



**Agenda Date: 05-12-14
CITY COUNCIL STAFF REPORT**

Agenda Item: Request of Aaron and Heather Melsness, 2800 Breezy Heights Road, for variances to encroach into the minimum required front yard setback, to exceed the maximum permitted accessory structure height, to exceed the maximum permitted accessory structure area and to encroach within the minimum required accessory structure separation in conjunction with the construction of a new detached garage and variances of the front yard setback to construct a new bay window and front entryway.

Summary: Aaron and Heather Melsness are proposing to remove the existing garage and construct a new detached garage with a 1,008 square foot footprint and 1,669 square feet of total area. It would have an overall height of 19'-4", encroach into the minimum required fifty foot front setback, forty foot rear yard setback and into the required twelve foot structure separation.

- **Ordinance Section 900.09(4)(c) requires a minimum front yard setback of fifty feet. The applicant proposes a front yard twenty-five feet, three inches for the proposed garage and is requesting a variance to encroach twenty-four feet, nine inches into the required front yard setback for the proposed garage.**
- **Ordinance Section 900.09(4)(b) requires a rear yard setback of forty feet. The applicant proposes a rear yard setback of three feet, nine inches and is requesting a variance to encroach thirty-six feet, three inches into the required rear yard setback.**

The lot has an overall width of fifty five-feet. Application of the required setbacks would overlap leaving no buildable area.

- **Ordinance Section 900.04(2)(b)(9) states that no accessory structure or combination of accessory structures shall exceed the lesser of 1,000 square feet of gross floor area, 1,000 square feet of footprint area or 30% of the area of the footprint of the principal structure on the lot. The lot is permitted a maximum permitted accessory structure area of 708 square feet of accessory structure area based on the footprint area of the principal structure. The applicant proposes a total accessory structure area of 1,669 square feet for the proposed garage alteration and seeks a variance to exceed the maximum permitted accessory structure area by 889 square feet.**

The applicants require additional storage space for household items, lawn maintenance equipment and vehicles which cannot be done with the current garage.

- **Ordinance Section 900.04(2)(b)(10) requires an accessory structure setback from principal structure of 12 feet. The applicants are proposing an accessory structure setback of ten feet, two inches and are seeking a variance of one foot, ten inches of the required accessory structure separation.**

The applicants have indicated they can move the structure to comply with the required separation.

- **Ordinance Section 900.13(1) permits a maximum accessory structure height of fourteen feet as measured by Ordinance Section 900.02(20), which requires the measurement to be based on the**

grade of the lot on June 14, 2010. The applicant proposes an accessory structure height of nineteen feet, four inches based on the June 14, 2010 elevation. The applicant is seeking a variance of five feet, four inches for the accessory structure height.

The applicant would like to have additional space above the garage to permit an office area outside of the home which has limited space.

- **Ordinance Section 900.09(4)(c) requires a minimum front yard setback of fifty feet. The applicant proposes a front yard thirteen feet, nine inches for the proposed bay window and is requesting a variance to encroach thirty-six feet, three inches into the required front yard setback for the proposed bay window.**
- **Ordinance Section 900.09(4)(c) requires a minimum front yard setback of fifty feet. The applicant proposes a front yard six feet, nine inches for the proposed front and is requesting a variance to encroach forty-two feet, three inches into the required front yard setback for the proposed front entryway.**

The proposals would alter the home to add some architectural interest and curb appeal.

STAFF RECOMMENDATION:

1. *Staff recommends **denial** of the application for Aaron and Heather Melsness for variances of Woodland Ordinance Section 900.09(4)(c) to encroach twenty-four feet, nine inches into the required fifty foot front yard setback for the proposed garage; Woodland Ordinance Section 900.09(4)(b) to encroach thirty-six feet, three inches into the required forty foot rear yard setback; Woodland Ordinance Section 900.04(2)(b)(9) to exceed the maximum permitted accessory structure area by 889 square feet; Woodland Ordinance Section 900.04(2)(b)(10) to encroach one foot, ten inches into the required twelve foot accessory structure separation; Woodland Ordinance Section 900.13(1) to exceed the maximum permitted accessory structure height of fourteen feet by five feet, four inches for the proposed detached garage at 2800 Breezy Heights Road*

*Furthermore, staff recommends **denial** of the application for Aaron and Heather Melsness for variances of Woodland Ordinance Section 900.09(4)(c) to encroach thirty-six feet, three inches into the required fifty foot front yard setback for the proposed bay window and of Woodland Ordinance Section 900.04(c) to encroach forty-two feet, three inches into the required fifty foot front yard setback for the proposed front entryway.*

FINDINGS BASED ON THE REVIEW AND APPROVAL PROCESS IN SECTION 900.14 OF THE ORDINANCE:

Findings:

- (a) Are the variances in harmony with the purpose and intent of the ordinance?

Section 900.01(a) outlines the purpose of the ordinance as the principal means of attaining the goals and standards set forth in Woodland's Comprehensive Plan, including the preservation of open space, scenic views, natural topography and habitat, wetlands, lakes, indigenous vegetation and trees, and rehabilitation of existing housing units on their present location.

The character of Woodland is that of a single family community with an exception for guesthouses on lots with two acres or more of lot area. The design of the proposed structure lends itself for future conversion into a guesthouse and such a designation is indicated on the plan. The use of this structure for a guesthouse would violate the ordinance in that it would exceed the allowable footprint for a guesthouse and the lot is less than two acres.

- (b) Are the variances consistent with the comprehensive plan?

The design and intended use of the structure is inconsistent with the comprehensive plan in that the potential for two housing units on a lot of less than two acres exists with the proposal. This situation is created by the additional height and accessory structure area requests.

(c) Will the proposals put the property to use in a reasonable manner?

The scale of proposed structure is too large in dimensional area and height for the size of the lot and in comparison to other structures on the property. The extension of the front entryway creates a further encroachment into front yard setback and is unnecessary in the proposed configuration to achieve the desired protected entryway which could be done on a smaller scale.

(d) Are there unique circumstances to the property not created by the landowner?

The plight of the homeowner is created by the design of the proposed structure in that it exceeds both the allowable accessory structure area and height requirements and is placed in a location that violates the structure separation provisions. The proposed front entryway also increases the current encroachment.

(e) Will the variances, if granted, alter the essential character of the locality?

The essential character of the neighborhood would be negatively impacted because the entryway looks disproportionate in its location so close to the road and the height of garage is out of scale when compared to the principal structure on the lot in addition to the surrounding residences.



Agenda Date: 05-12-14
CITY COUNCIL MEMO
Melsness Variance Requests

Agenda Item: Consider Variance Requests, Aaron and Heather Melsness, 2800 Breezy Heights Road

Summary: Copies of the application materials and staff report are attached for the City Council's reference. Notice of the public hearing was published in the Sun-Sailor newspaper on April 17, 2014. The City Council will hold a public hearing at their May 12, 2014 meeting. The Council shall consider the public comments, applicant's comments, application materials, staff report and **must** address city code Section 900.06, Subdivision 3; "Matters considered", as well as any conditions prior to taking any official action in the form of a motion.

Council Action: Action required by June 2, 2014. Potential motions ...

1. **Approval Motion:** I move the Council **approve** the application Aaron and Heather Melsness for variances of Woodland Ordinance Section 900.09(4)(c) to encroach twenty-four feet, nine inches into the required fifty foot front yard setback for the proposed garage; Woodland Ordinance Section 900.09(4)(b) to encroach thirty-six feet, three inches into the required forty foot rear yard setback; Woodland Ordinance Section 900.04(2)(b)(9) to exceed the maximum permitted accessory structure area by 889 square feet; Woodland Ordinance Section 900.04(2)(b)(10) to encroach one foot, ten inches into the required twelve foot accessory structure separation; Woodland Ordinance Section 900.13(1) to exceed the maximum permitted accessory structure height of fourteen feet by five feet, four inches for the proposed detached garage at 2800 Breezy Heights Road.

Furthermore, I move the council **approve** the application for Aaron and Heather Melsness for variances of Woodland Ordinance Section 900.09(4)(c) to encroach thirty-six feet, three inches into the required fifty foot front yard setback for the proposed bay window and of Woodland Ordinance Section 900.04(c) to encroach forty-two feet, three inches into the required fifty foot front yard setback for the proposed front entryway, based on the following findings:

- (a) The variances are in harmony with the purpose and intent of the ordinance: _____.
- (b) The variances are consistent with the comprehensive plan: _____.
- (c) The proposals put property to use in a reasonable manner: _____.
- (d) There are unique circumstances to the property not created by the landowner: _____.
- (e) The variances, if granted, alter the essential character of the locality: _____.

2. **Denial Motion:** I move the council accept the recommendation of staff and **deny** the application Aaron and Heather Melsness for variances of Woodland Ordinance Section 900.09(4)(c) to encroach twenty-four feet, nine inches into the required fifty foot front yard setback for the proposed garage; Woodland Ordinance Section 900.09(4)(b) to encroach thirty-six feet, three inches into the required forty foot rear yard setback; Woodland Ordinance Section 900.04(2)(b)(9) to exceed the maximum permitted accessory structure area by 889 square feet; Woodland Ordinance Section 900.04(2)(b)(10) to encroach one foot, ten inches into the required twelve foot accessory structure separation; Woodland Ordinance Section 900.13(1) to exceed the maximum permitted accessory structure height of fourteen feet by five feet, four inches for the proposed detached garage at 2800 Breezy Heights Road

Furthermore, I move the council **deny** the application for Aaron and Heather Melsness for variances of Woodland Ordinance Section 900.09(4)(c) to encroach thirty-six feet, three inches into the required fifty foot front yard setback for the proposed bay window and of Woodland Ordinance Section 900.04(c) to encroach forty-two feet, three inches into the required fifty foot front yard setback for the proposed front entryway.

- (a) The variance(s) **will NOT** be in harmony and keeping with the spirit and intent of the zoning

ordinance: **Section 900.01(a)** outlines the purpose of the ordinance as the principal means of attaining the goals and standards set forth in Woodland's Comprehensive Plan, including the preservation of open space, scenic views, natural topography and habitat, wetlands, lakes, indigenous vegetation and trees, and rehabilitation of existing housing units on their present location.

The character of Woodland is that of a single family community with an exception for guesthouses on lots with two acres or more of lot area. The design of the proposed structure lends itself for future conversion into a guesthouse and such a designation is indicated on the plan. The use of this structure for a guesthouse would violate the ordinance in that it would exceed the allowable footprint for a guesthouse and the lot is less than two acres.

- (b) The variance(s) **will NOT** be consistent with the comprehensive plan: **The design and intended use of the structure is inconsistent with the comprehensive plan in that the potential for two housing units on a lot of less than two acres exists with the proposal. This situation is created by the additional height and accessory structure area requests.**
 - (c) In proposal **will NOT** put the property to use in a reasonable manner: **The scale of proposed structure is too large in dimensional area and height for the size of the lot and in comparison to other structures on the property. The extension of the front entryway creates a further encroachment into front yard setback and is unnecessary in the proposed configuration to achieve the desired protected entryway which could be done on a smaller scale.**
 - (d) There **are NOT** circumstances unique to the property not created by the landowner: **The plight of the homeowner is created by the design of the proposed structure in that it exceeds both the allowable accessory structure area and height requirements and is placed in a location that violates the structure separation provisions. The proposed front entryway also increases the current encroachment.**
 - (e) The variance(s) **WILL** alter the essential character of the locality: **The essential character of the neighborhood would be negatively impacted because the entryway looks disproportionate in its location so close to the road and the height of garage is out of scale when compared to the principal structure on the lot in addition to the surrounding residences.**
3. **Motion for Additional Time:** I move the Council directs staff to draft written notice to Aaron and Heather Melsness stating the City Council will extend the 60-day time limit to take action on the request until August 1, 2014 as permitted by MN Statute 15.99 for the following reason(s)
- _____.

Note: MN statute 15.99 requires a council decision within 60 days. The council may approve or modify a request based on verbal findings of fact and the applicant may proceed with their project. However, if the council denies the request, the council must state in writing the reasons for denial at the time that it denies the request. The council may extend the 60-day time limit by providing written notice to the applicant including the reason for the extension and its anticipated length (may not exceed 60 additional days unless approved by the applicant in writing).

Aaron & Heather Melsness; 2800 Breezy Heights Road

We are seeking to demolish the existing detached garage and construct a new three-stall garage with additional storage space on a second floor. We would also like to modify our principle structure by adding a bay window under the existing eave and alter the peak for the front entry along Breezy Heights Road. The dimensions of the lot create some challenges on development and a number of variances are required for the proposal. We are requesting the following for the proposed detached garage;

1. Accessory Structure Height: The maximum permitted accessory structure height is fourteen feet. We propose a height of nineteen feet and are seeking a variance for additional height of 5' 4".
2. Accessory Structure area: Based on the ordinance language we qualify for a maximum accessory structure area equal to 30% of our principal structure footprint, or 780 square feet. The proposed square footage of the garage is 1,669 square feet. We are seeking a variance of the permitted accessory structure area in the amount of 889 square feet.
3. Accessory Structure Setback from principal structure: The required setback between principal and accessory structures is 12 feet. The proposed accessory structure setback is 10'-2". We are seeking a variance for the setback from the principal structure of 1' 10".
4. Accessory structure setback: We are seeking two setbacks of our required setbacks:
 - o Front yard: Seeking a variance of 24'- 9" of the required 50' front yard setback.
 - o Rear yard: Seeking a variance of 36'-3" of the required 40' rear yard setback.

Variances for the proposed principal structure alterations include;

1. Front Yard Setback: Bay window - a variance of 36' 3" of the required 50' front yard setback is necessary, though the window would remain under the existing eave.
2. Alteration of roofline: The roofline of the principal structure will be altered including the removal of the current eyebrow located on the west side of-which has caused water damage over multiple years. The proposal would replace it with an updated entryway will require new pillars that extend past current pillars by 2', with an allowance for the roofline to extend past pillars then by an additional 1' 6". The extent of the required variance is unknown to the applicant.

Establishing that the requested variance will be in keeping with the spirit and intent of the Zoning Code.

The requested variance, if granted, will be keeping with the spirit and intent of the City Zoning because:

- The proposed garage and principal structure remodeling will improve the existing aesthetic conditions of both structures, while not imposing on the rights of the neighboring property owners. The improvements will continue the historic charm of the neighborhood.

Establishing Practical Difficulty

1. The landowner's property cannot be put to reasonable use if used under conditions allowed by the official controls because:
 - Setbacks: The existing garage and principal structure are built within the required building setbacks. If the required setbacks were applied, they would overlap leaving no buildable area in compliance with the zoning ordinance.
 - Floor area: The majority of the principal structure is built on grade-level slab; the unfinished basement space of the principal structure is filled with mechanicals. The size of the proposed footprint and the area above the garage is needed for current and future storage needs. There is a need to store household items, lawn maintenance equipment and vehicles which currently cannot be done with the garage on the property.
2. The plight of the landowner is due to the circumstances unique to the property not created by the landowner property because:
 - The dimensions of the lot are long and narrow
 - The required setbacks, if applied, would overlap
 - The placement of the principal structure and garage are within required setbacks.
3. The variance, if granted, will not alter the essential character of the locality because:
 - The proposed new garage and remodel of the principal structure will be of better character and quality than of that which currently exists. The property owner's hope to bring a cottage type charm to both structures.

Establishing the variance, if granted, will not adversely impact the rights of others

Describe the effect of the variance, if granted, on neighboring properties and on the neighborhood in general:

- The overall character and charm of this property will be improved by renewing the principal structure and proposed garage. Due to the existing location of the garage, the variances will have little effect on the neighboring properties. The height of the proposed garage and roofline change of the principal structure will have insignificant impact on neighboring structures.

Describe the effect of the variance, if granted, on supply of light and air to adjacent properties:

- Due to the amount of vegetation along the east property line, where proposed garage would be situated if granted, there will be little effect to the adjacent property.

Describe the effect of the variance, if granted, on traffic congestion in the public street:

- None

Describe the effect of the variance, if granted, on the danger of fire:

- None

Describe the effect of the variance, if granted, on the danger to public safety:

- None

Describe the effect of the variance, if granted, on established property values in the surrounding area:

- One could speculate that the property values would increase

Describe the effect of the variance, if granted, on the impairment of public health, safety or welfare:

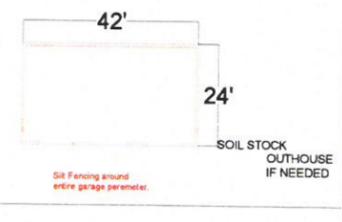
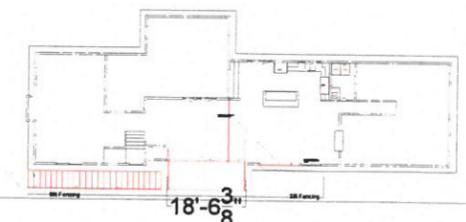
- None

PRIVATE DRIVEWAY

NORTH

HOMEOWNERS: AARON AND HEATHER
MELDRESS
PID: 071172430006
2800 BREEZY HEIGHTS RD. 56381.
PHONE: (612) 751-5828

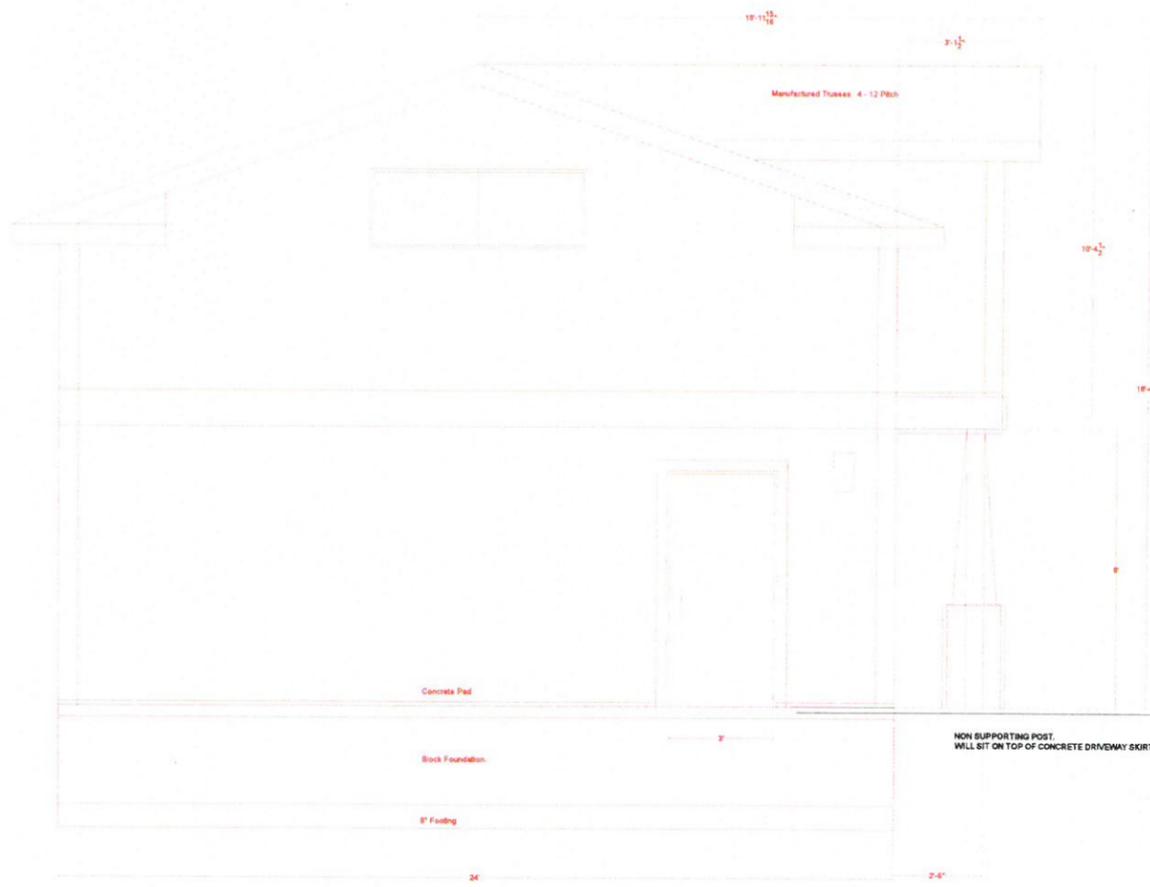
NOTE: THIS IS NOT A SURVEY. PLEASE
SEE SURVEY FOR CURRENT SETBACKS
ON EXISTING HOUSE. NEW GARAGE
WILL MEET CURRENT GARAGE SETBACK
FROM WEST LOT LINE.



55'

CITY STREET

580'



HOMEOWNERS: AARON AND HEATHER MELNESS
 PID: 271172433008
 2800 BREEZY HEIGHTS RD. 55391
 PHONE: (813) 751-5928

- Engineered Trusses
- Re-roof existing front roof and blend in new roof with standard in valley's.
- (2) build out over basement without door and window.
- New Garage.



NON SUPPORTING POST.
 WILL SIT ON TOP OF CONCRETE DRIVEWAY SKIRT.

ASPHALT SHINGLES
 15 LB FELT
 1/2" SHEATHING

4:12 PITCH
 ICE & WATER UP 3' FROM INSIDE EYE

6 X 6" CEDAR POST

1/2" SHEATHING
 TYVEK WRAP (OR SIMILAR)
 SHEATHING

GRADE

12" PIER FOOTING

