



CPED STAFF REPORT

Prepared for the Zoning Board of Adjustment
 BOA Agenda Item #9
 July 14, 2016
 BZZ-7760

LAND USE APPLICATION SUMMARY

Property Location: 4346 Nicollet Avenue
Project Name: 4346 Nicollet Avenue Conversion
Prepared By: Janelle Widmeier, Senior City Planner, (612) 673-3156
Applicant: Matthew Hess
Project Contact: Matthew Hess
Request: To allow a side principal entrance for a second dwelling unit.
Required Applications:

| | |
|-----------------|--|
| Variance | To reduce the minimum interior side yard requirement adjacent to the north lot line from 15 feet to 6 feet to allow a principal entrance for a second dwelling unit. |
|-----------------|--|

SITE DATA

| | |
|-----------------------------------|--|
| Existing Zoning | ORI Neighborhood Office Residence District |
| Lot Area | 5,086 square feet |
| Ward(s) | 8 |
| Neighborhood(s) | King Field |
| Designated Future Land Use | Urban Neighborhood |
| Land Use Features | Community corridor (Nicollet Avenue) |
| Small Area Plan(s) | Not applicable |

| | | | |
|---|-----------------|---------------------------------------|----------------|
| Date Application Deemed Complete | June 17, 2016 | Date Extension Letter Sent | Not applicable |
| End of 60-Day Decision Period | August 16, 2016 | End of 120-Day Decision Period | Not applicable |

BACKGROUND

SITE DESCRIPTION AND PRESENT USE. The existing use is a single-family dwelling. It was permitted for construction in 2014.

SURROUNDING PROPERTIES AND NEIGHBORHOOD. There is a mix of residential and nonresidential uses in the immediate area. A single-family dwelling is located to the north of the subject property.

PROJECT DESCRIPTION. The applicant is proposing to convert the existing single-family dwelling to a two-family dwelling in the ORI district. The second unit is proposed to be added to the basement level. To access the second unit, a new exterior entrance, stairs, and landing are proposed on the north side of the dwelling that would connect to the landing for the interior staircase. Where a principal entrance faces an interior side lot line, the minimum required interior side yard setback is 15 feet. The existing setback where the door is proposed to be added is 6 feet. A variance is required to reduce the interior side yard requirement to allow the entrance. The stairs and landing are permitted obstructions.

PUBLIC COMMENTS. As of the writing of this report, no comments have been received from the neighborhood group. Any correspondence received prior to the public meeting will be forwarded on 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 to reduce the minimum interior side yard requirement adjacent to the north lot line from 15 feet to 6 feet to allow a principal entrance for a second dwelling unit 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.*

Practical difficulties exist in complying with the ordinance due to circumstances unique to the property. The existing building was constructed as a single-family dwelling. The applicant purchased the property after construction was complete. The site is located in the ORI district where a multiple-family dwelling is a permitted use. The maximum density allowed on a lot at least 5,000 square feet in area is mainly limited by the minimum parking requirement and the maximum gross floor area requirements. The site is also located on a community corridor where up to medium density is supported in appropriate locations. To accommodate increased density supported by the comprehensive plan and to minimize adverse aesthetic impacts from exterior changes to the existing building, the applicant is proposing to locate the entrance for the second unit on the side of the structure.

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.*

In general, yard controls are established to provide for the orderly development and use of land and to minimize conflicts among land uses by regulating the dimension and use of yards in order to provide adequate light, air, open space and separation of uses. The applicant is proposing to convert the existing single-family dwelling to a two-family dwelling with a new entrance on the north side of

the dwelling. The site is located on a community corridor where medium density is appropriate. The applicant has indicated that the new entrance would connect directly to the Nicollet Avenue public sidewalk and backyard by way of a new walkway as well. The adjacent dwelling to the north is set back over 30 feet from the proposed door. The proposal would comply with all other applicable ordinances. The request is reasonable and consistent with the intent of the ordinance and the comprehensive 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.*

The granting of the variance would not affect the character of the area or be injurious to the use or enjoyment of other property in the vicinity. The adjacent property to the north is closest to the proposed entrance. The adjacent dwelling is set back over 30 feet from the proposed door. The proposed door location is near the front of the dwelling and would not eliminate any windows. The granting of the variances would not be detrimental to the health, safety or welfare of the public or those utilizing the property provided the proposed work is constructed to current building codes.

RECOMMENDATIONS

The Department of Community Planning and Economic Development recommends that the Zoning Board of Adjustment adopt staff findings for the application by Matthew Hess for the property located at 4346 Nicollet Avenue:

A. Variance to reduce the minimum interior side yard requirement.

Recommended motion: **Approve** the variance to reduce the minimum interior side yard requirement adjacent to the north lot line from 15 feet to 6 feet to allow a principal entrance for a second dwelling unit, subject to the following conditions:

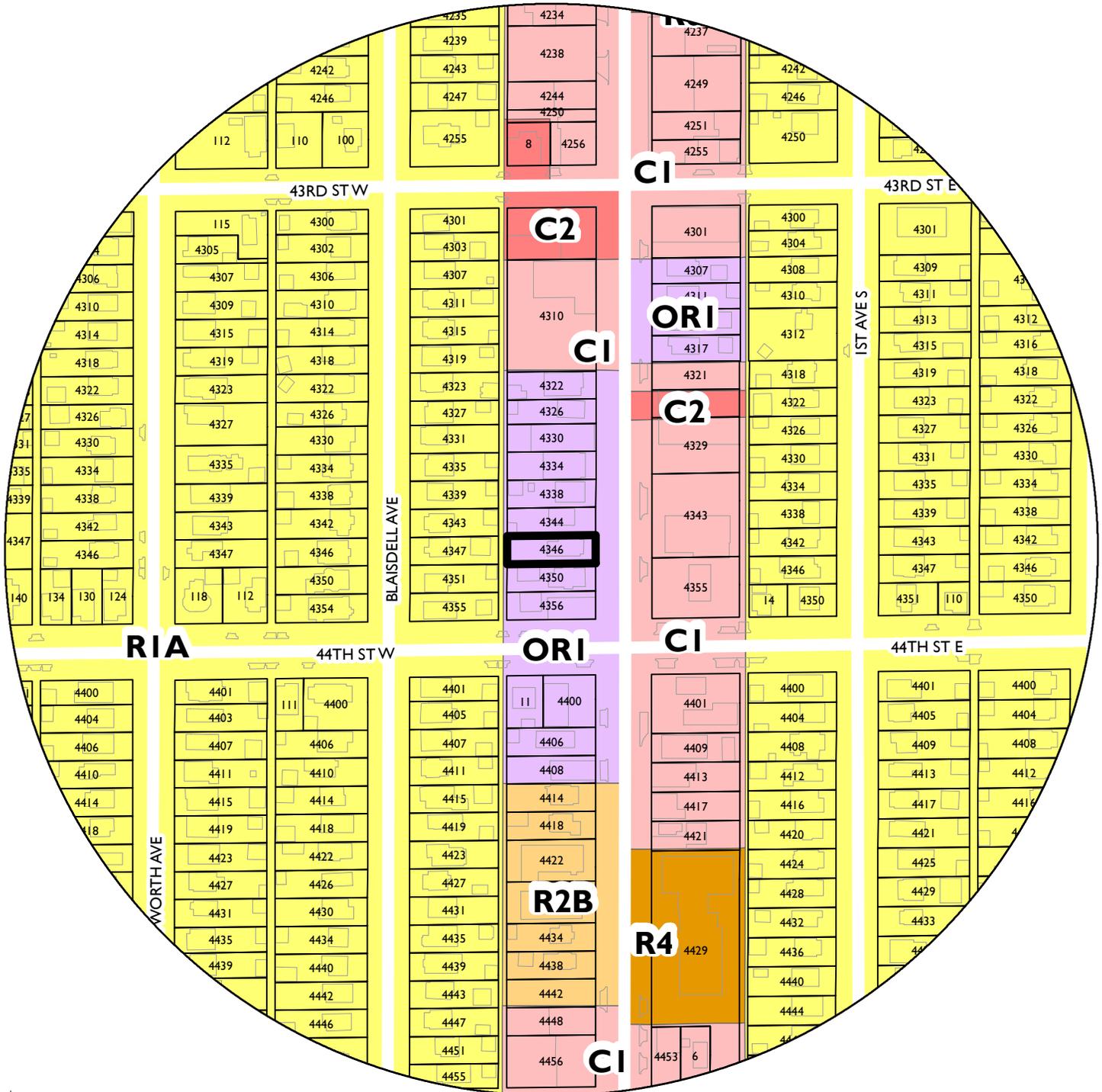
1. Approval of the final site, including proposed walkways, elevation and floor plans by the Department of Community Planning and Economic Development.
2. All site improvements shall be completed by July 14, 2018, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.

ATTACHMENTS

1. Zoning map
2. Written description and findings submitted by applicant
3. Photos
4. Site survey
5. Proposed site plan
6. Building elevations
7. Floor plans
8. Detail sketches
9. Comments received

NAME OF APPLICANT

WARD



PROPERTY ADDRESS

4346 Nicollet Avenue

FILE NUMBER

BZZ-7760

Project

Project Proposal:

Attain primary entrance to below-grade floor of current second dwelling, by acquiring variance to bring structure within city zoning compliance.

Objective:

Modify existing structure to accommodate a separate entrance in a fashion which maintains greatest harmony with typical, historic neighborhood elements of dwelling design.

Alternative (Alt) Selection: Title 20, 535.250 - Interior side yards for dwellings with side entrances

- 1) Install typical style entry door in structure, at side yard. (**Ultimate** value)
- 2) Install cellar style entry door in structure, at rear yard. (**Unmanageable** value)
- 3) Remodel the existing entry way. (**Trivial** value)

Benefits & Costs Analysis: (simple is often best) Selection Alternative 1

Alt 1: typical/similar to existing structures of neighborhood (entrance non-primary) (+), minimal excavation (+), minimal construction duration (+), minimal impermeable surface disturbance of exterior Alts (+), high public visibility provides safety factor for resident (+), feasible economic cost (+).

Alt 2: atypical to existing structures of neighborhood (-), "concrete monolith eyesore" to neighborhood back yard views (-), substantial excavation (-), maximum construction duration of all Alts (-), substantial increase of impermeable surface and greatest of all Alts (-), low public visibility provides reduced safety factor (-), greater light expose to below-grade floor inside dwelling (+), unmanageable economic cost (-). Note: for a door to land at floor level of the basement, stairs will extent to the garage. Stairs this size will cover a substantial portion of the back yard.

Alt 3: fatal fault to this Alt; due to the existing stair access design and study on main level, entryway remodel will separate dwelling 1 main living areas into two parts, as well as upper floor sleeping and bathroom areas from main living areas (-). Atypical/dissimilar to existing structures of neighborhood (single entrance per dwelling on exterior for duplex) (-), No Excavation (+), Typical or Maximum Construction Duration (-), no Impermeable Surface increase of Alts (+), High public visibility provides safety factor (+), Unsustainable economic cost (-).

CURRENT SITE



Zoning Variance for Primary Entrance of Second Dwelling Unit
4346 Nicollet Ave, Minneapolis MN, 55409



Zoning Variance for Primary Entrance of Second Dwelling Unit
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Door Location Alternative 1



Zoning Variance for Primary Entrance of Second Dwelling Unit
4346 Nicollet Ave, Minneapolis MN, 55409

(First photo taken near AC unit; second photo taken near trash cans.)



ALTERNATIVE 1 DOOR & STAIR EXAMPLE



Zoning Variance for Primary Entrance of Second Dwelling Unit
4346 Nicollet Ave, Minneapolis MN, 55409

These 2 examples turn stairs parallel to structure; door at similar height.



ALTERNATIVE 1 MATERIAL EXAMPLES





ADVANCE SURVEYING & ENGINEERING CO.

5300 S. Hwy. No. 101 Minnetonka, MN 55345 Phone (952) 474 7964 Fax (952) 225 0502 WWW.ADVSUR.COM

SURVEY FOR: **ICON HOMES**

SURVEYED: January, 2014

DRAFTED: January 21, 2014

REVISED: February 5, 2014, to show proposed dwelling and garage.

REVISED: June 9, 2014, to show widened garage from 21 to 27 feet wide.

LEGAL DESCRIPTION:

Lot 6, Block 16, Cable Line Addition to Minneapolis, Hennepin County, Minnesota.

SCOPE OF WORK & LIMITATIONS:

1. Showing the length and direction of boundary lines of the above legal description. The scope of our services does not include determining what you own, which is a legal matter. Please check the legal description with your records or consult with competent legal counsel, if necessary, to make sure that it is correct, and that any matters of record, such as easements, that you wish shown on the survey, have been shown.
2. Showing the location of existing improvements we deemed important.
3. Setting new monuments or verifying old monuments to mark the corners of the property.
4. Showing elevations on the site at selected locations to give some indication of the topography of the site. The elevations shown relate only to the benchmark provided on this survey. Use that benchmark and check at least one other feature shown on the survey when determining other elevations for use on this site.
5. This grading plan is based on the assumption that the soils are sandy in nature. If that is not the case, we can revise our grading plan accordingly.

STANDARD SYMBOLS & CONVENTIONS:

"●" Denotes 1/2" ID pipe with plastic plug bearing State License Number 9235, set, unless otherwise noted.

CERTIFICATION:

I hereby certify that this plan, specification, report or survey was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer and Licensed Land Surveyor under the laws of the state of Minnesota.

Signature: *James H. Parker* Typed Name: James H. Parker Reg. No.: 9235

Date: June 9, 2014

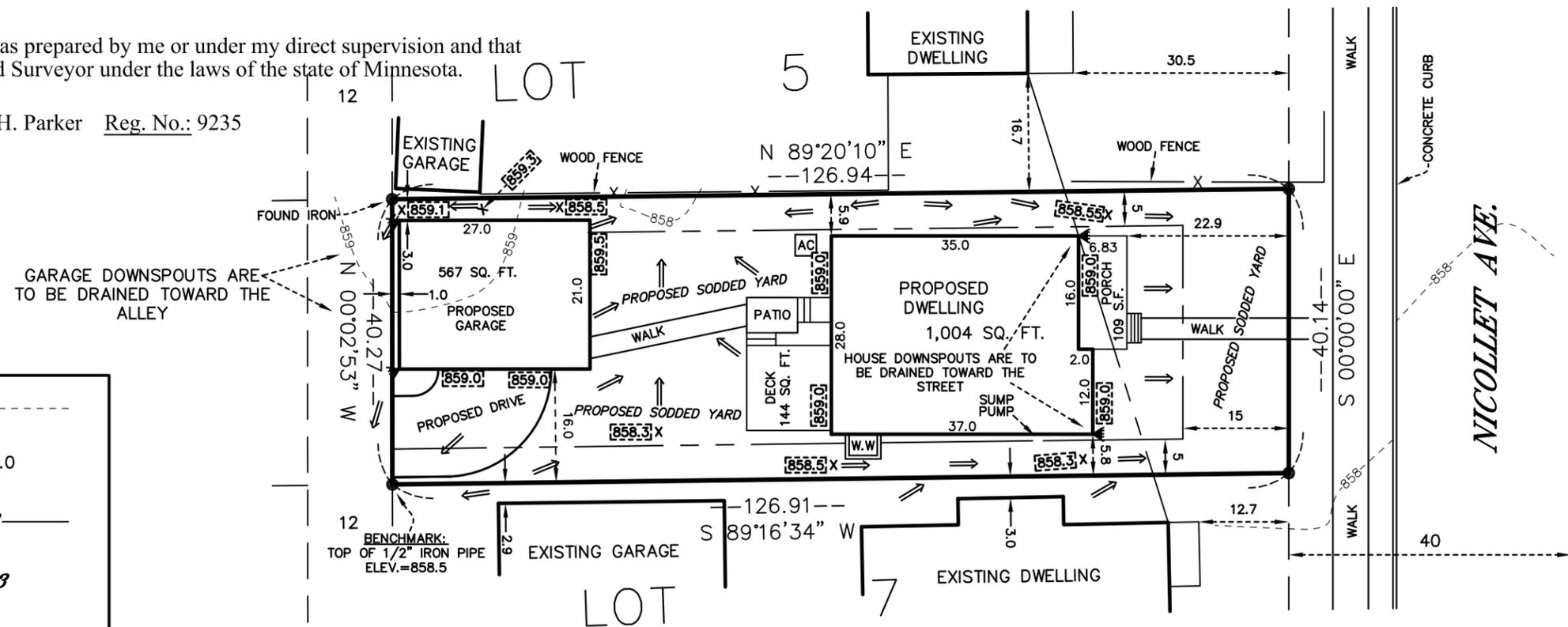
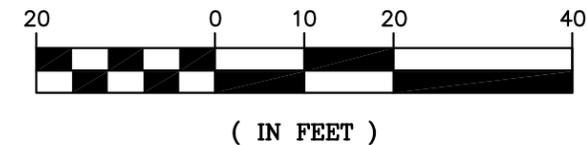
LEGEND

| | |
|-----------------------------------|-------------|
| EXISTING CONTOUR | --- 883 --- |
| EXISTING SPOT ELEVATION | X 883.0 |
| PROPOSED CONTOUR | — 883 — |
| PROPOSED ELEVATION/SPOT ELEVATION | --- 883 --- |
| DRAINAGE ARROW - FLOW | ⇒ |
| SILT FENCE | — SF — |

PROPOSED HARDCOVER PROPOSED ELEVATIONS

| | |
|--|--|
| HOUSE - 1,004 SQ. FT. GARAGE - 567 SQ. FT. DECK W/ STEPS - 151 SQ. FT. PORCH W/ STEPS - 118 SQ. FT. REAR STEPS - 17 SQ. FT. PATIO - 36 SQ. FT. WALKS - 146 SQ. FT. DRIVEWAY - 272 SQ. FT. TOTAL HARDCOVER - 2,311 SQ. FT. AREA OF LOT - 5,103 SQ. FT. COVERAGE - 45.3% | TOP FOUNDATION - 859.5 LOW FLOOR - 851.8 FIRST FLOOR - 861.3 GARAGE FLOOR - 859.0 |
|--|--|

GRAPHIC SCALE



140039 2014 06 09 A JP

ADVANCE SURVEYING & ENGINEERING CO.

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CERTIFICATION:

I hereby certify that this plan, specification, report or survey was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer and Licensed Land Surveyor under the laws of the state of Minnesota.

Signature: *James H. Parker* Typed Name: James H. Parker Reg. No.: 9235

Date: June 9, 2014

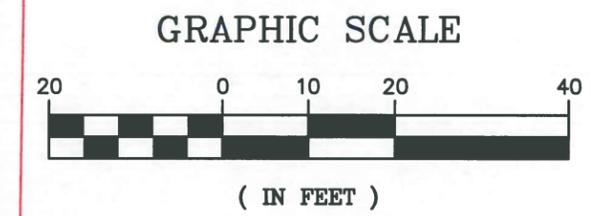
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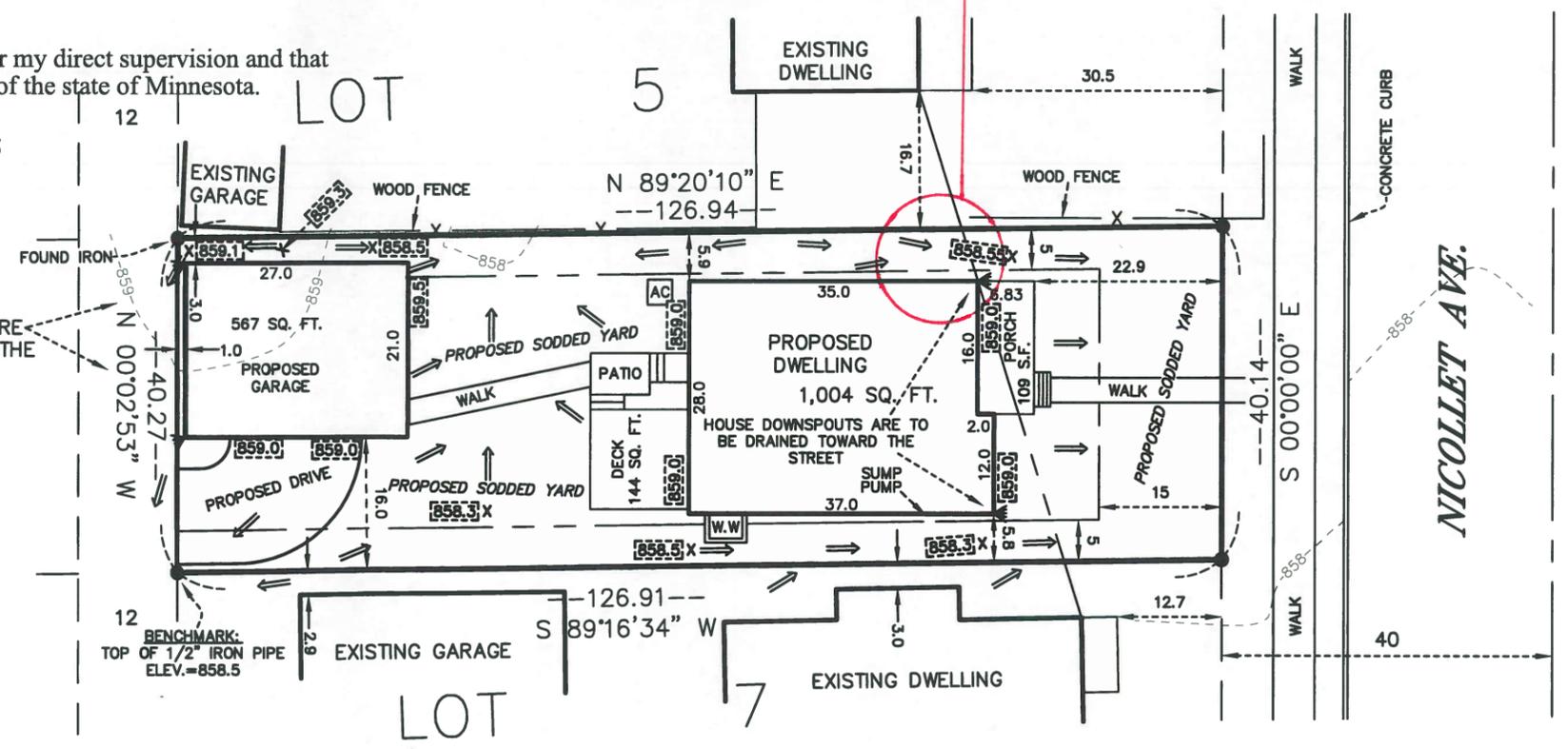
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See Detail Sketches



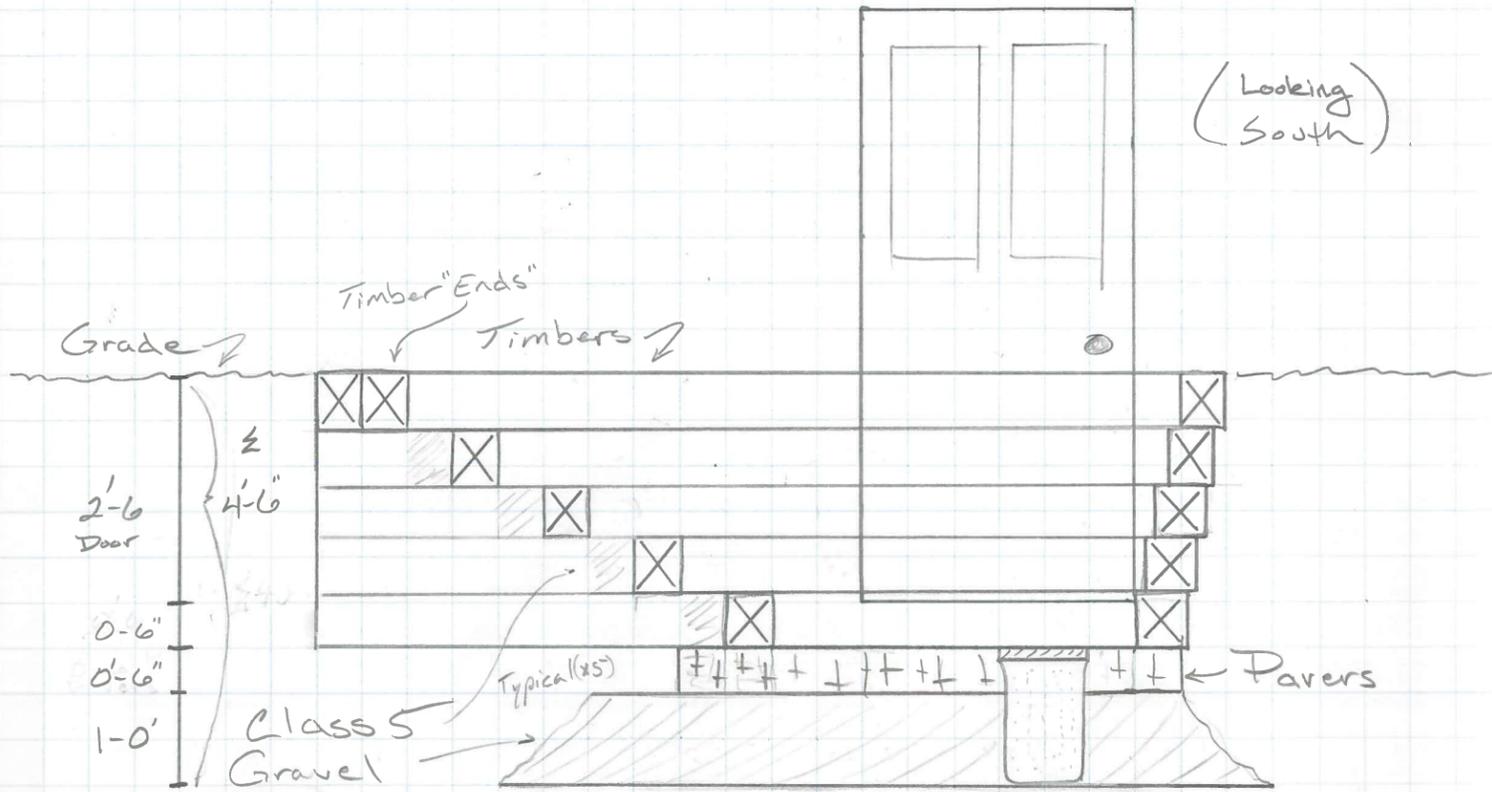
GARAGE DOWNSPOUTS ARE TO BE DRAINED TOWARD THE ALLEY

HOUSE DOWNSPOUTS ARE TO BE DRAINED TOWARD THE STREET

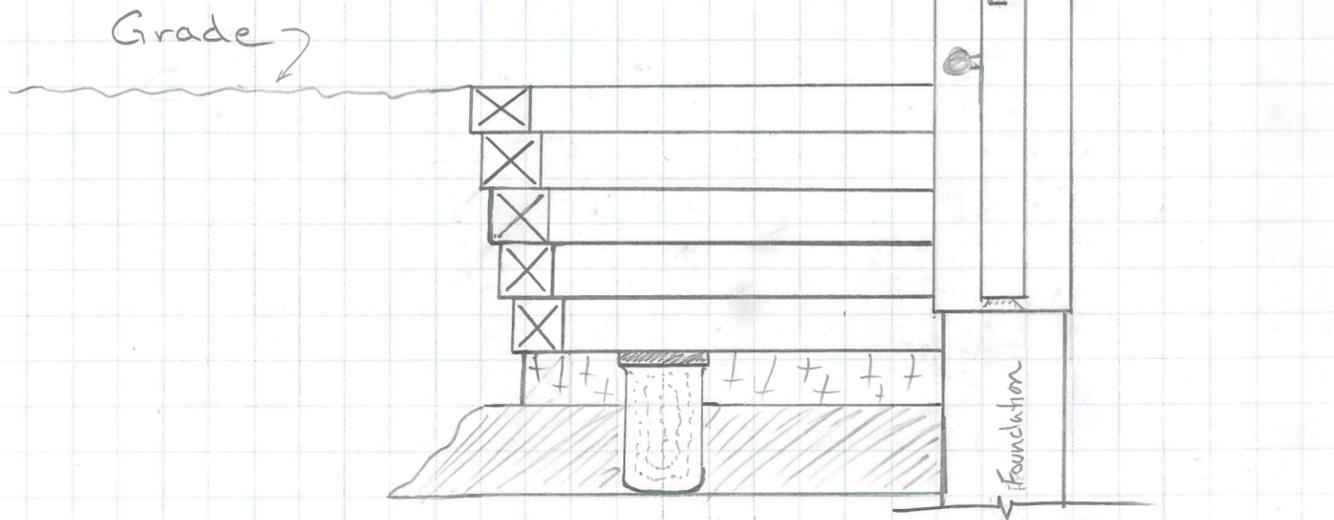


140039 2014 06 09 A JP

Section Views

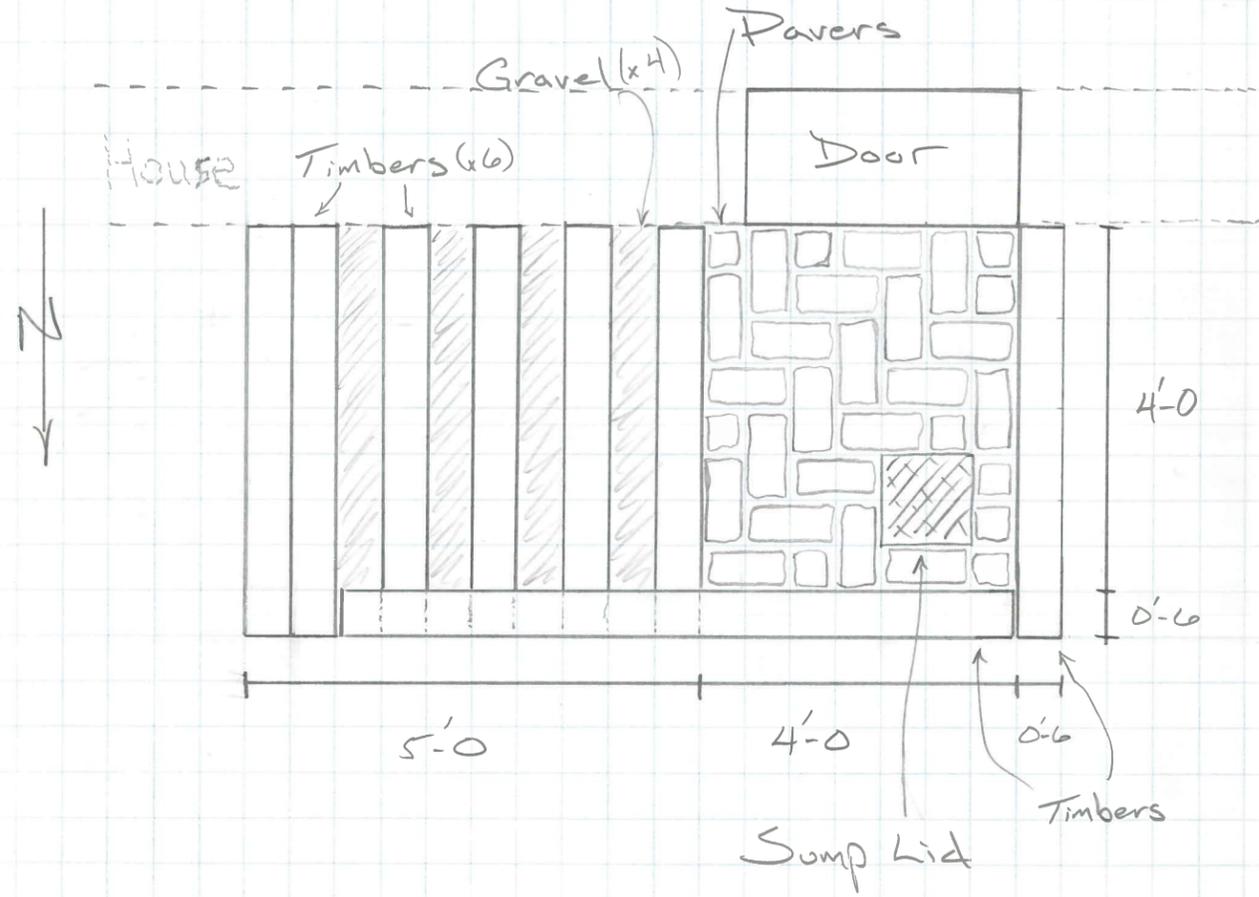


(no permanent pump) Sump Basket w/ Lid



Sketch 2 of 2

Plan View



From: [Jessica Grams](#)
To: [Widmeier, Janelle A.](#)
Subject: 4346 Nicollet Ave.
Date: Friday, July 01, 2016 4:15:10 PM

Hello Janelle,

I received a notice of a public hearing today regarding Matthew Hess's variance application at 4346 Nicollet. I would like it to be known that as his neighbor, I fully support the variance.

Thank you,
Jessica Grams-Anderson
4347 Blaisdell Ave. S
480-529-5108