

MINNETONKA PLANNING COMMISSION
Oct. 18, 2018

Brief Description Front yard setback variances to construct a screened porch and covered porch at 2300 Ford Rd.

Recommendation Adopt the resolution denying the request

Proposal The applicant, Duane Myers, is proposing to build a screened porch and covered porch on the front of the existing home at 2300 Ford Rd. The home previously had a deck that was non-conforming with the front yard setback. (See attached). The applicant has since demolished this deck and proposes to replace it with a 105 square foot screened porch and a 42 square foot covered porch with stairs. (See attached.)

This proposal requires:

- Variances: The proposed screen porch and covered porch would both encroach farther into the required front yard setback.

	Required	Existing	Proposal
Front yard (screened porch)	35 ft.	36.5 ft.	28.5 ft.*
Front Yard (covered porch)	30 ft.	28.5 ft.	25.5 ft.*

* requires variance

Staff Analysis

Staff finds that the applicant's request is not reasonable:

1. **INTENT OF THE ORDINANCE.** The proposal is not in harmony with the general purposes and intent of the zoning ordinance. The intent of the front yard setback requirement is to provide for consistent building lines within a neighborhood and to provide for adequate separation between homes and roadways. Only three homes within 1,000 feet of the subject property on Ford Rd. appear to have non-conforming front yard setbacks (one of which received a variance).
2. **CONSISTENT WITH COMPREHENSIVE PLAN.** The proposed variance would not be consistent with the comprehensive plan. The guiding principles in the comprehensive guide plan provide for maintaining, preserving and enhancing existing single-family neighborhoods. While the subject request would enhance the subject property, it would establish a front yard setback that is less than area homes.

3. **REASONABLENESS:** The request to build a covered, open, porch on the front of the home is reasonable. City code permits covered porches, without walls, to encroach 5 feet into the front yard setback, creating a required 30-foot front yard setback. As such, the applicant would be permitted by city code to add a 6-foot deep covered porch onto to the home without a variance. Alternatively, the applicant's request to add an enclosed space and a covered porch that encroach further into the front yard setback is not reasonable, as there is an option to cover individuals visiting the home while meeting city code.
4. **CIRCUMSTANCE UNIQUE TO THE PROPERTY:** The previous front yard setback encroachment of the deck is a unique circumstance, but this unique circumstance does not create a practical difficulty for the property owner. The applicant would be permitted by city code to maintain this slight non-conformity, and even cover a large portion of the deck, without the need for a variance. Due to this available alternative, the applicant design wishes have created the need for the variance.
5. **NEIGHBORHOOD CHARACTER:** The proposed screened porch and covered porch additions would encroach further into the front yard setback than other neighboring properties. The subject home is currently setback 36.5 feet from the front property line and the previously existing deck was setback 28.5 feet from the front property line. However, the proposed additions would seek to extend closer to the front property line, which would not be consistent with the rest of the neighborhood. Of the homes within 1,000 feet of the subject property, only three appear to have non-conforming front yard setbacks. One of these homes was granted a variance for a 30-foot front yard setback for a garage addition. The other two homes were constructed prior to the adoption of city code.

Staff Recommendation

Adopt the resolution denying a variance to construct a screened porch and covered porch addition on to the single-family home at 2300 Ford Rd.

Originator: Drew Ingvanson, Planner
Through: Loren Gordon, AICP, City Planner

Supporting Information

Project No.	18033.18a
Property	2300 Ford Rd.
Applicant	Duane Myers (Myers Construction Management)
Surrounding Land Uses	All of the properties to the north, south, east, and west are zoned R-1, single family residential, and guided for low density residential.
Planning	Guide Plan designation: Low Density Residential Zoning: R-1 Single Family Residential
Property	The Clear Spring Hills Addition was platted in 1957. The subject property is undersized, as it is only 18,000 square feet in area. However, the property has adequate frontage, lot width, and lot depth.
Existing Home	<p>The subject home was originally constructed in 1954, prior to the adoption of city ordinance. The property is improved with a one and a half story home with a three-stall garage. The gross building area of the home is 2,600 square feet.</p> <p>The subject home is setback 36.5 feet from the front property line, meeting the 35-foot front yard setback. Recently, the subject home had a non-conforming deck located on the front side of the home. At the entrance, this deck projected 8 feet out from the subject home and was located 28.5 feet from the front property line (30-foot setback requirement). This deck has since been removed by the property owner.</p>
Front Yard Setback	<p>Principle structures located on properties adjacent to neighborhood streets have a 35-foot setback requirement from the road right-of-way. However, city code permits a 5-foot exemption from any front, side or rear yard setbacks for:</p> <ul style="list-style-type: none">• Decks;• Heating, air conditioning, and ventilation equipment;• Open terraces;• Canopies, swimming pool aprons and pool equipment;• Fire places; and• Architectural features. <p>As a principle structure, the subject home must meet the 35-foot front yard setback; however, a proposed deck or open, non-enclosed, porch would be permitted 5-foot exemption, or a 30-foot setback. Screen porches, as an enclosed structure, are reviewed as part of the principle structure and are not granted the 5-foot exemption allowed for the previously stated structures.</p>

Given the home's existing setback, the applicant would be permitted to construct a covered, open porch that extends 6 feet out from the house without the need for a variance. However, enclosing any portion of the structure within 35 feet of the front property line requires a variance.

Non-conforming Properties

There are several properties within 400 feet of the subject property that do not conform to the required front yard setback. Specifically, there are nine homes with non-conforming front yard setbacks within this area, based on aerial photography. (See attached.) However, none of these homes access off Ford Rd., as the subject home does.

Staff followed up with this analysis by reviewing the setbacks of homes within 1,000 feet of the subject home on Ford Rd. to get a better understanding of the character of the subject homes within the neighborhood. After review, staff found only three homes within this area with non-conforming front yard setbacks (See attached.) One of these homes was granted a front yard setback variance in 1996 and the other two were constructed prior to the adoption of city code.

McMansion Policy

The McMansion Policy is a tool the city can utilize to ensure new homes or additions requiring variances are consistent with the character of the existing homes within the neighborhood. By policy, the floor area ratio (FAR) of the subject property cannot be greater than the largest FAR of properties within 1,000 feet on the same street, and a distance of 400 feet from the subject property.

As proposed, the property would comply with the McMansion Policy. Currently, the property's FAR is 0.23. The proposed attached garage addition would increase the property's FAR to 0.24. This is still below the largest FAR within 400 feet, which is 0.49.

Measuring Setbacks

The city of Minnetonka measures front yard setbacks from property lines to the structure. Means of access structures, such as stairs, are permitted to encroach within the front yard setback. Alternatively, decks, porches, and other similar structures are required to meet setback requirements.

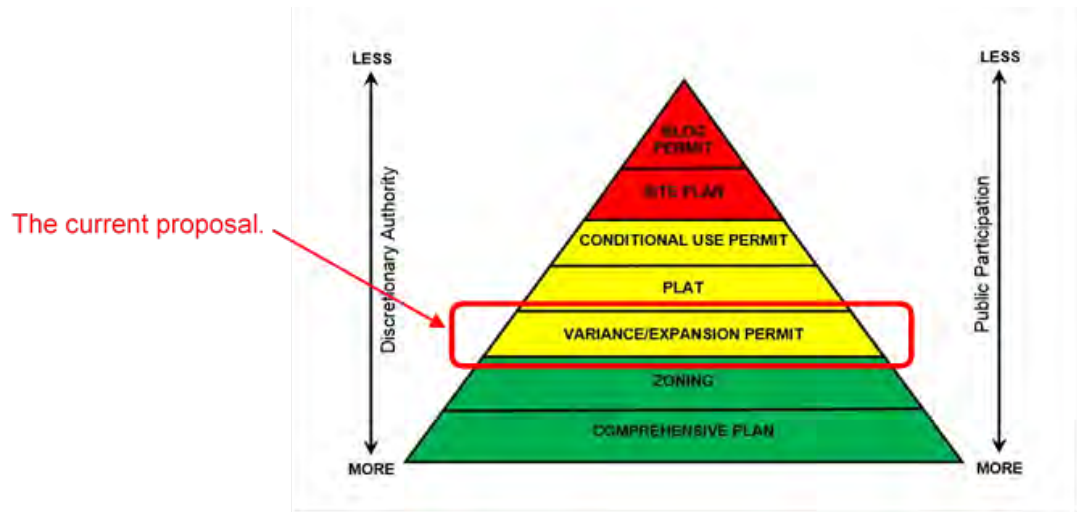
Variance Standard

A variance may be granted from the requirements of the zoning ordinance when: (1) it is in harmony with the general purposes and intent of the ordinance; (2) it is consistent with the comprehensive plan; and (3) when an applicant establishes that there are practical difficulties in complying with the ordinance. Practical difficulties mean that the applicant proposes to use a property in a reasonable manner not permitted by the ordinance, the plight of the landowner is due to circumstances unique to the property not created by the landowner, and, the variance if granted, would not alter the essential character of the locality. (City Code §300.07)

Neighborhood Comments

The city sent notices to 49 area property owners and received no comments.

Pyramid of Discretion



Motion Options

The planning commission has three options:

1. Concur with the staff recommendation for denial. In this case a motion should be made to adopt the resolution denying the variance request.
2. Disagree with staff's recommendation and approve the applicant's variance request. In this case, a motion should be made directing staff to prepare a resolution approving the applicant's proposal. This motion must include findings for approval.
3. Table the proposal. In this case, a motion should be made to table the item. The motion should include a statement as to why the proposal is being tabled with direction to staff, the applicant, or both.

Voting Requirement

The planning commission action on the applicant's request is final subject to appeal. Approval requires the affirmative vote of five commissioners.

Appeals

Any person aggrieved by the planning commission's decision about the requested variance may appeal such decision to the city council. A written appeal must be submitted to the planning staff within ten days of the date of the decision.

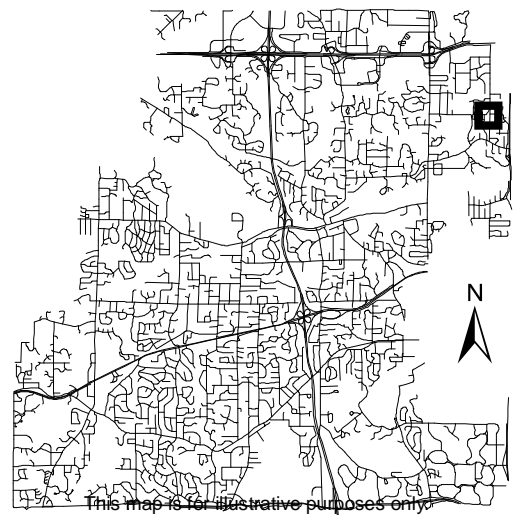
Deadline for

December 17, 2018



Location Map

Project: Carlson Residence
Address: 2300 Ford Rd



This map is for illustrative purposes only.



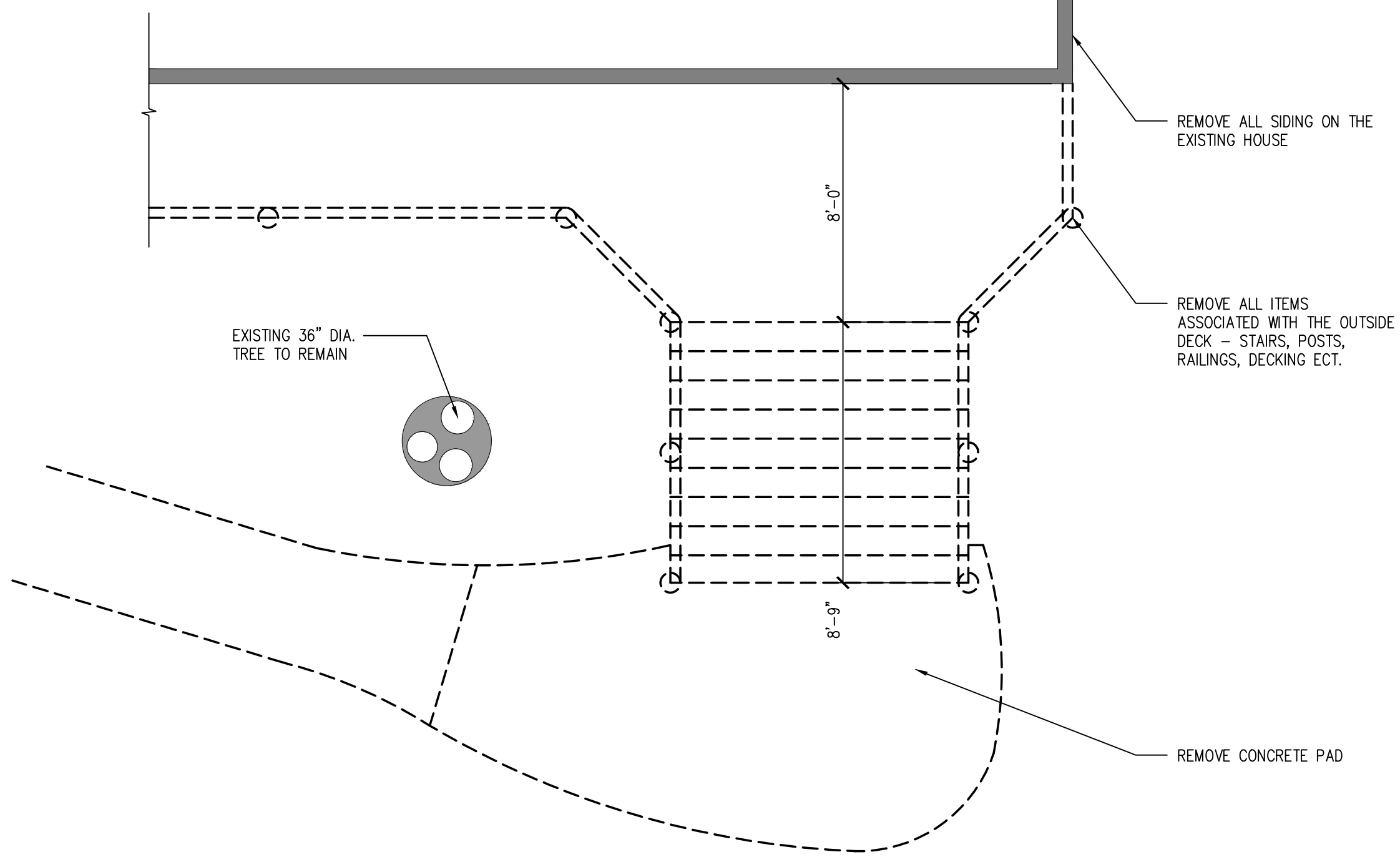




1
D2

-
-

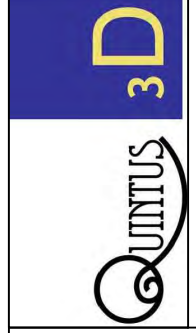
DEMOLITION PLAN
SCALE: 1/4" = 1'-0"



PROJ NO: 18_020
DATE: June 16, 2018
DATE: June 18, 2018
DATE: July 13, 2018
DATE: Oct. 3, 2018

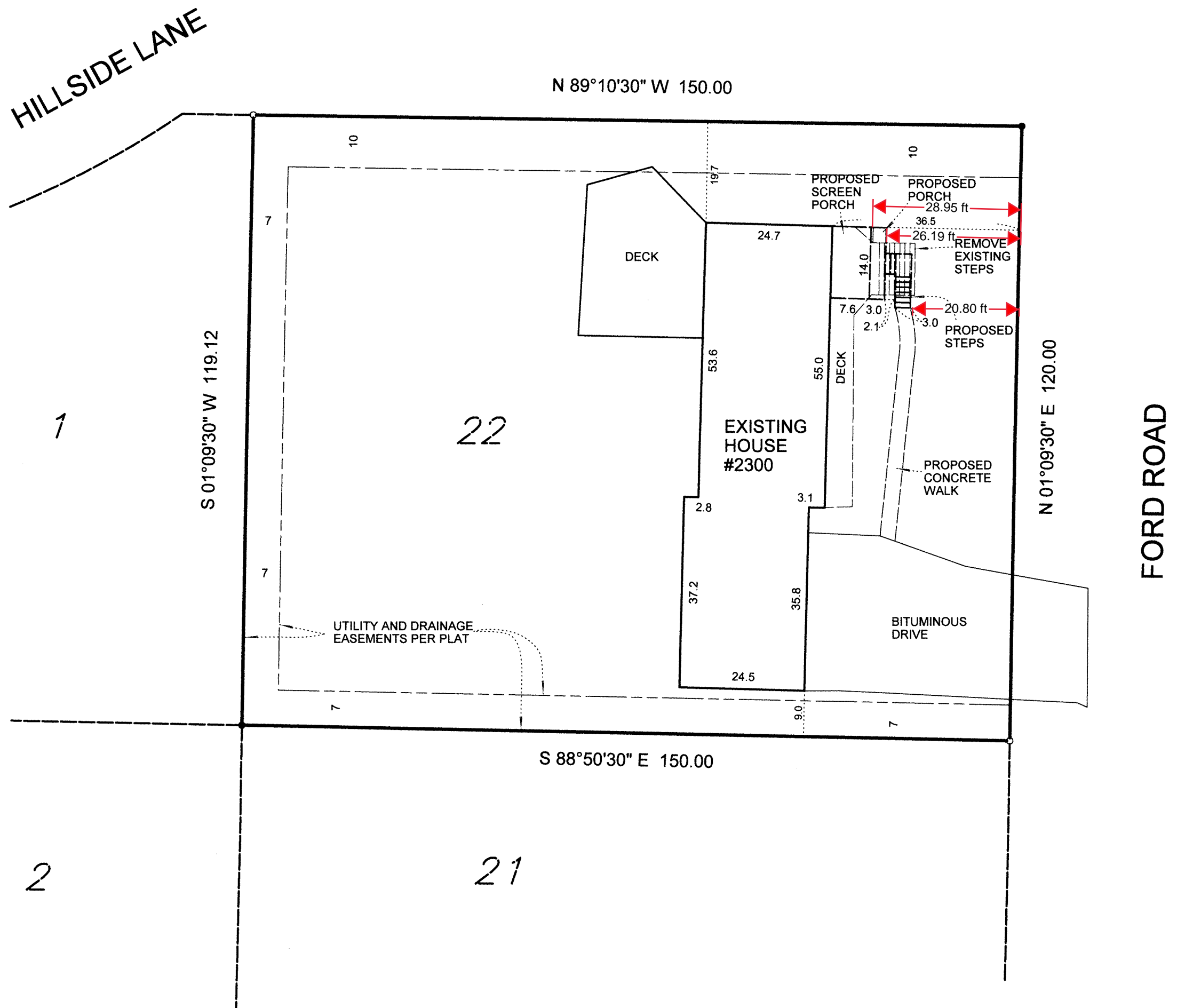
PROJECT
Home Remodel
2300 Ford Road
St. Louis, MN

N6877 Cty. Rd. N
Beldenville
WI 54650
(715) 699 - 0477
quintus3d@gmail.com



D2

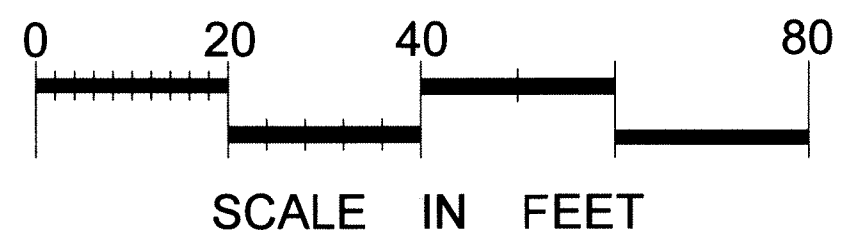
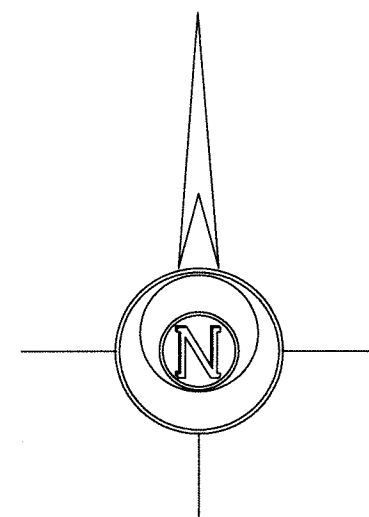
**CERTIFICATE OF SURVEY FOR
MYERS CONSTRUCTION MANAGEMENT
OF LOT 22, BLOCK 1, WESTVIEW HILLS
HENNEPIN COUNTY, MINNESOTA**



LEGAL DESCRIPTION:
Lot 22, Block 1, WESTVIEW HILLS

- : Denotes found iron marker
- : Denotes set iron marker

This survey intends to show the boundaries of the above described property, an existing house, decks, and driveway. It does not purport to show any other improvements or encroachments.



REVISIONS	
DATE	REMARKS
10-4-18	REVISED PORCH

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

DRAWN: *Mark H. Gronberg*

CHECKED: *Mark H. Gronberg*

DATE: 10-4-18 MINN. LICENSE NUMBER: 12755

DATE: 9-13-18

SCALE: 1"=20'

JOB NO: 18-304

SHEET OF SHEETS: 18-304

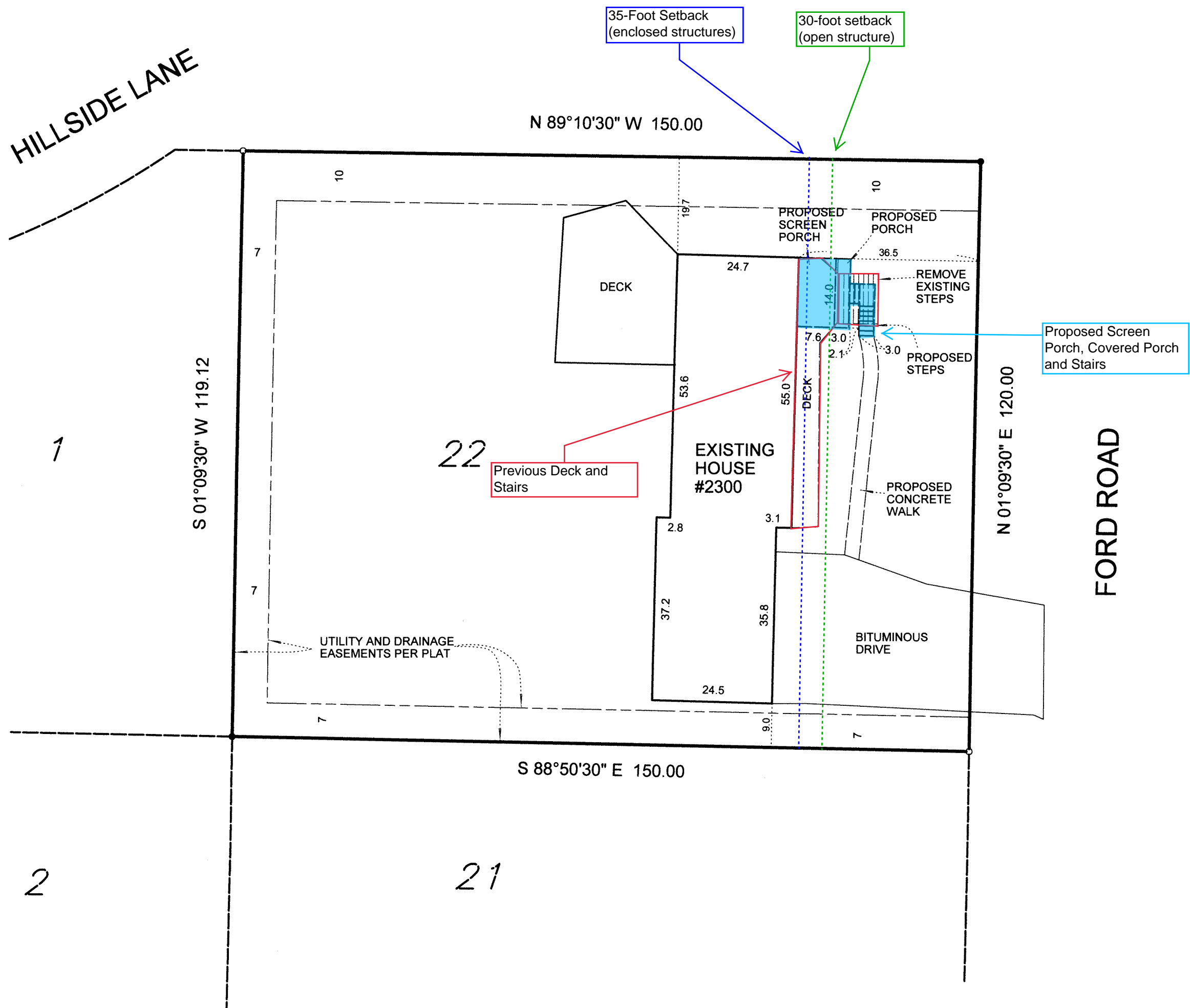
GRONBERG & ASSOCIATES, INC.

CIVIL ENGINEERS, LAND SURVEYORS, LAND PLANNERS

445 N. WILLOW DRIVE LONG LAKE, MN 55356

PHONE: 952-473-4141 FAX: 952-473-4435

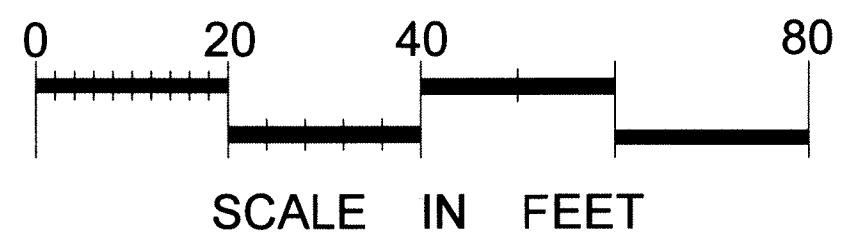
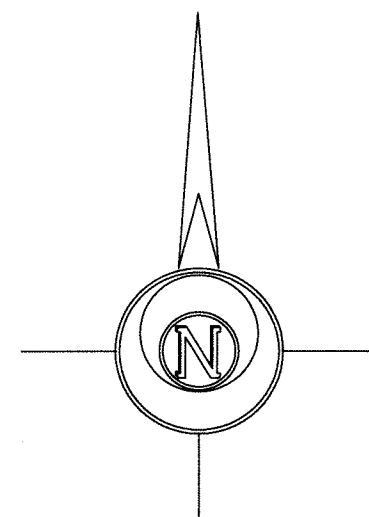
**CERTIFICATE OF SURVEY FOR
MYERS CONSTRUCTION MANAGEMENT
OF LOT 22, BLOCK 1, WESTVIEW HILLS
HENNEPIN COUNTY, MINNESOTA**



LEGAL DESCRIPTION:
Lot 22, Block 1, WESTVIEW HILLS

- : Denotes found iron marker
- : Denotes set iron marker

This survey intends to show the boundaries of the above described property, an existing house, decks, and driveway. It does not purport to show any other improvements or encroachments.



REVISIONS	
DATE	REMARKS
10-4-18	REVISED PORCH

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

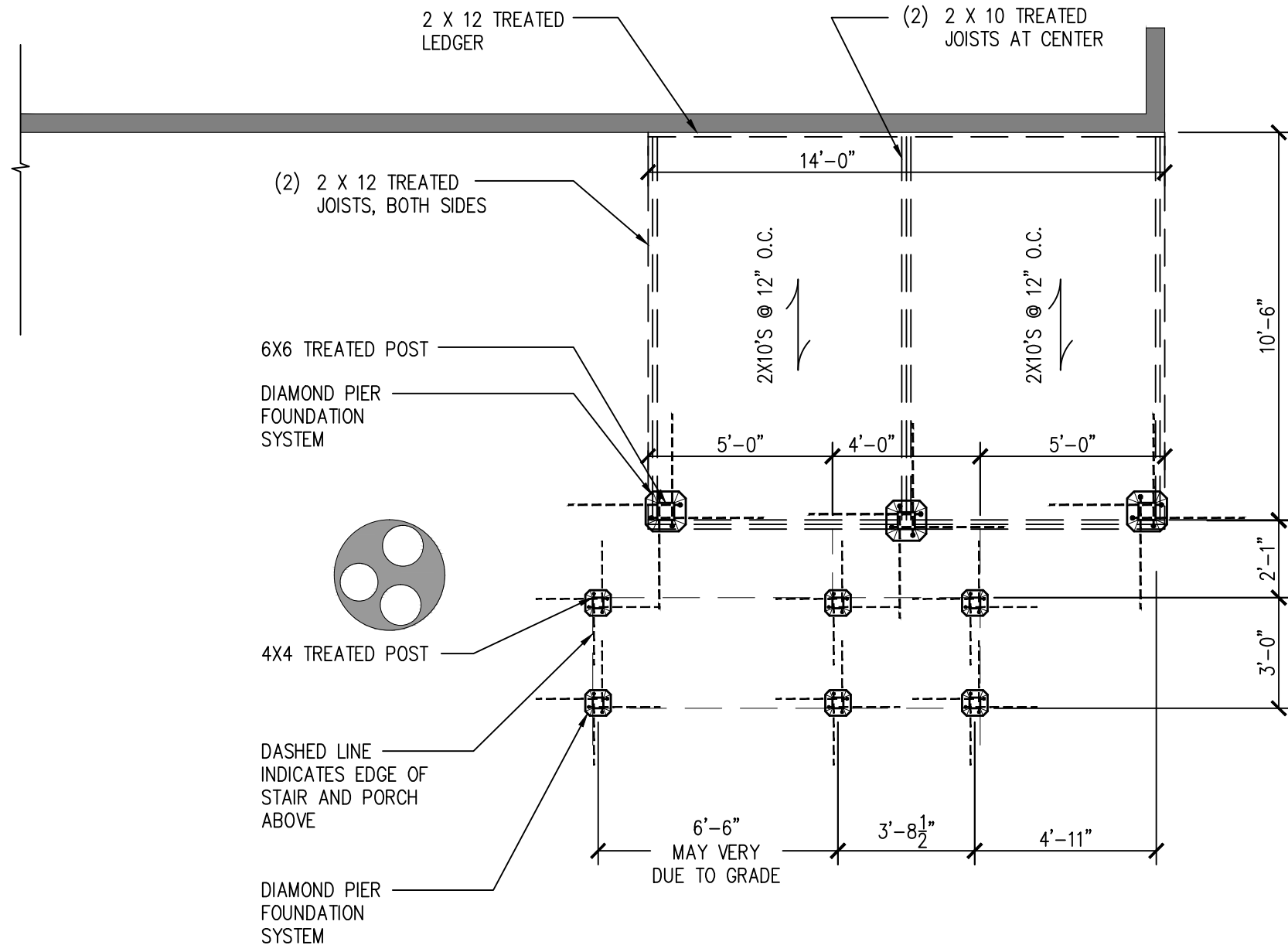
DRAWN: *Mark H. Gronberg*

CHECKED: *Mark H. Gronberg*

DATE: 10-4-18 MINN. LICENSE NUMBER: 12755

DATE: 9-13-18
SCALE: 1"=20'
JOB NO: 18-304
SHEET OF SHEETS

GRONBERG & ASSOCIATES, INC.
CIVIL ENGINEERS, LAND SURVEYORS, LAND PLANNERS
445 N. WILLOW DRIVE LONG LAKE, MN 55356
PHONE: 952-473-4141 FAX: 952-473-4435



1
A1

FOOTING PLAN

SCALE: 1/4" = 1'-0"

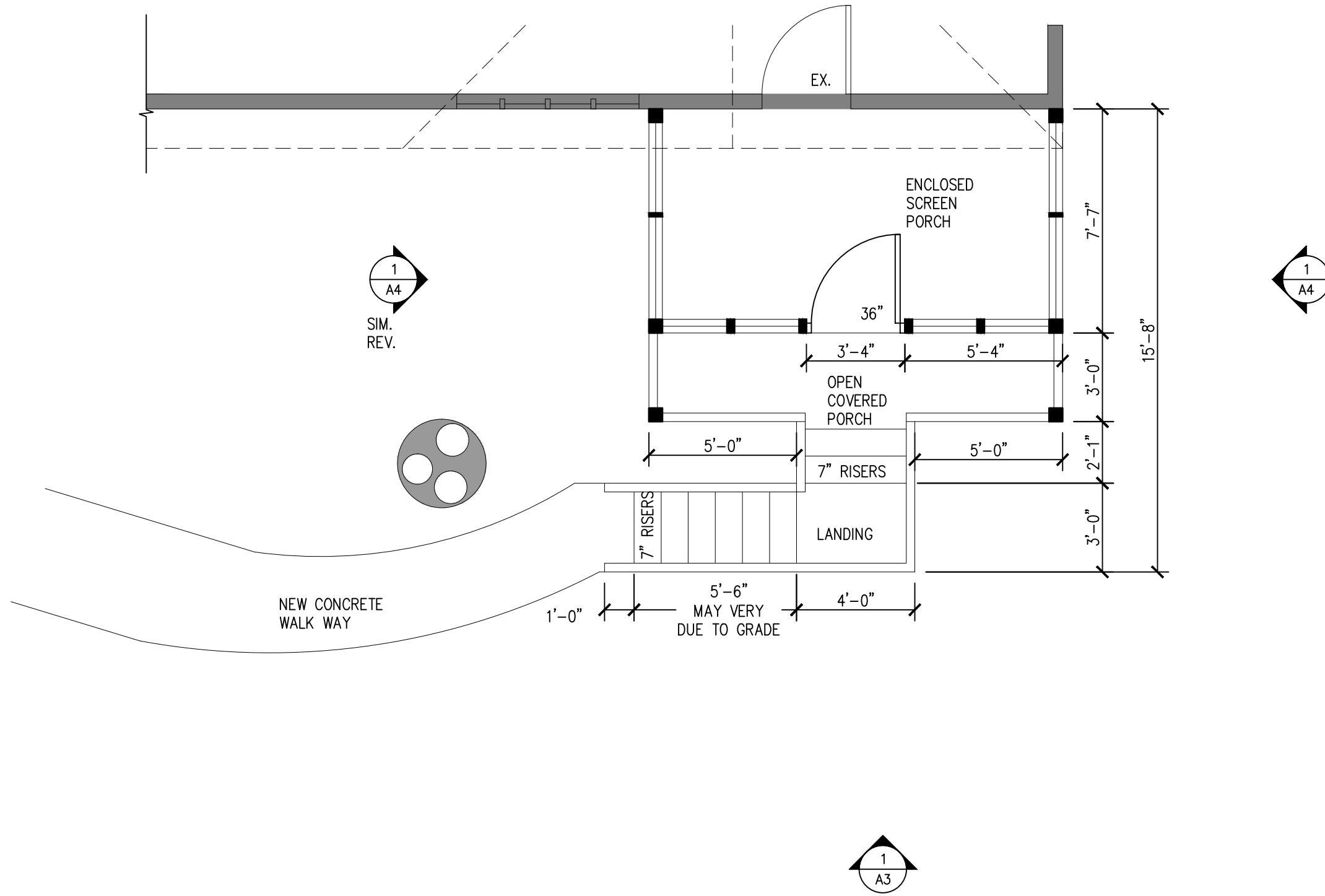


N6877 Cty. Rd. N
Beldenville
WI 54650
(715) 699 - 0477
quintus3d@gmail.com

PROJECT
Home Remodel
2300 Ford Road
St. Louis, MN

PROJ NO: 18_020
DATE: June 16, 2018
DATE: June 18, 2018
DATE: July 13, 2018
DATE: Oct. 3, 2018

A1

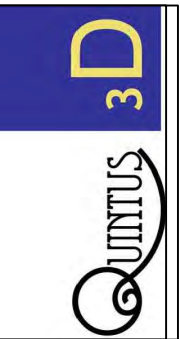


1
A2 - SECOND FLOOR - FLOOR PLAN
SCALE: 1/4" = 1'-0"

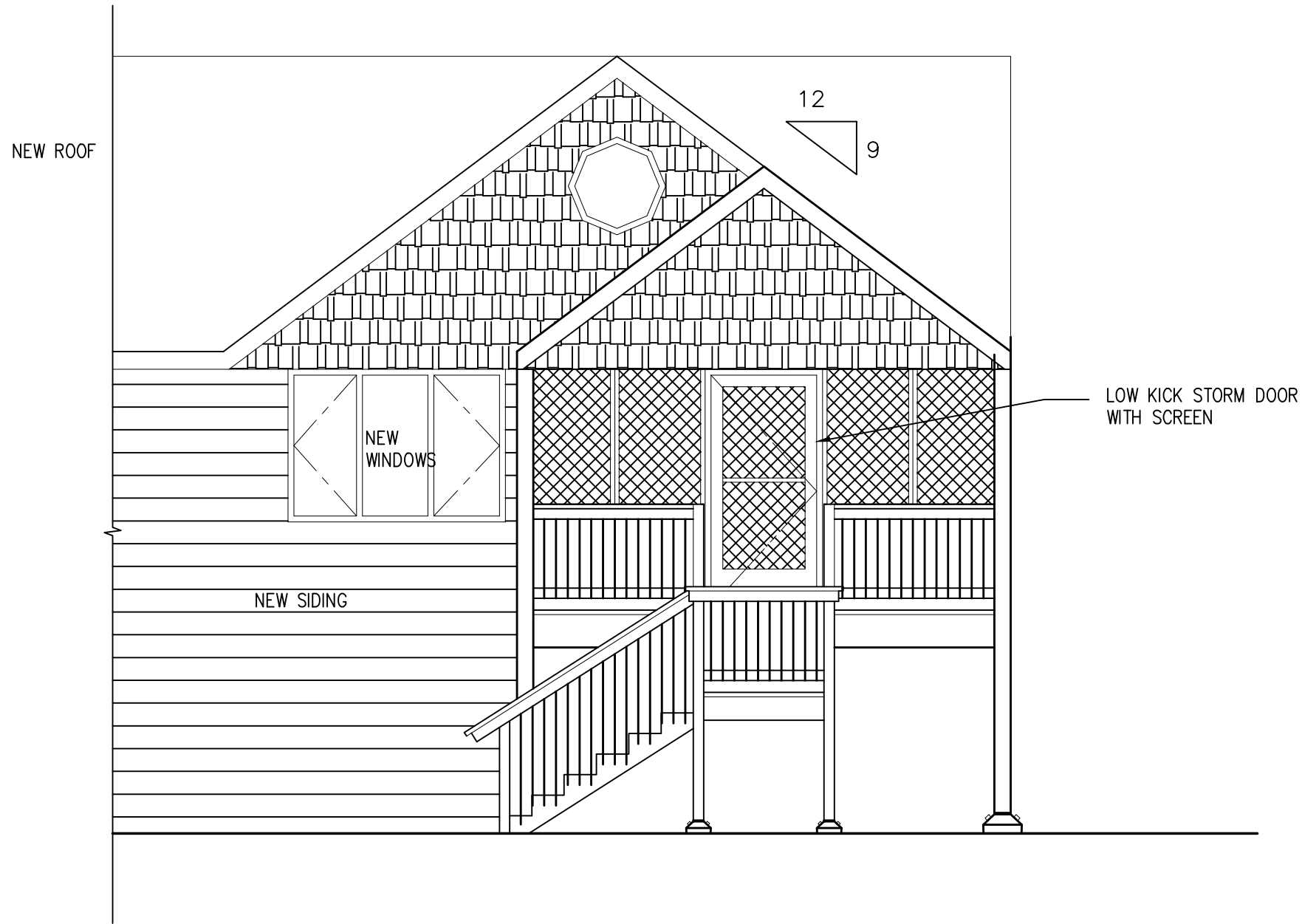
PROJ NO:	18_020
DATE:	June 16, 2018
DATE:	June 18, 2018
DATE:	July 13, 2018
DATE:	Oct. 3, 2018

PROJECT
Home Remodel
2300 Ford Road
St. Louis, MN

N6877 Cty. Rd. N
 Beldenville
 WI 54650
 (715) 699 - 0477
 quintus3d@gmail.com



A2



1
A3

FRONT ELEVATION

SCALE: 1/4" = 1'-0"

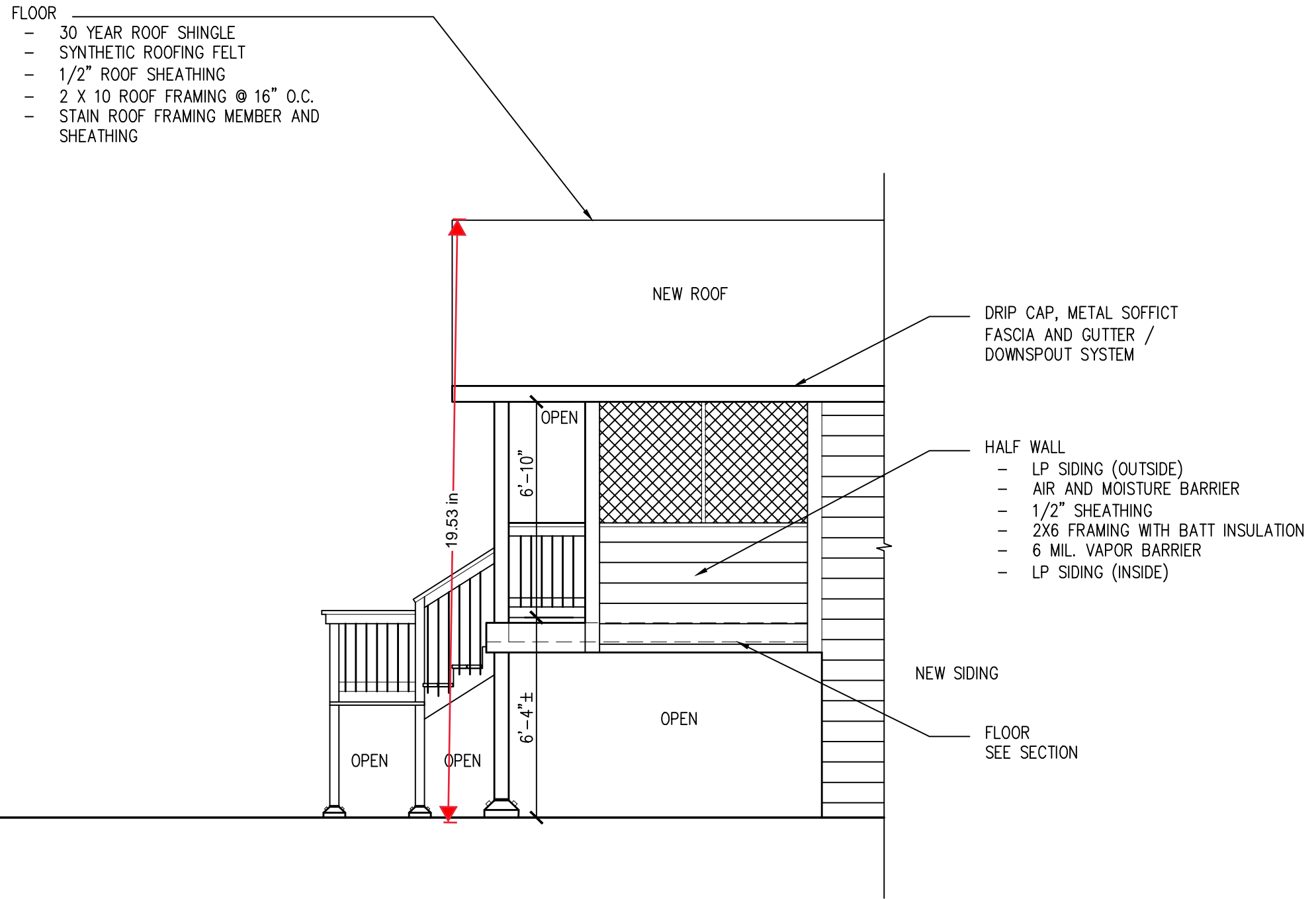
PROJ NO: 18_020
DATE: June 16, 2018
DATE: June 18, 2018
DATE: July 13, 2018
DATE: Oct. 3, 2018

PROJECT
Home Remodel
2300 Ford Road
St. Louis, MN

N6877 Cty. Rd. N
Beldenville
WI 54650
(715) 699 - 0477
quintus3d@gmail.com

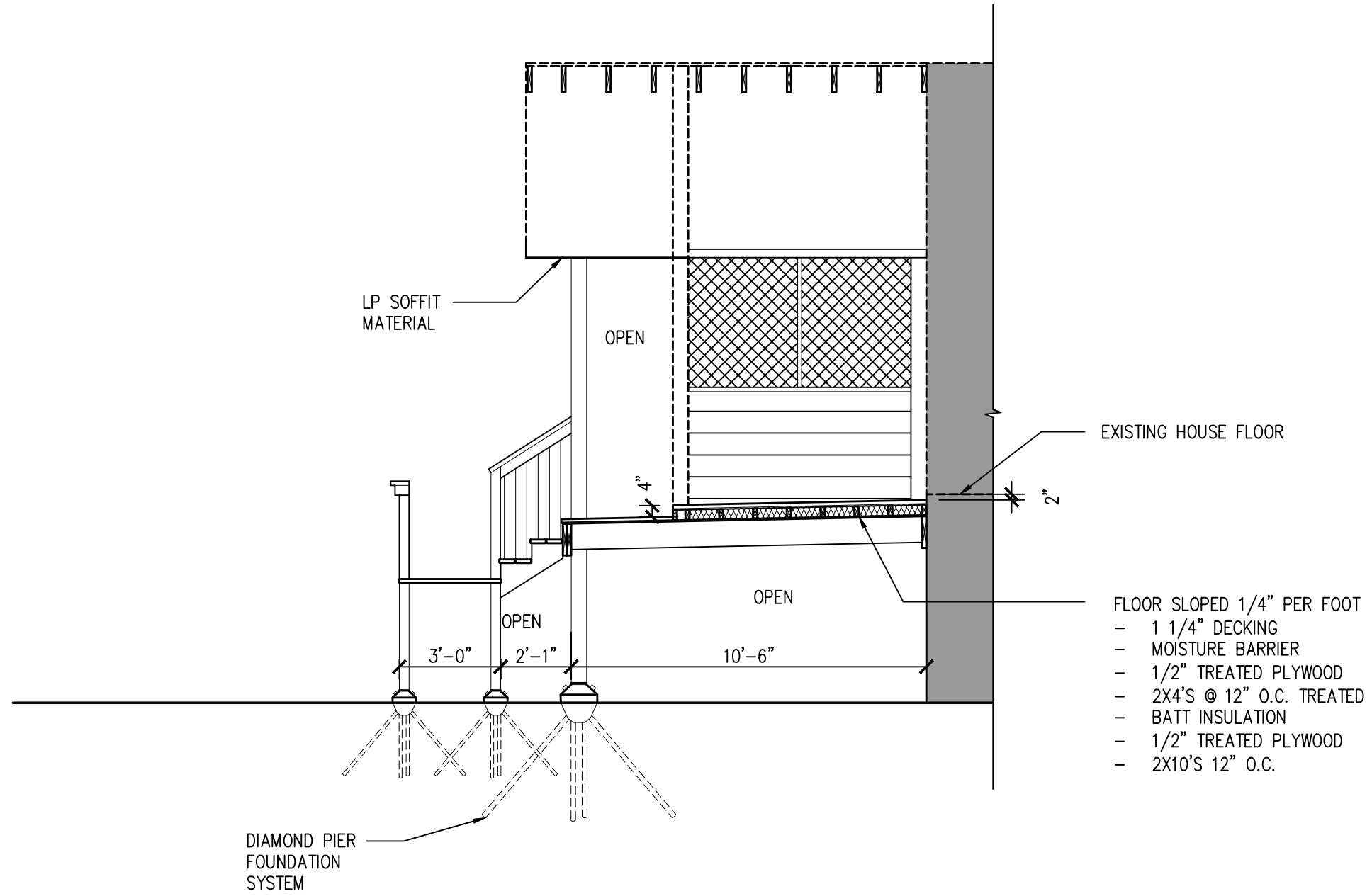


A3



1 - SIDE ELEVATION
A4 - SCALE: 1/4" = 1'-0"

1 SECTION
A5 SCALE: 1/4" = 1'-0"



PROJ NO: 18_020
DATE: June 16, 2018
DATE: June 18, 2018
DATE: July 13, 2018
DATE: Oct. 3, 2018

A5

PROJECT
Home Remodel
2300 Ford Road
St. Louis, MN

N6877 Cty. Rd. N
Beldenville
WI 54650
(715) 699 - 0477
quintus3d@gmail.com



3D

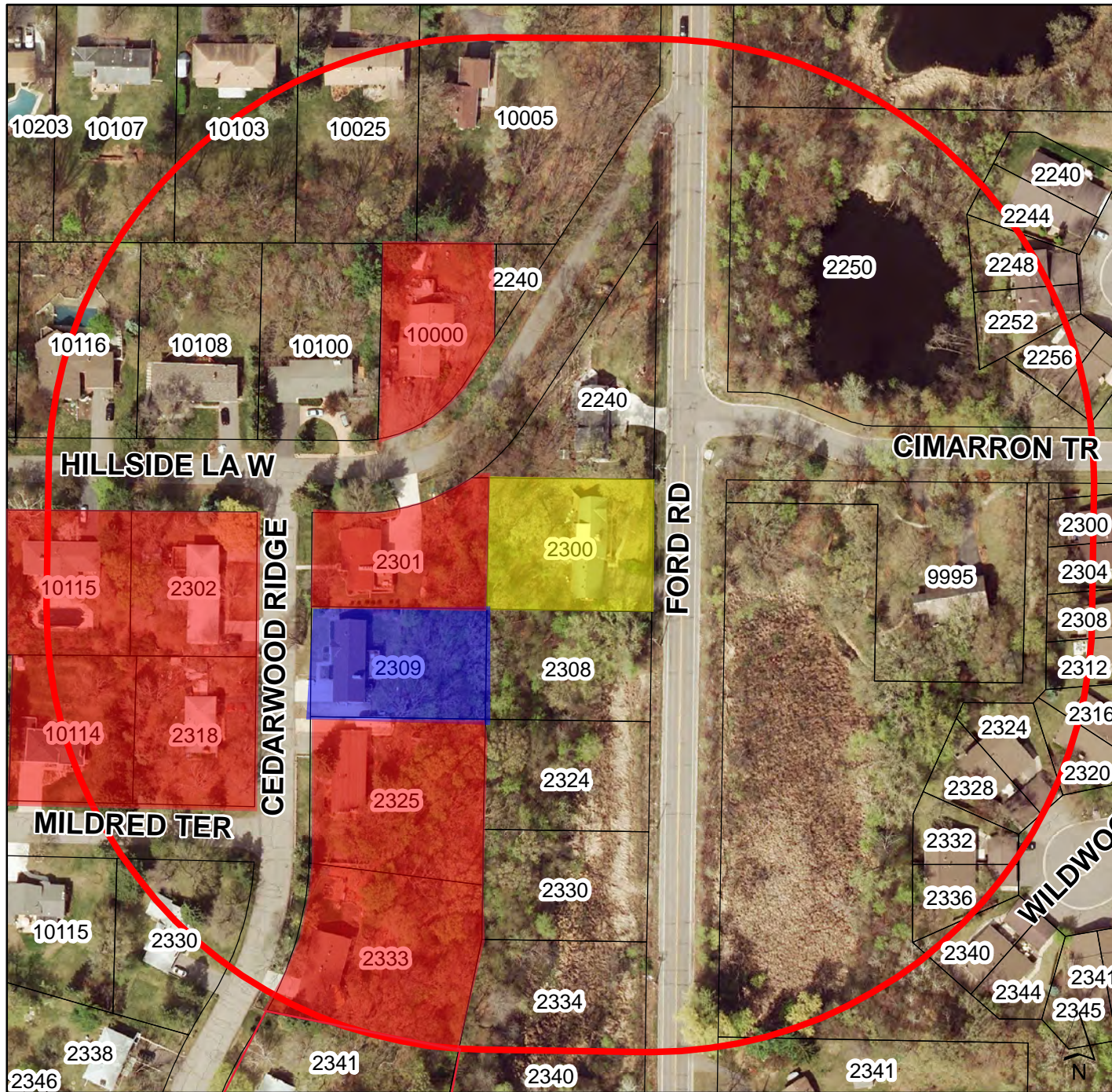
Non-conforming Front Yard Setbacks within 400 feet of the Subject Property

- Subject Property
- Variance Approved
- Non-conforming



Not a Survey. Not to Scale

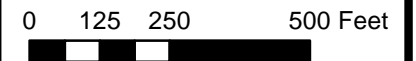
Map prepared by: City of Minnetonka





Non-conforming Front Yard Setbacks within 1,000 feet of the Subject Property on Ford Rd.

- Subject Property
- Variance Approved
- Non-conforming



Not a Survey. Not to Scale





August 30, 2018

To: Whom it may concern
Re: Variance request for 2300 Ford Road
Minnetonka, MN

The attached request for variance to replace the front entry porch on the home located at the above address, is being submitted without the required Survey and electronic copy of the proposed changes to the existing entryway.

The requirement for a variance was communicated to me less than a week ago, and in speaking with the planning department about the time required to engage a Surveyor to schedule and actually do the Survey and Drawings being two weeks at this time of the season, I was advised that I should submit the hard copies of the variance and the changes proposed with the application and add the Survey and electronic copies as soon as they are available, in order to be placed on the next available planning meeting docket.

I have retained a Survey Company, they began their process on 8-29-18, and expect to have the information completed and forwarded to me within the next week. I will forward that information to the City as soon as I receive it.

We appreciate the flexibility offered, and thank you for your understanding.

A handwritten signature in black ink, appearing to read "Duane Myers".

Duane Myers
Myers Construction Management, Inc.
612-801-5544

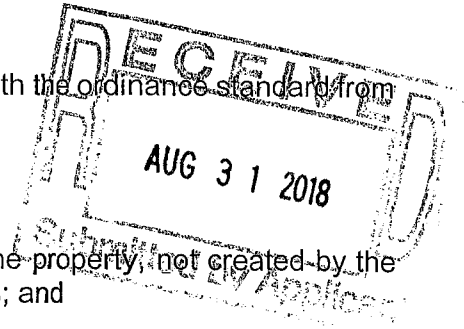
General Contractors License #BC631489

1411 Lancaster Avenue S. • St. Louis Park, MN 55426 • Phone: 612-801-5544 • Fax: 952-545-0583
duane@myersconst.net • www.myersconst.net

PRACTICAL DIFFICULTIES WORKSHEET

By state law, variances may be granted from the standards of the city's zoning ordinance only if:

- 1) The proposed variance is in harmony with the general purpose and intent of the zoning ordinance;
- 2) The proposed variance is consistent with the comprehensive plan; and
- 3) An applicant establishes that there are practical difficulties in complying with the ordinance standard from which they are requesting a variance. Practical difficulties means:
 - The proposed use is reasonable;
 - The need for a variance is caused by circumstances unique to the property, not created by the property owner, and not solely based on economic considerations; and
 - The proposed use would not alter the essential character of the surrounding area.



PRACTICAL DIFFICULTIES	
Describe why the proposed use is reasonable	<p>The homeowner is Replacing The roof, Siding & Windows of the home in order to give a more contemporary look. The home was constructed in such a way as to require that the main floor entry be accessed only by a stairway & Deck. Updating The Deck Area is the only entry to upper level.</p>
<p>Describe:</p> <ul style="list-style-type: none"> • circumstances unique to the property; • why the need for variance was not caused by the property owner; and • and why the need is not solely based on economic considerations. 	<p>The Front Stairs and Deck are the only access to the main level of the home. The homeowner purchased this home in the past few years & the current entry system existed then. The homeowner is updating the look of the home. The deck and stairs reflect the current "lake woods/cabin" look she wants to move away from. Doing this is not an economic hardship.</p>
Describe why the variance would not alter the essential character of the neighborhood	<p>This home is a very prominent sight, on the main access to the neighborhood. The "lake woods cabin" look the original owners wanted no longer fits with the surrounding homes. This variance would allow the homeowner to have a much more desirable front entry which will be an asset to the neighborhood.</p>

VARIANCE APPLICATIONS WILL NOT BE ACCEPTED IF THIS WORKSHEET IS NOT COMPLETE

PROCESS

Planning Commission Resolution No. 2018-

Resolution denying a variance for construction of a screened porch and covered porch at 2300 Ford Rd.

Be it resolved by the Planning Commission of the City of Minnetonka, Minnesota, as follows:

Section 1. Background

1.01 The subject property is located at 2300 Ford Rd. It is legally described as:

Lot 22, Block 1, Westview Hills, Hennepin County, Minnesota.

1.02 A previously existing deck on the subject property had a non-conforming front yard setback of 28.5 feet. A setback of 30 feet is required.

1.03 The applicant, Duane Myers, has submitted a proposal to build a screen porch and covered porch within the front yard setback. As proposed, the screen porch addition would extend 7.6 feet towards the front property line and the covered porch would extend an additional 3 feet beyond the screen porch.

	Required	Existing	Proposal
Front yard (screened porch)	35 ft.	36.5 ft.	28.5 ft.*
Front Yard (open porch)	30 ft.	28.5 ft.	25.5 ft.*

* requires variance

1.04 On October 18, 2018, the planning commission held a hearing on the application. The applicant was provided the opportunity to present information to the planning commission. The planning commission considered all of the comments and the staff report, which are incorporated by reference into this resolution.

Section 2. Standards

2.01 Minnesota Statute §462.357 Subd.1(e)(b) allows a municipality, by ordinance, to permit an expansion of nonconformities.

2.02 City Code §300.29 Subd.3(g) allows expansion of a nonconformity only by variance or expansion permit.

2.03 By City Code §300.07 Subd. 1, a variance may be granted from the requirements of the zoning ordinance when: (1) the variance is in harmony with the general purposes and intent of this ordinance; (2) when the variance is consistent with

the comprehensive plan; and (3) when the applicant establishes that there are practical difficulties in complying with the ordinance. Practical difficulties means: (1) The proposed use is reasonable; (2) the need for a variance is caused by circumstances unique to the property, not created by the property owner, and not solely based on economic considerations; and (3) the proposed use would not alter the essential character of the surrounding area.

Section 3. Findings

3.01 The requested variance would not meet the variance standard as outlined in City Code §300.07 Subd. 1.

1. **INTENT OF THE ORDINANCE:** The proposal is not in harmony with the general purposes and intent of the zoning ordinance. The intent of the front yard setback requirement is to provide for consistent building lines within a neighborhood and to provide for adequate separation between homes and roadways. Only three homes within 1,000 feet of the subject property on Ford Rd. appear to have non-conforming front yard setbacks (one of which received a variance).
2. **CONSISTENT WITH COMPREHENSIVE PLAN.** The proposed variance would not be consistent with the comprehensive plan. The guiding principles in the comprehensive guide plan provide for maintaining, preserving and enhancing existing single-family neighborhoods. While the subject request would enhance the subject property, it would also establish a front yard setback that is less than homes in the area.
 - a) **REASONABLENESS:** The request to build a covered, open, porch on the front of the home is reasonable. City code permits covered porches, without walls, to encroach 5 feet into the front yard setback, creating a 30-foot front yard setback requirement. Based on the location of the existing home, the applicant would be permitted to add a 6-foot deep covered porch on to the home without a variance. Alternatively, the applicant's request to add an enclosed space and a covered porch that encroach further into the front yard setback is not reasonable, as there is an option to cover individuals visiting the home while meeting city code.
3. **CIRCUMSTANCE UNIQUE TO THE PROPERTY:** The previous front yard setback encroachment of the deck is a unique circumstance, but this unique circumstance does not create a practical difficulty for the property owner. The applicant would be permitted by city code to maintain this slight non-conformity, and even cover a large portion of the deck, without the need for a variance. Due to this available alternative, the applicant's design wishes has created the need for the variance.
4. **NEIGHBORHOOD CHARACTER:** The proposed screened porch and covered porch additions would encroach farther into the front yard setback than other neighboring properties. The subject home is currently

set back 36.5 feet from the front property line and the previously existing deck was set back 28.5 feet from the front property line. However, the proposed additions would extend closer to the front property line, which would not be consistent with the rest of the neighborhood. Of the Ford Rd. homes within 1,000 feet of the subject property, only three appear to have non-conforming front yard setbacks. One of these homes was granted a variance for a 30-foot front yard setback for a garage addition. The other two homes were constructed prior to the adoption of city code.

Section 4. Planning Commission Action

4.01 The above-described variance is hereby denied based on the findings outlined in section 3.01 of this resolution.

Adopted by the Planning Commission of the City of Minnetonka, Minnesota, on October 18, 2018.

Brian Kirk, Chairperson

Attest:

_____, Deputy City Clerk

Action on this resolution:

Motion for adoption:

Seconded by:

Voted in favor of:

Voted against:

Abstained:

Absent:

Resolution adopted.

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the Planning Commission of the City of Minnetonka, Minnesota, at a duly authorized meeting held on October 18, 2018.

Deputy City Clerk