7800 Golden Valley Road | Golden Valley, MN 55427
763-593-3992 | TTY 763-593-3968 | 763-593-8109 (fax) | www.goldenvalleymn.gov

Board of Zoning Appeals

June 23 2020 – 7 pm

REGULAR MEETING AGENDA

This meeting will be held via Webex in accordance with the local emergency declaration made by the City under Minn. Stat. § 12.37. The public may monitor this meeting by calling 1-415-655-0001 and entering the meeting code 133 535 5486 . If you incur costs to call into the meeting, you may submit the costs to the City for reimbursement consideration. For technical assistance, please contact the City at 763-593-8007 or webexsupport@goldenvalleymn.gov.

1. **Call to Order**

2. **Approval of Agenda**

3. **Approval of Minutes**
   May 26, 2019, Regular Meeting

4. **75 Brunswick Ave N**
   Michael Anderson, Applicant

   Request:
   § Section 113-88, Subd. (f)(1)(b) - 11.2 ft. off of the required 25 ft. to a distance of 13.8 ft. at its closest point to the rear yard (west) property line.

5. **5505 Phoenix Street**
   Daniel Supalla, Applicant

   Request:
   Section 113-152, Subd. (c)(1)(a) - 2 ft. over the allowed 4 ft. in height for fences in a front yard to a total of 6 ft.

6. **Adjournment**

This document is available in alternate formats upon a 72-hour request. Please call 763-593-8006 (TTY: 763-593-3968) to make a request. Examples of alternate formats may include large print, electronic, Braille, audiocassette, etc.

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Board of Zoning Appeals

May 26, 2020 – 7 pm

REGULAR MEETING MINUTES

This meeting was held via Webex in accordance with the local emergency declaration made by the City under Minn. Stat. § 12.37. In accordance with that declaration, beginning on March 16, 2020, all Board of Zoning Appeals meetings held during the emergency were conducted electronically. The City used Webex to conduct this meeting and members of the public were able to monitor the meeting by calling 1-415-655-0001 and entering the meeting code **287 526 927.**

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

Roll Call

Members present:	Nancy Nelson, Richard Orenstein, Chris Carlson, Sophia Ginis, Kade Arms-Regenold, Ron Blum – Planning Commissioner
Members absent:	
Staff present:	Planning Manager Jason Zimmerman and Planner Myles Campbell

Approval of Agenda
MOTION made by Nelson, seconded by Orenstein to approve the agenda of May 26, 2020, as submitted. Staff took a roll call vote and the motion carried unanimously.

Approval of Minutes
MOTION made by Nelson, seconded by Carlson to approve the April 28, 2019, meeting minutes as submitted. Staff took a roll call vote and the motion carried unanimously.

1. **1421/1435 Rhode Island Ave North**
   Taylor Ward, Applicant

   Requests:
   Section 113-88, Subd. (f)(1)(a) – 10 feet off the required 35 feet to a distance of 25 feet at its closest point to the front yard (east) property line.

   Section 113-88, Subd. (g)(3) – 11 square feet off the maximum allowed 1,000 square feet of accessory space to a total area of 1,011 square feet

   Section 113-88, Subd. (n)(4) – Wavier to allow a second curb cut without a second legal garage

   Section 113-88, Subd. (n)(2) – 3 feet off the required 3 feet to a distance of 0 feet at a paved area's closest point to a side yard line

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All four requests were presented on at the same time.
Myles Campbell, Planner, started with a background on the lot which originated as 3 smaller lots that were then combined into a single parcel in 2008; the existing home at 1421 was built in 2009. A subdivision request was recently approved to make two 80-feet lots; 1421 to the south and 1435 to the north. The first two variance requests are related to the new property at 1435 and the second two variances in this list are related to the 1421 property.
An existing curb cut and driveway is located on this property and is now situated on the property line of the two lots. This driveway was grandfathered in when the lots were combined but now with the lot split, the driveway needs to be brought to conformity or remove the curb cut. **Campbell** presented a slideshow with photos of the lots and plans to illustrate the location and the variance requests. Campbell reminded the group that there are three main items to consider during a staff analysis:

1. Consistency with Zoning Code
2. Consistency with Comp. Plan
3. Property exhibits "practical difficulties"
    a. Reasonable use
    b. Unique circumstances not created by the landowner
    c. Does not alter the essential character

Campbell reviewed the zoning code and said staff felt all four requests largely matched with the purpose statement in the city code. When looking at code related to the R-1 district, the requests would not allow additional unit density, garages and recreational vehicle storage are complementary to residential use, but an additional curb cut is a more significant deviation from the purpose of the R-1 district. Looking at the 2040 Comprehensive Plan, the requests generally fit with the goals of the Land Use and Housing Chapters of the 2040 Comprehensive Plan. Action on the curb cut (variance or removal) resolves subdivision conditions. This project is a great example of reinvestment and infill development.

Regarding the front setback variance request: keeping the home in line with others on the street is reasonable. The City acquired the additional ROW, this was not a choice made by the homeowner, this action created a shallower lot to build on than surrounding properties. Keeping the home in line with the others is less disruptive to the neighborhood character.

Regarding the accessory structure: having a garage is reasonable however the site has a two-car garage and an additional one is an optional amenity. The lot is standard and therefore the limitation is the existing garage that remained. 11 extra feet of additional area would not be a noticeable impact to the existing character. Additionally, 11 feet could be found by reducing the single-car garage width slightly and still maintain space for a standard width vehicle.

Regarding the curb cut and driveway: vehicle storage in rear yards is expected however secondary curb cuts and driveways without garages are discouraged and disallowed in the cases of new builds. The home's proximity to the southern property line likely won't allow enough room to extend the primary driveway across the rear yard. Street parking levels don't constitute a unique

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circumstance. Grandfathered curb cuts exist in many older single family neighborhoods throughout the city, but few are granted conformity through variance requests. Shared driveways aren't uncommon either but require the owner draft a private easement providing joint access and maintenance.

In conclusion, staff recommendations are as follows:

- Staff recommends **approval** of the variance request of 10 feet off the required 35 feet to a distance of 25 feet at its closest point to the front yard (east) property line.
- Staff recommends **denial** of the variance request of 11 feet off the maximum allowed accessory structure area of 1,000 to a total area of 1,011.
- Staff recommends **denial** of the variance request of a waiver of the second garage requirement in order to keep an existing secondary curb cut.
- Staff recommends **denial** of the variance request of 3 feet off the required 3 feet to a distance of 0 feet at the paved area's closest point to the side yard property line.

Chair Orenstein asked what caused the issue for the curb cut since it had been in existence. **Campbell** responded that the subdivision approval process requires the new lots be conforming and the existing driveway was considered a non-conformity. There are other lots with a second driveway that lead to the back of the lot and are used for vehicle storage. Those driveways are grandfathered in and as long as the property isn't subdivided, it'll remain grandfathered in.

Taylor Ward, Applicant, stated the appeal for him to purchase the property was the second driveway so he could store recreational vehicles and keep them off the road. **Jason Zimmerman, Planning Manager,** asked the applicant if his boat could be stored at the northern property. **Ward** responded that his parents will be living at the southern property and it's their boat. He will be living on the northern property and the existing driveway is too narrow for the boat. He also stated the financial burden of removing the concrete and the city requirements for a contractor to replace the curb cut. **Member Nelson** asked the applicant if reducing the attached garage width would be still a usable space and **Ward** responded that he can reduce the width, he just would prefer to have a wider garage for ease of use.
Chair Orenstein asked if there were any members of the public wishing to speak, none were present. **Campbell** reminded the Board they had a letter in the packet from a neighbor of the applicant, supporting the driveway variance.
The Board entered in to a discussion about the variance requests and a motions request was made for each individual variance.

A **MOTION** was made by **Nelson** and seconded by **Orenstein** to follow staff recommendation and <u>approve</u> the variance request of 10 feet off the required 35 feet to a distance of 25 feet at its closest point to the front yard (east) property line. Staff called a roll call vote and the motion passed unanimously.

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A **MOTION** was made by **Orenstein** and seconded by **Nelson** to follow staff recommendation and deny the variance request of 11 feet off the maximum allowed accessory structure area of 1,000 to a total area of 1,011. Staff called a roll call vote and the motion passed unanimously.

A **MOTION** was made by **Orenstein** and seconded by **Carlson** to follow staff recommendation and deny the variance request of a waiver of the second garage requirement in order to keep an existing secondary curb cut. Staff called a roll call vote and the motion passed unanimously.

A **MOTION** was made by **Carlson** and seconded by **Blum** to follow staff recommendation and deny the variance request of 3 feet off the required 3 feet to a distance of 0 feet at the paved area's closest point to the side yard property line. Staff called a roll call vote and the motion passed unanimously.

2. 4725 Olson Memorial Highway
Mike Olson, Applicant

Requests:
Section 113-95, Subd. (g)(10)(c) – 10 feet off the required 30 feet to a distance of 20 feet at its closest point to the wide yard (west) property line

Section 113-95, Subd. (f)(10)(b)(2) – 10 feet off the required 35 feet to a distance of 25 feet at its closest point to the front yard (west) property line

Section 113-151 – Waiver of the prohibition on parking within the front yard landscaped area

Section 113-151, Subd. (c) – 3 spaces off the 36 parking spaces required for a total of 33 parking spaces on the property

Myles Campbell, Planner, started with a background of the applicant and the four variance requests that will be addressed together. The property is a current office building on Olson Memorial and the applicant is intending to build an accessory storage structure on the lot. The gross square footage of the principal structure is 9,216 and the lot area is about 38,583 sq. ft. There are currently 28 parking spaces including 2 handicap spaces. Variances were approved in 2000 for a significant expansion o the building to the west. The expansion wasn't completed but the parking distance from the side and rear property were brought in to conformity as part of the approvals. Staff used the same three items in their analysis as with the previous variance.

Regarding the accessory structure setback: these structures are allowed in the district and this structure otherwise meets the use, size, and design standards of the code. The lot layout creates issues locating a detached structure. The connection to the parking lot is also necessary to move materials to and from vehicles. The structure would abut a large parking lot to the west, a railroad to the south, and not impact any principal issues.

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Regarding the front setback and overhang: the overhang redesign is reasonable in its finish and scale; previous variances have approved much more intrusive changes to the front setback. The lot has a unique shape and the cul-de-sac causes the front yard to narrow near the building entrance. An updated overhang matches the finishing on the accessory structure and staff doesn't feel it detracts from nearby structures.

Regarding new accessible spaces: the new space locations will reduce the distance between the lot and building entrance. Maintaining the current location of the accessible parking is an option, but would result in fewer parking spaces on site. This item would impact the view from the frontage road and essentially create a parking par at the end, this may not detract from the character but it's a notable change. The location in relation to the frontage road eliminates a landscaped buffer and that is a significant variance from code.

Regarding minimum parking provided: the applicant has increased total parking provided on site while maintaining good circulation through the existing lot. The current lot is at the max for usable spaces but providing additional parking to the east, as approved in 2000, isn't optimal as it requires additional setback variances and increases the site's total hardcover. Additional spaces shouldn't have an impact on existing character.

In conclusion, staff recommendations are:

- Staff recommends **approval** of the variance of 10 feet off the required 30 feet to a distance of 20 feet at its closest point to the side yard (west) property line.
- Staff recommends **approval** of the variance of 10 feet off the required 35 feet to a distance of 25 feet at its closest point to the front yard (west) property line.
- Staff recommends **denial** of the variance of a waiver of the front yard landscaped area requirement for the added accessible spaces off of the frontage road.
- Staff recommends **approval** of the variance of 3 parking spaces of the required 36 spaces required for the lot. *Additionally*, staff is open to increasing this variance approval to 6 spaces off the required 36 in the case that the Board does not approve the preceding variance allowing the new accessible spaces.

Mike Olson/Brett Amundson, Applicants, responded that the goal for accessible parking to the front is to create equal access to the front of the building. Board members asked if there was an elevator in the rear and the applicant responded no but they're installing a lift at the front and with the added front access, all tenants will have the ability to use the front door. They didn't want to create a situation where anyone who needed ramp access, had to use the back door.

Chair Orenstein asked if there were any members of the public wishing to speak, none were present.
The Board entered in to a discussion about the variance requests and a motion request was made for each individual variance.

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A **MOTION** was made by **Orenstein** and seconded by **Nelson** to follow staff recommendation and approve the variance of 10 feet off the required 30 feet to a distance of 20 feet at its closest point to the side yard (west) property line. *Added Condition:* the applicant will construct the facility consistent with the plans submitted or be held to the standards of the materials section of the zoning code, whichever is more stringent. Staff took a roll call vote and the motion passed unanimously.

A **MOTION** was made by **Nelson** and seconded by **Orenstein** to follow staff recommendation and approve the variance of 10 feet off the required 35 feet to a distance of 25 feet at its closest point to the front yard (west) property line. Staff took a roll call vote and the motion passed unanimously.

A **MOTION** was made by **Nelson** and seconded by **Carlson** to follow staff recommendation and deny the variance of a waiver of the front yard landscaped area requirement for the added accessible spaces off of the frontage road. Staff took a roll call vote and the motion passed unanimously.

A **MOTION** was made by **Orenstein** and seconded by **Nelson** to follow staff recommendation and approve the variance of 6 parking spaces off the required 36 spaces required for the lot. Staff took a roll call vote and the motion passed unanimously.

Adjournment
MOTION made by **Nelson**, seconded by **Chair Orenstein** and the motion carried unanimously to adjourn the meeting at 9:03 pm.

_____
Richard Orenstein, Chair

_____
Amie Kolesar, Planning Assistant

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MEMORANDUM

Physical Development Department
763-593-8095 / 763-593-8109 (fax)

Date: June 23, 2020

To: Golden Valley Board of Zoning Appeals

From: Myles Campbell, Planner

Subject: 75 Brunswick Ave N
Michael Anderson, Applicant

Introduction
Michael Anderson, the property owner, is seeking a variance from the City Code to construct a deck in the rear yard of his property. The applicant is seeking the following variances from City Code:

Variance Request	City Code Requirement
The applicant is requesting a variance of 11.2 ft. off of the required 25 ft. to a distance of 13.8 ft. at its closest point to the rear yard (west) property line.	§ Section 113-88, Single Family Zoning District, Subd. (f)(1)(b) Rear Yard Setback Requirements The required rear setback shall be 25 feet.

Background
The home at 75 Brunswick Ave N was originally built in 1966 as part of the Tralee Addition. The lot itself is approximately 15,422 sq. ft. while the existing home has a footprint of 2,151 sq. ft. Including the additional impervious surface from the driveway, and front walkway/steps, the existing impervious cover over the lot comes to around 26%.

The existing home is only 21.2 ft. off the rear property line at its closest point, 3.8 ft. off the current required rear setback of 25 ft. At the time of the home's construction in 1966, rear setbacks were based on a percentage of the lot's total depth rather than a flat footage requirement, making this reduced rear setback a legal non-conformity from today's zoning code.

Summary of Requests
The applicant is seeking to construct a deck off the rear of the home, which would require a variance from the rear setback requirement given the existing non-conforming location of the home. The proposed deck by the property owner would be approximately 241 sq. ft. with a width of 20.25 ft. Due to the deck being angled to be roughly parallel with the rear property line, it would

have depth on its southern side of 14 ft. and 10 ft. on the northern side. The northern portion of deck would be 13.8 ft. from the rear property line, representing the closest point between the structure and the property line.

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 in line with both the purpose of the Zoning Code as well as the purpose of the Single-Family Residential (R-1) Zoning District, which is "to provide for detached single-family dwelling units at a low density along with directly related and complementary uses." The requests would not allow for additional unit density in the neighborhood.

In the City's 2040 Comprehensive Plan, one of the stated objectives of the Land Use Chapter is to *protect existing residential neighborhoods* (p. 2-35). Staff feels that while a variance from the written language of the zoning code, the request itself would not cause harm to the neighborhood at large. Additionally, in the Comprehensive Plan's Housing Chapter is an objective to *support the rehabilitation and reinvestment of the housing stock as structures continue to age*. While not renovating the home itself, the addition of a new deck does represent a reinvestment in the property by the owner.

In order to constitute practical difficulties:

1. **The property owner must propose to use the property in a reasonable manner.**
   A deck is a reasonable use of a residential property as a means of creating additional living space. The design as proposed by the applicant is similarly to scale with the existing home.

2. **The landowners' problem must be due to circumstances unique to the property that is not caused by the landowner.**
   The home's existing location on the lot is already non-conforming with the current rear setback requirements, necessitating a variance for any addition to the principal structure, including an attached deck. The lot itself is of a unique shape given its varying depths, further complicating the location of a deck addition.

3. **And the variance, if granted, must not alter the essential character of the locality**
   Attached decks are very common throughout the City's residential districts and would therefore not be out of place. Similarly, the deck being located to the rear of the home would minimize any visibility impacts from the public right-of-way. The largest impact would be on the abutting property at the rear property line, however existing fencing and landscaping here helps to mitigate any visual encroachment.

Additionally, staff assesses whether other options are available to meet the applicant's needs without requiring a variance. As stated given the home's location, an attached deck anywhere off the rear of the home would likely require a variance of some amount.

The other option available to avoid a variance would be to pursue a patio that would be flush with the ground. This would have a less strict setback requirement of only 3 ft. off of side and rear property lines that would likely mean it could be built without requiring a variance. While there are certainly differences between the two, either would allow for additional outdoor living space.

Lastly, staff assesses whether the proposal requests the smallest variance necessary to meet the applicant's needs. While reducing the deck size could reduce the needed variance, this also could impact the usability of the deck itself.

Recommendation
Staff recommends **denial** of the variance request of 11.2 feet off the required 25 feet to a distance of 13.8 feet at its closest point to the rear yard property line.

Physical Development-Planning Department | 7800 Golden Valley Road, Golden Valley, MN 55427
763-593-8055 | FAX: 763-593-8109 | TTY: 763-593-3968 | www.goldenvalleymn.gov

city of golden valley

Zoning Code Variance Application

Street address of property in this application:

Applicant Information

Name (individual, or corporate entity) Michael Anderson	
Street address 75 Brunswick Ave N	Zip 55422
Phone 312-927-0830	Email mdanderson50@gmail.com

Authorized Representative (if other than applicant)

Name	
Street address	Zip
Phone	Email

Property Owner (if other than applicant)

Name	
Street address	Zip
Phone	Email

Site Information

Provide a detailed description of the variance(s) being requested:

Requesting a setback variance from rear property line to build small ground level deck.

Provide a detailed description of need for a variance from the Zoning Code, including description of building(s), description of proposed addition(s), and description of proposed alteration(s) to property:

Given the narrow rear lot layout a variance is requested to add a deck from the back of the house. The proposed deck would be at ground level and off the one rear door of the house. The width would be 10 feet at it's narrowist to 14 feet at it's widest and just short of 20 ft long running along the rear of the house. Simple cedar wood would be the deck covering.

→ continued

Minnesota State Statue 462.357 requires that a property exhibit "practical difficulties" in order for a variance to be considered. Practical difficulties:

- result in a use that is reasonable
- are based on a problem that is unique to the property
- are not caused by the landowner
- do not alter the essential character of the locality

To demonstrate how your request will comply with Minnesota State Statute 462.357, please respond to the following questions.

Explain the need for your variance request and how it will result in a reasonable use of the property.

Given the narrow nature of the backyard and placement of the existing home, a variance is requested for general outdoor enjoyment from the rear door of the existing house. The backyard is bordered in the rear by thick vegetation and a partial neighbors fence.

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

The rear yard shape is quite odd and narrow necessitating a variance for a simple deck to be added off the rear of the house.

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

The home was build in 1966 so the current lot lines and location of the home are set and are not based on the current owners actions.

Explain how, if granted, the proposed variance will not alter the essential character of your neighborhood and Golden Valley as a whole.

The small cedar deck would be added at ground level and would improve the overall look of the backyard. No trees and plantings would be removed or altered. The current back door looks odd as it's threshold is 18" from the ground with nothing below. Homeowner believes improving the existing 60's era home a plus to the neighborhood dominated by new construction.

→ continued

Zoning Code Variance

The City requests that you consider all available project options permitted by the Zoning Code before requesting a variance. The Board of Zoning Appeals will discuss alternative options to seeking a variance with you at the public hearing. **Please describe alternate ways to do your project that do not require variances from the Zoning Code.**

A concrete or paver patio would be a substantially more expensive option given the materials and re-grading of the lot needed.

Required Attachments

- **Current survey** of your property, including proposed addition and new proposed building and structure setbacks (a copy of Golden Valley's survey requirements is available upon request; application is considered incomplete without a current property survey)
- One **current color photograph** of the area affected by the proposed variance (attach a printed photograph to this application or email a digital image to planning@goldenvalleymn.gov; submit additional photographs as needed)
- **Application fee:** $200 for Single-Family Residential, $300 for all other Zoning Districts
- **Legal description:** Exact legal description of the land involved in this application (attach a separate sheet if necessary)

Signatures

To the best of my knowledge, the statements found in this application are true and correct. I also understand that unless construction of the action applicable to this variance request, if granted, is not taken within one year, the variance expires. I have considered all options afforded to me through the City's Zoning Code and feel there is no alternate way to achieve my objective except to seek a variance to zoning rules and regulations. I give permission for Golden Valley staff, as well as members of the Board of Zoning Appeals, to enter my property before the public hearing to inspect the area affected by this request.

Applicant

Name (please print): Michael Anderson

Signature: X _____ Date: 5/28/2020

Authorized Representative (if other than applicant)

Name (please print): _____

Signature: X _____ Date: _____

Property Owner (if other than applicant)

Name (please print): _____

Signature: X _____ Date: _____

Please note: *The City of Golden Valley will send notice of your variance request to all adjoining property owners as well as owners of properties directly across streets or alleys. Your neighbors have the right to address the Board of Zoning Appeals at your public hearing. You are advised to personally contact your neighbors and explain your project to them before the public hearing.*

This document is available in alternate formats upon a 72-hour request. Please call 763-593-8006 (TTY: 763-593-3968) to make a request. Examples of alternate formats may include large print, electronic, Braille, audiocassette, etc.

THE ANDERSON RESIDENCE

75 BRUNSWICK AVENUE NORTH

CITY OF GOLDEN VALLEY, HENNEPIN COUNTY, MINNESOTA

REAR OF 75 BRUNSWICK AVENUE NORTH
CITY OF GOLDEN VALLEY, HENNEPIN COUNTY, MINNESOTA

NORTHERLY SIDE OF 75 BRUNSWICK AVENUE NORTH
CITY OF GOLDEN VALLEY, HENNEPIN COUNTY, MINNESOTA

SOUTHERLY SIDE OF 75 BRUNSWICK AVENUE NORTH
CITY OF GOLDEN VALLEY, HENNEPIN COUNTY, MINNESOTA

1 INCH EQUALS 10 FEET

BASIS FOR BEARINGS: HENNEPIN COUNTY COORDINATE SYSTEM (NAD83, 1996)

(VIA REAL TIME GPS MEASUREMENTS UTILIZING MINNESOTA DEPARTMENT OF TRANSPORTATION VRS NETWORK)

FRONT OF 75 BRUNSWICK AVENUE NORTH
CITY OF GOLDEN VALLEY, HENNEPIN COUNTY, MINNESOTA

LEGAL DESCRIPTION

CERTIFICATE OF TITLE NO. 1498749

That part of Lot 14, Block 5, "Tralee", lying Northerly of a line running from the most Easterly corner of Lot 15 in said block and addition, to a point in the Easterly line of said Lot 14, distant 130 feet Northerly, measured along said Easterly line, from the Southeast corner of said Lot 14, according to the plat thereof on file and of record in the office of the Registrar of Titles of said County.

AREA SUMMARY

SUBJECT PROPERTY = 15,422 SQ. FT. OR 0.3540 ACRES

HOUSE FOOTPRINT = 2,151 SQ. FT.
BITUMINOUS DRIVEWAY = 1,556 SQ. FT.
CONCRETE WALK, STEPS & STOOP = 256 SQ. FT.
CONCRETE GARAGE APRON = 66 SQ. FT.
CONCRETE PAD = 16 SQ. FT.

PROPOSED DECK = 241 SQ. FT.

TOTAL PROPOSED IMPERVIOUS SURFACE COVERAGE = 4,286 SQ. FT. (27.8% OF PROPERTY AREA)

ZONING REQUIREMENTS

ZONED R-1 – SINGLE-FAMILY RESIDENTIAL DISTRICT

MINIMUM LOT AREA – 10,000 SQ. FT.

MINIMUM LOT WIDTH – 80 FEET AT FRONT SETBACK

MAXIMUM LOT COVERAGE – 30%

MAXIMUM IMPERVIOUS SURFACE COVERAGE – 50%

MAXIMUM HEIGHT – 28 FEET AS MEASURED FROM THE AVERAGE GRADE AT THE FRONT BUILDING LINE

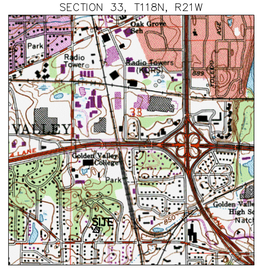
BUILDING SETBACKS:
FRONT – 35 FEET
SIDE – IN THE CASE OF LOTS HAVING A WIDTH OF 100 FEET OR GREATER, THE SIDE SETBACKS FOR ANY PORTION OF A STRUCTURE 15 FEET OR LESS IN HEIGHT SHALL BE 15 FEET. THE SIDE SETBACKS FOR ANY PORTION OF A STRUCTURE GREATER THAN 15 FEET IN HEIGHT SHALL BE MEASURED TO AN INWARDLY SLOPING PLANE AT A RATIO OF 2:1 BEGINNING AT A POINT 15 FEET DIRECTLY ABOVE THE SIDE SETBACK LINE
REAR – 25 FEET

(AS PER CITY OF GOLDEN VALLEY ZONING CODE)

LEGEND

MH	MANHOLE
PP	POWER POLE
FH	FIRE HYDRANT
WV	WATER VALVE
CO	CLEAN OUT
EM	ELECTRIC METER
GM	GAS METER
AC	AIR CONDITIONER
MB	MAIL BOX
— OH —	OVERHEAD UTILITY LINES
(M)	DENOTES DIMENSION MEASURED DURING THE COURSE OF THIS SURVEY
(R)	DENOTES RECORD DIMENSION AS PER PLATS AND LEGAL DESCRIPTIONS
●	DENOTES SET SURVEY MONUMENT MARKED "KEMPER 18407"

SECTION 33, T118N, R21W



VICINITY MAP
(NO SCALE)

PREPARED FOR:
MICHAEL ANDERSON
75 BRUNSWICK AVENUE NORTH
GOLDEN VALLEY, MINNESOTA 55422
312-927-0830
mdanderson50@gmail.com

KEMPER & ASSOCIATES INC.
PROFESSIONAL LAND SURVEYORS
721 OLD HIGHWAY 8 N.W.
NEW BRIGHTON, MINNESOTA 55112
651-631-0351
FAX 651-631-8805
email: kemper@pro-ns.net
www.kempersurveys.com

STATE OF MINNESOTA PROFESSIONAL LAND SURVEYOR 18407 MARK D. KEMPER

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 LICENSED PROFESSIONAL LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.

MARK D. KEMPER, PLS 18407

DATED THIS 28TH DAY OF MAY, 2020

CERTIFICATE OF SURVEY

2020064 (2020064.DWG) D.B. TODD HOLEN

KEMPER & ASSOCIATES, INC. ©

MEMORANDUM

Physical Development Department
763-593-8095 / 763-593-8109 (fax)

Date: June 23, 2020

To: Golden Valley Board of Zoning Appeals

From: Myles Campbell, Planner

Subject: 5505 Phoenix Street
Daniel Supalla, Applicant

Introduction
Daniel Supalla, the property owner, is seeking a variance from the City Code to construct a fence. The applicant is seeking the following variances from City Code:

Variance Request	City Code Requirement
The applicant is requesting a variance of 2 ft. over the allowed 4 ft. in height for fences in a front yard to a total of 6 ft.	§ Section 113-152, Screening and Outdoor Storage, Subd. (c)(1)(a) Height Requirements Fences in all front yards shall not exceed four feet in height. Fences in side and rear yards shall not exceed six feet in height.

Background
The home at 5505 Phoenix Street was originally built in 1954 as part of the Hipps Addition. The lot itself is approximately 12,814 sq. ft. It is a corner lot, with the house primarily facing Phoenix Street, and having a secondary frontage on Lilac Drive North. On the opposite side of Lilac Drive is the Southbound lane of Highway 100. There is no history of other variances at this property.

Summary of Requests
The applicant is seeking to replace an existing 4' tall chain link fence located in the side and rear yard of the property facing Lilac Drive with a new 6' wooden privacy fence. The new fence would provide additional visual privacy from Lilac Drive as well as helping to reduce the noise impact from Highway 100.

The City typically only allows fences located in the front yards of homes to be 4 feet in total height. There is an exception to this rule from § 113-152, Subd. (d)(2)

A wall or fence not exceeding six feet in height is permitted in the front yard of all properties directly adjoining a minor arterial street, as designated by the City.

In transportation planning, Streets are categorized in how they provide mobility versus access to lots. Minor arterial streets are second only to Principal Arterials in terms of the level of mobility provided. They are designed to prioritize mobility, longer trips and higher speeds than local roads or even collector streets might. Examples of minor collectors in the City would include Douglas Drive and sections of Glenwood Avenue.

This section of Lilac Drive has a lower functional class of collector street, which typically balance mobility and access. Because of its lower functional class, this property would not be eligible for the code exception allowing a taller fence by right, necessitating the variance. That being said, Lilac Drive in this area serves a similar role to a frontage road, running parallel to, and carrying traffic from the much larger Highway 100, a principal arterial roadway. Similar variance cases for frontage roads or lots with double frontages near principal arterials have been approved in the past by the Board.

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 in line with both the purpose of the Zoning Code and the Comprehensive Plan.The stated purpose of the Single-Family Residential (R-1) Zoning District is "to provide for detached single-family dwelling units at a low density along with directly related and complementary uses." The request here for an improved fence would help to create better separation between this residential use and the noise from the highway to the east. This is in line with the objective to *eliminate or appropriately buffer blighting influences on residential properties* from the Housing chapter of the City's Comprehensive Plan (p. 3-21)

In order to constitute practical difficulties:

1. **The property owner must propose to use the property in a reasonable manner.**
   While a six-foot fence in a front yard is atypical for the city, staff feels the request here is reasonable given the presence of Highway 100 opposite the proposed location. The fence would be set back into the side and rear yard of the home itself, limiting the visual impact to the property line abutting Lilac Drive.

2. **The landowners' problem must be due to circumstances unique to the property that is not caused by the landowner.**
   The problem here being the added noise and nuisance from Highway 100 is not of the creation of the homeowner. Unlike a similar home that would otherwise only be located

along a collector road, the property here is dealing with the added disturbance of a principal arterial, while not directly abutting.

3. **And the variance, if granted, must not alter the essential character of the locality**
   The location of the fence would primarily have it running parallel to an existing sound barrier on the opposite side of Lilac Drive. So while certainly impacting the view from Lilac Drive, staff is confident the fence would not negatively impact the local character of the nearby neighborhood, and instead might improve the experience of lots further into Phoenix Street by providing additional sound dampening.

Additionally, staff assesses whether other options are available to meet the applicant's needs without requiring a variance. While a 4-foot tall fence is allowed by right, this likely would not have a similar impact on dampening noise from the highway.

Lastly, staff assesses whether the proposal requests the smallest variance necessary to meet the applicant's needs. Staff feels this is true for the proposed variance.

Recommendation
Staff recommends **approval** of the variance request of 2 ft. over the allowed 4 ft. in height to a total of 6 ft. for the fence.

Dan Supalla and Justin Coulter
5505 Phoenix Street
Golden Valley, Minnesota 55422

Golden Valley Physical Development Department–Planning
7800 Golden Valley Rd
Golden Valley, MN 55427

June 2, 2020

Dear Sir or Madam:

Enclosed please find the following materials in support of a zoning permit application:

- Zoning Permit Application
- A drawing showing the location of the house, fence, and shed.
- 4 color photographs of the area affected by the zoning application showing the current chain link fence to be replaced
- 1 color photograph showing an aerial view of our house and the location of the fence to be replaced
- 1 color photograph showing the style of cedar fence we plant to construct.

Please do not hesitate to reach out to me with any questions

Dan Supalla
612-325-0494

Physical Development-Planning Department | 7800 Golden Valley Road, Golden Valley, MN 55427
763-593-8055 | FAX: 763-593-8109 | TTY: 763-593-3968 | www.goldenvalleymn.gov

city of golden valley

Zoning Permit Application

For construction of a fence, shed, deck, patio, or garden structure in a single-family residential (R-1) zoning district

Property Owner

Name Daniel Supalla

Street address 5505 Phoenix Street, Golden Valley, Minnesota | Zip 55422

Phone 612-325-0494 | Email d_supalla@hotmail.com

Location And Size Of Structure

Fence must be located entirely on the property for which it is being constructed. Finished side must face outward.

☐ Front yard height 6'* (4 feet max) ☒ Side yard height 6' (6 feet max) ☐ Rear yard height _____ (6 feet max)

*variance application submitted

☐ **Shed** (less than 200 square feet) must be located completely to the rear of the principle structure and must be 10 feet away from all other structures and 5 feet from side and/or rear property lines. May not be located in an easement area.

Length _____ Width _____ Height _____ *(maximum of one story, which is 10 feet from floor to top plate)*

☐ **Deck** attached to accessory structure or free standing (not more than 30 inches but greater than 8 inches above grade) shall be no closer than 5 feet to the side property line or 5 feet from the rear property line.

Square feet _____

☐ **Patio** must be located at least 3 feet from any property line (front, side, and rear). Impervious surfaces, including those existing, shall not cover more than 50 percent of property.

Square feet _____

☐ **Garden Structure** (not to exceed 10 feet in height) shall be no closer than 5 feet from any property line.

Additional Requirements

☑ Site plan showing location of existing and proposed structures (see page 2). Use of a survey is encouraged, but a detailed sketch using a ruler and displaying dimensions is acceptable. Be sure to include distances from existing structures and property lines.

☑ Structure design indicating size, style, and construction materials

Acknowledgement

Applicant acknowledges responsibility to ensure the structure is is properly anchored and is constructed completely on the property for which the application is filed.

Permits issued and inspections made by the City are a public service and do not constitute any representation, guarantee, or warranty, either implied or expressed, to any person as to the conformance to applicable City codes. The undersigned acknowledges this application has been read and the above is correct and agrees to comply with all ordinances and laws of the City of Golden Valley regulating the construction of the applied structure.

Applicant's Signature X Daniel Supalla Date 5/28/2020

→ **continued**

Show Site Plan Below

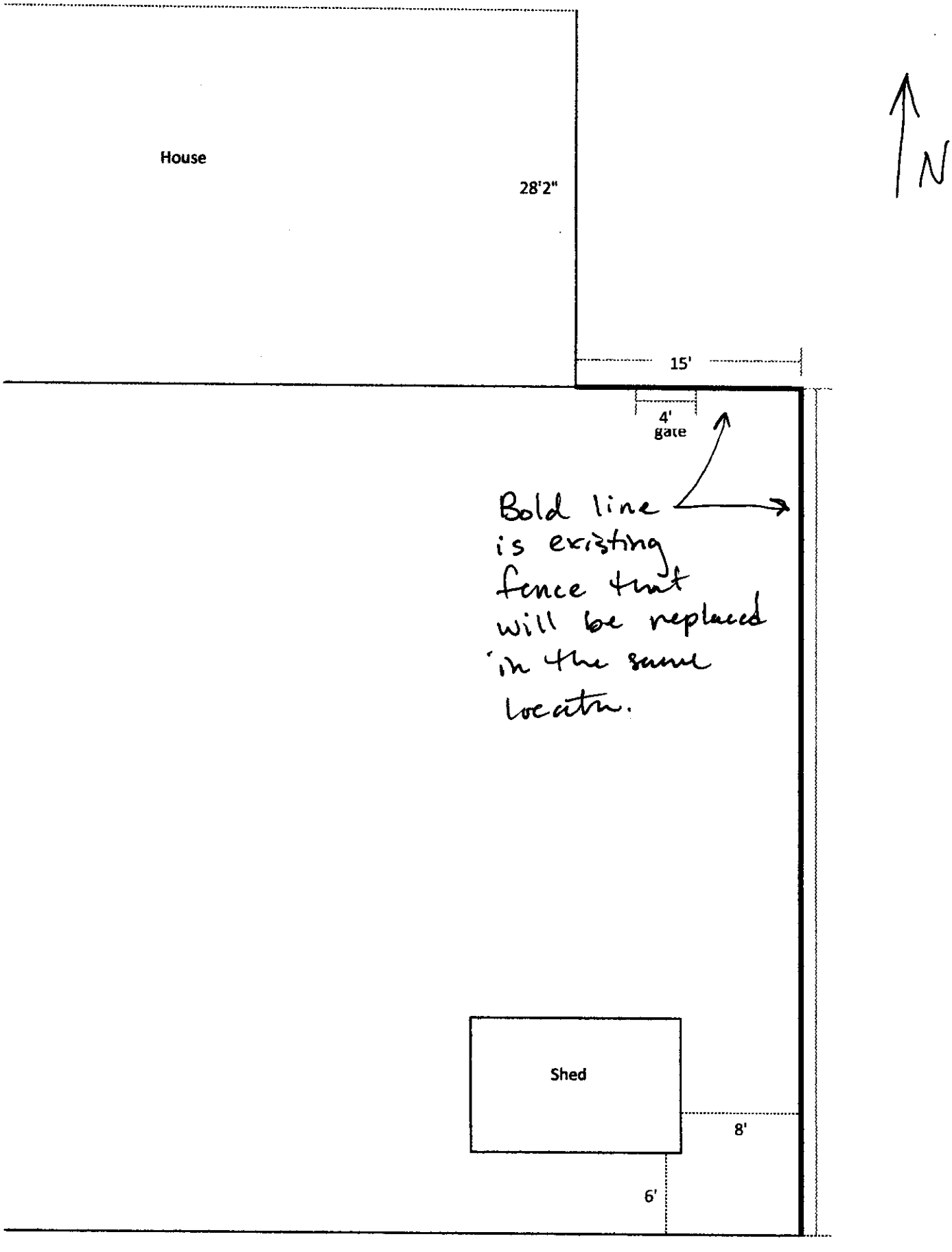
See attached
- drawing
- aerial photo
- 4 photos of current fence
- 1 photo ~~one~~ of fence type/style that will be installed

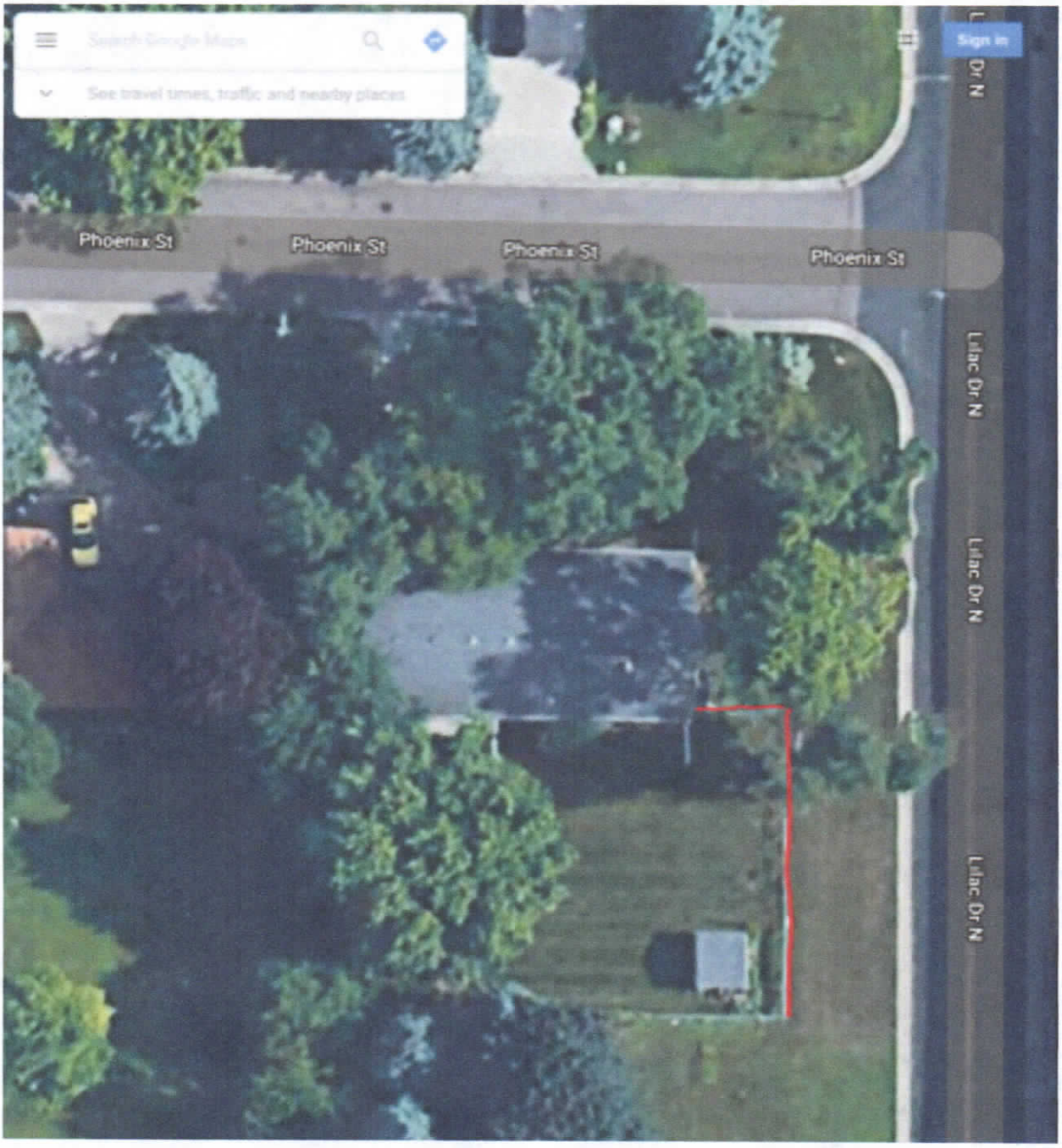
N

For Official Use Only

Approved by X _____ Date _____

This document is available in alternate formats upon a 72-hour request. Please call 763-593-8006 (TTY: 763-593-3968) to make a request. Examples of alternate formats may include large print, electronic, Braille, audiocassette, etc.


House
28'2"
15'
4'
gate
Bold line is existing fence that will be replaced in the same location.
Shed
8'
6'
N



5505 Phoenix Street, Golden Valley, aerial view

The red line shows the current chain link fence that will be replaced with a 6' cedar fence.

5505 Phoenix Street, Golden Valley, facing south.

The 15' of chain link fence in this photo will be removed and replaced with 6' cedar fence in the same location. An approx. 4' gate will go in the same location as the current gate. (The old landscaping timbers along the side of the house are going in a Bagster this week for disposal.)

5505 Phoenix Street, Golden Valley, facing north.

The 15' of chain link fence in this photo will be removed and replaced with 6' cedar fence in the same location. An approx. 4' gate will go in the same location as the current gate.

5505 Phoenix Street, Golden Valley, facing west.

The 62.5' of chain link fence in this photo will be removed and replaced with 6' cedar fence in the same location.

5505 Phoenix Street, Golden Valley, facing northwest.

The 62.5' of chain link fence in this photo will be removed and replaced with 6' cedar fence in the same location.

5505 Phoenix Street, Golden Valley

This photo shows the style of fence that will be installed.

Dan Supalla and Justin Coulter
5505 Phoenix Street
Golden Valley, Minnesota 55422

Golden Valley Physical Development Department–Planning
Board of Zoning Appeals
7800 Golden Valley Rd
Golden Valley, MN 55427

June 2, 2020

Dear Zoning Board Members:

Enclosed please find the following materials in support of a zoning code variance application:

- Zoning Code Variance Application
- Legal description of 5505 Phoenix Street, Golden Valley, MN 55422
- 4 color photographs of the area affected by the zoning application showing the current chain link fence to be replaced
- 1 color photograph showing an aerial view of our house and the location of the fence to be replaced
- 1 color photograph showing the style of cedar fence we plant to construct.
- A drawing showing the location of the house, fence, and shed.
- An application fee of $200.00

We currently have scheduled a survey with American Survey Management to be completed on an expedited basis. ASM will have the staking completed by Friday, June 5, 2020 and will provide us with a drawing on June 8, 2020, which we will forward to the Zoning Board upon receipt.

Please do not hesitate to reach out to me with any questions

Dan Supalla
612-325-0494

Physical Development-Planning Department | 7800 Golden Valley Road, Golden Valley, MN 55427
763-593-8055 | FAX: 763-593-8109 | TTY: 763-593-3968 | www.goldenvalleymn.gov

city of golden valley

Zoning Code Variance Application

Street address of property in this application:
5505 Phoenix Street, Golden valley, Minnesota 55422

Applicant Information

Name (individual, or corporate entity) Daniel Supalla	
Street address 5505 Phoenix Street, Golden Valley, Minnesota	Zip 55422
Phone 612-325-0494	Email d_supalla@hotmail.com

Authorized Representative (if other than applicant)

Name	
Street address	Zip
Phone	Email

Property Owner (if other than applicant)

Name	
Street address	Zip
Phone	Email

Site Information

Provide a detailed description of the variance(s) being requested:

Because we have a corner lot, the east side of our property is also considered a front yard subject to the 4' fence height limitation in Code Section 113-152(c)(1)(a). We are requesting a variance from the 4' front yard fence height restriction.

Provide a detailed description of need for a variance from the Zoning Code, including description of building(s), description of proposed addition(s), and description of proposed alteration(s) to property:

The east side of our lot faces Lilac Drive, which is a frontage road with a sound wall. On the other side of the sound wall is Highway 100.

The current chain link fence on the side of the house is 4' tall. We are looking to replace approximately 83' of the chain link fence with a 6' tall cedar fence. The new fence will be located in the exact same location as the old fence.

→ **continued**

Minnesota State Statue 462.357 requires that a property exhibit "practical difficulties" in order for a variance to be considered. Practical difficulties:

- result in a use that is reasonable
- are based on a problem that is unique to the property
- are not caused by the landowner
- do not alter the essential character of the locality

To demonstrate how your request will comply with Minnesota State Statute 462.357, please respond to the following questions.

Explain the need for your variance request and how it will result in a reasonable use of the property.

There is already an existing chain link fence along the frontage road. The replacement fence will be located in the same location.

The replacment fence will be taller, solid, and afford more privacy from the frontage road and provide addtional sound insulation from the frontage road and highway 100.

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

The east side of our property is adjacent to Lilac Drive/frontage road and Highway 100. Although the east side of the house would not be considered a "front yard" in the traditional sense or based on the orientation of the house (we consider it the side yard), under the Code it is considered a front yard.

A 4' cedar fence along the frontage road and Highway 100 would not affored the privacy or sound barrier that a taller fence would afford.

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

The need for a variance is based off the way our lot was divided and the frontage road was built when Highway 100 was expanded. It is also a function of the city code considering our "side yard" a front yard because it abuts a street.

Explain how, if granted, the proposed variance will not alter the essential character of your neighborhood and Golden Valley as a whole.

6' side-yard fences are already permitted in Golden Valley. A number of homes in our neighborhood have 6' privacy fences, including our neighbors across the street who have a 6' fence on the east side of their property abutting Lilac Drive

→ continued

Zoning Code Variance

The City requests that you consider all available project options permitted by the Zoning Code before requesting a variance. The Board of Zoning Appeals will discuss alternative options to seeking a variance with you at the public hearing. **Please describe alternate ways to do your project that do not require variances from the Zoning Code.**

There is no alternative way to build a 6' fence in the side yard without violating the City's Zoning Code.

Required Attachments

- ☐ **Current survey** of your property, including proposed addition and new proposed building and structure setbacks (a copy of Golden Valley's survey requirements is available upon request; application is considered incomplete without a current property survey)
- ☐ One **current color photograph** of the area affected by the proposed variance (attach a printed photograph to this application or email a digital image to planning@goldenvalleymn.gov; submit additional photographs as needed)
- ☐ **Application fee:** $200 for Single-Family Residential, $300 for all other Zoning Districts
- ☒ **Legal description:** Exact legal description of the land involved in this application (attach a separate sheet if necessary)

Signatures

To the best of my knowledge, the statements found in this application are true and correct. I also understand that unless construction of the action applicable to this variance request, if granted, is not taken within one year, the variance expires. I have considered all options afforded to me through the City's Zoning Code and feel there is no alternate way to achieve my objective except to seek a variance to zoning rules and regulations. I give permission for Golden Valley staff, as well as members of the Board of Zoning Appeals, to enter my property before the public hearing to inspect the area affected by this request.

Applicant

Name (please print): Daniel Supalla

Signature: X _____ Date: 5/28/2020

Authorized Representative (if other than applicant)

Name (please print): _____

Signature: X _____ Date: _____

Property Owner (if other than applicant)

Name (please print): _____

Signature: X _____ Date: _____

Please note: *The City of Golden Valley will send notice of your variance request to all adjoining property owners as well as owners of properties directly across streets or alleys. Your neighbors have the right to address the Board of Zoning Appeals at your public hearing. You are advised to personally contact your neighbors and explain your project to them before the public hearing.*

This document is available in alternate formats upon a 72-hour request. Please call 763-593-8006 (TTY: 763-593-3968) to make a request. Examples of alternate formats may include large print, electronic, Braille, audiocassette, etc.

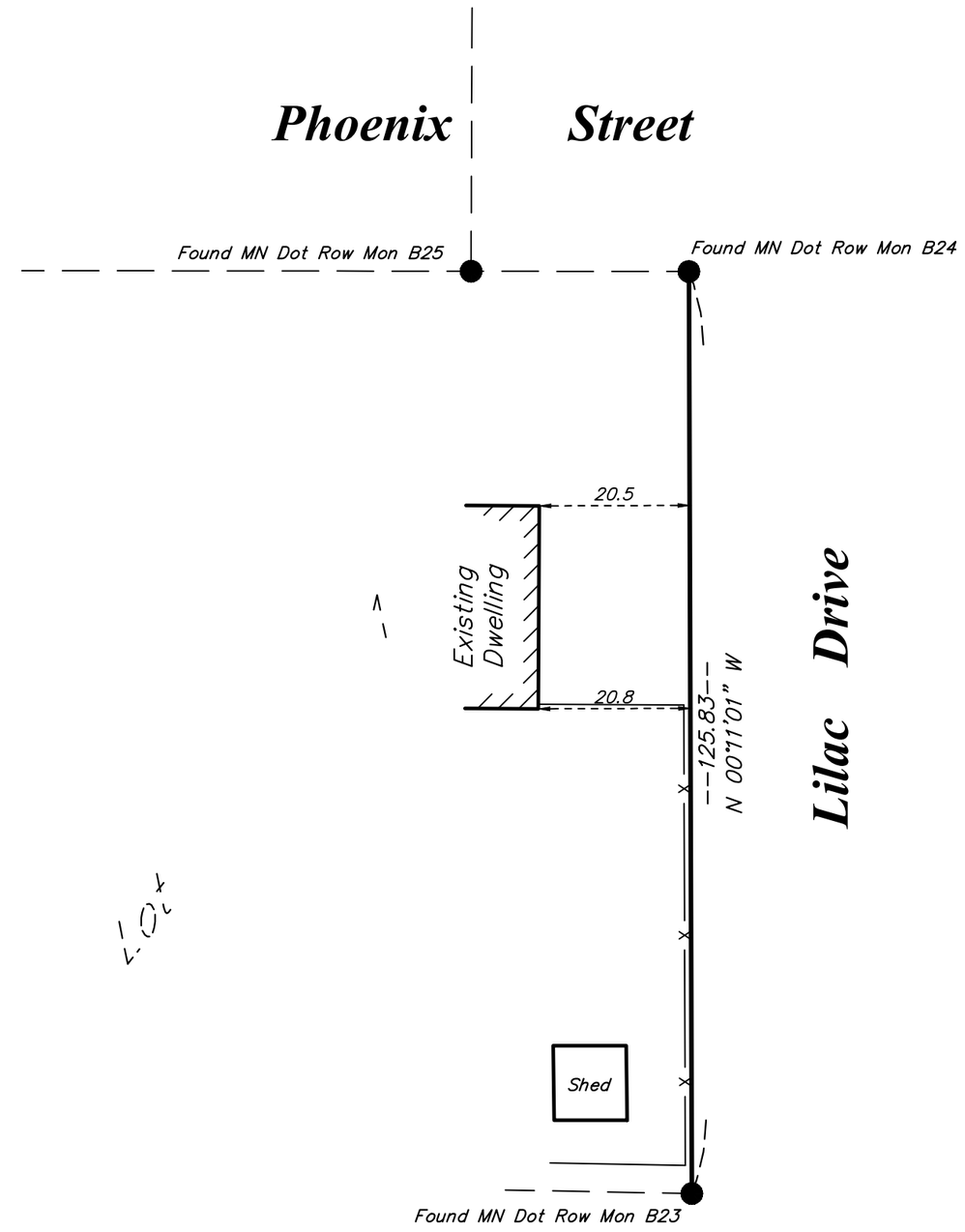
LEGAL DESCRIPTION:
The Wwest half of Lot 1, Block 2, HIPP'S ADDITION, Hennepin County, Minnesota.

SCOPE OF WORK & LIMITATIONS:

1. Showing the length and direction of the East boundary lines of the legal description listed above. The scope of our services does not include determining what you own, which is a legal matter. Please check the legal description with your records or consult with competent legal counsel, if necessary, to make sure that it is correct and that any matters of record, such as easements, that you wish to be included on the survey have been shown.
2. Showing the location of observed existing improvements we deem necessary for the survey.
3. Setting survey markers or verifying existing survey markers to establish the corners of the property.
4. This survey has been completed without the benefit of a current title commitment. There may be existing easements or other encumbrances that would be revealed by a current title commitment. Therefore, this survey does not purport to show any easements or encumbrances other than the ones shown hereon.
5. Note that all building dimensions and building tie dimensions to the property lines, are taken from the siding and or stucco of the building.

STANDARD SYMBOLS & CONVENTIONS:

"●" Denotes iron survey marker, set, unless otherwise noted.



LEGEND

- CATCH BASIN
- GAS METER
- FIRE HYDRANT
- POWER POLE
- MANHOLE
- TELEPHONE PED.
- ELEC. TRANSFORMER
- WELL
- GATE VALVE
- LIGHT POLE
- TREE
- FENCE LINE
- SANITARY SEWER LINE
- WATER LINE
- GAS LINE
- STORM DRAIN LINE
- OVERHEAD UTILITY LINE
- CONCRETE SURFACE

DATE	REVISION DESCRIPTION

DRAWING ORIENTATION & SCALE
SCALE - 1" = 20'
0 20 40

CLIENT NAME / JOB ADDRESS
DAN SUPALLA
5505 PHOENIX STREET
GOLDEN VALLEY, MN

Advance
Surveying & Engineering, Co.
17917 Highway 7
Minnetonka, Minnesota 55345
Phone (952) 474-7964
Web: www.advsur.com

I HEREBY CERTIFY THAT THIS PLAN, SURVEY 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.

Thomas M. Bloom
42379
LICENSE NO.
JUNE 4, 2020
DATE

DATE SURVEYED: JUNE 4, 2020
DATE DRAFTED: JUNE 4, 2020

SHEET TITLE
EXISTING CONDITIONS SURVEY

DRAWING NUMBER
200815 TB

SHEET SIZE 11 X 17
SHEET NO.
S1
SHEET 1 OF 1

Exhibit "A"

Legal Description

West 1/2 of Lot 1, Block 2, Hipp's Addition, Hennepin County, Minnesota