



DATE: May 9, 2018 PC Agenda Item **3.B**

TO: Planning Commission Chair and Commissioners

FROM: Matthew Bachler, City Planner

SUBJECT: Planning Case #18-008 – No Public Hearing Required
Applicant: Kari and Ross Johnson
Property Location: 1275 Nursery Hill Court
Request: Variance

Requested Action

The applicants have requested a variance in order to construct a third stall to the existing attached garage on their property at 1275 Nursery Hill Court. The proposed garage addition would encroach 3 feet – 1 inch into the required 40-foot front yard setback and result in a setback of 36 feet – 11 inches.

Background

1. Overview of Request

The applicants are the owners of the property at 1275 Nursery Hill Court, which is located in the R-1 District. The property owners are proposing an addition to their existing home that would include a third stall on the garage and a bedroom above the garage addition. The applicants have requested a variance to allow the first floor garage addition to encroach 3 feet – 1 inch into the 40-foot front yard setback. The existing garage is setback 39 feet – 5 inches from the front lot line and the addition would extend the structure an additional 2 feet – 6 inches towards Nursery Hill Court. The proposed second floor bedroom addition would not encroach within any required setbacks. The proposed addition would meet all other setback and lot coverage requirements.

The applicants have submitted a letter addressing the variance request (Attachment A). The letter notes that garage addition is needed for additional vehicle parking and storage. The property owners note that given the location of the dwelling on the lot, to accommodate a third garage stall an encroachment would either be needed within the eastern side yard setback or the front

yard setback. The existing conditions survey is included in Attachment D and the preliminary building plans are included in Attachment E.

2. Surrounding Area

Direction	Future Land Use Plan	Zoning	Existing Land Use
North	Low Density Residential	R-1- Single Family Residential	Single Family Detached Residential
South	Low Density Residential	R-1- Single Family Residential	Single Family Detached Residential
East	Low Density Residential	R-1- Single Family Residential	Single Family Detached Residential
West	Low Density Residential	R-1- Single Family Residential	Single Family Detached Residential

3. Site Data

Future Land Use Plan:	Low Density Residential
Existing Land Use:	Single Family Detached Residential
Zoning:	R-1- Single Family Residential
Lot Size:	0.51 Acres (22,225 square feet)
Topography:	Relatively flat. Slopes down to north and west.

Plan Evaluation

Chapter 13, Zoning Regulations Review

1. District Provisions (*R-1 Single Family Residential District*) – Section 1320

A. Lot Size and Dimensions

The survey indicates the lot has an area of 22,225 square feet. The width of the lot is approximately 189 feet along Nursery Hills Court. The average depth of the lot between the east and west property lines is approximately 135 feet. The existing lot meets the minimum lot area and dimension requirements for the R-1 District.

B. Structure Setbacks

The minimum front yard setback for principal structures in the R-1 District is 40 feet. The existing principal structure on the property is nonconforming because of an encroachment of 7 inches into the front yard setback. The applicants have proposed constructing an addition to include a third garage stall and bedroom above the garage addition. The addition to the garage would extend the existing structure an additional 2 feet – 6 inches towards the front lot line for a proposed encroachment of 3 feet – 1 inch and a setback of 36 feet – 11 inches. A variance is

required for the proposed encroachment. The proposed second floor bedroom addition would not encroach within any required setbacks.

The minimum rear yard setback for principal structures in the R-1 District is 30 feet. The existing principal structure is setback approximately 43 feet from the rear property line. The proposed addition does not extend the structure any closer to the rear lot line.

The minimum side yard setback for principal structures in the R-1 District is 10 feet, and the total of both side yard setbacks must add up to 25 feet. The new addition would be setback 10 feet from the east side property line. The existing dwelling is setback approximately 90 feet from the west side property line.

The proposed addition would be located outside of any flood plains, wetlands, or easements.

Applicable R-1 Lot Requirements	
1. Minimum Lot Area (sf.)	14,000
2. Minimum Lot Size (ft., width/depth)	95/130
3. Height (ft.)	35
4. Floor Area Ratio (FAR)	0.3
5. Lot Covered by Structure	25%
6. Minimum Landscape Lot Area	65%
7. Minimum Building Setbacks (ft)	
Front Yard	40
Rear Yard (Principle)	30
Rear Yard (Accessory)	10
Side Yard Interior - Principal (Minimum/total both yards on lot)	10/25
Side Yard Interior - Accessory	10
Side Yard Corner	40

C. Lot Coverage

Properties in the R-1 District are permitted up to 25 percent structure coverage and must maintain a minimum landscape lot area of 65 percent. The property is currently in conformance with the structure and landscape coverage requirements for the R-1 District. The proposed addition would have a footprint of approximately 280 square feet. The applicant has noted that the driveway would need to be expanded if the addition is completed, but the additional surface area of the driveway has not been calculated yet. Lot coverage would be verified at the time a Building Permit application is submitted. Given the size of the lot and the existing impervious surface coverage, there should not be any issues with the property conforming to the lot coverage requirements with the driveway expansion.

Lot Coverage	Proposed		R-1 Regulations
	Square Feet	Percent	
Total Structure	2,495	11.2%	Maximum 25%
Total Impervious Coverage	3,162*	14.2%	Maximum 35%
Landscape Area	19,063*	85.8%	Minimum 65%
Lot Size	22,225 s.f.		14,000 s.f.
*Final impervious surface coverage and landscape lot area to be verified at the time of Building Permit application.			

D. Structure Height

The maximum structure height permitted in the R-1 District is 35 feet. The building height would be verified at the time a Building Permit application is submitted. The proposed addition would match the roofline of the existing dwelling.

E. Floor Area Ratio

The floor area ratio (FAR) is calculated by dividing the gross square footage of the dwelling by the lot area. The FAR calculation would not include the additional gross square footage for the garage addition. In the R-1 District, the maximum FAR permitted is 0.3. The FAR would be verified at the time a Building Permit application is submitted. The FAR is not expected to exceed the R-1 District maximum.

2. Exceptions to the Minimum Requirements for All Districts – Section 1325.03

Section 1325.03, Subd. 2(D) of the Zoning Code allows for a nonconforming single-family dwelling to be expanded if certain provisions are met. A proposed addition is required to maintain all existing setback distances, and the addition cannot extend closer than 30 feet from the front property line or 5 feet from a side property line. The addition is also required to be consistent with the existing structure in terms of exterior materials and roof design, and cannot result in any new nonconforming conditions on the property.

The proposal is to extend the existing nonconforming structure closer to the front property line. Therefore, Section 1325.03, Subd. 2(D) is not applicable in this case. The property owners would be able to expand the existing structure and maintain the existing front yard setback of 39 feet – 5 inches without a variance so long as all other provisions within this section of the Zoning Code were satisfied.

3. Tree Preservation – Section 1355.055

There is one large Ash tree located on the east side of the existing dwelling that would be removed as a result of the addition. The property owner would be required to submit a Tree Preservation Plan with the Building Permit application with the addition and replacement tree plantings may be required depending on the extent of the significant trees removed.

4. Variance Requirements – Section 1355.04, Subd. 4

The applicants have requested a variance to allow the proposed addition to encroach 3 feet – 1 inch into the required 40-foot front yard setback and result in a setback of 36 feet – 11 inches. In

evaluating the variance request, the Planning Commission and City Council must use the following criteria:

1. Purpose and Intent. The variance request shall comply with the purpose and intent of the provisions of the City's Zoning Regulations and with the policies of the City's Comprehensive Plan.
2. Practical Difficulties. The applicant for a variance shall establish that there are practical difficulties in complying with the provisions of the Arden Hills Zoning Regulations. The term "Practical Difficulties" as used in the granting of a variance means:
 - a. *Reasonable Use*. The property owner proposes to use the property in a reasonable manner not permitted by the Zoning Ordinance.
 - b. *Unique Circumstances*. The plight of the property owner is due to circumstances unique to the property not created by the landowner.
 - c. *Character of Neighborhood*. The variance, if granted, will not alter the essential character of the neighborhood.
3. Economic Consideration. Economic consideration alone does not constitute a practical difficulty.
4. Access to Sunlight. Inadequate access to direct sunlight for solar energy systems shall be considered a practical difficulty.

Conditions may be imposed on granting of variances if those conditions are directly related to and bear a rough proportionality to the impact created by the variance.

The variance request would comply with the purpose and intent of the R-1 Zoning District and with the policies within the City's Comprehensive Plan. The Planning Commission will need to make a determination on whether there are practical difficulties with complying with the zoning regulations in this case. Staff inspected the neighborhood and there are several dwellings on Nursery Hill Court with three garage stalls.

Additional Review

Residential Building Inspector

The Residential Building Inspector has reviewed the plans and has no additional comments at this time. A Building Permit will be required prior to any construction taking place.

Public Works Director/City Engineer

The Public Works Director/City Engineer has reviewed the plans and has no additional comments at this time.

Findings of Fact

The Planning Commission must make a finding as to whether or not the proposed application would adversely affect the surrounding neighborhood or the community as a whole based on the aforementioned factors. Staff offers the following findings for consideration:

General Findings:

1. The property at 1275 Nursery Hill Court is located in the R-1 Single Family Residential Zoning District.
2. The existing single-family residential dwelling on the property is a nonconforming structure because of an encroachment of 7 inches into the required 40-foot front yard setback from Nursery Hill Court.
3. The property owners have requested a variance in order to construct a third stall garage addition that would encroach 3 feet – 1 inch into the required 40-foot front yard setback and result in a setback of 36 feet – 11 inches.
4. The proposed addition would meet all other minimum setback requirements for the R-1 District.
5. The proposed addition would be required to meet the minimum lot coverage requirements, maximum building height requirement, and floor area ratio requirement for the R-1 District.
6. The proposed development would not encroach on any flood plains, wetlands, or easements.
7. The proposed development is not expected to impact any significant trees on the property.

Variance Findings:

8. The variance request would comply with the purpose and intent of the R-1 Zoning District and with the policies within the City's Comprehensive Plan.
9. The proposed addition for a third garage stall and additional living space above is a reasonable use of the property.
10. The presence of the large drainage and utility easement area on the west and north side of the property along with the location of the existing dwelling at the far eastern side of the property could be considered unique circumstances.
11. A third garage stall would not be inconsistent with the other dwellings on Nursery Hill Court.
12. The proposed variance does not appear to be based on economic consideration alone.

Options and Motion Language

Staff has provided the following options and motion language for this case. The Planning Commission should consider providing additional findings of fact as part of the motion to support their recommendation for approval or denial.

- Recommend Approval with Conditions: Motion to recommend *approval* of Planning Case 18-008 for a Variance at 1275 Nursery Hill Court, based on the findings of fact and the submitted plans, as amended by the three (3) conditions in the May 9, 2018 Report to the Planning Commission:
 1. The project shall be completed in accordance with the plans submitted as amended by the conditions of approval. Any significant changes to these plans, as determined by the City Planner, shall require review and approval by the Planning Commission and City Council.
 2. A Building Permit and Tree Preservation Plan shall be required prior to commencement of construction.
 3. The structure shall conform to all other regulations in the City Code.

- Recommend Approval as Submitted: Motion to recommend *approval* of Planning Case 18-008 for a Variance at 1275 Nursery Hill Court, based on the findings of fact and the submitted plans in the May 9, 2018 Report to the Planning Commission.

- Recommend Denial: Motion to recommend *denial* of Planning Case 18-008 for a Variance at 1275 Nursery Hill Court, based on the following findings: *findings to deny should specifically reference the reasons for denial and why those reasons cannot be mitigated.*

- Table: Motion to *table* Planning Case 18-008 for a Variance at 1275 Nursery Hill Court: *a specific reason and information request should be included with a motion to table.*

Notice

Although a variance does not require a public hearing, a public meeting notice was prepared by the City and mailed to properties within 350 feet of the subject property.

Public Comments

Staff received an email from the residents at 1270 Nursery Hill Court who expressed their support for the request. A copy of the correspondence has been provided in Attachment F.

Deadline for Agency Actions

The City of Arden Hills received the completed application for this request on April 2, 2018. Pursuant to Minnesota State Statute, the City must act on this request by June 1, 2018 (60 days), unless the City provides the petitioner with written reasons for an additional 60-day review period. With consent of the applicant, the City may extend the review period beyond the initial 120 days.

Attachments

- A. Land Use Application and Variance Request Letter
- B. Location and Aerial Maps
- C. Site Photographs
- D. Existing Conditions Survey
- E. Proposed Building Plans
- F. Public Comments