
MEMORANDUM

DATE: September 1, 2016

TO: Planning Commission (September 12 meeting)

FROM: Dan Olson, City Planner

SUBJECT: Public Hearing: Variance request from Greg Staples for an attached garage addition at 5440 Twin Lake Terrace (Application Number 2016-09)

A. BACKGROUND

Greg Staples, owner of the property at 5440 Twin Lake Terrace, is requesting a variance to construct a garage addition to the front of the existing home that would be located at a distance of 12 feet to the front property line rather than the required 30 feet. The property is zoned Low Density Residential (R-1). Notice of the September 12 public hearing was published in the Sun Post on September 1 and mailed to owners within 350 feet (see Attachment B).

Attachments:

- A. Site location map
- B. Map showing public hearing notification area
- C. Existing zoning map
- D. Project narrative
- E. Property survey
- F. Proposed street reconstruction

B. VARIANCE

The existing home with an attached one-stall garage was constructed in 1954 and is considered legally nonconforming ("grandfathered-in"). This is because a recent property survey shows that the existing attached garage is located only 4.5' from the north side property line rather than the required 5'. There is no documentation that the setbacks were verified by the city when the home was constructed. There is a 5' wide stormwater easement along the north side of the property (see attachment E). The applicant has indicated on the property survey that no part of the footings, foundation, or eaves for the proposed garage will encroach into this easement. However to ensure that no part of the proposed garage is located within the easement, staff recommends a condition of approval of the variance documenting this requirement.

The applicant is proposing to construct a 450 SF attached two-stall garage in front of the existing attached garage to provide for more usable space. This addition would be 12' from the front property line rather than the required 30'. Because the applicant is proposing to add onto a nonconforming structure and that addition is closer to the front property line than allowed by the zoning code, a variance is necessary.

The home is located on the north end of the Twin Lake Terrace cul-de-sac. The city is reconstructing this segment of Twin Lake Terrace in 2016. As part of that street reconstruction the cul-de-sac will be reduced in size, and the additional right-of-way will be used to add length to the applicant's existing driveway (see attachment F). Therefore although the proposed garage will not meet the required setback, it will appear farther away from the street pavement than it would be if the cul-de-sac were not reconstructed. In addition the front setback for the proposed garage will be reasonably similar to other existing homes on that side of the cul-de-sac.

The following are the relevant approval criteria for this variance as outlined in Section 515.05 of the City's Zoning Code, followed by staff response:

- a) Variances shall only be permitted when they are in harmony with the general purposes and intent of the official control and when the terms of the variances are consistent with the comprehensive plan.

Response: The intent of the City's Zoning Code is to provide for regulations to promote orderly development that allows for adequate access to light, air, and convenient access to property. Since the proposed attached garage is located at the north end of a cul-de-sac, having a garage closer to the street will not conflict with other property owner's ability to access light, air and convenient access to their property. If the variance is approved, the home will continue to be in conformance with the Comprehensive Plan's Low Density Residential future land use designation.

- b) Variances shall only be permitted when the city council finds that strict enforcement of specific provisions of this section would create practical difficulties due to circumstances unique to a particular property under consideration. Practical difficulties, as used in connection with the granting of a variance, means that the property owner:
 - 1) proposes to use the property in a reasonable manner not permitted by an official control; and
 - 2) the plight of the landowner is due to circumstances unique to the property not created by the landowner; and
 - 3) the variance, if granted, will not alter the essential character of the locality.

Response: The use of this parcel for an attached garage is a reasonable use permitted by the City's Zoning Code. There are three unique

circumstance of this property not created by the applicant that justify the approval of the variance:

- **In 1954 the City approved the location of the existing attached garage which caused the garage to become nonconforming; and**
- **Since the property is located on the north end of the cul-de-sac, the proposed garage will have a reasonably similar setback to other homes on that side of the cul-de-sac and will have minimal impact on neighboring properties; and**
- **The reduction in size of the existing cul-de-sac will create the appearance that the proposed garage is further from the street pavement than it would be if the cul-de-sac were not reconstructed.**

Since the enlarged garage will be located at the north end of a cul-de-sac, other properties on the cul-de-sac will not be impacted and the essential character of this area is not proposed to change.

c) Economic considerations alone do not constitute practical difficulties.

Response: The applicant has indicated that his reason for requesting the variance is to construct a larger garage that will have more usable space than the existing single stall garage. Therefore economic considerations alone are not the sole reason for requesting this variance.

C. REQUESTED ACTION

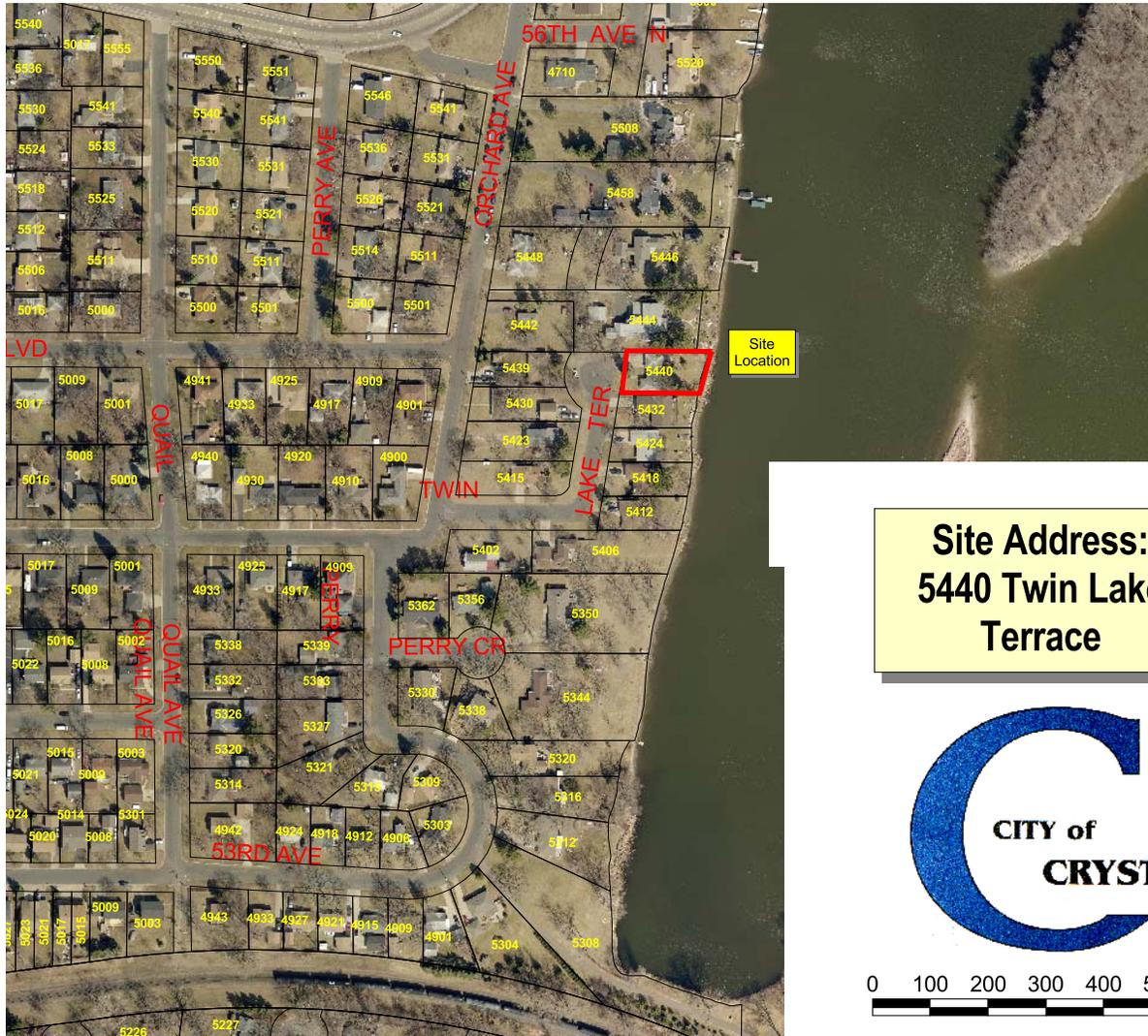
The Planning Commission is being asked to make a recommendation to the City Council to either deny or approve the variance application to allow a garage addition to a nonconforming home at 5440 Twin Lake Terrace that is located 12 feet from the front property line rather than the required 30 feet. This recommendation should include findings of fact either for or against the proposal. The Commission may reference the findings for approval in Section B, above.

Since the variance meets the relevant criteria in the zoning code, staff is recommending approval of the variance request with the following condition of approval:

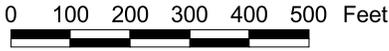
1. No part of the new garage foundation or footing, nor any eaves, may be located within the 5-foot wide storm sewer easement on the north side of the property.

City Council action is anticipated on September 20, 2016.

Variance request for attached garage



**Site Address:
5440 Twin Lake
Terrace**

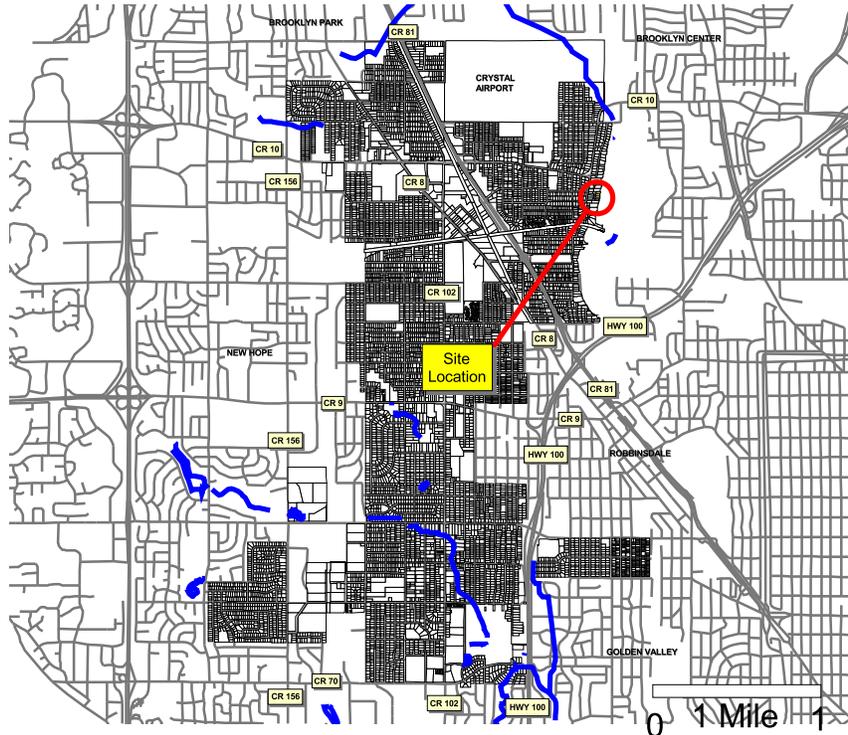


Aerial Image Hennepin County 2015

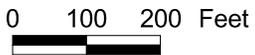
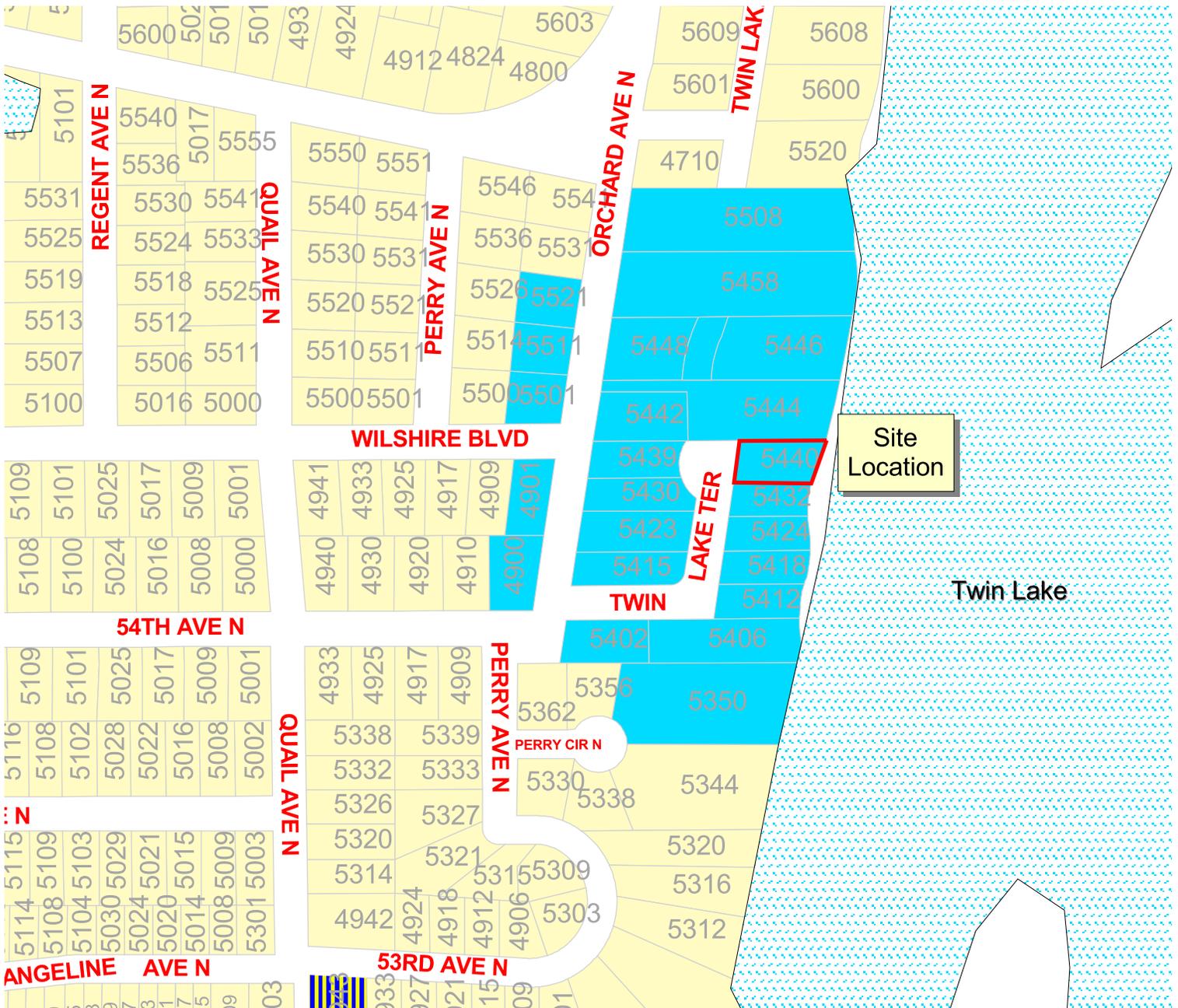
Site Location



**City of Crystal
4141 Douglas Drive N.
Crystal, MN 55422**



Variance request for attached garage

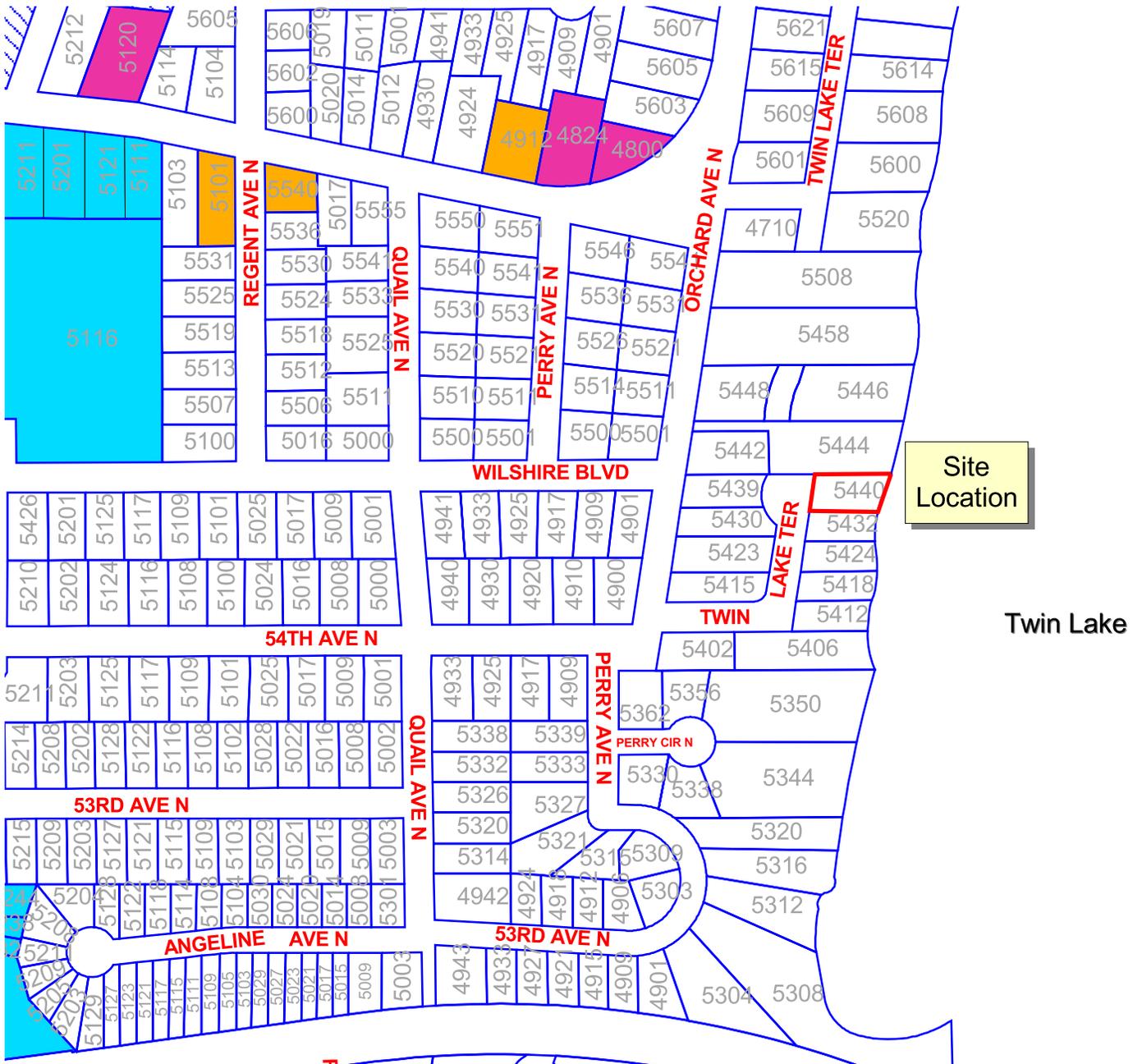


Public Notice Area for 5440 Twin Lake Terrace

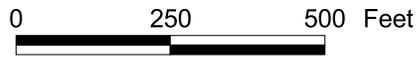


City of Crystal Current Zoning

Variance request for attached garage



- Parcel.shp
- Zoning:**
- Airport (LDR)
- R-1
- R-2
- R-3
- C-1
- C-2
- I-1
- PARK



Site Address:
5440 Twin Lake Terrace



I Greg Staples Purchase
THIS HOUSE 5440 TWIN LAKE TER
AS A FORECLOSER - IT WAS ABANDONED
I Purchase All permit Required
HAD THE HOUSE REWIRED TO CODE
Plumbing & Sewer Pipes Replace
Completely Rebuild - to Code.

NOW IM REBUILDING THE
OUTSIDE NEW WINDOWS,
NEW SIDING, ROOF ALL PERMIT
TO CODE. ALL - THE HOUSES
IN THE NEIGHBORHOOD HAVE 2
CAR GARAGES & I ALSO WOULD
LIKE TO ADD A 2 CAR STALL.
TALKED TO ALL NEIGHBORS THE
RESPONSE WAS GREAT THERE
ALL VERY HAPPY TO SEE THIS
HOUSE LOOKING GOOD.

Thank you

GREG STAPLES

612-801-4191

INVOICE NO. 85458
 F.B.NO. 1089-37
 SCALE: 1" = 20'



- Denotes Found Iron Monument
- Denotes Iron Monument
- ⊠ Denotes Wood Hub Set for excavation only
- - - Denotes Existing Contours
- Denotes Proposed Contours
- x000.0 Denotes Existing Elevation
- 000.0 Denotes Proposed Elevation
- ← Denotes Surface Drainage

Property Address: 5440 Twin Lake Terrace Crystal MN

Property located in Section 3, Township 118, Range 21, Hennepin County, Minnesota.

Lot 1, Block 2, TWIN LAKE TERRACE
 Hennepin County, Minnesota

The Gregory Group, Inc.
 d.b.a.

LOT SURVEYS COMPANY
 Established in 1962
LAND SURVEYORS

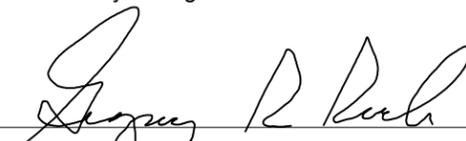
REGISTERED UNDER THE LAWS OF STATE OF MINNESOTA
 7601 73rd Avenue North (763) 560-3093
 Minneapolis, Minnesota 55428 Fax No. 560-3522

Surveyors Certificate

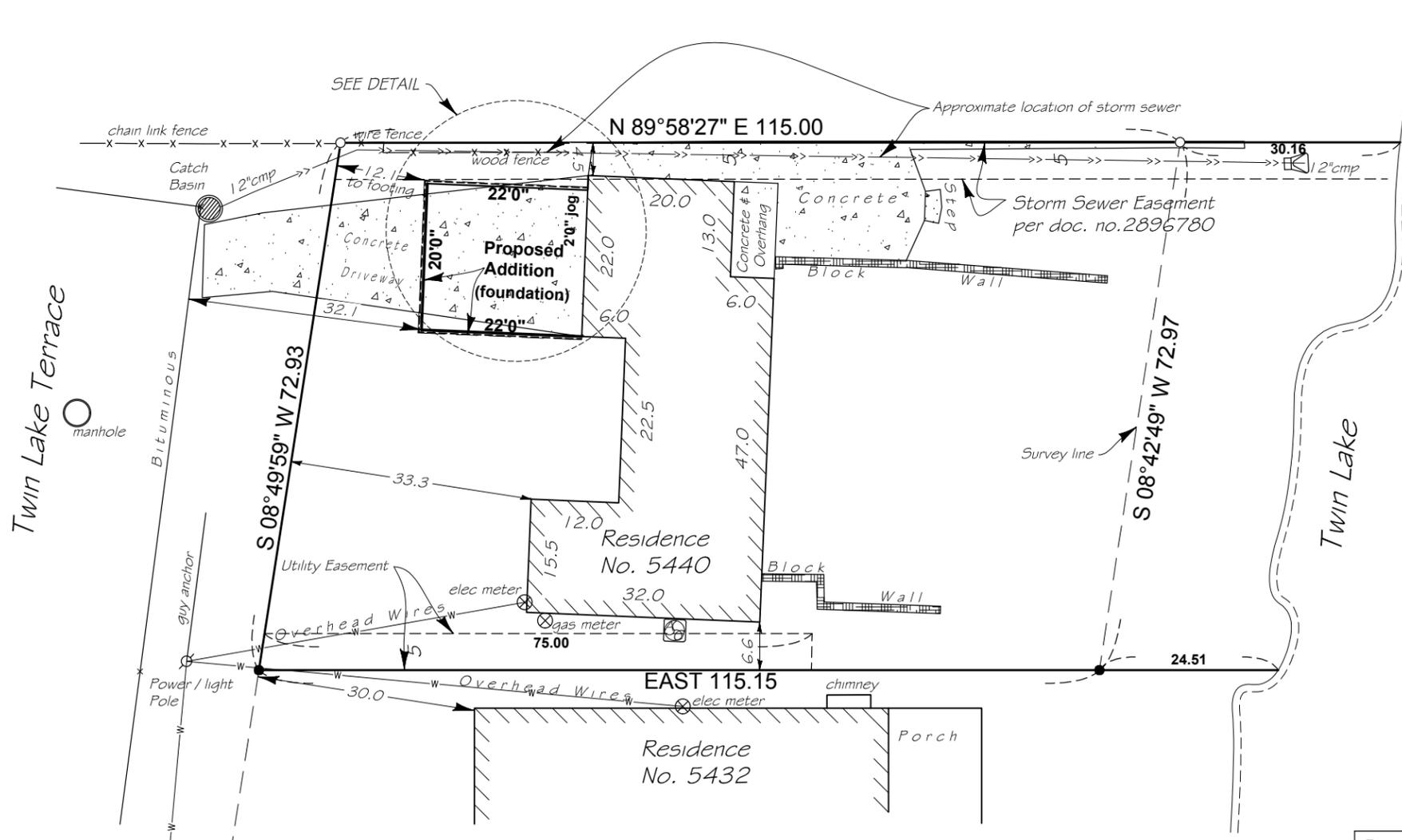
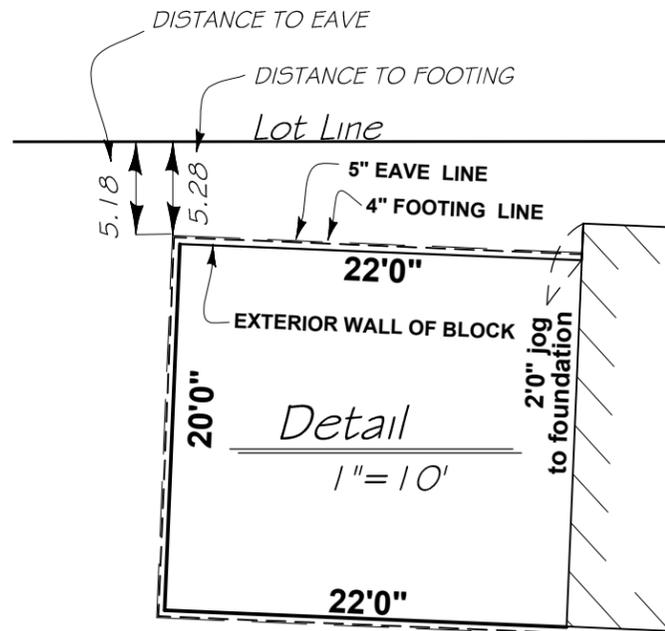
The only easements shown are from plats of record or information provided by client.

I 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

Surveyed this 4th day of August 2016.

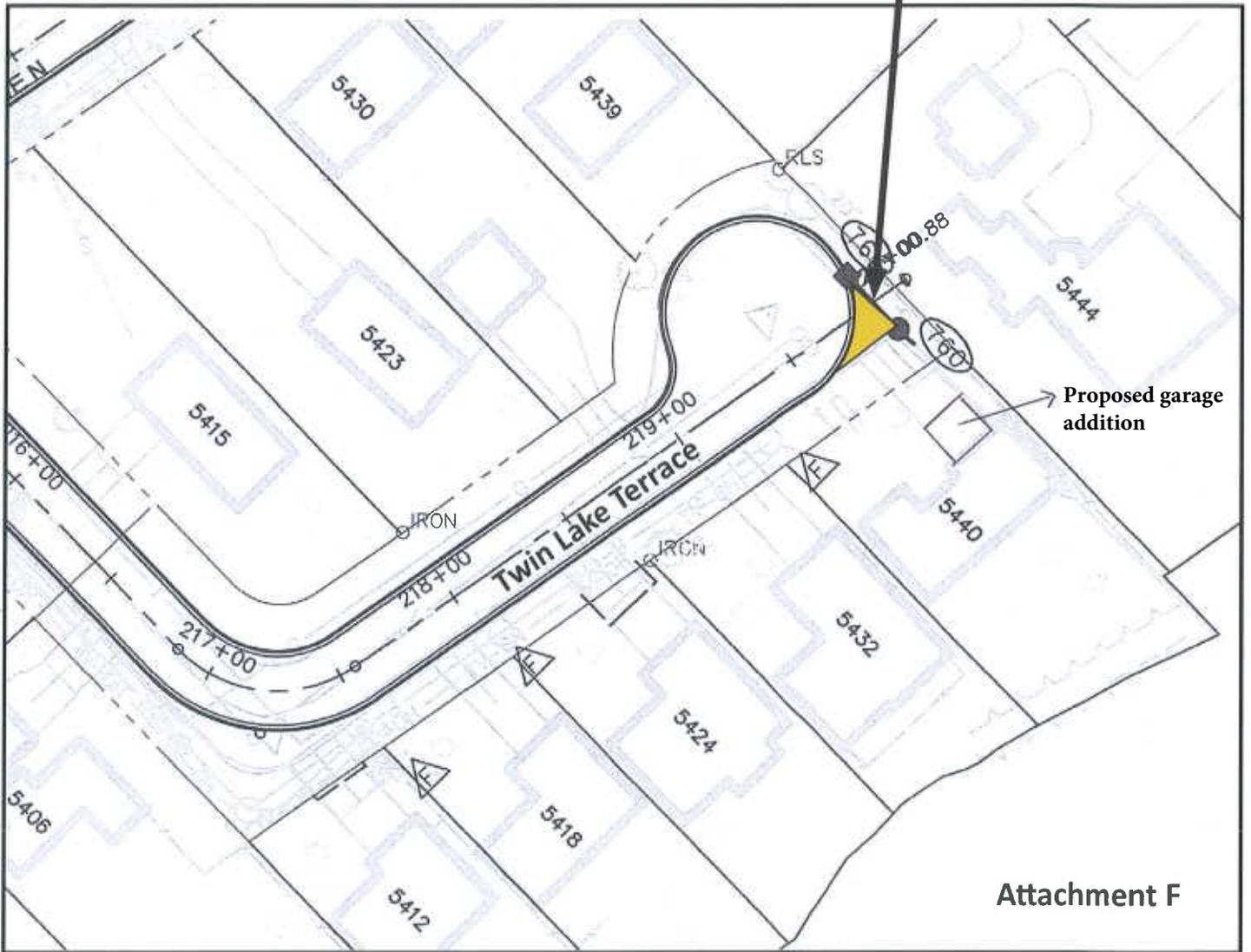
Signed 
 Gregory R. Prascy, Minn. Reg. No. 24992

Proposed Building Addition Survey For:
GREGORY STAPLES



Rev 8-12-16 garage dim's	Drawn By JFB
8-25-16 easement & shifted prop gar.	File Name
	TLT-1-2fb108937inv85458.dwg

Street pavement to be removed and replaced with new driveway curb cut up to 22' in width.



Attachment F