

- **Planning Case #21-006 –**
No Public Hearing Required
- **Applicant:** Robert Kunze
- **Property Location:** 4073
Valentine Court
- **Request:** Variance



Background

- R-1 Single Family Residential District
- Single-family residence
- Nonconforming parcel
- Nonconforming side yard setback for a corner parcel

	Subject Lot	Proposed	R1 District Minimum Standards
Lot area	37,541 Sq. Ft.	37,541 Sq. Ft.	14,000 Sq. Ft.
Side Yard Setback for Corner Lots	~20 Ft.	7.82 Ft.	40 Ft.

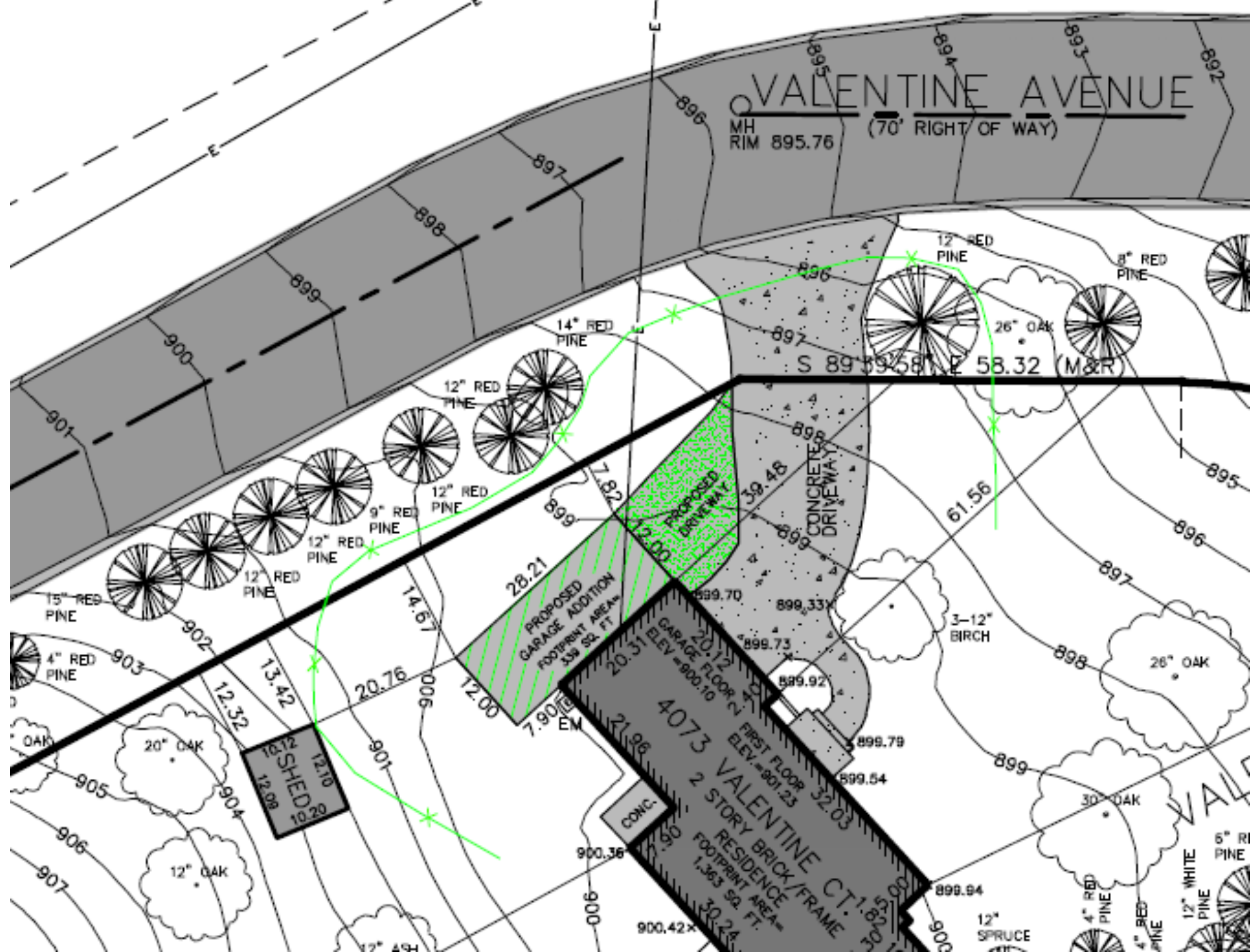


Overview Request

- Applicant requests flexibility for the side yard setback requirement to build a third car garage addition on the side of his house.
 - The minimum side yard setback for a corner parcel in the R-1 District is 40 feet.
 - The parcel is currently nonconforming to side yard setbacks.
 - The primary structure was built in 1953 before the side yard setbacks for corner and interior parcels was differentiated.
 - The primary structure is currently located approximately 20 feet from the property line.
 - The applicant is requesting a variance to build a garage addition 7.82 feet from the northwest side yard property line.

Approvals

- The application requires a setback variance on the subject property.



Variance Requirements – Section 1355.04, Subd. 4

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 is consistent with the purpose and intent of the R-1 Zoning District and with the policies within the City's Comprehensive Plan.

Variance Requirements – Section 1355.04, Subd. 4

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:

- *Reasonable Use.* The property owner proposes to use the property in a reasonable manner not permitted by the Zoning Ordinance.

A third car garage stall for a single family home is a reasonable use of the Subject Property in the R-1 Zoning District.

Variance Requirements – Section 1355.04, Subd. 4

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:

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

The subject parcel is an odd shape. The curved sections of the property line create difficulty in meeting setback requirements. While the structure is currently nonconforming as to setbacks, the parcel was conforming when the house was built in 1953. Other areas on the property were considered for a freestanding garage. Any of the other areas in the front yard, or anywhere close to the house in the rear, would involve cutting down big 100+ year old oak trees that provide screening from the street. Adding a garage addition behind the existing garage would involve significant drainage issues and would require major regrading under the drip line of some of the 100+ year old oak trees.

Variance Requirements – Section 1355.04, Subd. 4

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

The existing neighborhood has homes with a variety of different garages and housing styles. The proposed variance will not alter the character of the neighborhood. Many garages have been added to the road side of existing homes in the neighborhood. The topography and odd lot shapes make the neighborhood quite varied. The homes are not in straight lines, all the same distance from the road or each other.

Variance Requirements – Section 1355.04, Subd. 4

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

The proposed variance is not based on economic consideration.

Public Notice

A public notice was mailed to nearby property owners as per the Land use Application Public Notification Policy on May 13, 2021.

City staff received feedback from seven nearby residents as of May 19, 2021. Each neighboring resident spoke out in favor of the Applicant's request.

Conditions of Approval

1. A Building Permit shall be issued prior to commencement of construction.
2. The proposed building shall conform to all other standards and regulations in the City Code.

Proposed Motion Language

- Approval with Conditions: Motion to approve Planning Case 21-006 for a Variance at 4073 Valentine Court, based on the findings of fact and the submitted plans, as amended by the two (2) conditions in the May 24, 2021 Report to the City Council.
- Approval as Submitted: Motion to approve Planning Case 21-006 for a Variance at 4073 Valentine Court, based on the findings of fact and the submitted plans in the May 24, 2021 Report to the City Council.

Proposed Motion Language

- Denial: Motion to deny Planning Case Planning Case 21-006 for a Variance at 4073 Valentine 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 Planning Case 21-006 for a Variance at 4073 Valentine Court : *a specific reason and information request should be included with a motion to table.*

Questions?

Planning Case 21-006 – 4073 Valentine Court Variance

