



CPED STAFF REPORT

Prepared for the Zoning Board of Adjustment
 BOA Agenda Item 4
 July 14, 2016
 BZZ-7751

LAND USE APPLICATION SUMMARY

Property Location: 4226 19th Avenue South
Project Name: Driveway Retaining Wall
Prepared By: Suado Abdi, City Planner, (612) 673-2467
Applicant: Andy Bare
Project Contact: Andy Bare
Request: To allow a retaining wall that does not retain natural grade in an interior side yard.

Required Applications:

Variance	To reduce the minimum interior north side yard requirement from 5 feet to 0.5 feet to allow a retaining wall that does not retain natural grade.
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SITE DATA

Existing Zoning	RIA Single Family District AP Airport Overlay District
Lot Area	5,076 square feet
Ward(s)	12
Neighborhood(s)	Standish; adjacent to Ericsson
Designated Future Land Use	Urban Neighborhood
Land Use Features	N/A
Small Area Plan(s)	N/A



Date Application Deemed Complete	June 22, 2016	Date Extension Letter Sent	Not Applicable
End of 60-Day Decision Period	August 7, 2016	End of 120-Day Decision Period	Not Applicable

BACKGROUND

SITE DESCRIPTION AND PRESENT USE. The subject property, 4226 19th Avenue South, is an interior lot zoned RIA Single Family District and AP Airport Overlay District. The site is approximately 40 feet by 126.9 feet (5,076 square feet). Currently, the site contains a new two-story single-family house and a detached garage accessed from the public alley. The new house was approved in July 2015.

Before this new house, the lot contained a one-story single-family house that was built further back into the lot (“alley house”) and a small detached garage accessed from the alley. There is an approximately 6 foot grade change from the front of the lot to the rear. From the alley, grade at the garage is four feet higher than the grade at the house. Attached is a survey and photo of the alley house. Shown on the areal site plan, grading on the subject block is significantly higher along 43rd Street East when accessed from alley towards 42nd Street East. Each green line represent 2 feet contour grade. So, the closer the contour lines get the steeper the grade in that area. For this reason, most of the detached garages along this alley are on higher grade than the house.

SURROUNDING PROPERTIES AND NEIGHBORHOOD. The surrounding properties in the immediate area are predominantly single-family homes zoned RIA Single Family District. Two blocks to the west is Cedar Avenue zoned CI Neighborhood Commercial District and R4 Multiple Family District. The property is a block north of Hiawatha Golf Course.

PROJECT DESCRIPTION. On July 20, 2015, an Administrative Site Plan Review for a new single-family house and detached garage was approved. This construction is now complete and the new owners have already moved in.

Part of the approval for the project was that any retaining wall not maintaining natural grade must meet the required interior side yard setback of 5 feet for this lot. As shown on the approved site plan, the driveway for the garage, located on the rear north side of the lot has an L-shaped retaining wall. The driveway is approximately 4 feet higher in grade than the backyard. For this reason, both the garage and driveway are built on a retaining that maintains natural grade (see attached site photos).

However, a portion of the driveway along the north side requires a variance because the natural grade on that corner ranges between 834.2 to 834.5 feet. The top of the proposed retaining was is 838.0. The height of the retaining wall will range between 3.8 feet to 3.5 feet. The applicant is requesting a variance to allow a 10 foot long retaining to fill the L-shaped corner of the existing retaining wall so that there is enough driveway width and resolve potential drainage issues.

RELATED APPROVALS.

Planning Case #	Application	Description	Action
BZZ-7195	Administrative Site Plan Review of Single Family House.	New 2-story house and a detached garage	Approved administratively on July 20, 2015

PUBLIC COMMENTS. As of writing this report, staff has not received any public comments. 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 of the north interior side yard setback from 5 feet to 0.5 feet 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 change in grade is a practical difficulty that is unique to the property. There is an approximately 6 foot grade change from the front to the rear of the lot. The grade is particularly higher on the rear 25 feet of the lot, where the garage is located. From the alley, there is an approximately 4 foot drop to the backyard. As a result, the existing garage and driveway are built on higher ground than the house. The required north side yard setback for this lot is 5 feet. The applicant is seeking to reduce the required setback from 5 feet to 0.5 feet to allow a 10 foot long retaining to fill-in the L-shaped corner of the existing retaining wall so that there is enough driveway width and resolve drainage issues.

The unique circumstances are not created by the applicant presently having interest in the property.

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.*

The purpose of the proposed retaining wall is to widen the existing driveway. Per 535.280 (c), driveways are permitted obstructions within yard requirements and allowed to be closer than one foot to the property line. The applicant is seeking a variance to reduce the required side yard setback from 5 feet to 0.5 feet. Due to grading conditions on this block, staff finds the proposed retaining wall will be used in a reasonable manner that will be in keeping with the spirit and 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 variance will not be alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity.

The site previously contained a one-stall 11.9 feet by 19.1 feet detached garage in the same location as the new garage. While smaller, both the previous garage and driveway were situated atop of an approximately 3 foot retaining wall. The new garage measures 24 feet by 20 feet. The new driveway does not provide enough access into the garage due to the irregular shape of the driveway as a portion of the driveway is setback 5 feet from the north property line. With a 40 feet wide lot, a 20 feet wide garage plus 1.2 feet south setback only leaves 18.2 feet of potential driveway. The width of the driveway measured from the L-shaped retaining wall is only 13.8 feet. The zoning code does not specifically regulate turning radius for residential driveways.

The garage of the north neighbor is only 0.3 feet to the shared north property line. The attached photos show the existing driveway almost touching the neighbor's garage. Again, driveways are permitted obstructions within required yard setbacks and allowed to be closer than one foot to the property line. The neighbor's 5.5 feet high wooden fence is located within the subject property.

Grading on this neighbor's lot changes approximately 4.9 feet from the front to the rear of the lot. This neighbor's garage is also slightly elevated than their house.

As mentioned above, grading on this block when accessed from the alley is significantly higher from 43rd Street E to 42nd Street East. Grading on the south neighbor's lot changes approximately 7 feet from the front to the rear of the lot. Along the shared south property line is an approximately 5 foot fence.

The applicant mentioned that a 3 foot fence may be constructed on top of the retaining in the near future. The zoning code allows for a 6 foot fence to be constructed right up to the property line along the side and rear yards per 535.420 (3) and (4). Minneapolis Plan Review Building Code requires three foot guardrails for platforms 30" above grade.

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. In fact, it would resolve potential drainage issues created by the unutilized pit on the north corner of the driveway.

RECOMMENDATIONS

The Department of Community Planning and Economic Development recommends that the Zoning Board of Adjustment adopt staff findings for the application(s) by Andy Bare for the property located at 4226 19th Avenue South:

A. Variance to decrease the north interior side yard setback.

Recommended motion: **Approve** the application for a variance to decrease the required north interior side yard setback from 5 feet to 0.5 feet to allow a retaining wall that does not retain natural grade, subject to the following conditions:

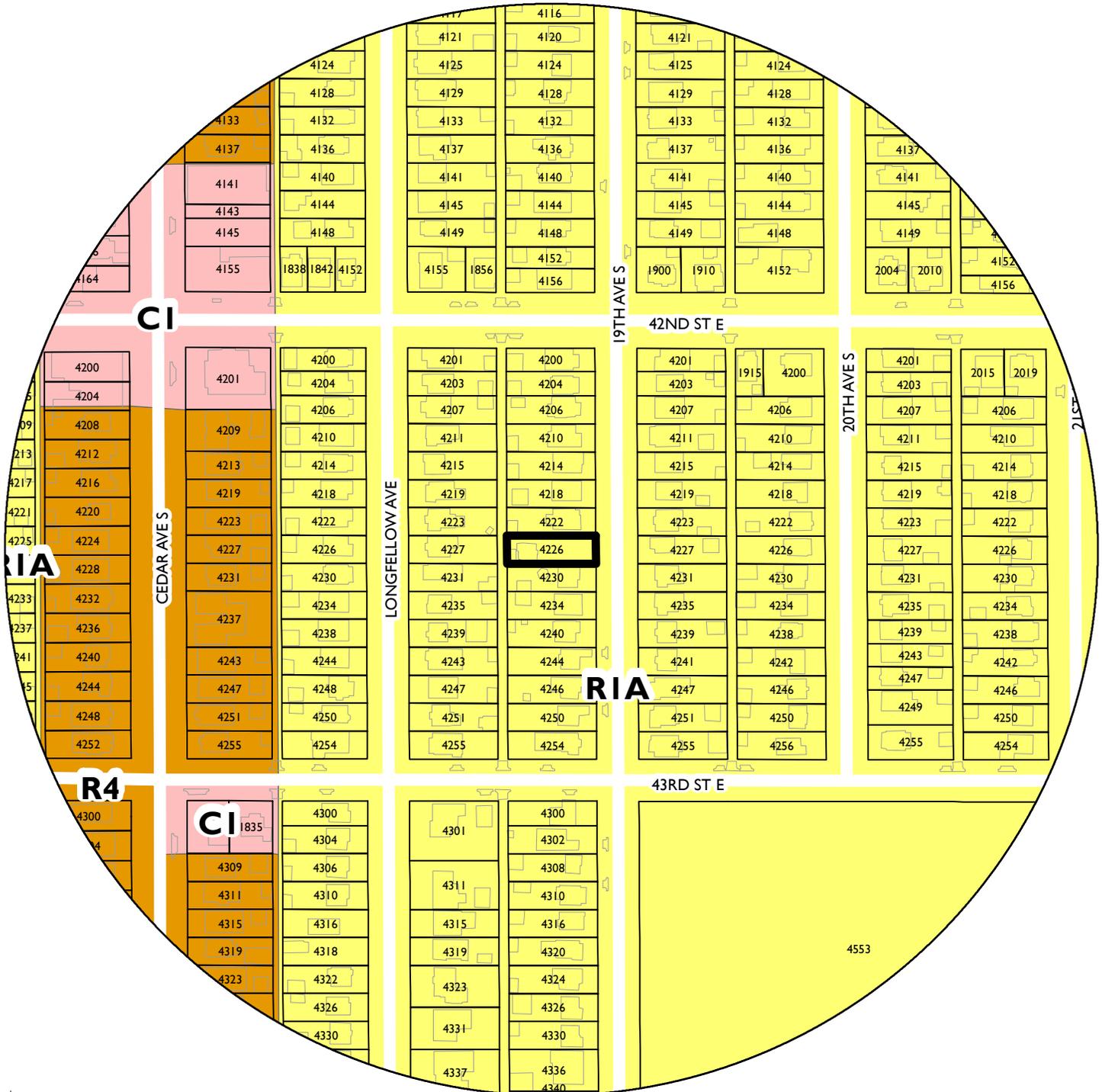
1. The applicant shall install a 3 feet guardrail around the perimeter of the driveway per Minneapolis Building Code requirement.
2. Approval of the final site, elevation, and floor plans by the Department of Community Planning and Economic Development.
3. All site improvement shall be completed by July 14, 2018, unless extended by the Zoning Administrator, or the permit may be revoked for noncompliance.

ATTACHMENTS

1. Zoning map
2. Oblique aerial photo
3. Written description and findings submitted by applicant
4. Survey of Alley House
5. Approved Site plan
6. Photos
7. Public comments

NAME OF APPLICANT

WARD

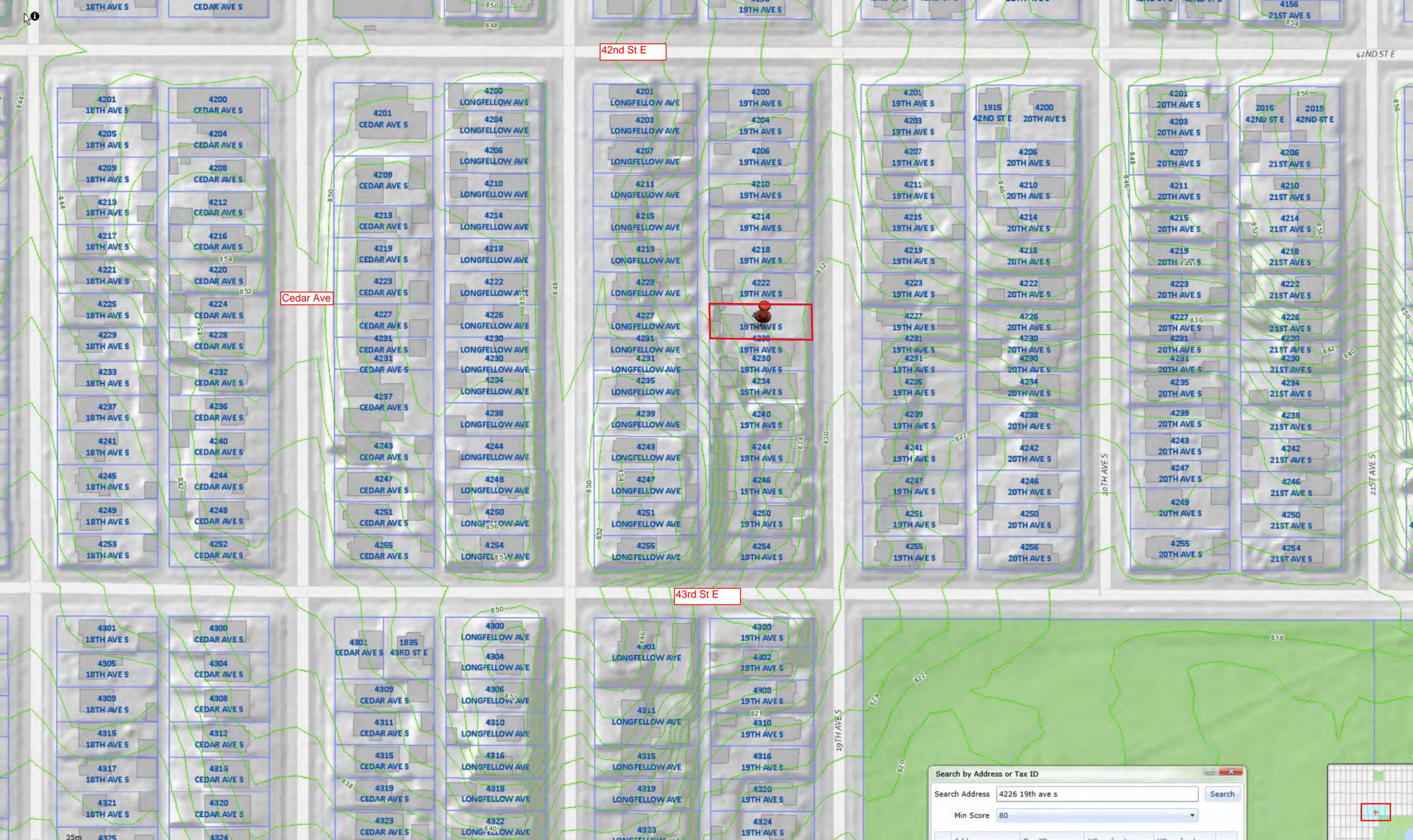


PROPERTY ADDRESS

4226 19th Avenue South

FILE NUMBER

BZZ-7751



42nd St E

Cedar Ave

43rd St E



Search by Address or Tax ID

Search Address 4226 19th ave s Search

Min Score 80



Statement of proposed use for a sideyard variance at 4226 19th Avenue South

Andy Bare on behalf of Ben and Jennifer Runchey is applying for a sideyard variance for a retaining wall. The variance would allow for construction of an approximate 10 foot long retaining wall in the 5 foot setback. We are requesting to reduce the sideyard set back from 5 feet to 6 inches on the rear 30 feet of the property line on the south side only. The purposes of building a retaining wall for driveway construction.

Listed below are my findings as required

- 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 current zoning allows for retaining walls in required yards for holding up natural grade. Most alley garages don't have a 3-4 foot height difference from the alley to the house. The current construction doesn't allow for easy access to the garage.

- 2. The property owner or authorized applicant proposes to use the property in a reasonable manner that will be in keeping with spirit and intent of the ordinance and the comprehensive plan.**

The purpose of the retaining wall is to create a more usable driveway. The ordinance allows for a driveway in the in entire sideyard, however it was deemed that a 3 foot wall holding up a driveway creates a retaining wall condition vs a simple driveway construction.

- 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, of welfare of the general public or of those utilizing the property or nearby properties.**

There are several other similar conditions to the south in the same alley. I am assuming that people built their retaining walls prior to the adoption of the current ordinance. If the current condition is required to remain it creates one of those weird spots in the rear yard that has drainage issues. If granted the variance would improve the safety and welfare of those utilizing the property because it will create a more natural drainage path and be a safer driveway to pull in and out of the garage.

Thank you for your consideration of this matter.

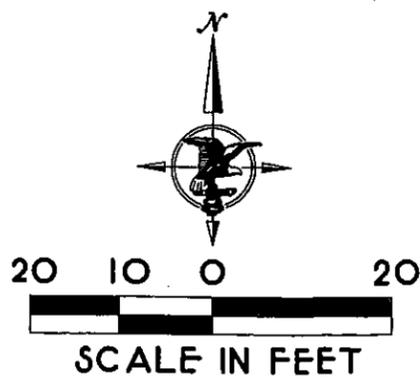
Andy Bare

LEGAL DESCRIPTION:

Lot 8, Block 3, CEDAR AVENUE HEIGHTS ADDITION,
Hennepin County, Minnesota.

GENERAL NOTES:

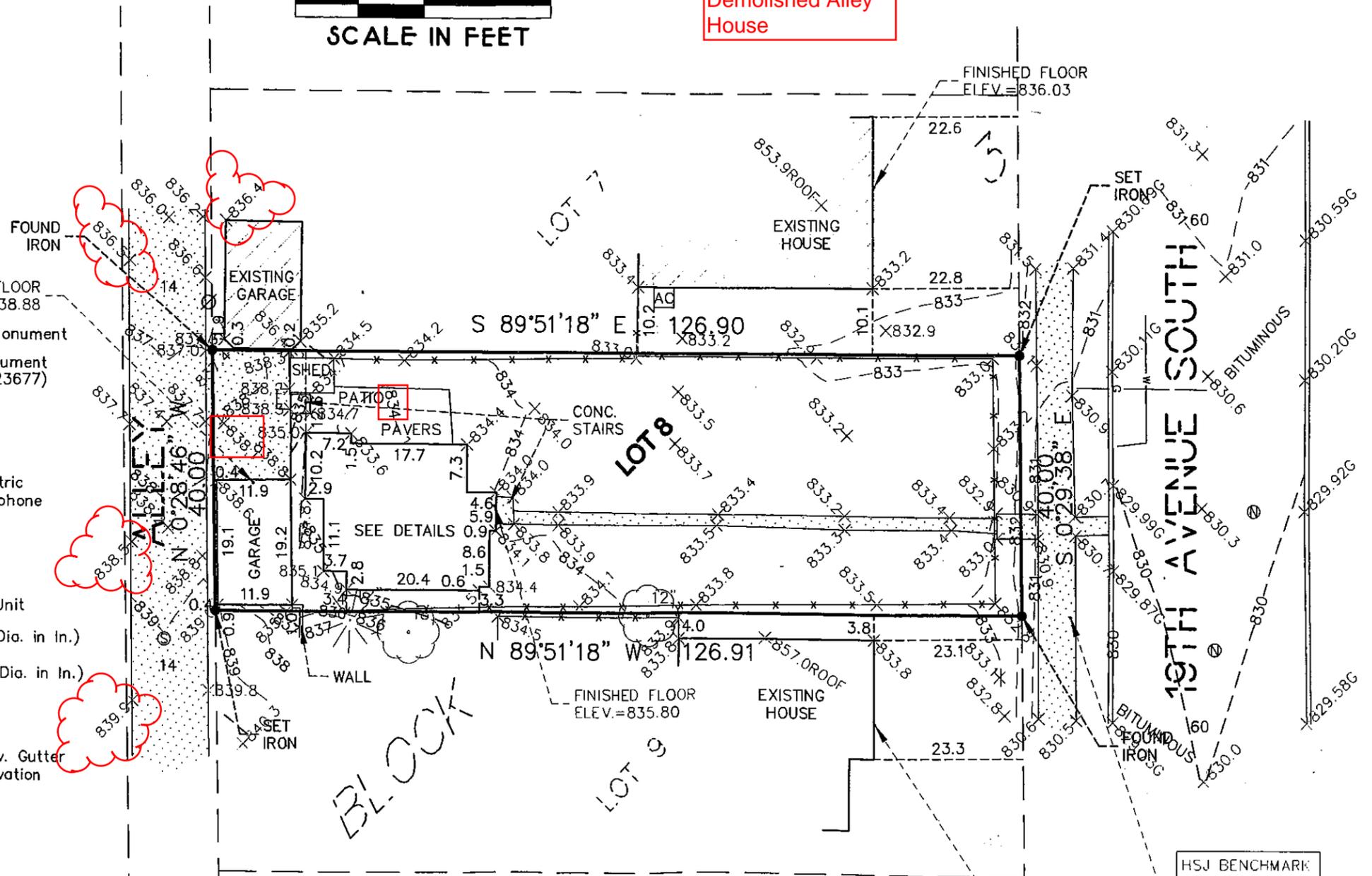
1. The bearing system used is assumed.
2. The location of the underground utilities shown hereon, if any, are approximate only. PURSUANT TO MSA 216D CONTACT GOPHER STATE ONE CALL AT (612) 454-0002 PRIOR TO ANY EXCAVATION.
3. Site area = 5,076 square feet = 0.117 acres.
4. This survey was made on the ground.
5. No current title work was furnished for the preparation of this survey, legal description, recorded or unrecorded easements and encumbrances are subject to revision upon receipt of current title work.
6. Elevation datum is based on NAVD 88 data. Bench mark is located Top of Nail (AS SHOWN ON SURVEY) Elevation = 830.64



Previously Demolished Alley House

LEGEND

- | | | |
|--|------------|--|
| | FOUND IRON | Found Property Monument |
| | SET IRON | Set Property Monument (Minn. Reg. No. 23677) |
| | | Concrete |
| | | Concrete Curb |
| | | Fence |
| | | Overhead Electric |
| | | Underground Electric |
| | | Underground Telephone |
| | | Water |
| | | Gas |
| | | Sanitary Sewer |
| | | Storm Sewer |
| | | Power Pole |
| | | Air Conditioning Unit |
| | | Deciduous Tree (Dia. in In.) |
| | | Coniferous Tree (Dia. in In.) |
| | | Sanitary Manhole |
| | | Storm Manhole |
| | | Existing Contour |
| | | Existing Spot Elev. Gutter |
| | | Existing Spot Elevation |



HOUSE DETAILS:
4226 19TH AVENUE SOUTH
1-STORY HOUSE
FOOTPRINT AREA = 580 SQ. FT.

CERTIFICATION:

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

Date: April 22, 2015

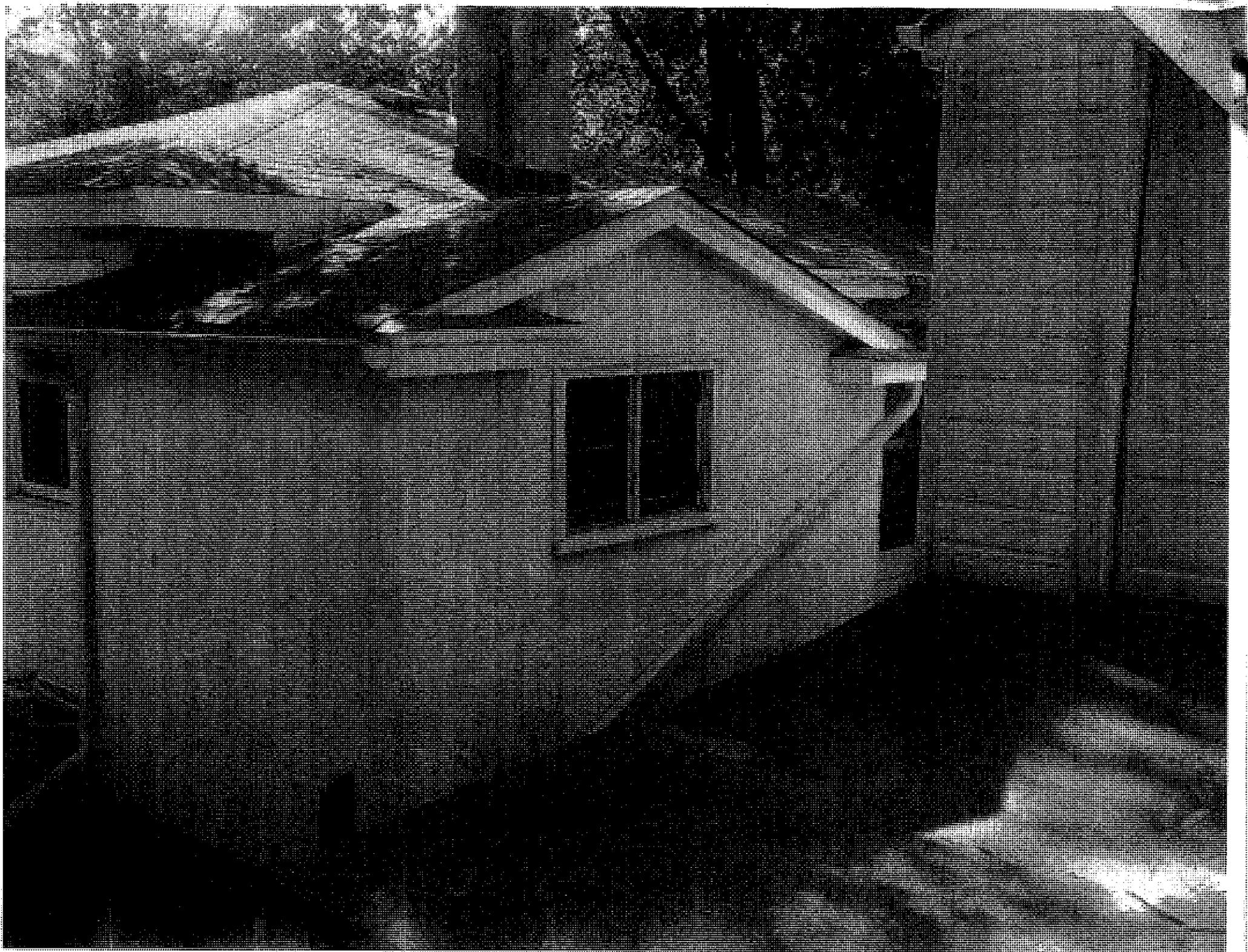
Thomas E. Hodorff
Minn. Reg. No. 23677

HARRY S. JOHNSON CO. INC.
LAND SURVEYORS & CONSULTANTS
9063 Lyndale Avenue South
Bloomington, Mn. 55420
(952) 884-5341
(952) 884-5344 Fax
Email: tom@hsjsurveyors.com
Web: www.hsjsurveyors.com

LOT CERTIFICATION SURVEY

for:
GUARDIAN HOMES
SITE: 4226 19TH AVENUE SOUTH
MINNEAPOLIS, MINNESOTA

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CAD Tec	CT
File No.	1-3-9091M
W.C. Number	2015186
Sheet No.	1 OF 1



LEGAL DESCRIPTION:

Lot 8, Block 3, CEDAR AVENUE HEIGHTS ADDITION,
Hennepin County, Minnesota.

GENERAL NOTES:

- The bearing system used is assumed.
- The location of the underground utilities shown hereon, if any, are approximate only. PURSUANT TO MSA 216D CONTACT GOPHER STATE ONE CALL AT (612) 454-0002 PRIOR TO ANY EXCAVATION.
- Site area = 5,076 square feet = 0.117 acres.
- This survey was made on the ground.
- No current title work was furnished for the preparation of this survey, legal description, recorded or unrecorded easements and encumbrances are subject to revision upon receipt of current title work.
- Elevation datum is based on NAVD 88 data. Bench mark is located Top of Nail (AS SHOWN ON SURVEY) Elevation = 830.64
- Swale on north and south sides of property to remain on property.

LEGEND

	FOUND IRON	Found Property Monument
	SET IRON	Set Property Monument (Minn. Reg. No. 23677)
	Concrete	Concrete
	Concrete Curb	Concrete Curb
	Fence	Fence
	Overhead Electric	Overhead Electric
	Underground Electric	Underground Electric
	Underground Telephone	Underground Telephone
	Water	Water
	Gas	Gas
	Sanitary Sewer	Sanitary Sewer
	Storm Sewer	Storm Sewer
	Power Pole	Power Pole
	Air Conditioning Unit	Air Conditioning Unit
	Deciduous Tree (Dia. in In.)	Deciduous Tree (Dia. in In.)
	Coniferous Tree (Dia. in In.)	Coniferous Tree (Dia. in In.)
	Sanitary Manhole	Sanitary Manhole
	Storm Manhole	Storm Manhole
	Existing Contour	Existing Contour
	Existing Spot Elev. Gutter	Existing Spot Elevation
	Existing Spot Elevation	Existing Spot Elevation
	Proposed Contour	Proposed Contour
	Proposed Spot Elevation	Proposed Spot Elevation
	Proposed Drainage Arrow	Proposed Drainage Arrow

CERTIFICATION:

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

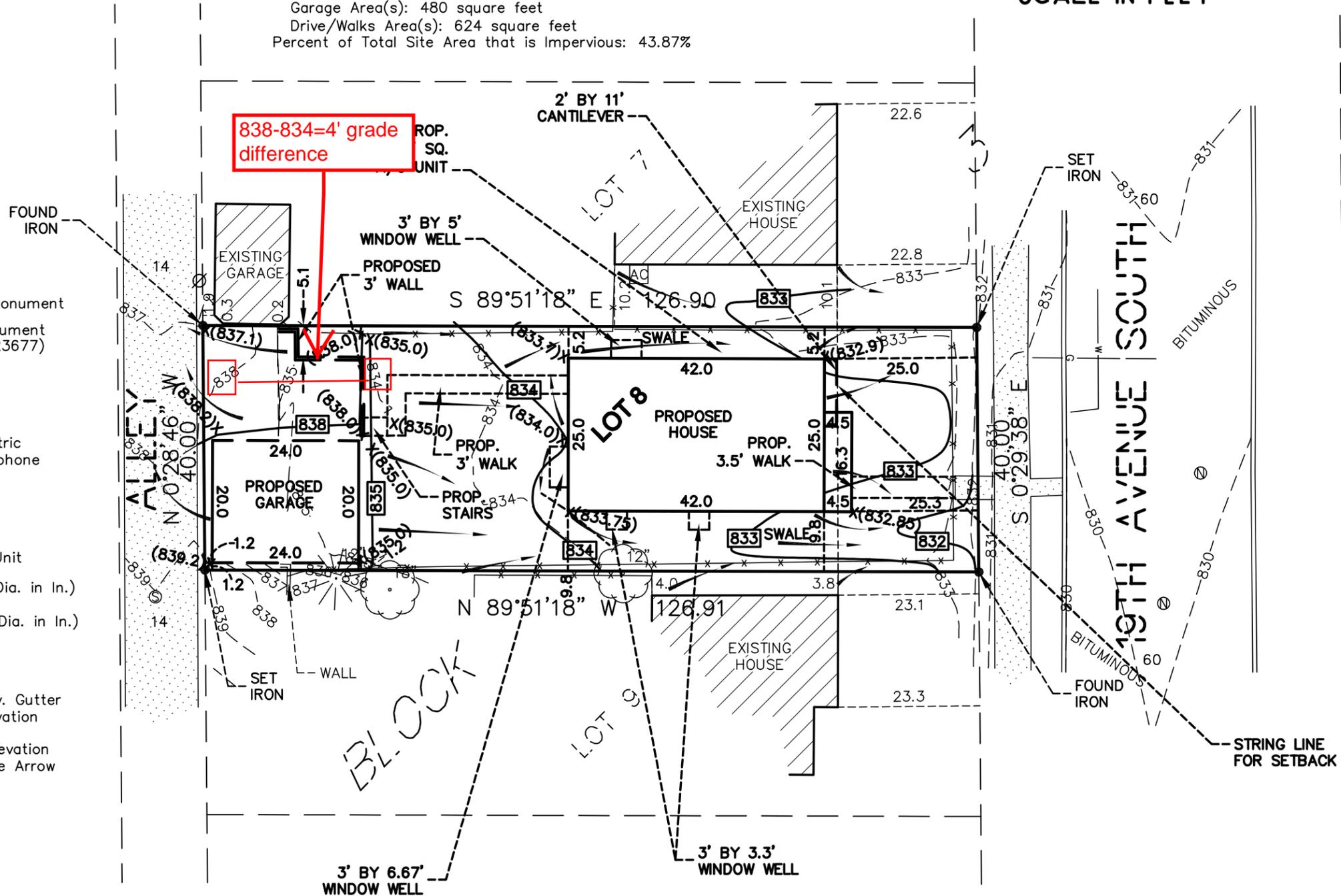
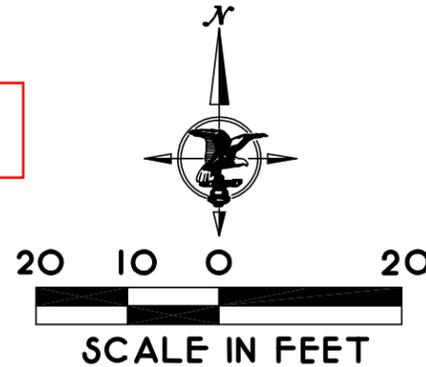
Date: **May 13, 2015**

Thomas E. Hodorff
Thomas E. Hodorff
Minn. Reg. No. 23677

PROPOSED HOUSE / GARAGE DETAILS:

TOP OF BLOCK = 835.0
1ST FLOOR = 836.56
GARAGE SLAB = 838.5
*Verify dimensions and elevations per latest house plan prior to construction.
Proposed Impervious Area details.
Total Site Area: 5,076 square feet
Total Structure Impervious Area: 2,227 square feet
House Area(s): 1,050 square feet
Porch Area: 73 square feet
Garage Area(s): 480 square feet
Drive/Walks Area(s): 624 square feet
Percent of Total Site Area that is Impervious: 43.87%

Approved Site Plan for New House.



SITE PLAN I

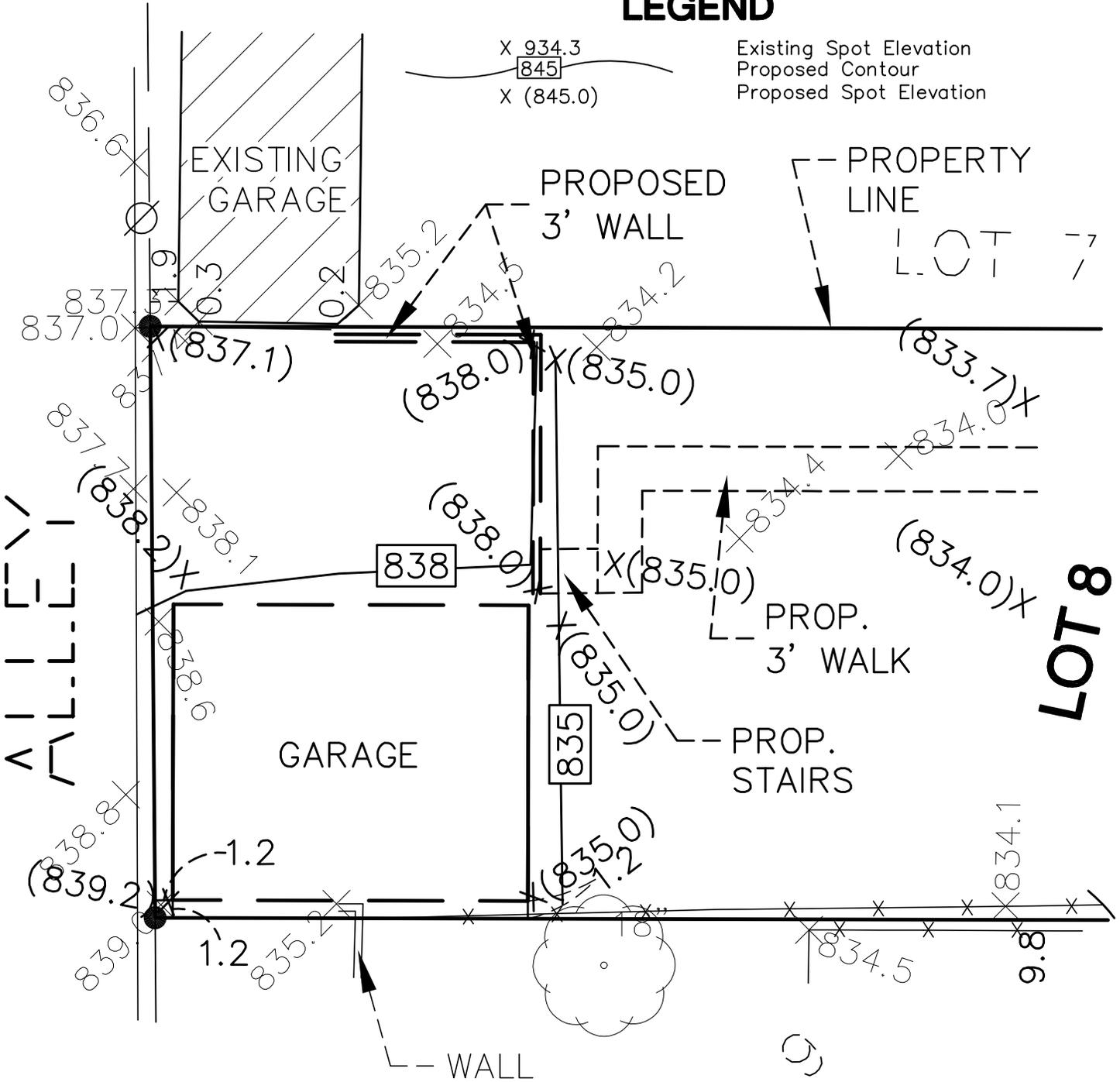
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for:
GUARDIAN HOMES
SITE: 4226 19TH AVENUE SOUTH
MINNEAPOLIS, MINNESOTA

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W.O. Number	2015186.01	Book	643
Sheet No.	1 OF 1	CAD Tec.	CT

LEGEND

X 934.3
 [845]
 X (845.0)
 Existing Spot Elevation
 Proposed Contour
 Proposed Spot Elevation



LEGAL DESCRIPTION:

Lot 8, Block 3, CEDAR AVENUE HEIGHTS ADDITION, Hennepin County, Minnesota.

General Notes:

1. Bearings shown based are assumed.

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

Date: April 13, 2016

Thomas E. Hodorff
 Thomas E. Hodorff, L.S. MN Reg. No. 23677



SCALE: 1" = 10'









NEIGHBOR TO
SOUTH
4230 1st AVE MS

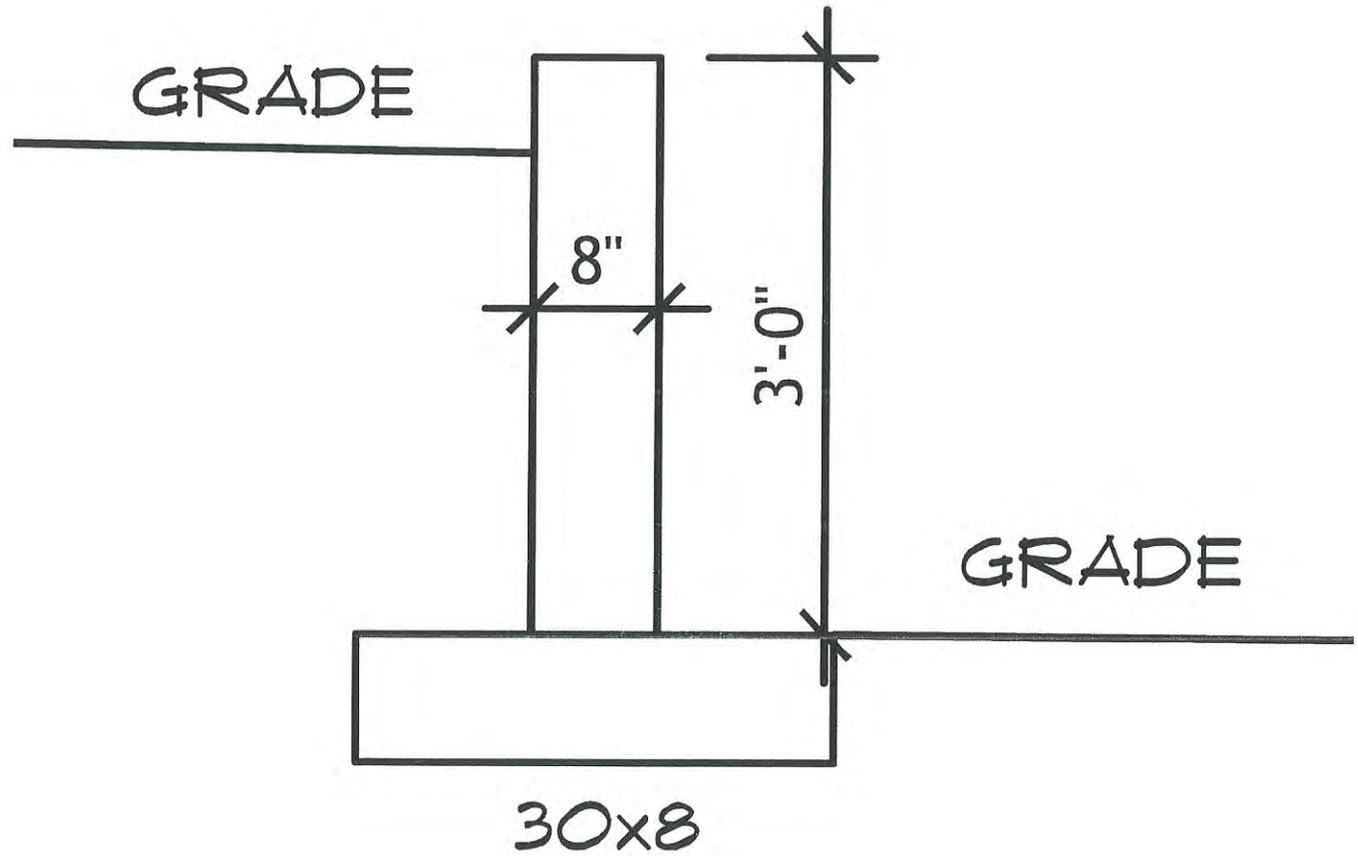


4222

4226

BEHIND EVERY
PROJECT IS A
Little Village

056339



RETAINING WALL