

**LAND USE APPLICATION SUMMARY**

*Property Location:* 5029 Girard Avenue South  
*Project Name:* 5029 Girard Avenue South Dormer Addition  
*Prepared By:* Janelle Widmeier, Senior City Planner, (612) 673-3156  
*Applicant:* Suzanne Morgan  
*Project Contact:* Jon Crabtree, Inspired Spaces  
*Request:* To allow third story dormer addition to a single-family dwelling.  
*Required Applications:*

<b>Variance</b>	To increase the maximum height from 2.5 stories to 3 stories and from 28 feet to 29 feet, 2 inches.
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**SITE DATA**

<b>Existing Zoning</b>	RI Single-Family District SH Shoreland Overlay District
<b>Lot Area</b>	4,781 square feet
<b>Ward(s)</b>	13
<b>Neighborhood(s)</b>	Lynnhurst Neighborhood Association
<b>Designated Future Land Use</b>	Urban Neighborhood
<b>Land Use Features</b>	Not applicable
<b>Small Area Plan(s)</b>	Not applicable

<b>Date Application Deemed Complete</b>	June 13, 2016	<b>Date Extension Letter Sent</b>	Not applicable
<b>End of 60-Day Decision Period</b>	August 13, 2016	<b>End of 120-Day Decision Period</b>	Not applicable

## BACKGROUND

**SITE DESCRIPTION AND PRESENT USE.** The existing use is a 2.5 story, single-family dwelling. The existing dwelling was permitted for construction in 1919. A dormer addition was constructed on the existing single-family dwelling located at the property of 5029 Girard Avenue South. Permits were not obtained to allow the construction of the dormer. Prior to the construction of the new dormer, the height of the dwelling was 2.5 stories and 25 feet, 9 inches. The dormer extends almost the full width of the dwelling, which means the top level of the dwelling can no longer be considered a half-story. The Zoning Board of Adjustment reviewed this proposal in 2015 and denied the variance to allow it as it was constructed.

**SURROUNDING PROPERTIES AND NEIGHBORHOOD.** There are primarily single-family dwellings in the immediate area.

**PROJECT DESCRIPTION.** Since the Zoning Board of Adjustment meeting in 2015, the applicant has modified the proposal to bring it closer to compliance with the half-story definition. The dormer width would still be 23 feet in width; however, the roof rafters for 10 feet of the dormer would be within 2 feet of the floor joists. The remaining 13 feet of the dormer would be full headroom height.

To qualify as a half-story, the following criteria must be met:

- (1) Habitable space located under a gable or hip roof and all of the roof rafters shall be located within two (2) feet of the floor joists, except at gable ends or where dormers are allowed.
- (2) Dormers on the half story will meet the following standards.
  - a. The total width of all dormers on any façade will not exceed fifty (50) percent of the width of the wall of the floor below the half story roof.
  - b. Dormers will be located no closer than three (3) feet from any end-of-house corner of the floor below and any gable end wall.
  - c. Dormers will not extend beyond the wall below and will not interrupt the eave edge of the hip or gable roof.

The proposed dormer would still not technically meet the two underlined criteria. The width would be equal to 88 percent of the width of the story below and the ends of the dormer would be located 18 inches from the end-of-house corners of the floor below. The maximum height allowed for a single-family dwelling in both the RI and SH overlay districts is 2.5 stories or 28 feet as measured at natural grade 10 feet from the center of the dwelling to the average distance between the eave edge and the ridge level for gable, hip and gambrel roofs. Dormers exceeding 50 percent of the building width below a gable, hip and gambrel roof are included in the measured vertical distance. The height measured at the midpoint of the new dormer roof is 29 feet, 2 inches. Therefore, a variance is required to increase the maximum height to 3 stories and 29 feet, 2 inches.

If the variance is approved, additional windows may need to be provided on the building elevations of the third story to comply with the minimum 5 percent window requirements (section 535.90 of the zoning code). These requirements will need to be addressed on the final plans before building permits can be obtained.

**PREVIOUS REQUESTS.**

Planning Case #	Application	Description	Action
<a href="#">BZZ-7299</a>	Variance	Third story dormer addition	<a href="#">Denied by the Zoning Board of Adjustment on 10/1/15</a>

**PUBLIC COMMENTS.** As of the writing of this report, staff has not received any correspondence from the neighborhood group. 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 increase the maximum height from 2.5 stories to 3 stories and from 28 feet to 29 feet, 2 inches, 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 applicant is proposing to create a master suite in the attic. The dormer width would still be 23 feet in width; however, the roof rafters for 10 feet of the dormer would be raised 23 inches above the floor joists. The remaining 13 feet of the dormer would be full headroom height. The 23 inch tall part of the dormer would accommodate sufficient vertical clearance for an air conditioning unit and a staircase. Practical difficulties exist in complying with the ordinance due to circumstances unique to the property. The applicant obtained administrative approvals in March of 2016 to construct a half story dormer addition that included raising the entire rear roofline to 23 inches above the floor joists. Although the proposal needing the variance does not technically meet the definition of half-story, the proposed building bulk falls within what would be allowed for a half-story addition. The proposal also would have less of an aesthetic impact from the street than the alternative plan because it would maintain the existing roof line on each side of the dwelling.

- 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, building bulk regulations are established in order to assure that the scale and form of new development or expansion will occur in a manner most compatible with the surrounding area. Comprehensive plan policies call for single-family infill development to reflect the setbacks, orientation, pattern, materials, height and scale of surrounding dwellings. New construction per story is typically taller than existing development. The height restriction in feet is intended to prevent new development that is grossly out of proportion with existing development.

The applicant is proposing to expand an existing dwelling. The applicant is not proposing to increase the ridgeline of the roof. The addition should not have significant impacts on the adjacent properties access to light, air and open space because a driveway separates the addition from the dwelling to the north. Even with the curvature of the street resulting in the home to the south sitting farther to the

east compared to the applicant's home, the proposal should have limited visibility from surrounding properties. Although the proposal does not technically meet the definition of a half-story, the proposed building bulk falls within what would be allowed for a half-story addition. Also, the part of the dormer that would have full headroom height would not exceed 50 percent of the width of the dwelling. The proposal also would have less of an aesthetic impact from the street than the alternative plan because it would maintain the existing roof line on each side of the dwelling. For these reasons, 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.*

Granting the proposed variance would not alter the essential character of the area or be injurious to the use or enjoyment of other property in the vicinity. The applicant is not proposing to increase the ridgeline of the roof. The addition should not have significant impacts on the adjacent properties access to light, air and open space because a driveway separates the addition from the dwelling to the north. Even with the curvature of the street resulting in the home to the south sitting farther to the east compared to the applicant's home, the proposal should have limited visibility from surrounding properties. Although the proposal does not technically meet the definition of a half-story, the proposed building bulk falls within what would be allowed for an allowed half-story addition. Also, the part of the dormer that would have full headroom height would not exceed 50 percent of the width of the dwelling. The proposal also would have less of an aesthetic impact from the street than the alternative plan because it would maintain the existing roof line on each side of the dwelling. If granted, the proposed variance will not be detrimental to the health, safety or welfare of the public or those utilizing the property provided the proposed construction is built to current building codes.

#### **Additional Standards to Increase Maximum Height**

In addition to the variance standards, the Board of Adjustment shall consider, but not be limited to, the following factors when determining the maximum height of principal structures in residential districts:

1. *Access to light and air of surrounding properties.*

The rear dormer addition should not have significant impacts on the adjacent property's access to light, air and open space because a driveway separates the addition from the dwelling to the north. Also, the applicant is also not proposing to increase the ridgeline of the roof.

2. *Shadowing of residential properties, significant public spaces, or existing solar energy systems.*

The surrounding properties are residential. The site is not adjacent to any significant public spaces and staff is not aware of any existing solar energy systems in the immediate area. Because the addition would not raise the ridgeline of the roof, the proposal would not significantly shadow any surrounding properties.

3. *The scale and character of surrounding uses.*

Most of the dwellings in the immediate area are 2-stories in height. Although the proposal does not technically meet the definition of a half-story, the proposed building bulk falls within what would be allowed for an allowed half-story addition to maintain consistency with the character of the area.

4. *Preservation of views of landmark buildings, significant open spaces or water bodies.*

Because the applicant is not proposing to raise the roof ridgeline, the proposal would not affect any public views of landmark buildings, significant open spaces or water bodies.

**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.*

A dormer addition is proposed. No soil disturbance is proposed or resulted from the dormer addition.

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

Minnehaha Creek is the protected water in this location. The dormer addition does not face the creek. The property is not visible from the creek due to existing development and vegetation.

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

This standard is not applicable for the proposed development.

**RECOMMENDATIONS**

The Department of Community Planning and Economic Development recommends that the Zoning Board of Adjustment adopt staff findings for the application by Suzanne Morgan for the property located at 5029 Girard Avenue South:

**A. Variance to increase the maximum height.**

Recommended motion: **Approve** the variance to increase the maximum height from 2.5 stories to 3 stories and from 28 feet to 29 feet, 2 inches to allow a third story dormer addition to a single-family dwelling, subject to the following conditions:

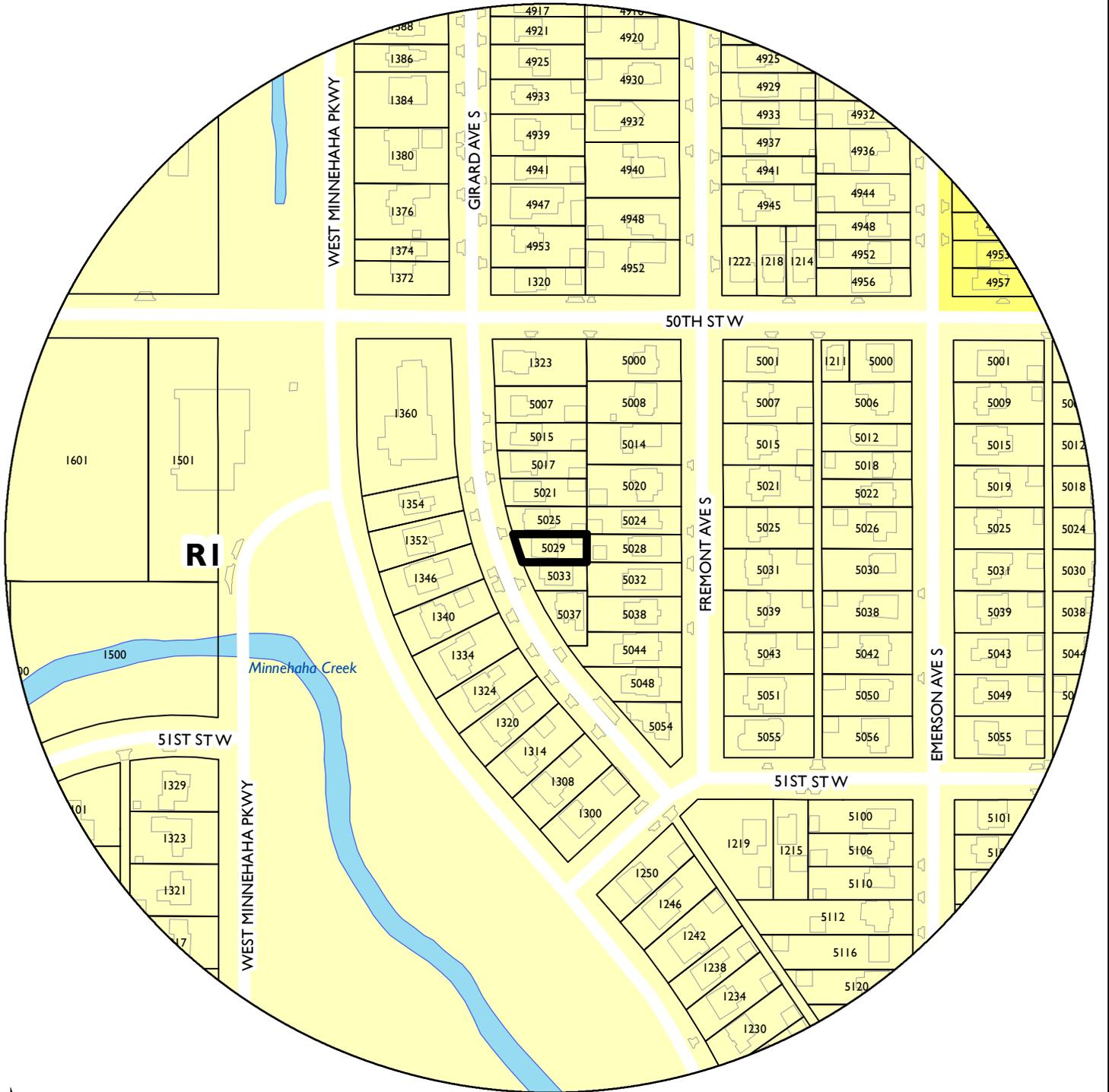
1. The portion of the dormer addition with full headroom height shall not be more than 13 feet in width and the portions of the dormer addition within 2 feet of the floor joists shall be set back at least 18 inches from any end-of-house corner of the floor below.
2. Approval of the final elevation plans by the Department of Community Planning and Economic Development.
3. All site improvements shall be completed by July 28, 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. Site plan
4. Floor plan
5. Building elevations denied in 2015
6. Building elevations approved administratively in 2016
7. Building elevations proposed in 2016
8. Photos
9. Comments received
  
- 10.

NAME OF APPLICANT

WARD



PROPERTY ADDRESS

**5029 Girard Avenue South**

FILE NUMBER

**BZZ-7790**

# Inspired Spaces, LLC

Jonathan Crabtree  
4336 Lyndale Ave S  
Minneapolis, MN 55409  
MN Lic. # BC637388  
Phone: 612-360-4180

## **Morgan Residence**

5029 Girard Ave S  
Minneapolis, MN 55410

### **NOTIFICATION OF PROPOSED VARIANCE**

The property at 5029 Girard Ave S is applying for a second variance to alter the plan that has been approved by zoning. The approved plan includes lifting the back of the building 23" to allow for a large A/C unit in the attic space and allow for extra headroom in the stairway leading to the attic. This is allowed under the zoning requirements as interpreted by the zoning board. The plan we are try to receive a variance for lifts only the middle approx. 23' up 23" so as to not make the altered roof line as visible from the street or the side neighbors. In making this raised area smaller, we are making that altered roof area technically a dormer, and therefore needing a variance.

We are seeking to make the plan smaller in order to have less effect on sight lines of the neighborhood and make the new plan more in keeping with the architectural character of the neighborhood. We are trying to make a less obtrusive, more restrained addition, maintaining more of the original architecture of the house and are therefore seeking this variance.

The homeowner is:

Suzanne Morgan  
5029 Girard Ave S  
Mpls, MN 55410  
Email: [smorganpsychotherapy@gmail.com](mailto:smorganpsychotherapy@gmail.com)  
Phone: 612-799-7299

The contractor/ applicant is:

Jon Crabtree - Inspired Spaces LLC  
4336 Lyndale Ave S  
Mpls, MN 55409  
Email: [jon@inspiredspacesmn.com](mailto:jon@inspiredspacesmn.com)  
Phone: 612-360-4180

Thank you, Jon Crabtree - Inspired Spaces

# Inspired Spaces, LLC

Jonathan Crabtree  
4336 Lyndale Ave S  
Minneapolis, MN 55409  
MN Lic. # BC637388  
Phone: 612-360-4180

## **Morgan Residence**

5029 Girard Ave S  
Minneapolis, MN 55410

### **STATEMENT OF PROPOSED USE**

The building at 5029 Girard Ave S sought a variance and failed to receive approval for a wider dormer. We received approval and a permit was issued for a plan that bumped up the back of the building 23” to allow for a large A/C unit and additional headroom at the stair into the attic space.

We are seeking to have a variance to alter this plan to have the area bumped up 23” only be 23’ wide and therefore be approx. 18” for each gable end to hide the change in roofline and make the project less visible from the street and the neighborhood. This plan, even though it is smaller, creates a shape of a roofline that is defined as a dormer. We were seeking a variance to allow for this smaller, less noticeable plan.

\*\* A note about the photos and the project, due to a scheduling mistake, the shell of the addition was framed up before the permitting and variance process was complete. The existing dormer will be reworked with, or without the variance. \*\*



As can be seen from these pictures of the erroneously framed up dormer, by holding back the raised area 18", it becomes nearly invisible from the street. If we made the raised area larger and to the corner of the building, it would be a visible change to the architecture of the house. We are trying to prevent that from happening.

Originally when the plan we are seeking a variance for was proposed, the person at the zoning desk at the city said it was acceptable. It is a technicality in the code that the shape, not the size, that makes a dormer, which is why we need a variance to make the project smaller than the approved plan. It is our opinion that the approved plan would be more obtrusive and alter the character of the building and affect the appearance of the neighborhood.

This plan is designed to create the best possible balance between the customer's needs, the need for the city to not have oversized buildings, the neighborhood's desire to have architecturally sound and pleasing buildings and cost-effective construction that maintains the long term viability of the existing building. Building codes have a reason to exist. The height code and the dormer width code exist, in our opinion, to keep excessive building expansion from detracting from a neighborhood's appearance and therefore property values. This plan does not do that since it architecturally matches part of the existing building and because the addition is not visible from the street.

In the variance application, there is a requirement to address issues put forth on the application number 3 is -

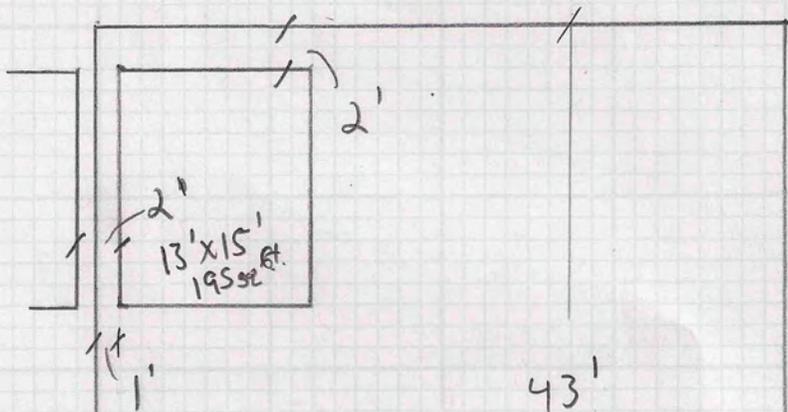
"The proposed variance will not alter the essential character of the locality or be injurious to the use or enjoyment of the other property in the vicinity. If granted, the proposed variance will not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property of nearby properties."

Not only does our proposed plan not alter the essential character of the locality, we feel that it does this far better than the approved plan and therefore ask that our variance be approved.

Thank you for your consideration,

Jon Crabtree  
Inspired Spaces LLC

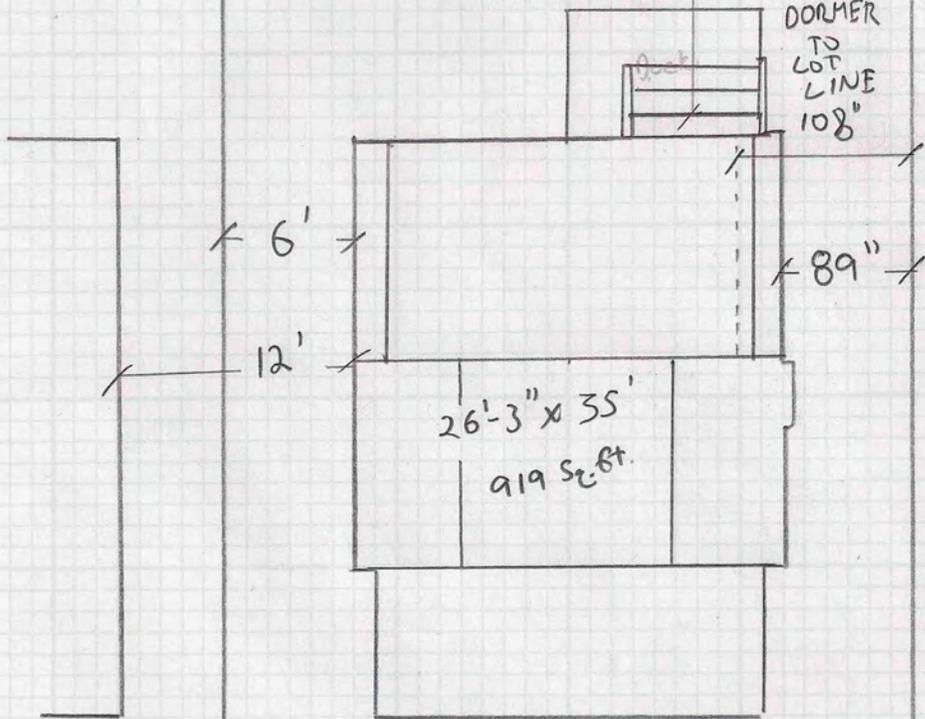
40'



←  
N

DORMER  
TO  
LOT  
LINE  
108"

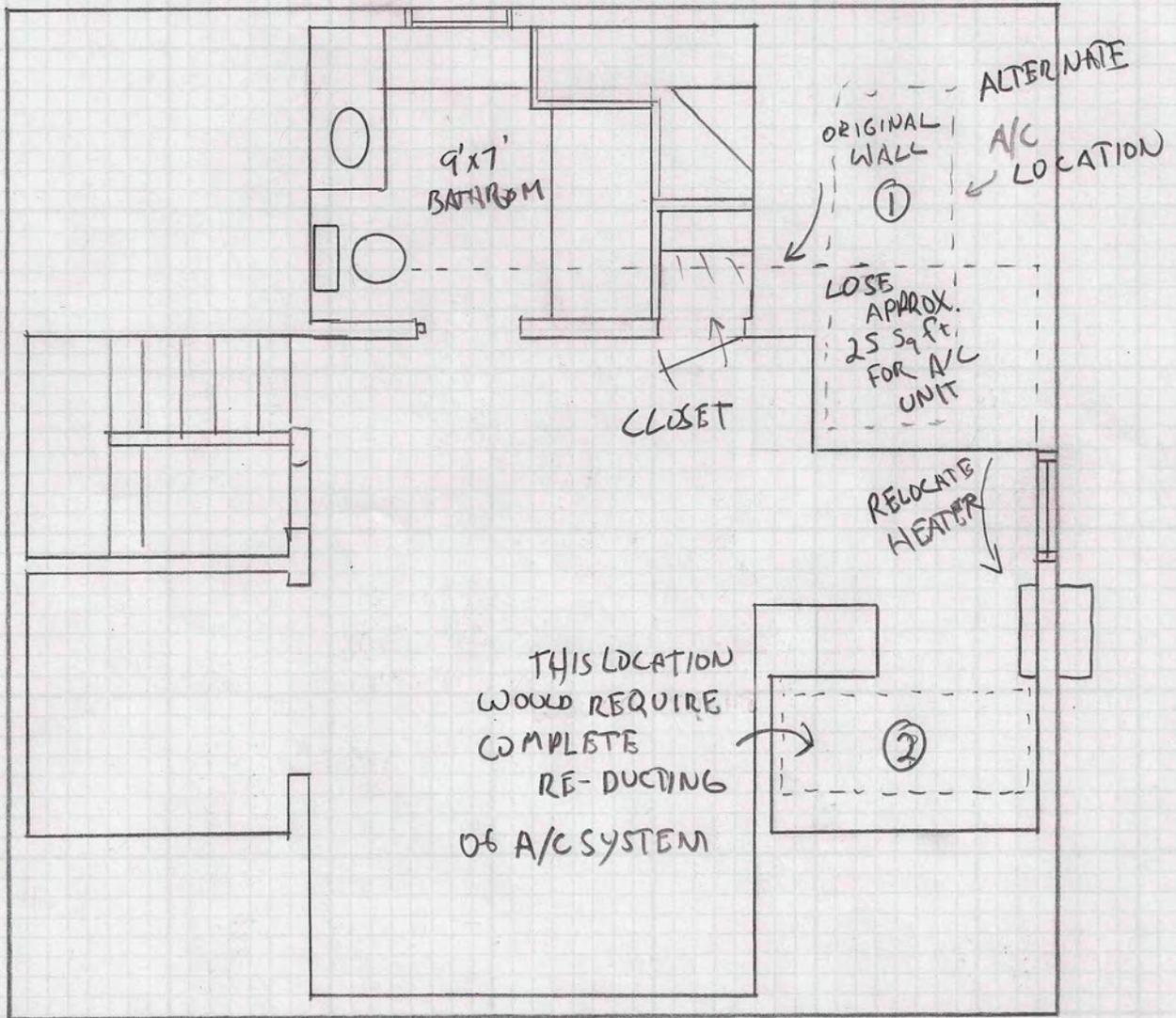
SITE PLAN  
5029 GIRARD AVES  
1" = 10'



99'

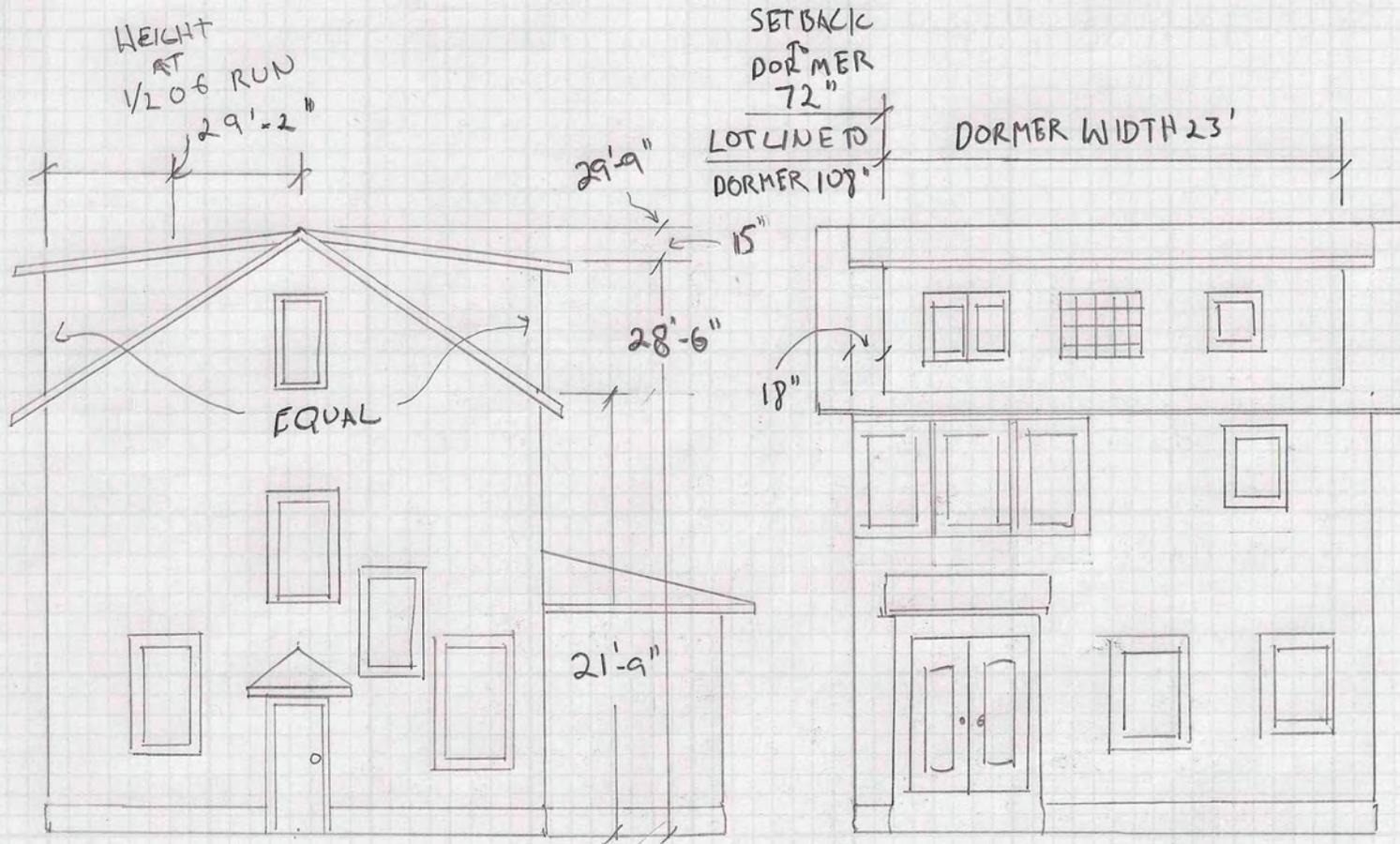
SIDEWALK

GIRARD  
AVE



CODE COMPLIANT  
 PLAN  
 5029 GIRARD AVE S  
 $1/4" = 1'-0"$

DENIED 2015



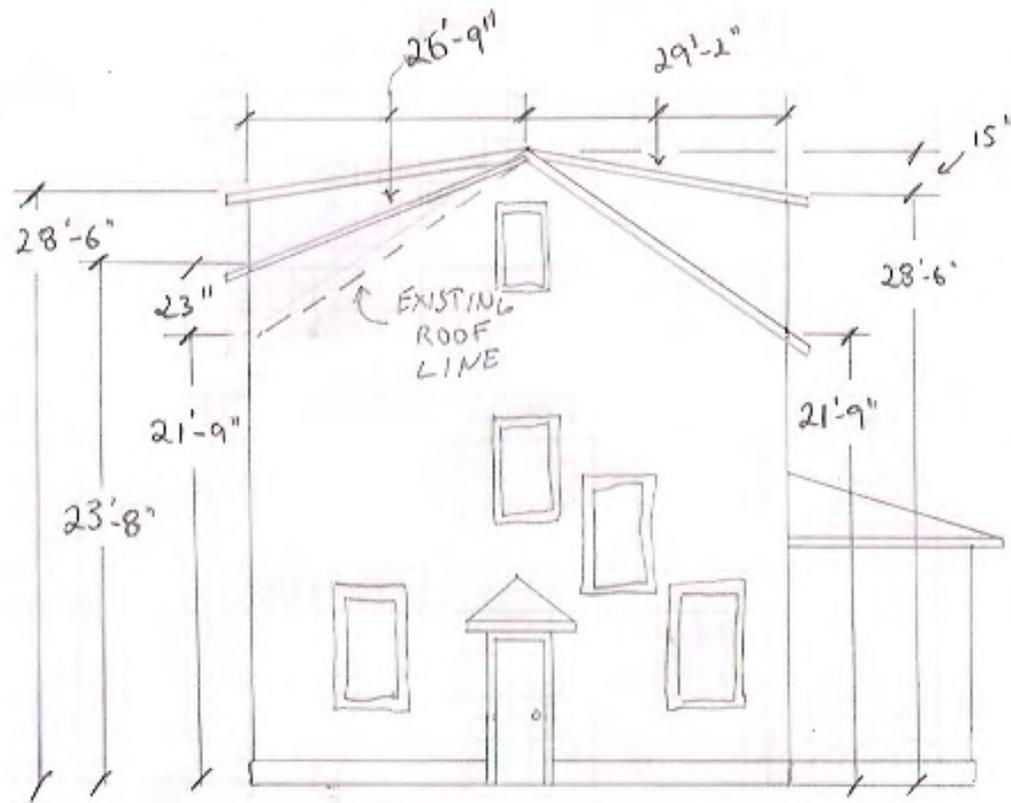
SIDE ELEVATION  
1/8" = 1'-0"

BUILDING WIDTH  
26'

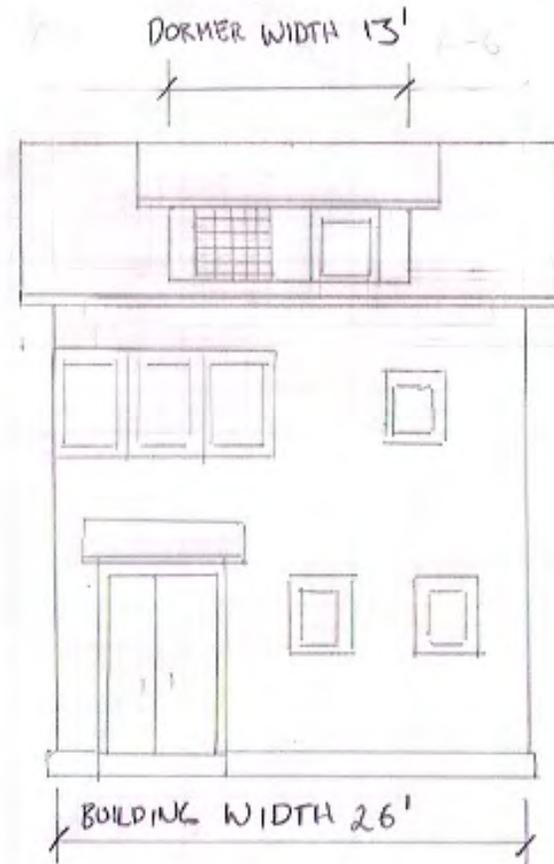
BACK ELEVATION  
1/8" = 1'-0"

5029 GIRARD AVE S

APPROVED ADMINISTRATIVELY 2016



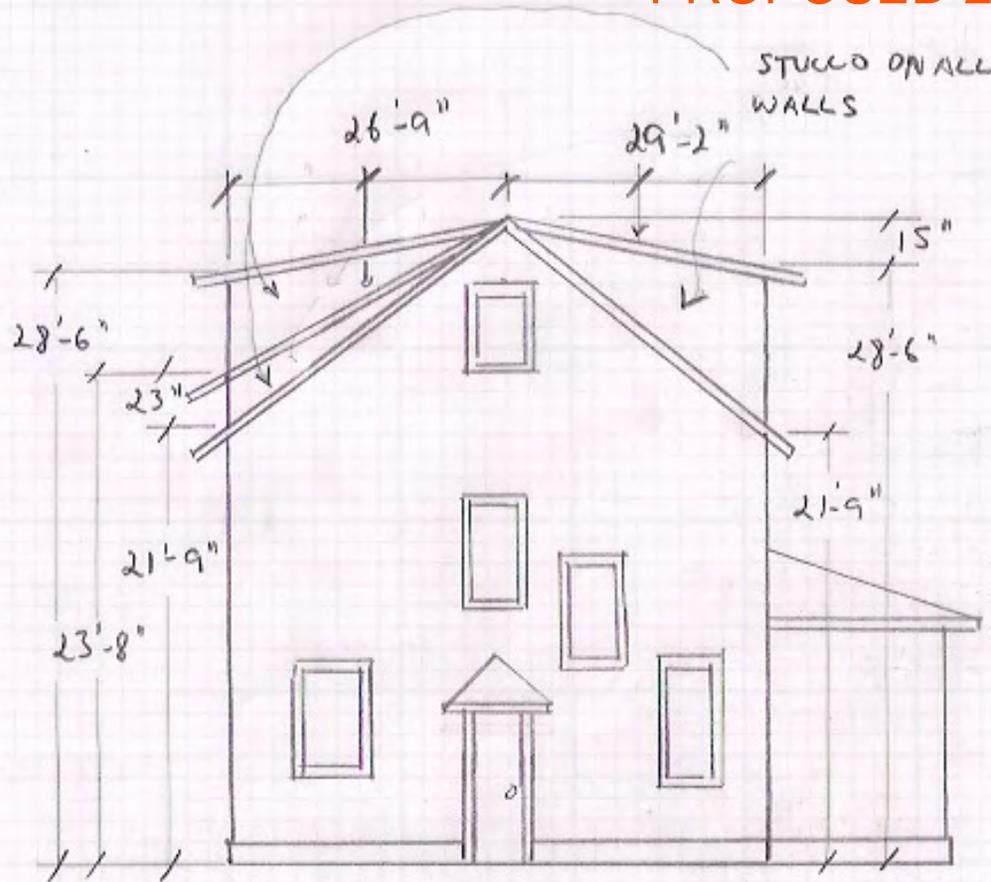
NORTH ELEVATION  
1/8" = 1'-0"



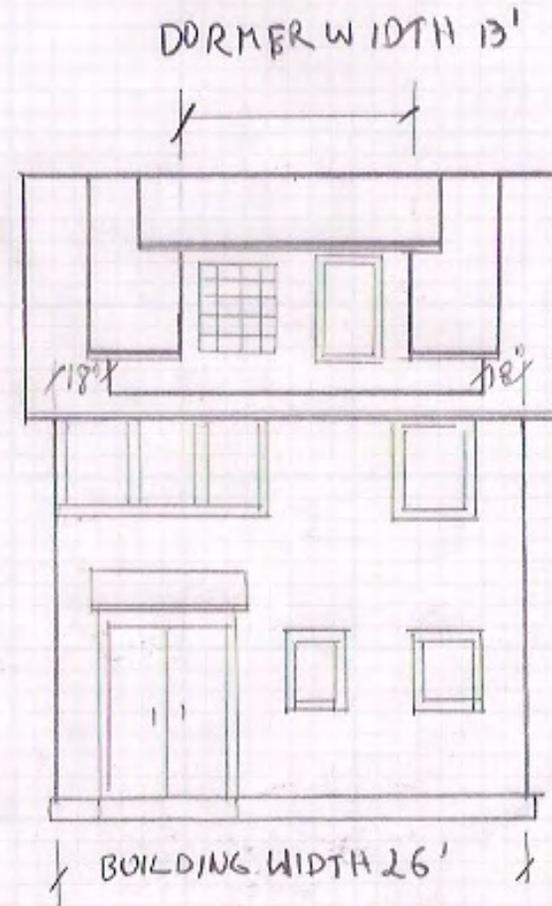
BACK ELEVATION  
1/8" = 1'-0"

5029 GIRARD AVE S (APPROVED)

# PROPOSED 2016



NORTH SIDE ELEVATION



BACK ELEVATION

5029 GIRARD AVES (PROPOSED)



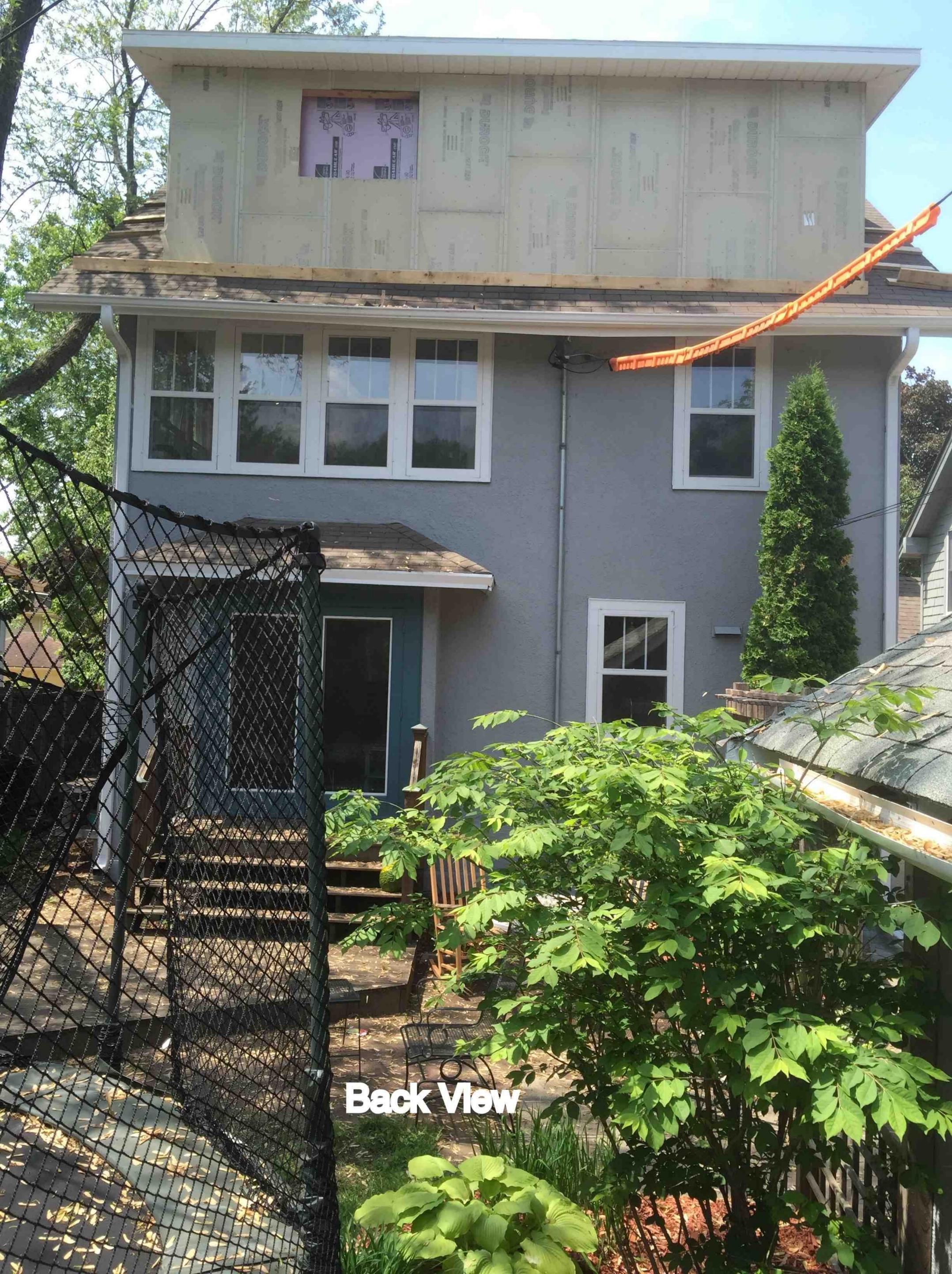
**5029 Driveway View**



**View From 50th St.**



**Back / Side View**



**Back View**

**From:** [Jacobs, Sarah](#)  
**To:** [Widmeier, Janelle A.](#)  
**Subject:** FW: Vairance request - 5029 Girard Ave south  
**Date:** Monday, July 18, 2016 9:56:17 AM  
**Attachments:** [image001.png](#)  
**Importance:** High

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I am the owner of the property located 5025 Girard Ave south. We have a shared driveway with the property at 5029 requesting the variance and our houses are **only 10 feet apart**. The house at 5029 is a 3 story home where our property is 1 ½ story.

We don't have a concern with the current size or esthetics of the addition as it has no impact on my property however if you require a reduction of the dormer size, **please add a stipulation that requires that all mechanicals (air conditioning etc) are located in the interior of the house**. If the dormer is completed as it stands, the sound impact for everyone would be minimized.

Our main concern is that if the city reduces the size of the third story dormer the property owner will place mechanicals such the air conditioning unit outside on the roof or in their backyard. At one time the owner stipulated that this may be their solution if the size of the addition is reduced so that they can basically keep their original plan. This would be an **extreme hardship both visually and, of more importance, from a noise standpoint** on our property. Our houses are extremely close and the noise would cause a livability issue in our main living areas – kitchen, dining room, and living room and even more importantly, the master bedroom. With the property being a 3 story house, the equipment would be next to the windows of our master bedroom. With this property height, the sound would also travel farther due to the lack of any sound barriers. Not only would the **mechanicals be right next to our bedroom**, but the possible noise issues if the mechanicals are not enclosed within the structure, it would affect more properties than usual.

It is clear that **this contractor does not have respect for city ordinances** and I believe the city needs to be very strict in communicating what will be acceptable. Please include a specific stipulation that all mechanicals need to be housed in the interior of the property.

Please call me at 612 58-1681 if you have any questions.

## Sarah Jacobs

Senior IT Project Manager

**ECOLAB** T 651 250 2770 E [Sarah.Jacobs@ecolab.com](mailto:Sarah.Jacobs@ecolab.com)



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