



DATE: October 28, 2019

TO: Honorable Mayor and City Councilmembers
Dave Perrault, City Administrator

FROM: Joe Hartmann, Associate Planner
Mike Mroska, Community Development Manager/City Planner

SUBJECT: Planning Case #19-011
Applicant: Chris Grose of Northrup Builders
Property Location: 1314 Cannon Avenue
Request: Variance

Budgeted Amount:	Actual Amount:	Funding Source:
N/A	N/A	N/A

Council Should Consider the Following

Motion to approve Planning Case 19-011 for a Variance at 1314 Cannon Avenue, based on the findings of fact and the submitted plans in the October 28, 2019 Report to the City Council.

Background

Northrup Builders has submitted an application for a variance on behalf of the owners of 1314 Cannon Avenue (Attachment A). The subject property is zoned R-1, Single Family Residential District and is guided as Low Density on the Land Use Plan. The Applicant is proposing to construct a four-season porch addition to their existing home. The proposed addition would be constructed on the south side of the property facing the backyard. The Applicant has requested a variance because the existing dwelling on the subject property has legal-nonconforming side yard setbacks.

The existing principal structure was built in 1963 and predates the current R-1 zoning code requirements. The existing principal structure on the subject property is setback nine (9) feet from the eastern property line and has combined total setback of 19 feet. However, the R-1 zoning district requires a minimum side yard setback of 10 feet and a minimum total combined of 25 feet for residential properties. The proposed addition will be constructed to maintain the same setbacks

as the existing house or nine (9) feet from the eastern property line. The proposed addition will meet all other R-1 zoning requirements.

Plan Evaluation

Attachments C and D to this report illustrate the applicants' request. A full evaluation of the proposal was presented to the Planning Commission on October 9, 2019. The staff report to the Planning Commission on this case is provided in Attachment E. Draft minutes from the October 9, 2019 meeting are included in Attachment F.

Variance Requirements – Section 1355.04, Subd. 4

The City Council must make a determination utilizing the following variance findings and criteria on whether there are practical difficulties with complying with the zoning regulations in regards to Planning Case 19-011.

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.

The variance request complies with the purpose and intent of the R-1 Zoning District and with the policies within 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.

The proposed addition is a reasonable use of the property.

- b. *Unique Circumstances.* The plight of the property owner is due to circumstances unique to the property not created by the landowner.

Conditions of the property present a unique circumstance as the house was constructed prior to the establishment of the existing zoning code and does not meet current setback standards.

- c. *Character of Neighborhood.* The variance, if granted, will not alter the essential character of the neighborhood.

The proposed addition will not alter the character of the neighborhood and is consistent with the other dwellings in the neighborhood.

3. Economic Consideration. Economic consideration alone does not constitute a practical difficulty.

The proposed variance is not based on economic consideration.

4. Access to Sunlight. Inadequate access to direct sunlight for solar energy systems shall be considered a practical difficulty.

A solar energy system is not proposed. However, the proposed addition would not impact the ability to construct a solar energy system onsite or on an adjoining property.

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 reviewed Planning Case 19-011 at their meeting on October 9, 2019 and offers the following findings of fact for consideration:

General Findings:

1. The property at 1314 Cannon Avenue is located in the R-1 Single Family Residential Zoning District.
2. The existing single-family residential dwelling was built prior to the existing zoning code and is a nonconforming structure because it encroaches into the required side yard setbacks on either side of the property.
3. The property owners have requested a variance in order to construct an addition that would remain flush with the side of the dwelling and would maintain the same setback as the existing structure
4. The proposed addition would meet all other minimum setback requirements for the R-1 District.
5. The proposed addition meets the minimum lot coverage requirements, maximum building height requirement, and floor area ratio requirement for the R-1 District, as indicated by the plans submitted by the Applicant.
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.

Recommendation

The Planning Commission recommended approval by a 7-0 vote of Planning Case 19-011 for a Variance at 1314 Cannon Avenue, based on the findings of fact and the submitted plans in the October 9, 2019 Report to the Planning Commission, as amended by the following conditions:

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 shall be required prior to commencement of construction.
3. The structure shall conform to all other regulations in the City Code.
4. The finish of the proposed addition shall complement the existing structure.

Public 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 did not receive any mail from residents regarding this variance request.

Deadline for Agency Actions

The City of Arden Hills received the completed application for this request on September 5, 2019. Pursuant to Minnesota State Statute, the City must act on this request by November 4, 2019 (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.

Budget Impact:

NA

Attachments

- A. Land Use Application
- B. Location Map
- C. Setback Exhibit
- D. Building Permit
- E. Planning Commission Report, October 9, 2019
- F. Draft Planning Commission Minutes, October 9, 2019