REGULAR MEETING AGENDA

Board of Zoning Appeals meetings are being conducted in a hybrid format with in-person and remote options for attending, participating, and commenting. The public can make statements in person at this meeting during the public comment sections. Some members of the Commission may attend virtually. Members of the public may attend virtually by following instructions below.

Remote Attendance/Comment Options: Members of the public may attend this meeting by streaming via Webex, or by calling 1-415-655-0001 and entering access code 2472 659 4014.
Members of the public wishing to address the Commission remotely have two options:
- Via web stream - Stream via Webex and use the ‘raise hand’ feature during public comment sections.
- Via phone - Call 1-415-655-0001 and enter meeting code 2472 659 4014. Press *3 to raise your hand during public comment sections.

1. Call to Order
2. Approval of Agenda
3. Approval of Minutes
   January 25, 2022, Regular Meeting
4. Address: 1875 Kyle Place
   Applicant: Allison Adrian and Spencer Gerberding
   Request: 9.3 feet off the required 15 feet to a distance of 5.9 feet
5. Address: 428 Sunnyridge Lane
   Applicant: Greenwood Design Build LLC
   Requests: 9.5 feet off the required 35 feet to a total distance of 25.5 feet
   § 113-88, Single-Family Residential (R-1) Zoning District, Subd. (f)(1)(a) Principal Structure Front Setback
6. Presentation of 2021 Board of Zoning Appeals Annual Report
7. Adjournment
REGULAR MEETING MINUTES
This meeting was conducted in a hybrid format with in-person and remote options for attending, participating, and commenting. The City used Webex to conduct this meeting and members of the public were able to monitor the meeting and provide comment by calling in.

Call To Order
The meeting was called to order at 7 pm by Richard Orenstein.

Roll Call
Members present: Chris Carlson, Richard Orenstein, Kade Arms-Regenold
Members remote: Chuck Segelbaum – Planning Commissioner
Members absent: Nancy Nelson
Staff present: Myles Campbell, Planner

Approval of Agenda
MOTION made by Carlson, seconded by Orenstein to approve the agenda of January 25, 2022, as submitted.
Motion carried

Approval of Minutes
MOTION made by Arms-Regenold, seconded by Orenstein to approve the December 28, 2021 meeting minutes.
Motion carried

1. Address: 448 Westwood Dr N
   Applicant: Scott Crooker
   Requests: 19.4 feet off the required 35 feet to a total distance of 15.6 feet; 24 square feet over the allowed 1,000 square feet for accessory structures
   § 113-88, Single-Family Residential (R-1) Zoning District, Subd. (f)(1)(a) Principal Structure Front Setback

Myles Campbell, Planner, discussed this item was presented to the board at the previous meeting and staff is recommending to table until the February meeting. The applicant requested more time to work with their architect and revise plans in response to neighbor comments.

A MOTION was made by Carlson and seconded by Orenstein to follow staff recommendation and table the item to February 22, 2022.
Motion carried
2. **Address: 104 Lawn Terrace**  
   **Applicant:** Tom DeRoma  
   **Requests:**  
   1. 2.6 feet off the required 12.5 feet to a total distance of 9.9 feet off the side property line.  
      § 113-88, Single-Family Residential (R-1) Zoning District, Subd. (f)(1)(c)(2) Principal Structure Side Setback  
   2. A variance from the building envelope requirements for a portion of the new garage.  
      § 113-88, Single-Family Residential (R-1) Zoning District, Subd. (f)(1)(e)

   **Myles Campbell, Planner,** discussed the plot and home in relation to its neighborhood in the City.  
   The applicant’s request is to allow for a new addition to their home, a garage. The existing attached garage is 14’ wide and the applicant would like to expand that to 22’ and allow for a second vehicle.  
   Staff went in to details on the applicant’s request, plans, and the roof area that is outside the building envelope.

   **Practical Difficulties**  
   1. At 22’ in width, the new garage is of a reasonable size, while still allowing two vehicles to be parked inside. In addition, the setback incursion here is minimal and still preserves a large portion of open space between the addition and the property line. **Staff believes the proposal as shown is reasonable.**  
   2. The home’s location on the lot was not caused by the current property owner, and options such as a tandem or detached garage would necessitate the removal of existing outdoor living space (patio in rear yard). **Staff believes the property exhibits unique circumstances.**  
   3. The resulting side setback would not greatly differ visually from a standard setback, and other home’s in the immediate area have similar setbacks. While maintaining the matching roof gable with the main home creates an issue for the building envelope, it also keeps the addition and home aesthetically similar. **Staff believes the proposed use would not alter the essential character of the area.**

   **Other Considerations**  
   **Staff assesses whether the variance represents the smallest feasible variance or if there are other options available:**  
   - A tandem style garage could eliminate the setback variance but would mean the removal of existing outdoor living space behind the garage.

   **Recommendation**  
   1. Staff recommends **approval** of the variance request for 2.6 feet off the required 12.5 feet to a total distance of 9.9 feet off the side property line.  
   2. Staff recommends **approval** of the variance request, exempting a portion of the new garage from the building envelope requirement, as shown in the plans submitted.
Members and staff discussed the house size and height, the building envelope, and the roofline.

The Chair invited the applicant to present.

Tom DeRoma, Applicant, introduced himself and gave an overview of the property and his request. The applicant discussed the tie in points and angling the roof in the opposite way to meet the envelope requirements but that could lead to ice dams along the house. The applicant consulted a structural engineer and they agreed the front gable would be best.

The Chair opened the public forum at 7:27pm

There were no in person comments.
There were no virtual commenters.

The Chair closed the public forum at 7:28pm

The Chair opened the discussion. Carlson stated two car garages are standard in the area and a minimal change in the side setback doesn’t impact the character. Arms-Regenold stated that the request for a 22’ wide garage is reasonable. Commissioner Segelbaum added that the requests are small in comparison to the practical difficulty.

A MOTION was made by Orenstein and seconded by Carlson to follow staff recommendation and approve request for 2.6 feet off the required 12.5 feet to a total distance of 9.9 feet off the side property line.
Motion carried.

A MOTION was made by Orenstein and seconded by Arms-Regenold to follow staff recommendation and approve the variance request, exempting a portion of the new garage from the building envelope requirement, as shown in the plans submitted.

3. Adjournment

MOTION made by Carlson, seconded by Orenstein and the motion carried unanimously to adjourn the meeting at 7:29 pm.
Motion carried.

________________________________________
Richard Orenstein, Chair

________________________________________
Amie Kolesar, Planning Assistant
**Introduction**

Allison Adrian and Spencer Gerberding, property owners of 1875 Kyle Place, are seeking a variance from the City Code related to a side yard setback in order to make a newly constructed attached deck legal. They are requesting the following:

<table>
<thead>
<tr>
<th>Variance Request</th>
<th>City Code Requirement</th>
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<tbody>
<tr>
<td>The applicant is requesting a variance of 9 feet 3 inches off the required 15</td>
<td>§ 113-88, Single-Family Zoning District, Subd. (f)(1)(c)(1) Side</td>
</tr>
<tr>
<td>feet to a distance of 5 feet 9 inches for a deck from the side property line.</td>
<td>Setback Requirements</td>
</tr>
<tr>
<td></td>
<td>In the case of lots having a width of 100 feet or greater, the side set-back for any portion of a structure 15 feet or less in height shall be 15 feet.</td>
</tr>
</tbody>
</table>

**Background**

1875 Kyle Place is a 61,199 square foot single-family residential lot on the north shore of Sweeney Lake (though over half of the lot area extends into the lake). The lot currently contains a single-family home built in 1961 and an attached deck that was constructed in early 2021 without City review or building permits. The lot is constrained to the south by the Shoreland Overlay District, which extends 75 feet from the ordinary high water mark, and a sanitary easement which protects a 36 inch MCES Gravity line.

The construction of the deck was observed and reported to the City by neighbors, who were concerned about the required setback from the lake. Staff contacted the property owners to establish the location of the deck in relation to the Shoreland Overlay District, the sanitary easement, and the side yard setback. The City’s Building Official was also concerned about Building Code compliance as neither the deck nor the footings were inspected.
Staff notified the property owners that the deck would need to be removed or modified to conform to zoning regulations, or a variance approved to make the reduced setbacks legal. The owners applied for a variance in 2021. One aspect of the variance request was denied and the owners subsequently removed the portion of the deck that extended into the shoreland setback. The second part of the variance was tabled to allow the owners to explore a modified design that would require a lesser variance from the required side yard setback. A request associated with this new design is in front of the Board now.

This property and the surrounding lots to the north and west are zoned Single-Family Residential (R-1). The lot to the east contains the Minneapolis Clinic of Neurology and is zoned Office.

Summary of Request
The applicant notes that they have removed all parts of the deck that extend beyond the 75 foot shoreland setback and into the MCES sanitary sewer easement. They are proposing a new deck design that would increase the side setback from 1 foot 3 inches to 5 feet 9 inches. They indicate this would be architecturally complimentary to their home and would provide for continued use and enjoyment of the deck without injuring neighboring properties.

In offering support for this request, the applicants state that the large distance to the office building to the east (approximately 160 feet) and the buffer of mature trees that exists between the two provide privacy and avoids potential impacts. The applicants have provided letters of support from the three homes to the west as well as from the Minneapolis Clinic of Neurology.

Analysis
In reviewing this application, staff has maintained the points of examination to the considerations outlined in Minnesota State Statute 462.357 – that the requested variance is in harmony with the general purposes and intent of the Zoning Chapter, that it is consistent with the City’s Comprehensive Plan, and that a property exhibit “practical difficulties” in order for a variance to be granted.

Staff finds that the variance is generally in line with the purpose of the Zoning Code as well as the purpose of the Single-Family Zoning District, which is to provide for detached single-family dwelling units at a low density along with directly related and complementary uses. The request would not allow for additional unit density in the neighborhood and allowing the deck to remain within the side yard setback would not have an egregious impact on the welfare of the neighboring property.

In the City’s 2040 Comprehensive Plan, one of the stated objectives of the Land Use Chapter is to protect existing residential neighborhoods. Staff feels that this request would not cause harm to the neighborhood at large.

In order to constitute practical difficulties:

1. The property owner must propose to use the property in a reasonable manner.
Single-family properties often utilize decks in order to be able to enjoy being outside for a large portion of the year. Properties that sit adjacent to a lake are perhaps even more suited to have spaces to enjoy the outdoors. Therefore, the ability to have a deck overlooking Sweeney Lake appears to be reasonable. However, the applicants already have a walkway facing the lake and, with the construction of the large new deck, have gone beyond the constraints imposed by the side yard setback that all other homes on Sweeney Lake must follow. Enough space exists to the east of the home to construct a conforming deck should the property owners feel the current deck is not large enough to meet their needs, though it may not be as large as they would prefer. Alternatively, a ground level patio could be constructed in the same area of equal size without necessitating a variance. Therefore, staff believes the owners do not propose to use the property in a reasonable manner.

2. **The landowners’ problem must be due to circumstances unique to the property that are not caused by the landowner.**

   The need for the variance is due to the construction – absent City review or permits – of a large deck without consideration the side yard setback requirement. While staff does not believe this action was carried out with any ill intent, the fact remains that the applicants’ problem (the need for the variance) is clearly due to circumstances that were caused by the owners and not due to circumstances unique to the lot. A sufficient side yard exists to allow the applicants to utilize a generous outdoor space, albeit as a patio instead of a deck.

3. **And the variance, if granted, must not alter the essential character of the locality.**

   There are many eyes on the back yards of homes that abut Sweeney Lake, and a number of concerned residents are aware of the lake’s classification as an impaired body of water. Allowing large structures to be constructed that meet zoning requirements may be unavoidable, but allowing those that do NOT meet requirements to remain only adds to the amount of impervious surfaces in the area and contributes to runoff into the lake. Given the large size of the deck – even with the front portion removed to accommodate the Shoreland Overlay District and the sanitary easement – staff believes the proposed use would alter the essential character of the area.

   Additionally, staff assesses whether other options are available to meet the applicant’s needs without requiring a variance, or whether the proposal represents the smallest variance necessary to meet the applicant’s needs. There remains enough room to the east of the existing home for a smaller deck to be constructed while observing the 15 foot setback. Alternatively, the space that the new deck occupies could be replaced with a ground level patio (under 8 inches) and not be constrained by the side yard setback (though a setback of 3 feet from the side property line would still need to be observed).

**Recommendation**

Based on the factors above, staff recommends **denial** of the variance request for 9 feet 3 inches off the required 15 feet to a distance of 5 foot 9 inches for a deck from a side property line.
1875 Kyle Place
Variance Application Question Responses
February 4, 2022

Provide a detailed description of the variance being requested:

The property is located at 1875 Kyle Place on the very north end of Sweeney Lake. The home is architecturally significant, designed by John Polivka and built in 1961. It is zoned Single-Family Residential (R-1). We are hoping to reconfigure an existing deck extension on the east side of the home. There are three property line setbacks in the area under consideration; a 75’ shoreline setback from the lake, a sanitary sewer easement that runs through the middle of the lakeside yard, and a 15’ side yard setback.

We have removed all parts of the deck that extend beyond the 75’ shoreline setback and the sanitary sewer easement. We have redesigned the remaining portion of the deck to be located behind these two lakeside setbacks and also to be architecturally complimentary with the home.

We are applying for a single side yard setback variance to allow a portion of our redesigned deck to remain on our home. We seek a variance to reduce the setback on the east property line by 9’3”. This is a reduction of 418.5 feet from our previous request and represents the removal of 211 square feet of the deck along the easternmost border. This variance will allow for the continued use and enjoyment of the deck without injuring the public welfare or neighboring properties. Evidenced by letters of support from the surrounding neighbors, including the Neurology Clinic.

Provide a detailed description of need for a variance from the Zoning Code, include description of buildings, proposed additions, and description of proposed alteration to the property:

Our property is located on Sweeney Lake and our home is located across the width of the lot. The home was designed by architect John Polivka. It is architecturally significant and has been widely published nationally in print and on social media as an outstanding example of Mid-Century design. The home features an broad expansive façade facing the lake with a continuous cantilevered walkway that is just a few feet wide that preserves the daylight and view of the walkout lower level.

We have hired local architecture firm Citydeskstudio to develop designs for a deck revision. Citydeskstudio was the architect for the renovation of another significant Sweeney Lake home that has been featured in City of Golden Valley Historic Context Study of 2020, 1905 Kyle Place.

A modified deck design is proposed at the east end to preserve the existing walkway and the south façade, and to sensitively draw from the lines and details of the existing house. At its closest point our proposed deck is 5’ 9” from the east property line. It does not encroach on the neighboring property and exists entirely on our property. Along the east property line, located on both our lot and the neighboring lot, there is a large grove of mature trees. There are approximately 160 feet between the deck and the building located on the neighboring lot. The east side of our lot is the ideal location for the deck given the existence of an easement on the south (shore) side of the property. This is not a typical lot line situation where encroachment on a side yard setback impacts another residence.
Explain the need for your variance request and how it will result in a reasonable use of the property:

Reasonable use of property located along a lake includes enjoyment of the shore front and its view. It is common for lakeside properties to have decks for this purpose. Because of the position of the house on the property and its proximity to the 75’ setback and sanitary sewer easement, there is not enough room on the lakeside to extend a reasonable deck. The only reasonable location is on the east side of the home where a deck will not block the windows of the lower level, will be able to connect to the existing lakeside walkway, will require minimal alteration of the architecture of the home, and will fit cohesively within the mature trees requiring minimal landscape disturbance.

Additionally, this location for the deck does not prevent reasonable use of the neighboring property to the east. Even with its close proximity to the property line, the deck is approximately 160 feet from the building on the neighboring lot and is substantially separated by the grove of mature trees. There is no encroachment onto the neighboring lot and the deck's proximity does not affect the neighboring owner's use of the property for its intended business purpose.

What is unique about your property and how do you feel it necessitates a variance?

There are several reasons that support a variance that are unique to this property. The home was built close to both lakeside setbacks not leaving enough room on the lakeside for a reasonable sized outdoor area. The house is also a walkout and so the main floor has no direct access to the lakeside yard. There is a continuous walkway across the lakeside of the house, but it is only a walkway and not wide enough for sitting. The walkway is also a significant architectural feature adding to the character of the home.

The home is also a “V” shape with the west side of the “V” facing the neighbor to the west and being the location of the main entry and carport. The home to the west is built right up to their side yard setback. A deck cannot be located here because of the proximity of the neighbor and because of the configuration of the home and its front entry.

The only reasonable location for a deck that would provide outdoor space for gathering and enjoyment of the lake is on the far east side of the house where a deck can be located behind the lakeside setbacks, does not block the lower-level windows of the house, does not require removal of mature trees, requires minimal site disturbance, and does not alter the essential character of the house by preserving the primary south façade facing the lake.

The east side of the house is already close to the side yard setback, and in fact the existing roofline is already non-compliant. Without a variance to the side yard setback, there is not enough room to have an outdoor space that can accommodate a reasonable area for eating and gathering.

Explain how the need for a variance is based on circumstances that are not the result of landowner action.

None of the circumstances that necessitate a need for a variance are the result of landowner action. As noted above, the location and shape of the existing dwelling on the property, the width of the lot, the placement of large trees, the architectural significance of the home and its lake facing façade, and the constraints of the setback and easement along the south property line, do not allow for a deck to be attached at a different location. The location of the deck on the east side of the property is the only feasible location.
Explain how, if granted, the variance will not alter the essential character of your neighborhood and Golden Valley as a whole.

The proposed variance will not alter the essential character of the neighborhood or Golden Valley as a whole. In fact, we feel that the proposed deck design enhances the beauty of the home by extending out the lines and details already present, and by not interrupting the south façade by placing the deck somewhere in the middle.

By approving the variance and allowing the existing deck to remain in place, we will be able to use and enjoy the shoreline of the property. The deck's existing location and proposed modification is the most appropriate location on the lot. The neighboring lot to the east is neither encroached upon nor impaired by the deck's proximity to the property line. The lack of negative impact on the neighborhood is evidenced by the letters of support enclosed with this application.

Thank you for your time and consideration.
TOTAL AREAS

EXISTING DECK 1250.5 SF
PROPOSED DECK 832 SF

TOTAL AREA OF THE PROPOSED DECK IS 33.5% SMALLER THAN THE TOTAL AREA OF THE EXISTING DECK.
Photographs of the Existing Deck at 1875 Kyle Place, Golden Valley
Variance Application
Letters of support from all surrounding neighbors
August 27, 2021

Jason Zimmerman, AICP
Planning Manager
City of Golden Valley
7800 Golden Valley Road
Golden Valley, MN 55427

Dear Jason,

Our residential neighbors to the west of our property (Spencer Gerberding and Allison Adrian) who reside at 1875 Kyle Place requested that I review the enclosed site plan and personally tour their newly constructed deck that was recently added to their property on the east side of their residence adjacent to the Minneapolis Clinic of Neurology property located at 4225 Golden Valley Road.

Recognizing the deck does seem to encroach on the side yard setback, it does not cross the property line and we do not have any issues with the size, location or design of the deck. Based on the significant distance (approximately 155 feet) between the deck and our building in concert with the large mature trees between our properties, we feel it does not have a negative impact on our property or the surrounding neighborhood. The deck is completely surrounded by large mature trees located on both our property and their property, providing a natural barrier between our properties and allowing for the deck to be situated nicely into the overall landscape.

Allison and Spencer have been our neighbors since 2016 and we have had no issues with their property or their family, they have been good and responsible neighbors and keep a very well-maintained property.

Please don’t hesitate to reach out to me directly with any questions related to this matter.

Sincerely,

[Signature]
Kurt Neil
Executive Director
August 8, 2021

John Sweet, MD &
Erik Brendtro, OD
1905 Kyle Place
Golden Valley, MN 55422

To Whom It May Concern:

We are neighbors with Spencer Gerberding and Alison Adrian who reside at 1875 Kyle Place. We are writing in support of their new deck located at the east side of their property. This deck adds aesthetic and financial value to the home. We live directly west of their residence at 1905 Kyle Place and their deck provides the opportunity for neighborhood gatherings in our cul de sac. We enjoyed a neighborly evening on their deck for National Night Out and it is a lovely setting for such gatherings.

We have lived on Sweeney Lake for 12 years and enjoy the community immensely. We notice that there is quite a bit of variation in setbacks when casually surveying homes from the lake. The deck does not block or intrude on neighboring views, and is only visible to others from the shore. We hope that the city can find a way to allow this deck remain as it is.

Sincerely,

John Sweet & Erik Brendtro
August 5, 2021

To whom it may concern:

We are neighbors with Spencer Gerberding and Allison Adrian on Kyle Place. We are writing in support of their deck. We enjoyed a neighborly evening on their deck for National Night Out and it is a lovely setting for such gatherings. We live directly west of their residence at 1915 Kyle Place and their deck does not bother us. In fact, it is a benefit to gatherings in our cul de sac.

We have lived on Sweeney Lake for 5 years and enjoy the community immensely. We notice that there is quite a bit of variation in setbacks when casually surveying homes from the lake. We hope that the city can find a way to allow them to maintain the structure as it is.

Best wishes,

Talia and Rob Jackson
8/26/2021

Darren Benoit
1919 Kyle Place
Golden Valley MN 55422

To Whom it May Concern:

I'm writing in support of the deck project underway at the home of my Sweeney Lake neighbors Alli and Spencer at 1875 Kyle Place here in Golden Valley. I find the deck to be both aesthetically pleasing and a nice fit in scale and style. I’ll happily sign off on any necessary variance paperwork related to the deck.

Best Regards,

[Signature]

Darren Benoit
612-554-3360
darren@darrenbenoit.com
Date: March 22, 2022

To: Golden Valley Board of Zoning Appeals

From: Myles Campbell, Planner

Subject: 428 Sunnyridge Lane
Greenwood Design Build LLC, Applicant

Introduction
Greenwood Design Build LLC, the property owner, is seeking a variance from the City Code to build a new home at the above address. The applicant is seeking the following variances from City Code:

<table>
<thead>
<tr>
<th>Variance Request</th>
<th>City Code Requirement</th>
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<tbody>
<tr>
<td>The applicant is requesting a variance of 9.5 feet off the required 35 feet to a total distance of 25.5 feet</td>
<td>§ 113-88, Single-Family Residential (R-1) Zoning District, Subd. (f)(1)(a) Principal Structure Front Setback</td>
</tr>
<tr>
<td></td>
<td>The required minimum front setback shall be 35 feet from any front lot line along a street right-of-way line. Decks and open front porches, with no screens, may be built to within 30 feet of a front lot line along a street right-of-way line. This requirement shall not reduce the building envelope on any corner lot to less than 27 feet in width.</td>
</tr>
</tbody>
</table>

Background
428 Sunnyridge Lane is the current address for a single-family home built in 1920. The lot itself is actually a tax parcel combination of two smaller 40’ lots, which the home is built across the shared property line of. This is very common in parts of the city with older, narrower platted parcels. The resulting “lot” is roughly 80’x130’ and is assigned a single Parcel ID number (PID) and assessed property tax for the lots combined rather than separately. The existing home on the lot is considered legally non-conforming, given that it has a setback of only 27.3’ from Sunnyridge and 2.4’ from the property line on Woodstock Ave.
In 2019, Greenwood Design Build acquired the property and planned initially to demolish the existing home and develop the two underlying lots separately. They did appear before the Board of Zoning Appeals at that time and the minutes from said meeting are included with this memo. The board, reviewing for two setback-related variances, one for each property, denied a variance for the new interior south lot, but approved a significant variance for the north parcel that would be a corner lot. Despite these approvals however, the applicant received a large amount of negative feedback at the time from adjacent property owners who were concerned with the added density from splitting the lots, and whether the new homes would be in character with the rest of the neighborhood. At the time, staff and the BZA noted no such concerns with neighborhood character, especially given the existing home’s setback from Woodstock, however concerns from the public and the Coronavirus pandemic led to the applicant retaining the property and considering alternatives.

The applicant is now looking to combine the two parcels, officially making this a single buildable lot, and constructing a new single-family home. This process involves a formal replatting of the property, which has already gone before the Planning Commission, and will go to City Council in April.

**Summary of Request**

The applicant is requesting a variance from the requirements of the City’s Zoning Code regarding secondary front setbacks. Current code requires a setback of 35’ from any side of a property facing a public right-of-way for any principal structure. In 2020, the City did modify code during its Narrow Lots Study to allow for some reduction in this secondary front yard setback. Specifically, code now specifies that the secondary front yard setback shall not reduce the buildable envelope to less than 27’.

The applicant here is requesting that the setback on the side of the property facing Woodstock Ave be reduced to 25.5’ instead of 35’ to allow for a wider building footprint. In this case, a variance is required because the setbacks, if applied to the new lot, would leave the building envelope at 32.5’ in width, not triggering the setback reduction mentioned above.
The dashed line above shows the by-right building envelope, applying a 35’ setback on both street sides, 12.5’ on south side yard, and 25’ from the rear of the property. The area highlighted in blue is the section of the proposed building footprint that would fall within the required setback. In green is a smaller portion of an open porch. Open porches are allowed within 30’ of the property line, while the porch would be 27.5’. In this case the variance for the larger 25.5’ variance would cover this section of porch as well.

Analysis
In reviewing this application, staff has maintained the points of examination to the considerations outlined in Minnesota State Statute 462.357 – that the requested variance is in harmony with the general purposes and intent of the Zoning Chapter, that it is consistent with the City's Comprehensive Plan, and that a property exhibit “practical difficulties” in order for a variance to be granted.

Staff finds that the variance is generally in line with both the purpose of the Zoning Code, as it does not impact or change the principal use of the lot as a single-family residence, nor does it allow for additional density of population. Staff also finds the request reasonable in light of the 2040 Comprehensive Plan, which has as one of its goals to “support the rehabilitation and reinvestment of the housing stock as structures continue to age.”
In order to constitute practical difficulties:

1. **The property owner must propose to use the property in a reasonable manner.**
   The proposed building footprint radically improves the street setback on Woodstock compared to the existing home (25.5’ versus 2.4’). This setback intrusion would also be facing a mostly forested area on the South Wirth Apartment Site to the North, limiting impacts on surrounding properties. **Staff believes the proposal as shown does use the property in a reasonable manner.**

2. **The landowners’ problem must be due to circumstances unique to the property that is not caused by the landowner.**
   While the lot is considered a corner lot, this is typically not considered in and of itself to be a unique circumstance. At 80’ it is narrower than a typical corner lot, but is no longer as inhibited by the street setback as in 2019 when the setback reduction was for a 40’ lot. In that case, the setbacks combined would’ve added up to more than the new lot’s actual width, whereas here the side setbacks make up 59% of the lot width. Topography is relatively flat, and the variance would not avoid the need to remove some mature trees on the site. **Staff believes the site does not exhibit unique circumstances.**

3. **And the variance, if granted, must not alter the essential character of the locality**
   A setback around 25’ from Woodstock would be a major improvement over the existing structure, and would be roughly similar to the property to the east. Because of the age of the neighborhood, more significant setback reductions are present throughout the surrounding area, and so this variance would not impact the essential character of the area. It is also worth noting that the decision to develop this as a single lot rather than two narrower lots was based on feedback from residents nearby. **Staff believes the proposed use would not alter the essential character of the area.**

Additionally, staff assesses whether other options are available to meet the applicant’s needs without requiring a variance, or whether the proposal requests the smallest variance necessary to meet the applicant’s needs. As a new build, there is always potential to reduce the overall structure width. For example, the cantilever shown could be eliminated without creating code issues (side wall articulation does not apply for a wall facing a street) to reduce the request by two feet. More significant revisions could have greater impact, however they would likely require more significant modification to the building plans. Generally speaking, staff is not concerned with minor reductions to the setback encroachment, given that it is an improvement over what is existing.

**Recommendation**
Staff recommends **denial** of the variance for 9.5 feet off the required 35 feet to a total distance of 25.5 feet

If the board chooses to approve the variance, staff recommends this be conditioned upon the approval of the lot consolidation at City Council.
CERTIFICATE OF SURVEY FOR GREENWOOD DESIGN BUILD, LLC
(EXISTING CONDITIONS)

EXISTING SETBACK INFORMATION:
FRONT = 30' HOUSE
FRONT = 30' PATIO DECK
NORTH SIDE YARD = 35
SOUTH SIDE YARD = 12.5
REAR = 25

EXISTING MAIN FLOOR ELEV. = 839.0

FLOOD PLAIN NOTE: THIS PROPERTY IS NOT IN A 100 YEAR FLOOD PLAIN PER FIRM MAP NUMBER 27030C03526, DATED 8-2-2004. ALSO NOTE: THIS AREA WAS UNAFECTED BY FEMA LOMR CASE NO. 06-03-BK37P DATED 7-25-2007.

NOTE: ALL BUILDING DIMENSIONS ARE SHOWN TO OUTSIDE OF FOUNDATION WALL.

I HEREBY CERTIFY THAT THIS SURVEY WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.

DATE: 2-10-2022

THOMAS J. O’NEAL
THOMAS J. O’NEAL, LAND SURVEYOR
MINNESOTA LICENSE NO. 46167

D:/Projects/glen-valley/glenwood/43k-sunnyridge-2-07-22.dwg 2/7/2022 2:26:02 PM CST
FLOOD PLAIN NOTE: THIS PROPERTY IS NOT IN A 100 YEAR FLOOD PLAIN PER FIRM MAP NUMBER 27053C0352E, DATED 9-2-2004. ALSO NOTE; THIS AREA WAS UNAFFECTED BY FEMA LOMR CASE NO. 06-05-BK37P DATED 7-25-2007.

ADDRESS: 428 SUNNYRIDGE LANE
PID: 1902924410112

CERTIFICATE OF SURVEY FOR GREENWOOD DESIGN BUILD, LLC

PROPOSED SETBACK INFORMATION:
FRONT = 35' HOUSE
FRONT = 30' PATIO DECK
CORNER SIDE YARD = 35'
SOUTH SIDE YARD = 8'
REAR = 25

EXISTING MAIN FLOOR ELEV. = 839.0

NOTE: ALL BUILDING DIMENSIONS ARE SHOWN TO OUTSIDE OF FOUNDATION WALL.

EXISTING PROPERTY DESCRIPTION
LOTS 318 AND 319, GREENWOOD, CITY OF GOLDEN VALLEY, HENNEPIN COUNTY, MINNESOTA.

I HEREBY CERTIFY THAT THIS SURVEY WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.

DATE: 02-10-2022

Thomas J. Means
THOMAS J. MEANS, LAND SURVEYOR
MINNESOTA LICENSE NO. 46167

Bohlen Surveying & Associates
31432 Folsom Avenue
Hartford, WI 53027
Phone: (920) 882-2504
Fax: (920) 882-2505

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BOARD OF ZONING APPEALS
2021 ANNUAL REPORT
2021 Board of Zoning Appeals

Commissioners
Richard Orenstein, Chair (2022)
Sophia Ginis, Vice Chair (2022)
Chris Carlson, Vice Chair (2022)
Nancy Nelson (2022)
Kade Arms-Regenold (2022)

Rotating Planning Commission Representative
Kade Arms-Regenold (Youth Representative, 2021)

Note: Terms run May 1-April 30

Council Liaison
Larry Fonnest

City Staff
Marc Nevinski, Physical Development Director
Jason Zimmerman, Planning Manager
Myles Campbell, Planner
Amie Kolesar, Planning Assistant

Purpose, Mission, And Prescribed Duties
The Board of Zoning Appeals (BZA) hears requests for variances from the requirements of the Zoning Code, which is Chapter 113 of the Golden Valley City Code. The BZA consists of five members that meet once a month if there are any petitions pending for action. A Planning Commissioner serves as the fifth member of the BZA.

Criteria for Analysis
A variance may be granted when the petitioner for the variance establishes that there are practical difficulties in complying with this Chapter. “Practical difficulties,” as used in connection with the granting of a variance, means:

- the property owner proposes to use the property in a reasonable manner not permitted by this Chapter
- the plight of the property owner is due to circumstances unique to the property not created by the property owner
- the variance, if granted, will not alter the essential character of the locality

Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems. The BZA may not grant a variance that would allow any use not allowed for property in the Zoning District where the affected person’s land is located. The BZA may impose conditions in the granting of variances. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance.
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2021 Overview .................................................. page 4
Five-Year Summary: 2017-2021 ............................... page 6
2021 Overview

Variance Considered
23
In R-1 Residential Zoning District
16

2021 Variance Requests by Type

2021 BZA Decisions

Approved: 17
Denied: 2
Tabled: 3
Withdrawn: 2
2021 Variances by Project

- Garage: 7
- Deck: 2
- New Home or Building: 2
- Shed: 1
- Parking: 2
- Mechanical Equipment: 1
Five-Year Summary: 2017-2021

Variances Considered
102

In R-1 Residential Zoning District
79
In R-2 Residential Zoning District
6
In Commercial Zoning District
6
In Mixed-Use Zoning District
2

In Institutional Zoning District
0
In Industrial Zoning District
1
In Light Industrial Zoning District
4
In Office Zoning District
4

2017-2021 Varaince Requests By Type
2017-2021 BZA Variance Decisions

- Approved: 65
- Approved - Modified: 5
- Denied: 8
- Tabled: 22
- Withdrawn: 9

2017-2021 Variances by Project

- Garage: 18
- Deck: 8
- New Home or Building: 10
- Home or Building Addition: 12
- Front Porch: 2
- Paved Area: 2
- Fence: 13
- Parking: 5
- Shed: 3
- Outdoor Lighting: 1
- Private Road: 1
Types of Variances Considered

<table>
<thead>
<tr>
<th>Variance Type</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Front Yard Setback</td>
<td>Requests to build structures within 35 feet of the front yard property line in R-1, R-2, and Institutional Districts. Institutional Districts also require that at least 25 feet be landscaped and maintained as a buffer zone.</td>
</tr>
<tr>
<td>Side Yard Setback</td>
<td>Requests to build structures within the side yard setback area, which ranges from 5 feet to 50 feet depending on the type of structure and the Zoning District.</td>
</tr>
<tr>
<td>Rear Yard Setback</td>
<td>Requests to build structures within the rear yard setback area, which ranges from 5 feet to 50 feet depending on the type of structure and the Zoning District.</td>
</tr>
<tr>
<td>Articulation</td>
<td>Requests to waive articulation requirement, which requires inward or outward articulation of 2 feet in depth and 8 feet in length for every 32 feet of side wall on homes in the R-1 and R-2 Zoning Districts.</td>
</tr>
<tr>
<td>Height</td>
<td>Requests to build principal structures over the maximum height requirement, which ranges from 25 to 28 feet depending on the type of roof and the Zoning District.</td>
</tr>
<tr>
<td>Fence Height</td>
<td>Requests to build fences over the maximum height requirements, which ranges from 4 to 12 feet depending on the location on the property (front yard or side/rear yard) and the Zoning District.</td>
</tr>
<tr>
<td>Building Envelope</td>
<td>Requests to build a structure beyond the maximum building envelope, which is defined for properties within the R-1 and R-2 Zoning Districts. This includes the 2:1 or 4:1 slope requirement when the structure is taller than 15 feet at the side yard setback line.</td>
</tr>
<tr>
<td>Accessory Structure Location</td>
<td>Requests to build a garage, shed, or other accessory structure in a location that is not completely to the rear of the principal structure or in a location that is not at least 10 feet from the principal structure.</td>
</tr>
<tr>
<td>Accessory Structure Size</td>
<td>Requests to build a garage, shed, or other accessory structures above the allowable limit of 1,000 square feet in R-1, R-2, and Institutional Zoning Districts.</td>
</tr>
<tr>
<td>Accessory Structure Height</td>
<td>Requests to build a garage, shed, or other accessory structures above the maximum height requirements, which is 10 feet in the R-1, R-2, and Institutional Zoning Districts.</td>
</tr>
<tr>
<td>Garage Width</td>
<td>Request to build a garage in the R-2 District that is wider than 65 percent of the width of the front façade.</td>
</tr>
<tr>
<td>Average Grade</td>
<td>Requests to change the average grade of a property by more than 1 foot.</td>
</tr>
<tr>
<td>Shoreland Setback</td>
<td>Requests to build a structure within the minimum shoreland setbacks, which are larger than standard front, side, and rear setbacks.</td>
</tr>
<tr>
<td>Impervious Surface</td>
<td>Requests to construct additional impervious surface beyond the maximum allowable, which is 50 percent of the lot in R-1 and R-2 and 60 percent in R-3 and R-4 Zoning Districts.</td>
</tr>
<tr>
<td>Request Type</td>
<td>Description</td>
</tr>
<tr>
<td>----------------------</td>
<td>-----------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Minimum Parking</td>
<td>Request to build or use an existing parking lot or garage with a number of parking spaces that is less than the minimum required based on the use of the property.</td>
</tr>
<tr>
<td>Outdoor Lighting</td>
<td>Request regarding the total amount of foot candles of light produced by lighting systems, the amount of allowed light trespass, or other issues relating to lighting systems.</td>
</tr>
<tr>
<td>Roadway Width</td>
<td>Requests to build a private roadway or drive aisles above or below the maximum and minimum required widths respectively.</td>
</tr>
<tr>
<td>Added Curb Cut</td>
<td>Requests to allow additional access from public rights of way then what is typically allowed by code.</td>
</tr>
</tbody>
</table>