



Agenda Date: 06-09-14 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 encroach into the minimum required rear yard setback and to exceed the maximum permitted accessory structure area in conjunction with the construction of a new detached garage.

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. The proposed structure would encroach into the minimum required fifty foot front setback and forty foot rear yard setback.

- **Ordinance Section 900.09(4)(c) requires a minimum front yard setback of fifty feet. The applicant proposes a front yard setback of twenty-five feet, four inches for the proposed garage and is requesting a variance to encroach twenty-four feet, eight 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 936 square feet for the proposed detached garage and seeks a variance to exceed the maximum permitted accessory structure area by 228 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 twelve feet. The applicants comply with the ordinance requirement.

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 applicants are proposing an accessory structure height of thirteen feet, nine inches based on the June 14, 2010 elevation. The applicants comply with the ordinance requirement.

Ordinance Section 900.10(1) permits a maximum lot area coverage of twenty-five percent in impervious surface area. The applicants are proposing a maximum permitted impervious surface area 20.6%. This is a reduction of nearly one percent from the current percentage.

SUMMARY: Aaron and Heather Melsness are proposing to reconfigure the overhang around their front entry to create a more aesthetically pleasing entry into their home and add a bay window. The proposed alteration of the front entryway will maintain the existing forty-one foot, one inch encroachment while the bay window will be set back further and will extend approximately two feet from the face of the existing home. .

Ordinance Section 900.09(4)(c) requires a minimum front yard setback of fifty feet. The applicant proposes to maintain the current front yard setback of forty-one feet, one inch proposed front entryway and a front setback of thirteen feet, nine inches for the bay window.

STAFF RECOMMENDATION:

I move the council **approve** the application of Aaron and Heather Melsness for a Permit for the Alteration of a Non-Conforming Structure for the construction of a open front entryway and bay window addition onto to the front of an existing non-conforming home. The proposed alterations will maintain the greatest encroachment of forty-one feet, one inch where it attaches to the existing non-conforming home. The motion is based on the following findings:

- a) The alteration maintains or enhances the general character and welfare of the community.
- b) The magnitude and extent of the proposed alteration is consistent with the surrounding area.
- c) There is no negative impact on the use and enjoyment of surrounding properties or other properties in the community.
- d) There is a need for the proposed alteration in order to permit the adequate use of the property.
- e) There is reasonable separation between the proposed alteration and structures on adjoining properties.
- f) There would be no effect on the light and visibility available to the adjoining properties.
- g) There is no need to screen the proposed alteration.
- h) The proposal would not have a negative impact on property value on the subject property or surrounding properties.
- i) There are no concerns related to fire safety.
- j) There are no alternate locations on the property for the proposed alteration which would not require a variance.
- k) The narrowness of the lot creates a unique situation where a variance would be required for any alteration to the structure.
- l) The greatest existing/proposed front yard encroachment is forty-one feet, one inch.



Agenda Date: 06-09-14
CITY COUNCIL MEMO
Permit for Alteration of a
Non-Conforming Structure

Agenda Item: Consider a Permit for the Alteration of a Non-Conforming Structure, Aaron and Heather Melsness, 2800 Breezy Heights Road an alteration of a non-conforming structure permit for the construction of a new open front entry porch and bay window.

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. At that time, no action was taken on the request and public comment was continued to the June 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: Potential motions ...

1. **Approval Motion:** I move the council accept the recommendation of staff and **approve** the application of Aaron and Heather Melsness for a Permit for the Alteration of a Non-Conforming Structure for the construction of a open front entryway and bay window addition onto to the front of an existing non-conforming home. The proposed alterations will maintain the greatest encroachment of forty-one feet, one inch where it attaches to the existing non-conforming home. The request meets the requirements for approval in Section 900.06(3) which are outlined in the following findings:
 - a) The alteration maintains or enhances the general character and welfare of the community.
 - b) The magnitude and extent of the proposed alteration is consistent with the surrounding area.
 - c) There is no negative impact on the use and enjoyment of surrounding properties or other properties in the community.
 - d) There is a need for the proposed alteration in order to permit the adequate use of the property.
 - e) There is reasonable separation between the proposed alteration and structures on adjoining properties.
 - f) There would be no effect on the light and visibility available to the adjoining properties.
 - g) There is no need to screen the proposed alteration.
 - h) The proposal would not have a negative impact on property value on the subject property or surrounding properties.
 - i) There are no concerns related to fire safety.
 - j) There are no alternate locations on the property for the proposed alteration which would not require a variance.
 - k) The narrowness of the lot creates a unique situation where a variance would be required for any alteration to the structure.
 - l) The greatest existing/proposed front yard encroachment is forty-one feet, one inch.

Subject to the following conditions: That the screened porch not be enclose and remain seasonal only.

2. **Denial Motion:** I move the council **deny** the application of Aaron and Heather Melsness for a Permit for the Alteration of a Non-Conforming Structure for the construction of a open front entryway and bay window addition onto to the front of an existing non-conforming home. The proposed alterations will maintain the greatest encroachment of forty-one feet, one inch where it attaches to the existing non-conforming home. The motion is based on the following findings
The request does not meet the requirements for approval in Section 900.06(3) which are outlined in the following findings:



Agenda Date: 06-09-14
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 900.14, Subdivision 5; "Findings", as well as any conditions prior to taking any official action in the form of a motion.

Council Action: Action required by August 1, 2014. Potential motions ...

1. **Approval Motion:** I move the Council accept the recommendation of staff and **approve** the application of Aaron and Heather Melsness for variances of Woodland Ordinance Section 900.09(4)(c) to encroach twenty-four feet, four inches into the required fifty foot front yard setback for the proposed garage; Woodland Ordinance Section 900.09(4)(b) to encroach thirty feet, three inches into the required forty foot rear yard setback; and Woodland Ordinance Section 900.04(2)(b)(9) to exceed the maximum permitted accessory structure area by 228 square feet for the proposed detached garage at 2800 Breezy Heights Road.

- (a) The variances are 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 proposed garage alteration would not have a negative impact on any of the goals and standards outlined in the Comprehensive Plan. The placement mimics the location of the existing garages and has no impact on sensitive environmental areas and will reduce the overall impervious surface area on the property.

- (b) The variances are consistent with the comprehensive plan:

The design and intended use of the structure is consistent with the comprehensive plan in that it maintains the single family residential nature of the neighborhood. The existing flow of traffic will remain unimpeded by the improvement and the proposal will maintain the existing tree coverage on the property.

- (c) The proposals put property to use in a reasonable manner:

The proposal puts the property to a reasonable use by replacing an existing substandard garage with a slightly larger footprint that will provide additional storage space for the property owner who has limited storage in their principal structure due to its slab on grade construction.

- (d) There are unique circumstances to the property not created by the landowner:

The property was developed in prior to the current ordinance requirements restricting the location of structures. The lot is narrow and requiring the garage to comply with the setback requirements is not practical since application of the required setbacks would overlap creating no buildable area.

- (e) The variances, if granted, alter the essential character of the locality:

Aaron & Heather Melsness; 2800 Breezy Heights Road

We are seeking to demolish the existing detached garage and construct a new three-stall garage. 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 and an alteration permit are necessary for the proposal. We are requesting the following for the proposed detached garage;

1. A variance to exceed the 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 936 square feet. We are seeking a variance of the permitted accessory structure area in the amount of 228 square feet.
2. Accessory structure setback: We are seeking two setbacks of our required setbacks:
 - o Front yard: Seeking a variance of twenty-four feet, four inches of the required 50' front yard setback.
 - o Rear yard: Seeking a variance of thirty-six feet, three inches of the required 40' rear yard setback.

An Alteration of a Non-Conforming Structure for proposed principal structure alterations which include;

1. A new bay window - that extends thirteen feet, nine 13'-9" into the required 50' front yard setback.
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

- 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

CITY OF WOODLAND
Application for Permit for Alteration of Nonconforming Use

Instructions: If needed, attach letter or other information to better describe your request. Incomplete applications will not be accepted.

1. PROPERTY ADDRESS 2800 Breezy Heights Road
Legal description shall be shown on attached survey
2. APPLICANT Name Heather Melsness Phone (612) 240-6329
Mailing Address 2800 Breezy Heights Road
If Applicant is not owner, explain _____
3. OWNER Name Aaron & Heather Melsness
Mailing Address 2800 Breezy Heights Road
I (do) (do not) also own other adjacent parcels of land
4. AGENT Name _____
Firm _____
Mailing Address _____
5. PRESENT USE single family home
Vacant Land Vacant Building Occupied
Existing Variances Yes No
6. DESCRIBE ALTERATION
Describe alteration in detail: ① Entryway alteration -- removal of current eyebrow roofline to a 4/12 pitch entrance. Not to exceed current location of existing roofline in distance from house.
② Bay window to replace current windows on the frontside of house just south of current entrance. Distance from house not to exceed current roofline.
7. What is current nonconforming set back? ① 8 foot 11" setback
8. Would alteration extend into set back any distance greater than the existing structure? Yes No
(If yes, this permit does not apply, and a variance would be required.)
9. APPLICANT must attach a survey or drawing showing the location of the existing structure and all proposed alterations and the set back(s) in question.

10. How close would the proposed alteration be to any structure on the adjoining property? ① 50 feet or more ② 53 feet or more
11. What effect would the proposed alteration have on light and site lines available to the adjoining property? None
12. Is there vegetation or other screening on the Applicant's property or the adjoining property? Yes No
13. Can the proposed alteration be located elsewhere on the property?
 Yes No If yes, where? _____

The Applicant (and the property owner if a person other than the Applicant) must sign this application.

The Applicant hereby agrees to provide all information required, agrees to pay all fees and certifies that the information is true and correct to the best of his or her knowledge.

The Owner hereby acknowledges and agrees to this application and authorizes reasonable entry by the City for purpose of verification and investigation.

Heather Milbruss 05.30.14
 Applicant's Signature Date

 Owner's Signature Date
 (If a person other than the Applicant)

City of Woodland

Additionally, the undersigned agrees to waive the requirements of Minnesota Statute 15.99 regarding a sixty (60) day limit for decisions on development applications. The application approval time lines as specified for the individual review process are found in Section 900 of the Zoning Ordinance for the City of Woodland. The City requests the extension in order to allow adequate time to thoroughly consider an application including allowance for public input, appropriate design and environmental review as a way of protecting Woodland's natural resources and character.

Signed Heather Melbourn
Fee Owner

or

Contract for Deed Owner

Applicant Other than the Owner

or

Purchaser by Purchase Agreement

Date: 05.30.14

DATA PRIVACY ADVISORY

In accordance with Minnesota Statutes, Section 13.04, Subd. 2, "Rights of Subjects of Data" we would like to inform you that your request for a permit, approval (variance, special use, subdivision, zoning) or license from the City of Greenwood or any of its departments may require you to furnish certain private or confidential information.

YOU ARE NOTIFIED THAT:

1. The information you furnish will be used to determine your qualifications for the permit, approval or license requested.
2. You may refuse to supply data, but refusal may require that the City deny the permit, approval or license.
3. The information may be shared with other local, state or federal agencies to the extent necessary to process the permit, approval or license.
4. If your requested permit, approval or license requires Council action, the information may become public.
5. You have certain rights under Minnesota Statute, Section 13.04 to review private data on yourself.
6. Your full name is required to process this application or permit.

Aaron & Heather Matthew & Maria Melsness
FIRST MIDDLE LAST

2800 Breezy Heights Road
ADDRESS

Woodland Mn. 55391
CITY STATE ZIP

(612) 240.6329 - Heather
PHONE

I understand my rights as stated above.

[Signature] / Heather Melsness 05.30.14
SIGNATURE DATE