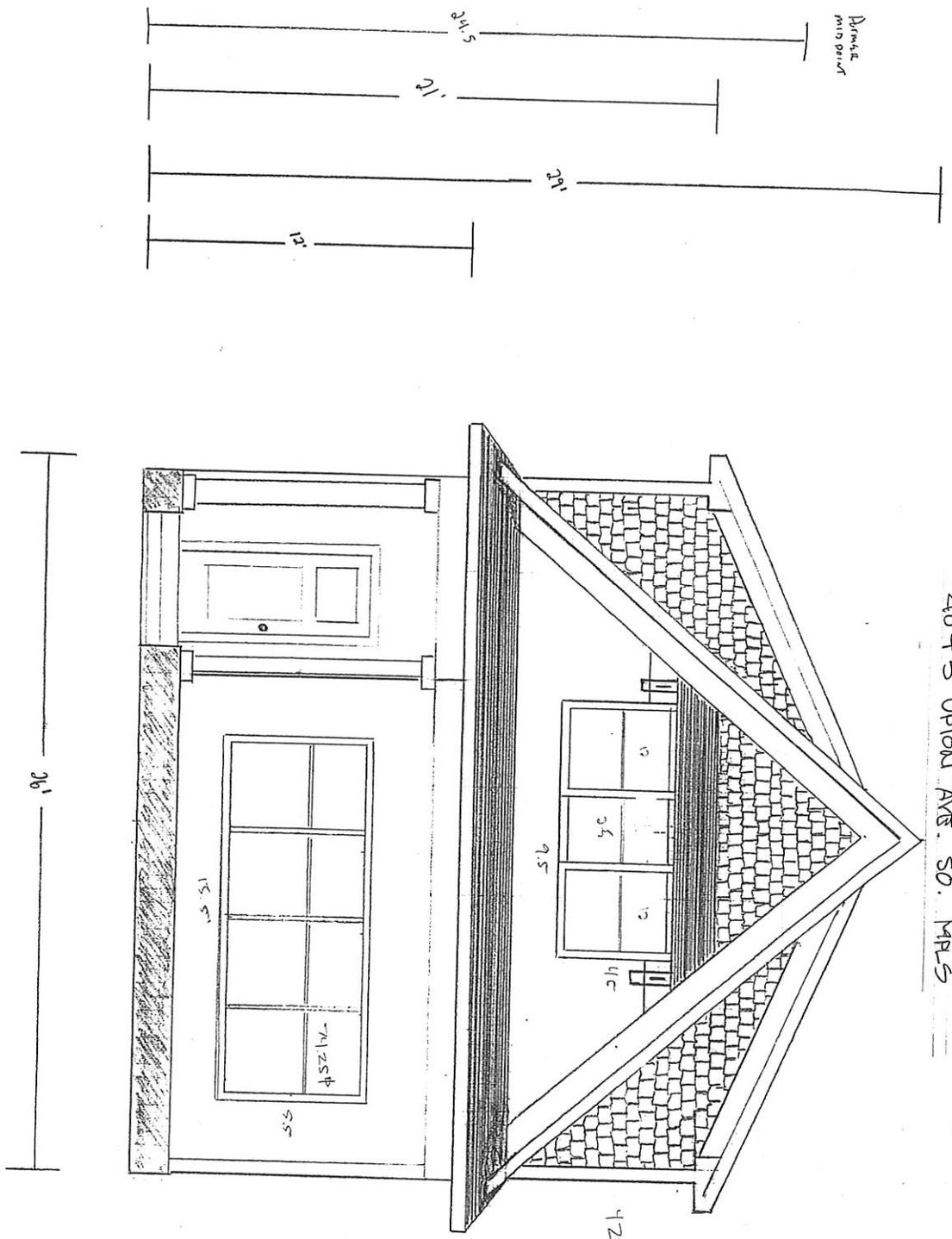
HT Hansen Thorp
PO Pellinen Olson Inc.
Engineers · Surveyors · Landscape Architects
7510 Market Place Drive
Eden Prairie, MN 55346
(952) 829-0700 FAX (952) 829-7806

Drawn	Checked
MD LEP	
Job No.	03-037
Date	06-02-03
Bk-Pg	N/A

XXXX

JERRY LAUX RESIDENCE
 W EST ELIZAVATHU
 404 S UPTON AVE. SO. Mpls

SCALE
 $\frac{1}{4}'' = 1 \text{ FOOT}$
 AT 11x17



24/105
 1 Cor 8: 200
 25.6 y

12'-0" P.
 20'-0" /
 CROWN

Detailed S plan
 Basement: S plan
 Sides: 4 ft / 10 ft
 Front: 10 ft / 10 ft
 Side: 10 ft / 10 ft
 20' P.F.

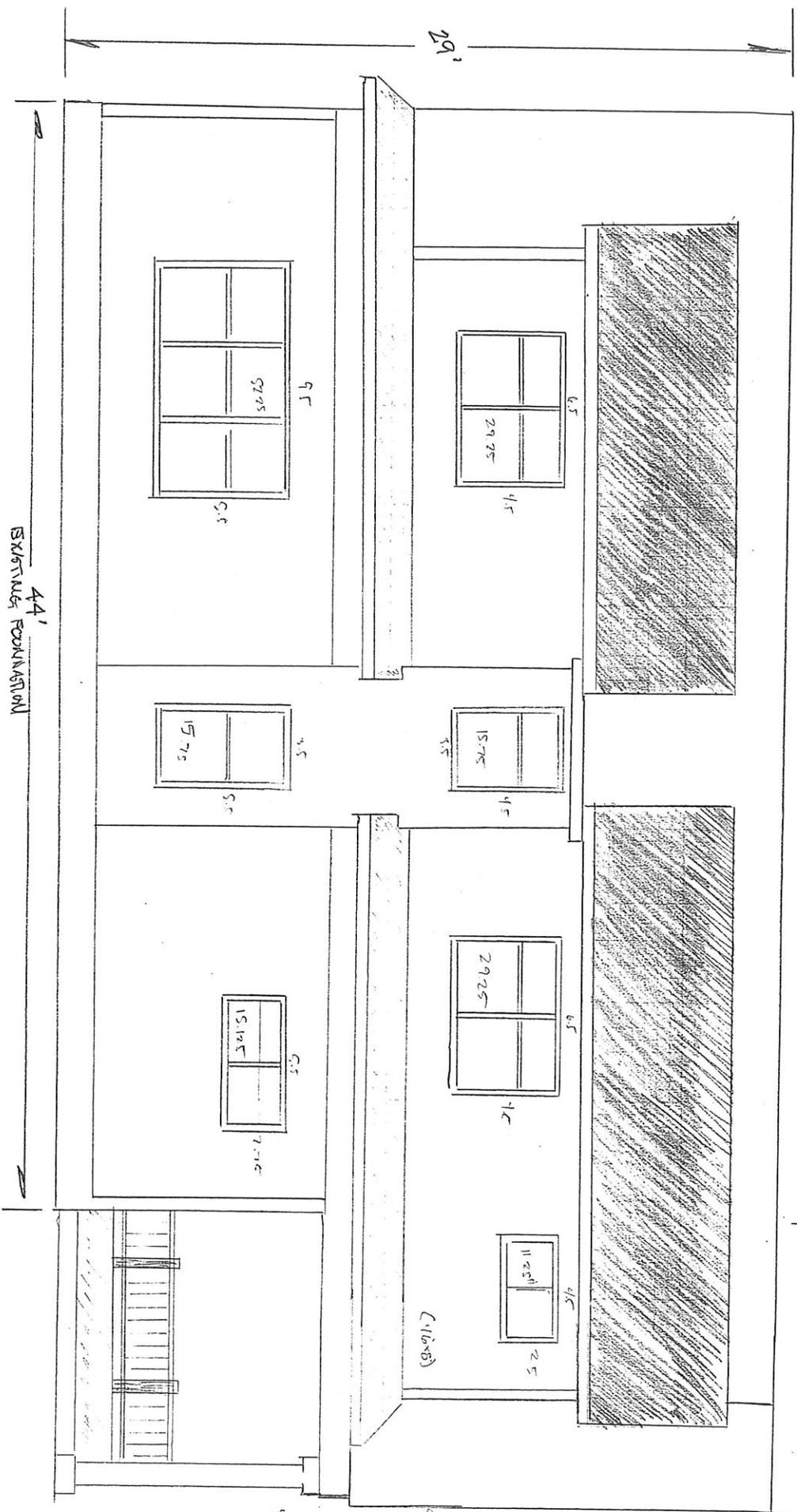
JERRY LAY RESIDENCE OR
SOUTH BLENKTON
4045 UPTON AVE. S.W. PMS

44'

SCALE
1/4" = 1 FOOT
AT 11x17

2ND STORY OVER HANG

12'



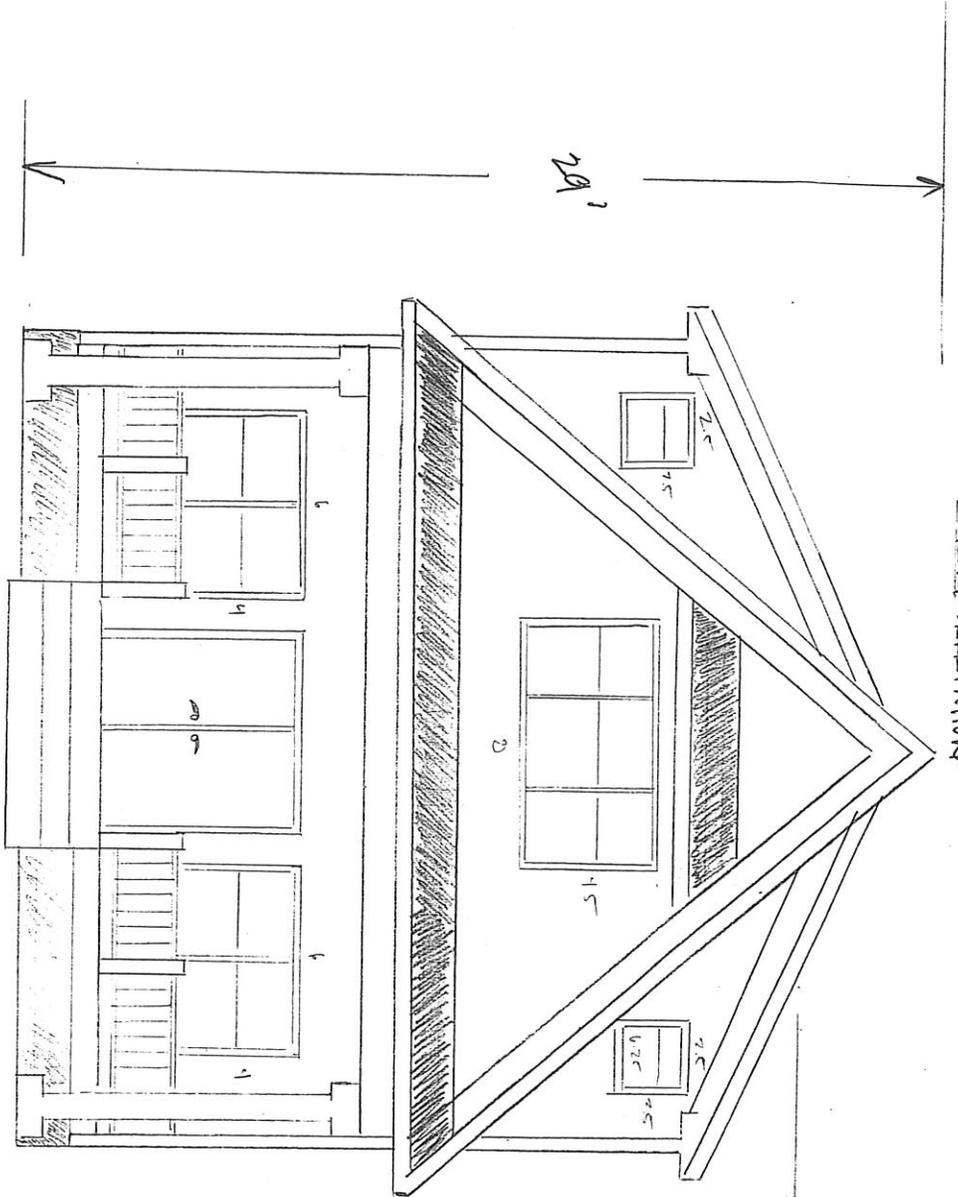
EXISTING FOUNDATION
44'

2/3/21
ESK
2/3/21

4/15/21

2/3/21
ESK
2/3/21

MISS LAUX RESIDEN 013
 4045 UPRD AVE SO. MRS
 EAST ELEVATION



SCALE
 $\frac{1}{4}'' = 1 \text{ FOOT}$
 AT 11' x 17'

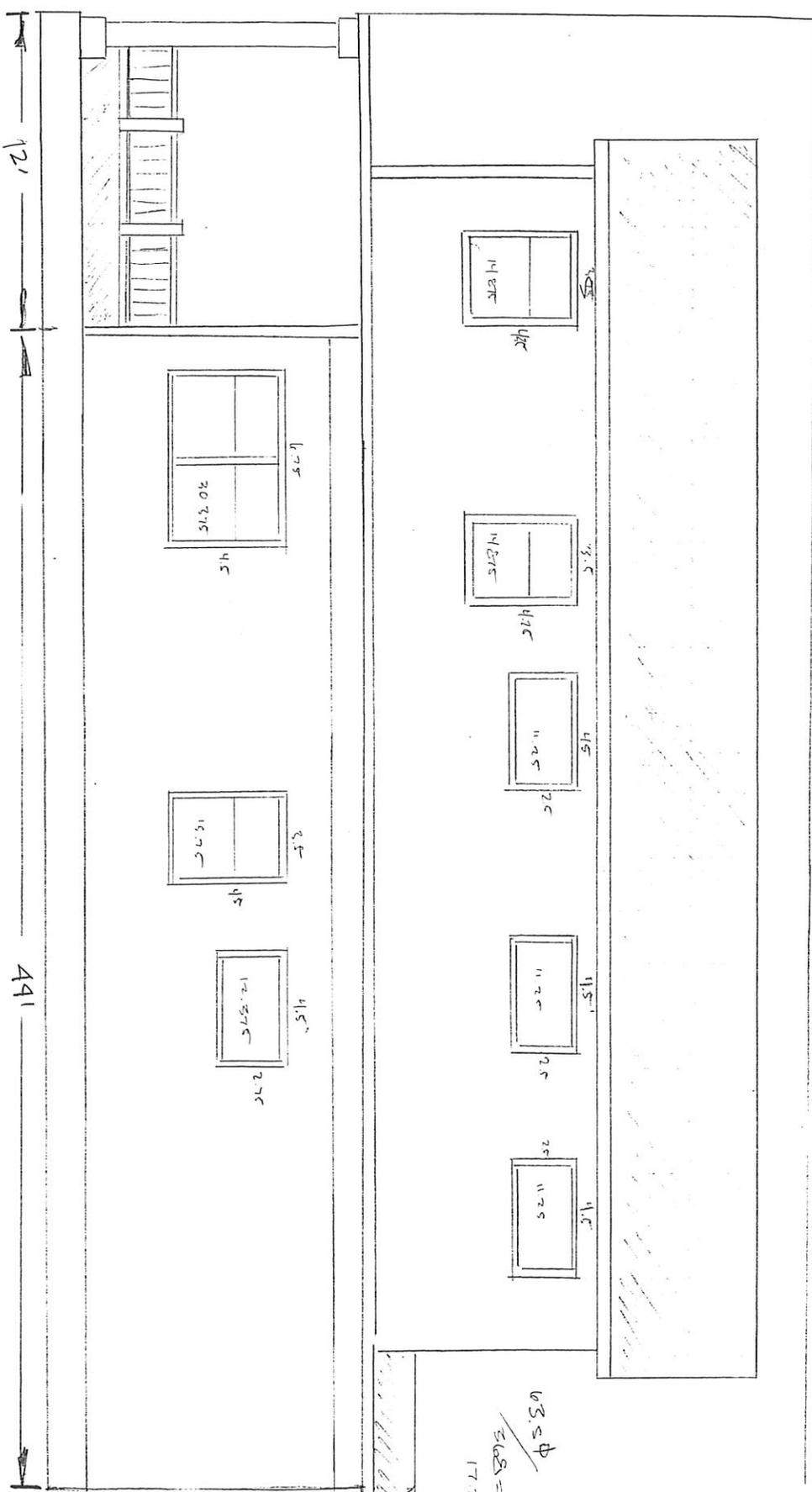
MID POINT OF
 DORMER
 24.5'

$42.45 / 20 =$
 2.12

2.12

JEFF LACK RESIDENCES
 NORTH ELEVATION
 4645 OXFORD AVE SO PHES

SCALE
 1/4" = 1 FOOT
 AT 11x17

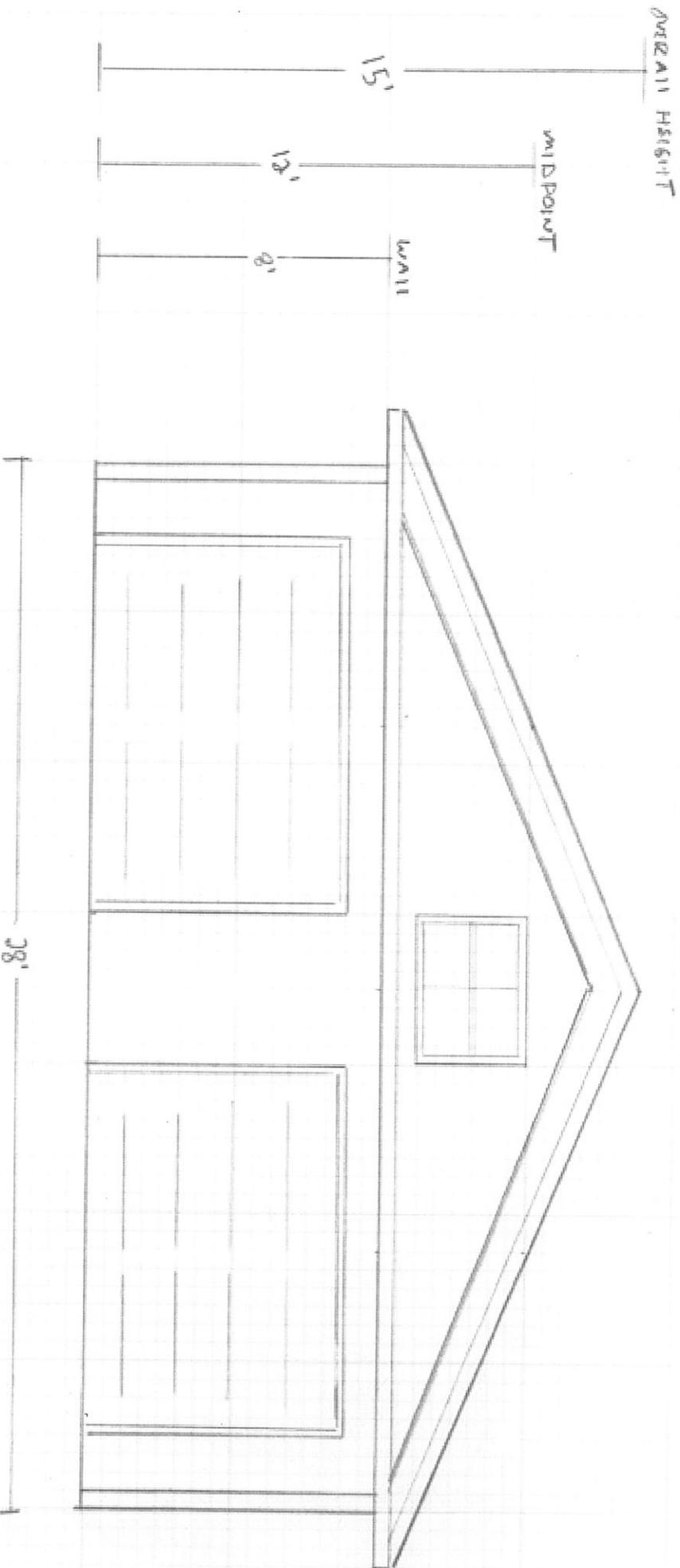


58.5 ft
 25 ft
 16 1/4'

63 1/2
 56 1/2 =
 17 3/4

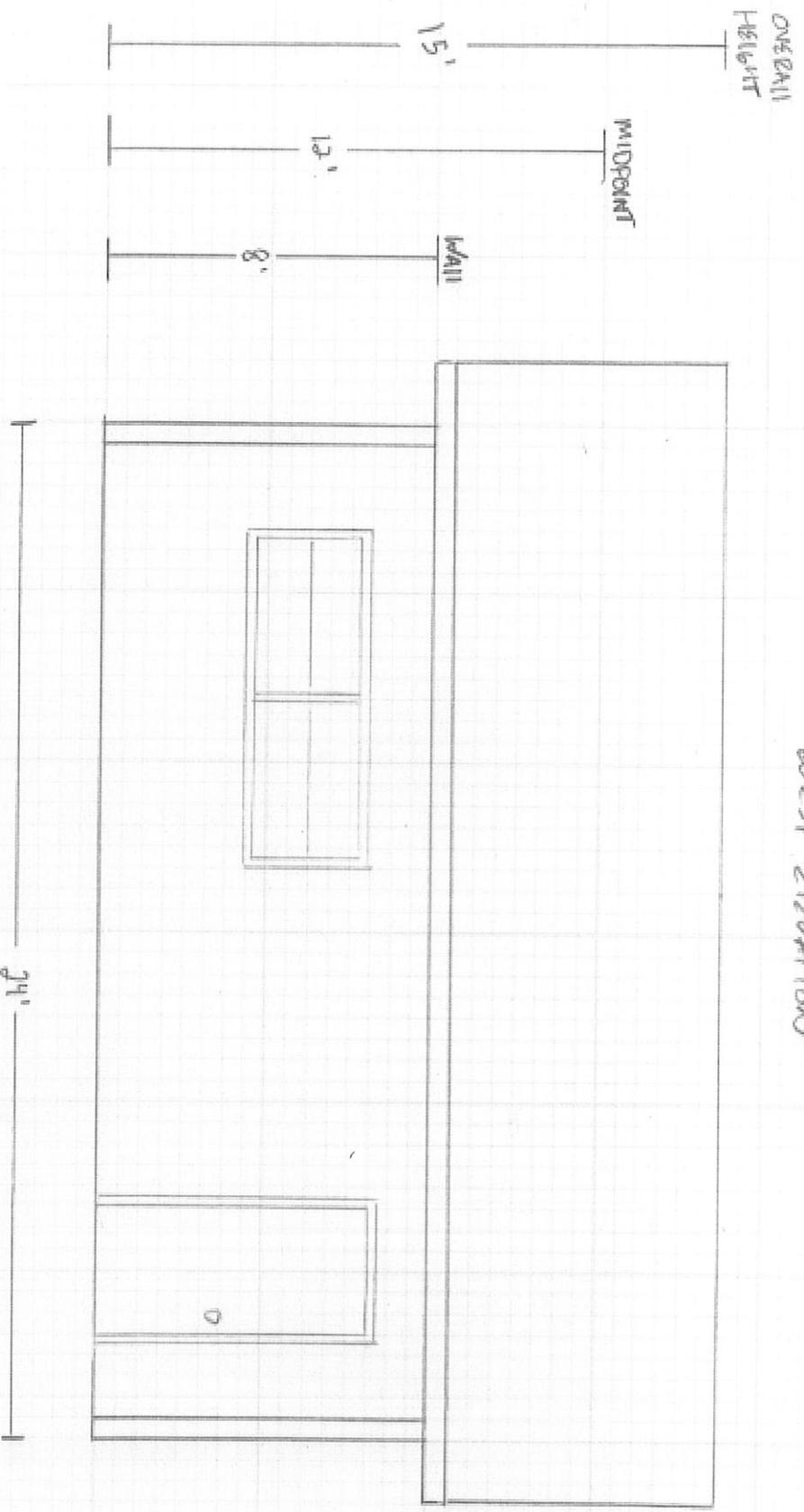
Scale
 $\frac{1}{4}'' = 1 \text{ Foot}$
AT 11X17

4045 UPTON AVE. SO.
JEFF LAMY RESIDENCE
DETACHED GARAGE
SOUTH ELEVATION

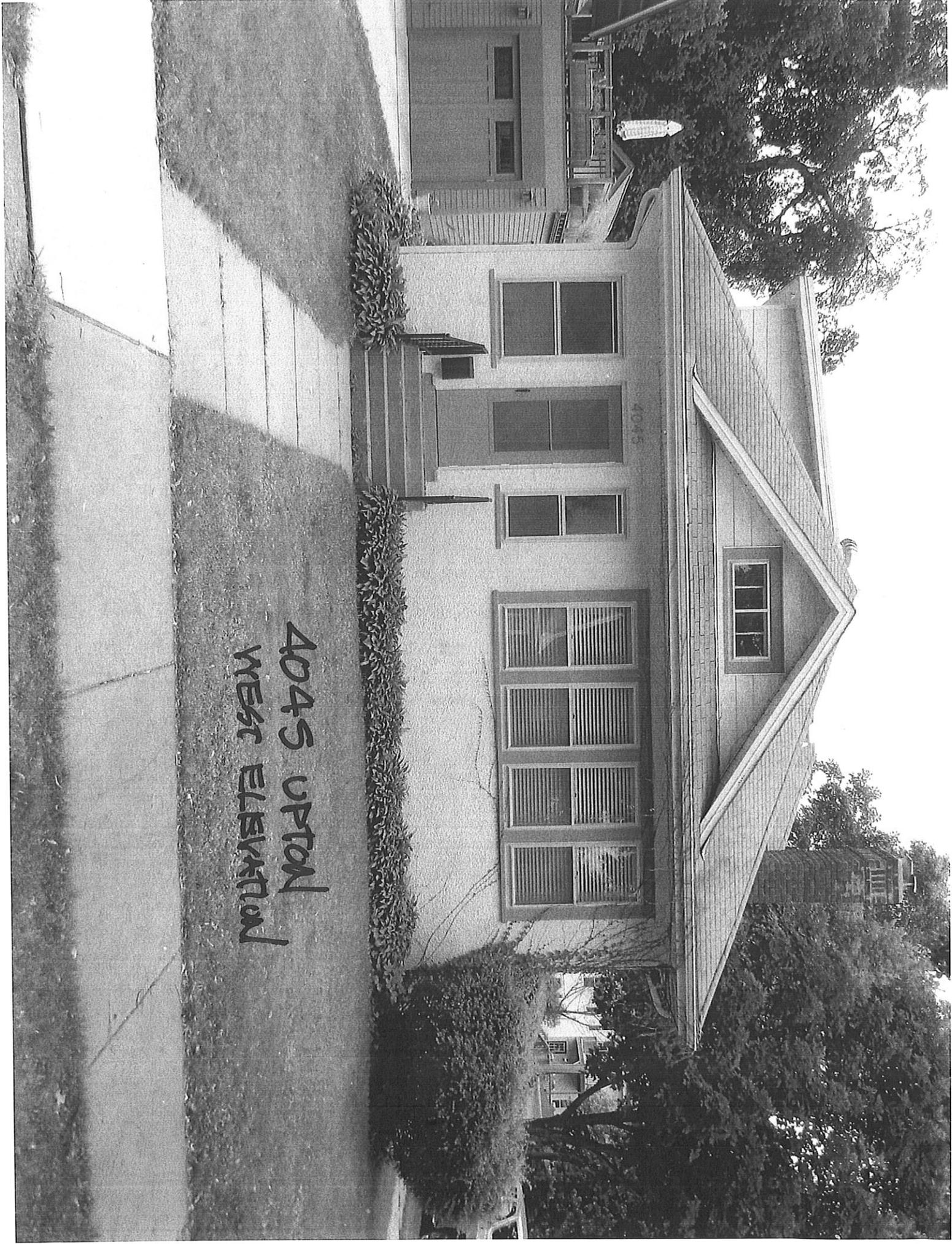


SCALE
1/4" = 1 foot
AT 11X17

41045 WOTON AVE. SO.
STY LAUX RESIDENCE
DETACHED GARAGE
WEST ELEVATION



4045 UPTON
WEST ELEVATION





4045 UPTOWN AVE SO

SOUTH BERRY ROAD

4045 UPRD AVE SO
SOUTH & EAST RELAXATION



4045 UPON
EXISTING REAR
DECK / PORCH





4045 UPTON
NORTH / WEST ELBERTA

EXHIBITING
GARAGE
TO BE
REPLACED

4645 UPTON





4045 ORLAND

EXTERIOR

GARAGE

TO BR

REPLACES

HOUSES TO
TAB NORTH

1.8 FEET

LOT LINE

3.2 FEET

4045
UPSIDE

