

LAND USE APPLICATION SUMMARY

Property Location: 44 Forest Dale
Project Name: Garden Shed
Prepared By: Joe Giant, City Planner, (612) 673-3489
Applicant: Greg Lee
Project Contact: Greg Lee
Request: To allow a shed in a required yard
Required Applications:

Variance	To reduce the required east interior side yard setback from eight (8) feet to three (3) feet to allow a shed.
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SITE DATA

Existing Zoning	RI Single-Family District SH Shoreland Overlay District
Lot Area	9,490 square feet
Ward(s)	13
Neighborhood(s)	Fulton
Designated Future Land Use	Urban Neighborhood
Land Use Features	NA
Small Area Plan(s)	NA

BACKGROUND

SITE DESCRIPTION AND PRESENT USE. The subject property, 44 Forest Dale, is a 9,490 square-foot lot containing a two-story single-family home with an attached 1.5-car tuck-under garage. The property is located in the RI Single-Family District and the SH Shoreland Overlay District. Minnehaha Creek is located approximately 250 feet to the southeast of the property. The property is well landscaped and contains many mature trees. The elevation of the property rises from the front lot line towards the rear by 22 feet at an average slope of 14.6%. This degree of grade change does not constitute a 'steep slope' as defined in Section 551.450 of the zoning code. Several existing three- and four-foot retaining walls are located throughout the property in order to create flatter, more functional space. One of the retaining walls is carved into the hillside adjacent to the east wall of the house creating a level space leading to the tuck-under garage.

SURROUNDING PROPERTIES AND NEIGHBORHOOD. The subject property is located in the Fulton neighborhood in southwest Minneapolis. Surrounding properties contain predominantly

Date Application Deemed Complete	February 5, 2016	Date Extension Letter Sent	NA
End of 60-Day Decision Period	April 6, 2016	End of 120-Day Decision Period	NA

single-family homes on lots that are similarly sized or larger than the subject property. Forest Dale deviates from the typical pattern of development found throughout southwest Minneapolis. The street is curvilinear, there is no public sidewalk, and the area contains more mature trees, topographical changes, and natural landscaping than most other residential neighborhoods.

PROJECT DESCRIPTION. In late 2015, the applicant placed an 8'x10' prefabricated wooden shed in the driveway of the subject property. The shed was placed three feet from the east interior side property line, 93 feet from the front property line, 15 feet from the principal structure, and 50 feet from the rear property line. Accessory structures such as sheds may be located as close as one foot from an interior side yard property line provided they are located entirely within the rear 40 feet or 20% of the lot. If these criteria are not met then the accessory structure must observe the required interior side yard setback. At the subject property, the required interior side yard setback is eight feet. The shed is located 50 feet from the rear property line, outside of the rear 20% of the lot, so the present location of the shed is in violation of the zoning ordinance. In order to allow the shed in its current location the applicant has applied for a variance to reduce the required east interior side yard from eight feet to three feet.

PUBLIC COMMENTS. The Fulton Neighborhood Zoning Committee has written a letter in support of the variance, stating that the applicant has few other options for access and that it is a reasonable request. Both the neighbor directly across Forest Dale from the subject property and the adjacent neighbor to the west have written letters in support of the application. Copies of the letters are attached. Additional correspondence received prior to the public meeting will be forwarded to the Zoning Board of Adjustment for consideration.

ANALYSIS

VARIANCE

The Department of Community Planning and Economic Development has analyzed the application for a variance of the yard requirements 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.*

A practical difficulty exists in complying with the ordinance due to the slope of the site. The natural elevation of the site rises by 22 feet at an average grade of 14.5% from the front of the lot towards the rear. The slope of the site results in few placement options for a small detached accessory structure such as a shed. In order to comply with the ordinance, the shed would need to be located eight feet from an interior side property line, or one foot from the side and rear property lines if located in the rear 40 feet of the lot. Although the construction of a series of retaining walls has created a relatively level space in a location that would meet these provisions, placing the shed in a compliant location would significantly impair the use and functionality of the backyard. Alternatively, placing the shed in a location outside of the level portion of the backyard would likely require excavation in an environmentally sensitive area. The grade of the property was not created by the applicant and the variance request is not based solely on economic considerations.

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.*

Required setbacks are intended to provide for the orderly development and use of land and to minimize conflicts among land uses by preserving adequate light, air, open space and separation of uses. The location of the shed contributes towards orderly development and does not affect the adjacent property's access to light, air, and open space. The shed has been placed 93 feet from the front lot line on an existing bituminous driveway, several feet behind the front façade of the home.

Although the shed is clearly visible from the public right-of-way, it is not located in the front yard setback. If the shed were moved five feet closer to the home the location would comply with the zoning ordinance. However, moving the shed closer to the home would block access to the garage.

The east property line of the subject property is shared with the rear property line of the adjacent property to the east, 30 Russell Court. One of the primary purposes of an interior side yard setback would be to prevent development that may be obtrusive to this property. The principal structure on this lot is located more than 50 feet from the shared property line and is separated by a steep hill and screened by dense vegetation much of the year. The east property line of the subject property is the rear property line of the adjacent neighbor. Detached accessory structures are frequently located one foot from a shared rear property line throughout the city. Moreover, the shed could be located one foot from the shared property line if it were situated in the rear 40 feet of the lot. In this instance, the shed would be located approximately the same distance from the principal structure on the adjacent lot as it currently is.

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. The exterior cladding of the shed is cedar shake to resemble the home on the subject property as well as the exterior cladding of other nearby homes. Detached accessory structures are an expected feature on residential properties and the location of the shed is reasonable given the challenging topographical conditions.

The property does not contain any other detached accessory buildings, and contains a modest 1.5-car attached garage. Based upon a lot area of 9,490 square feet, a detached accessory structure (or combination of accessory structures) with a total footprint of 949 square feet could be constructed at the property. However, constructing a new structure in another portion of the yard would involve excavation in an environmentally sensitive area.

The combination of topography, vegetation, and separation from adjacent structures substantially mitigates adverse impacts that may be created by the shed. The shed is located more than 50 feet from the nearest residential structure, which is the home on the adjacent lot to the east. These structures are separated by a grove of mature trees and the neighboring structure is located atop a hill. The base of the neighboring home is approximately 12 feet higher than the top of the shed.

Additional Standards for Variances within the SH Shoreland Overlay District

In addition, the Zoning Board of Adjustment 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.*

Allowing a shed three feet from an interior side property line would not contribute to soil erosion or the degradation of protected bodies of water. The shed was constructed off-site and was placed

on a portion of the site that was already paved. It did not involve any ground disturbance. The shed could be removed without causing any damage.

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

Minnehaha Creek is located approximately 250 feet to the southeast of the subject property. The area between the creek and the shed contains many mature trees. A small portion of the top of the shed may be visible from the protected water in the winter, but the shed is clad in natural cedar so it would be nearly indistinguishable from the surrounding trees.

3. *The suitability of the protected water to safely accommodate the types, uses and numbers of watercraft that the development may generate.*

The proposed variance would not generate any watercraft.

RECOMMENDATIONS

The Department of Community Planning and Economic Development recommends that the Zoning Board of Adjustment adopt staff findings for the application by Greg Lee for the property located at 44 Forest Dale:

A. Variance to reduce the required interior side yard

Recommended motion: **Approve** the variance to reduce the required east interior side yard setback from eight (8) feet to three (3) feet to allow a shed, subject to the following condition:

1. The shed will be located as indicated on the site plan approved by the Department of Community Planning and Economic Development.

ATTACHMENTS

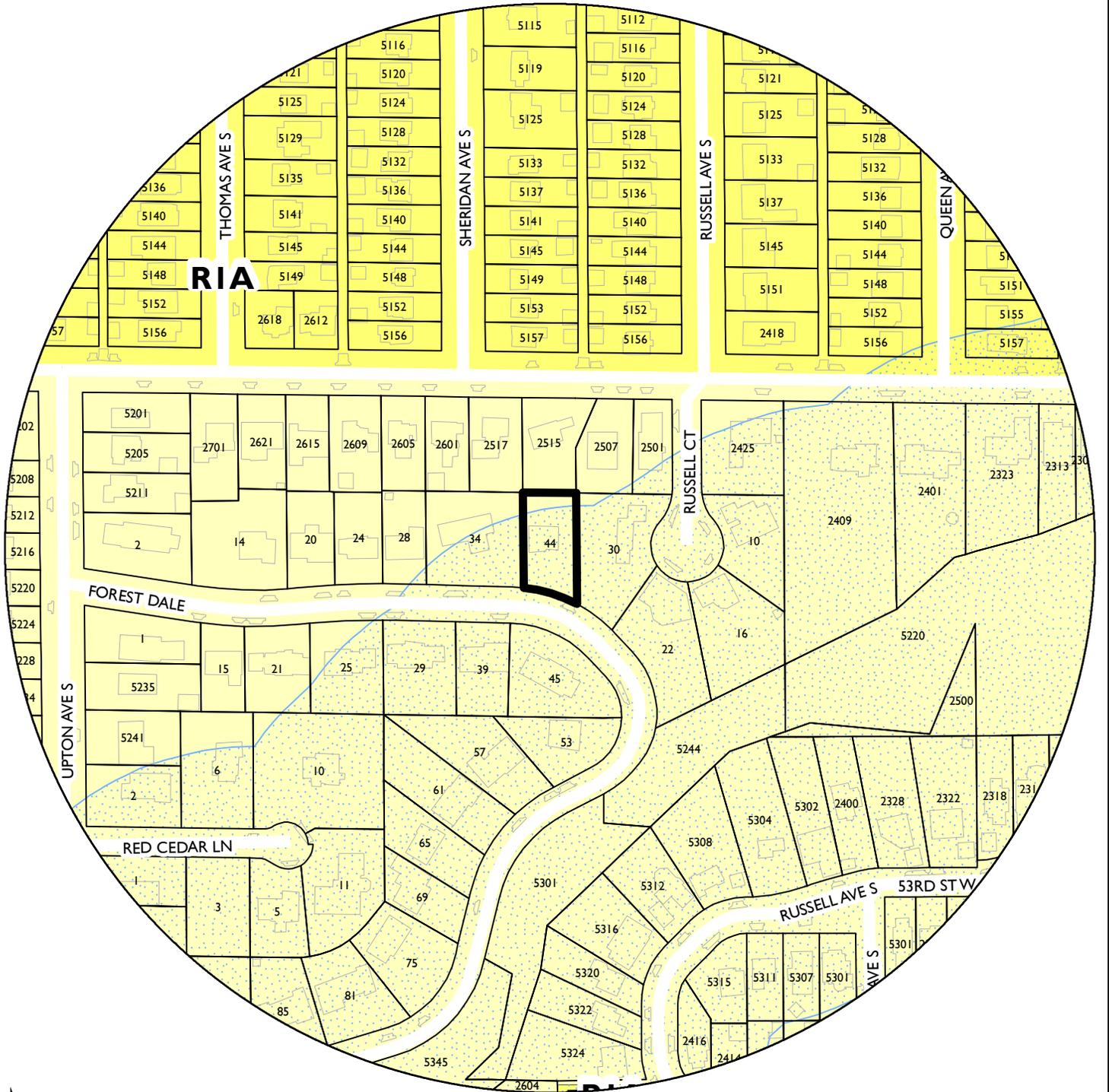
1. Zoning Map
2. Topographical map
3. Written findings from applicant
4. Site plan
5. Photos
6. Letters to Council office and Fulton Neighborhood Association
7. Correspondence

Greg Lee

13th

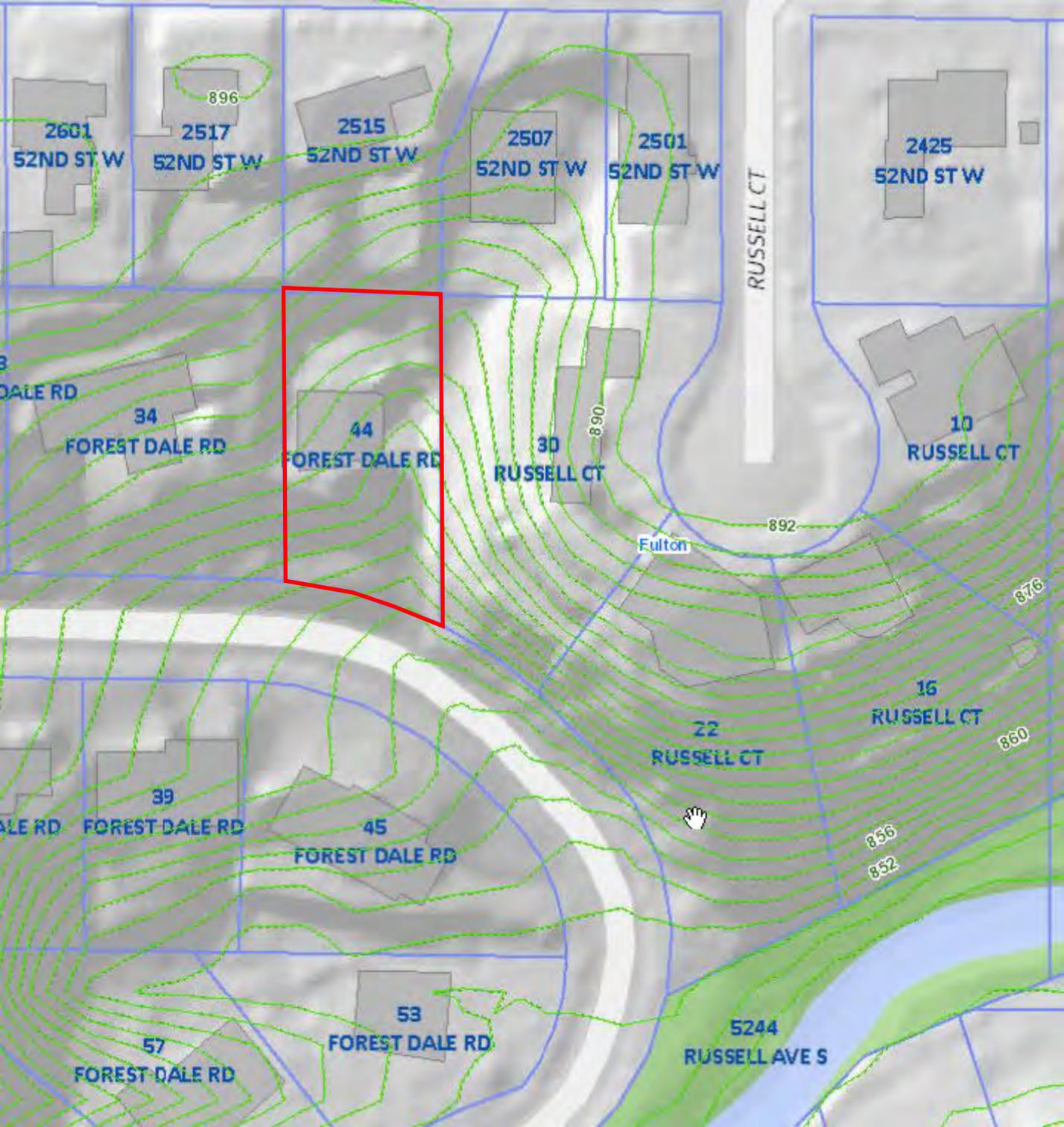
NAME OF APPLICANT

WARD



PROPERTY ADDRESS
44 Forest Dale

FILE NUMBER
BZZ-7580



44 Forest Dale Road

Application for Variance

Statement of proposed use and description of the project:

Greg Lee, the home owner, would like a side yard variance from 8 feet to 3 feet for the placement of an 8' x 10' garden shed.

Variance

Required Findings

1. A practical difficulty exists because of the **atypical configuration of the lot**. In specific:
 - A **large elevation change** from the street to the rear of the lot requires multiple existing retaining walls to access the house and the back yard. Due to this elevation, the shed is located 103' back from the street on the NE side of the property in the rear corner of a 116' long driveway. It is located here due to high elevation of the back yard and the obstruction of the back yard by 2 tiers of retaining walls at this point. The shed is in the absolute furthest location from the street that it can be due to these obstructions and is in the only location possible on the heavily wooded lot. It is 15' from the side of the house toward the rear, and is approximately 50' from the closest neighbor to the East.
 - The lot is **heavily wooded** with 20+ large mature trees and 25+ understory trees. These trees are scattered throughout the lot and retaining walls preventing shed placement in the rear 40' of the lot.
 - Due to elevation and trees, the shed is in **the only flat, level area remaining**.
 - A small 14.5' x 21' **one car tuck under garage** is located adjacent to the shed preventing it from being moved further than 3' from the East property line.
 - The 9600 s.f. lot size would provide for up to a **960 s.f. additional structure**, but due to unrealistic amounts of excavation to the elevated site within close watershed proximity, and damage to mature trees, such a structure is **not possible**. Therefore, an 8' x 10' garden shed is a simple alternative.
 - Storing **gas powered lawn and snow removal equipment as well as extra gas in the shed** is critical to safety when compared to **storing such hazardous items** in the small tuck under garage which sits directly below the living room and child's bedroom and sits adjacent to a basement family room.
 - The shed is used to house much needed equipment for maintaining the property so that this **equipment is located in a safely accessible location**. Having the shed in the far rear corner of the driveway provides level entrance/egress from the shed to the majority of the lot.
 - Additional structures such as this are enjoyed by most home owners in Southwest Minneapolis who have more typical "grid" laid out lots and which do not have the practical difficulties displayed at 44 Forest Dale. In addition, 99 Forest Dale just down the street does have an existing garden shed in the driveway that is only 30-40 feet from the road and highly visible from the street and their neighbors to the North as displayed in "Photo Exhibit B.
2. The shed will only be used for storage purposes as described above in item 1.
3. The appearance of the shed is minimal and fits with its surroundings. It sits low due to the 4' retain walls that surround it. It is 103' from the street and approximately 50' through the back

yard from the nearest neighbor to the East. It has a high quality exterior of cedar trim and siding, and has a nice brown/green colored semi-transparent stain to blend in with its wooded surroundings. The roof of the shed is cedar-shaked so that it matches the roof of the house. It in no way hinders the view or access to anything in the vicinity.

Shoreland Overlay District

1. The shed prevents soil erosion to the creek because it is placed on an existing, level asphalt portion of the driveway.
2. The shed does not limit visibility because it sits below grade of all neighboring houses and is not visible from the creek.
3. The shed will not generate watercraft usage.

Site Plan for 44 Forest Dale Rd

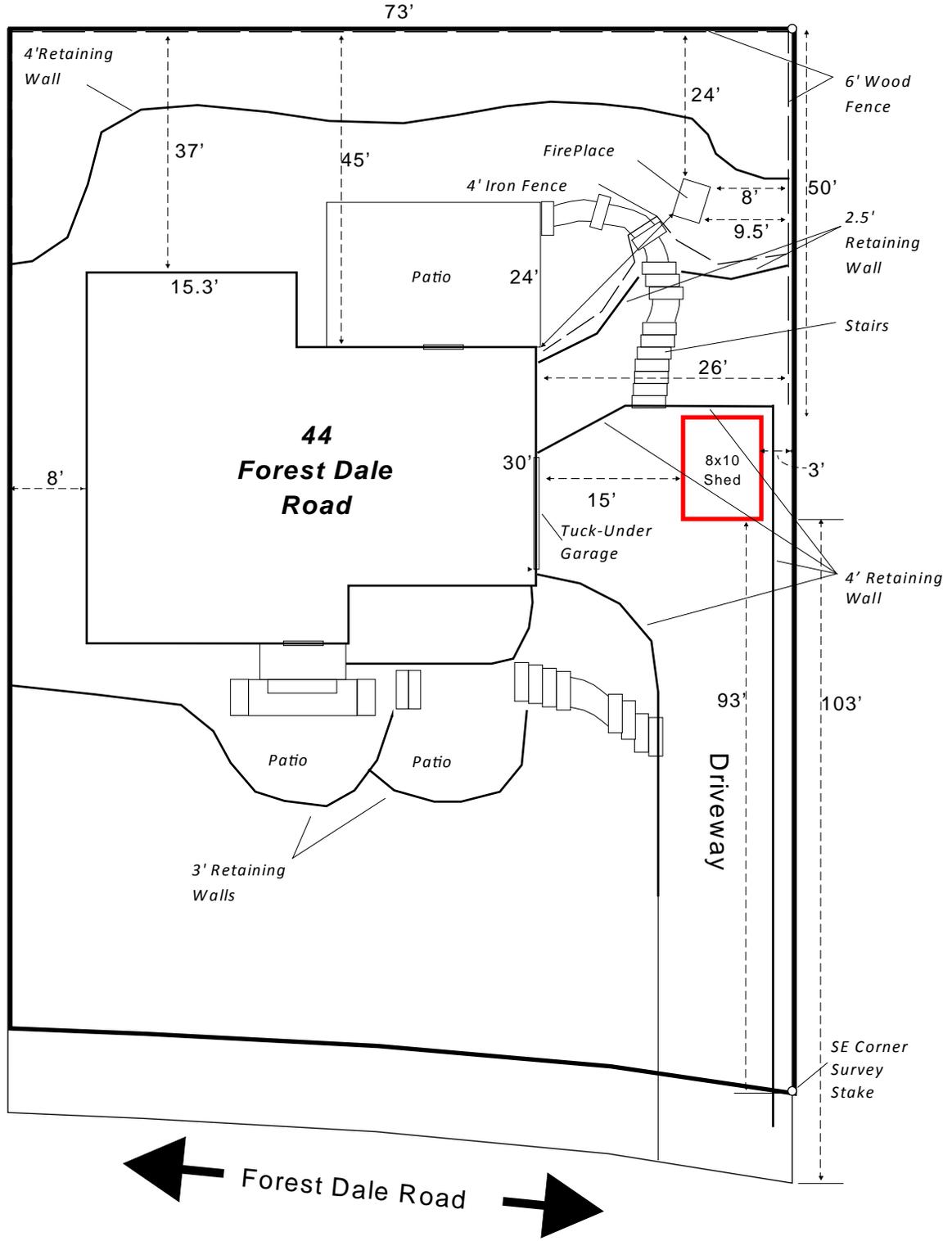


Photo Exhibit A - 44 Forest Dale Site Photos

















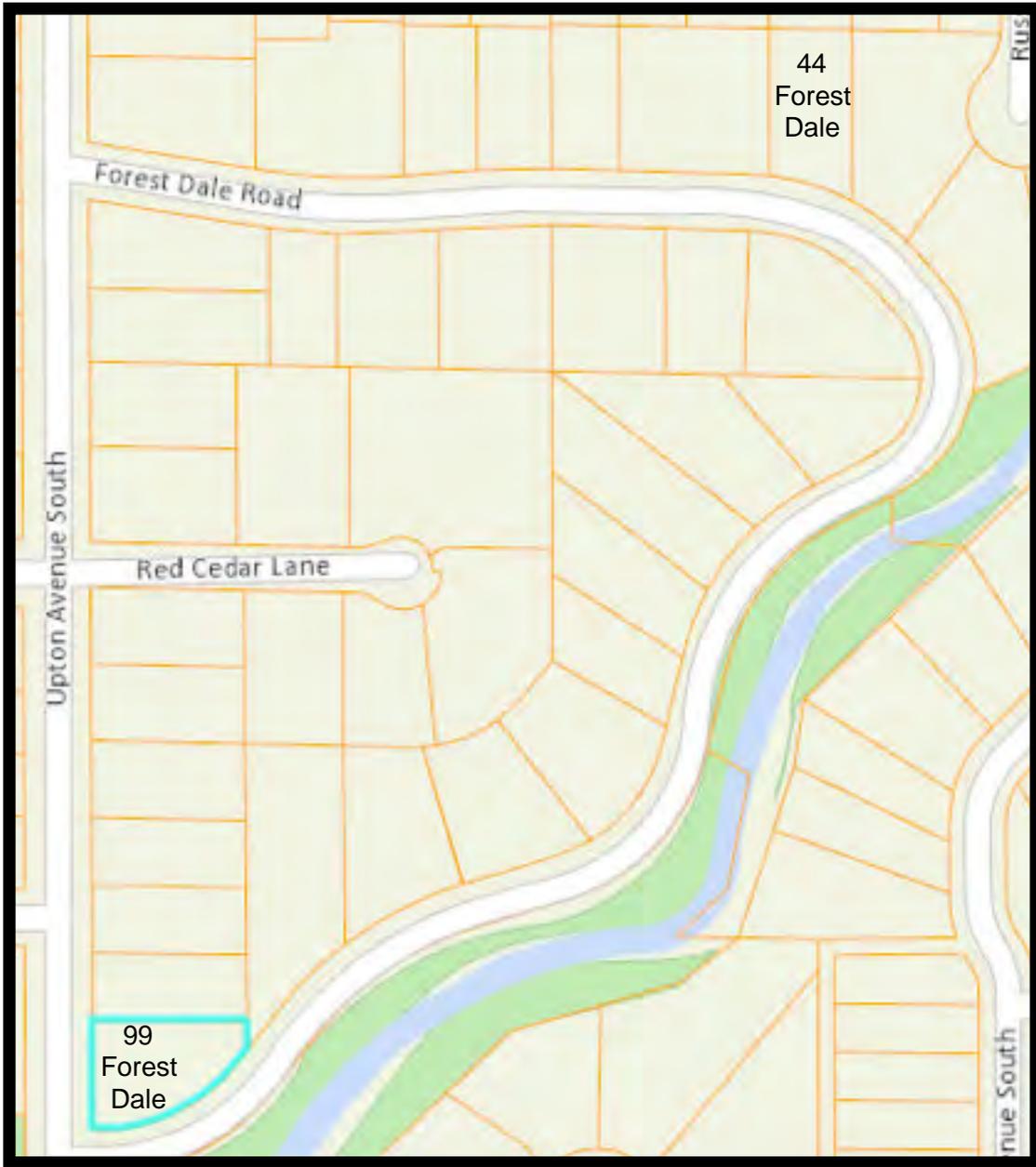




Photo Exhibit B - 99 Forest Dale Shed Comparison Photo

This shed is located in the driveway which connects directly with Forest Dale Road. It is approximately 30-40 feet from Forest Dale and only a few feet from the neighboring driveway.







1-26-16

Fulton Neighborhood Association
3523 W. 48th St.
Minneapolis, MN 55410
Phone: (612) 922-3106
Email: info@fultonneighborhood.org
Coordinator: Ruth Olson

Dear Ruth,

My name is Greg Lee, and my family and I live at 44 Forest Dale Road. I am writing to inform the association that I am applying for a side yard variance from 8' to 3' for the placement of an 8' x 10' garden shed.

Due to our unusual lot configuration, this shed is located 103' back from the street on the NE side of the property in the rear corner of our very long driveway. It is located here due to high elevation of the back yard and the obstruction of the back yard by 2 tiers of retaining walls and the many treasured mature trees located within the back yard. The shed is in the absolute furthest location from the street that it can be due to these obstructions and is in the only location possible on our large, but heavily wooded lot. It is 15' from the side of our house toward the rear, and is approximately 50' from our closest neighbor to the East.

The shed is used to house much needed equipment for maintaining the many trees and gardens on the property so that this equipment is located in a safely accessible location.

The shed has a high quality exterior of cedar trim and siding, and has a nice brown/green colored semi-transparent stain to blend in with its surroundings. The roof of the shed is cedar-shaked so that it matches the roof of our house.

If you have any questions, please feel free to e-mail me or contact me directly.

Thank you for your consideration.

-Greg Lee
44 Forest Dale Road
Minneapolis, MN 55410
612-817-4384
greglee@usewireless.com

1-26-16

Linea Palmisano / Emily Ziring, 612-673-3199
Email: emily.ziring@minneapolismn.gov
350 S. 5th St., Room 307
Minneapolis, MN 55415
(612) 673-2213
Ward 13

Dear Council Member Palmisano,

My name is Greg Lee, and my family and I live at 44 Forest Dale Road. I am writing to inform the you that I am applying for a side yard variance from 8' to 3' for the placement of an 8' x 10' garden shed.

Due to our unusual lot configuration, this shed is located 103' back from the street on the NE side of the property in the rear corner of our very long driveway. It is located here due to high elevation of the back yard and the obstruction of the back yard by 2 tiers of retaining walls and the many treasured mature trees located within the back yard. The shed is in the absolute furthest location from the street that it can be due to these obstructions and is in the only location possible on our large, but heavily wooded lot. It is 15' from the side of our house toward the rear, and is approximately 50' from our closest neighbor to the East.

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If you have any questions, please feel free to e-mail me or contact me directly.

Thank you for your consideration.

-Greg Lee
44 Forest Dale Road
Minneapolis, MN 55410
612-817-4384
greglee@usewireless.com

February 11, 2016

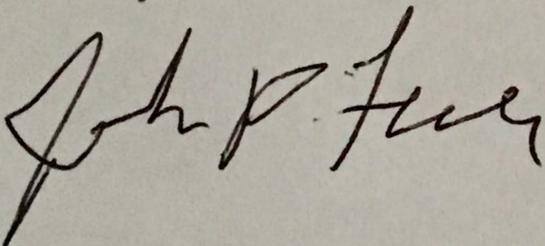
Joseph R. Giant
City Planner - Zoning Administration
250 South 4th Street - Room 300 PSC
Minneapolis, MN 55415

To Joseph Giant and the Zoning Administration,

I am writing in regard to the shed at my neighbor's house at 44 Forest Dale Road. I live directly across the street and have absolutely no concerns over the shed in this location. I strongly feel that both the shed and its location are justified and that the variance should be granted.

It is a nice looking shed and in no way detracts from the neighborhood or limits anyone's visibility.

Sincerely,

A handwritten signature in black ink, appearing to read "John P. Farrell". The signature is written in a cursive style with a large initial "J" and "F".

John Farrell
45 Forest Dale Road
Minneapolis, MN 55410

Giant, Joseph R

Subject: FW: Garden Shed Variance

LETTER FROM 34 FOREST DALE (ADJACENT PROPERTY TO WEST)

From: PRobinette01@aol.com

Subject: Garden Shed Variance

Date: February 16, 2016 at 2:21:54 PM CST

To: greglee@usewireless.com

To Whom it May Concern

I am the next door neighbor to Greg Lee and am writing in support of his being granted a variance for the current location of his garden shed. It is a compliment to his home and in no way intrudes on the neighborhood.

Given Greg's commitment to and the joy he takes in maintaining his beautiful yard it would be criminal to not allow him to keep a garden shed.

With regard,
Patricia