



PLANNING COMMISSION STAFF REPORT

Variance for 5020 Welcome Avenue North

FROM: Dan Olson, City Planner

TO: Planning Commission (for January 9 Meeting)

DATE: January 4, 2023

RE: PUBLIC HEARING - Variance request from Michael Reimann to the lot depth and rear yard setback requirements for a proposed two-family dwelling at 5020 Welcome Avenue North (Application Number 2023-01)

A. BACKGROUND

Michael Reimann, who owns the building at 5020 Welcome Avenue North, has applied for variances to reduce the minimum lot depth and rear yard setback requirements for a proposed two-family dwelling. The property is zoned Low Density Residential (R-1).

Notice of the January 9 public hearing was published in the Sun Post on December 29 and mailed to property owners, renters and commercial tenants within 500 feet (see attachment A), and posted to the Cavanagh Oaks and Welcome Park neighborhoods on Nextdoor. A sign was also posted on the property.

Attachments:

- A. Site location map showing public hearing notification area.
- B. Existing zoning map.
- C. Historic and current aerial photos.
- D. Current property photos.
- E. Property survey showing existing lot depth and building setbacks.
- F. Existing floor plan.
- G. Project narrative submitted by applicant.

B. VARIANCE REQUEST

Property history

The 13,604 sq. ft. subject property is a remnant of a larger farmstead property accessed from Vera Cruz Avenue - see aerial photos (attachment C).

The existing residential building at 5020 Welcome was constructed before 1937 as a farmstead outbuilding of some type, and the detached garage was constructed in the early 1950s. Also in the early 1950s, Welcome Avenue was platted and constructed through the farmstead, allowing for the development of multiple homes. As a result of this history, 5020 Welcome does not meet the minimum 100-foot lot depth and the existing residential building does not meet the 30-foot minimum rear yard setback.

The interior building layout (attachment F) suggests that it was used in the past as a two-family dwelling although it was never legally approved by the city for that use and thus was never lawfully nonconforming. Since 2005 the building has been used as a single-family home but the current layout easily allows for two equally-sized units.

Proposed variances

With the exception of the minimum lot depth requirement of 100', the property meets the zoning requirements for a two-family dwelling. There is an existing two-car garage on the property so minimum parking requirements are met. In order to use the building as a two-family dwelling, the applicant is requesting the following two variances:

- **Lot depth.** Reduce minimum lot depth from 100' to 84'
- **Rear yard setback.** Reduce the 30' minimum rear yard setback to 15', which is consistent with the location of the existing building.

C. RECOMMENDED FINDINGS

The following are the relevant approval criteria for these variances as outlined in city code section 510.33, 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 ordinance is to provide for regulations to promote orderly development that allows for adequate access to light, air, and convenient access to property. The approval of a variance to reduce the lot depth and to confirm the existing rear yard building setback will not impede access to adequate light or air for adjacent properties or for the existing building.

If the variances are approved, the building will continue to be in conformance with the Comprehensive Plan's Low Density Residential future land use designation. With two units, the gross density would be five units per acre, which is within the allowed density of no more than six units per gross acre in the R-1 district.

- 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 the subject property for a two-family dwelling is a reasonable use permitted by the city's zoning regulations.

Practical difficulties in utilizing the lot are its unusual shape and disproportionate shallowness which were caused by the construction of Welcome Avenue in the early 1950s, at least 15 years after the building was constructed. The requested variances are necessary to ensure that the building can be utilized on the lot in a way which provides the best possible residential use and enjoyment of the property, but does not negatively impact neighboring properties.

The essential character of this area will not change if the variances are approved. The existing lot at 5020 Welcome is approximately double the size of most of the other lots on Welcome Avenue, and the existing building location far exceeds the front and side yard required setbacks. The combination of the lot size and increased setbacks allow for open space between neighboring properties.

- c) Economic considerations alone do not constitute practical difficulties.

Response: The manner in which the lot was physically configured in the early 1950s makes it difficult to meet the city's current 100-foot lot depth and rear yard setback requirements without a variance. Therefore,

economic considerations alone are not the sole reason for requesting this variance.

C. REQUESTED ACTION

The Planning Commission is asked to make a recommendation to the City Council to either deny or approve the variance application from Michael Reimann at 5020 Welcome Avenue North to modify the minimum lot depth and building setbacks as follows:

- Lot depth: Reduce lot depth from 100' to 84'
- Rear yard: Reduce rear yard setback from 30' to 15' for the existing building and future additions

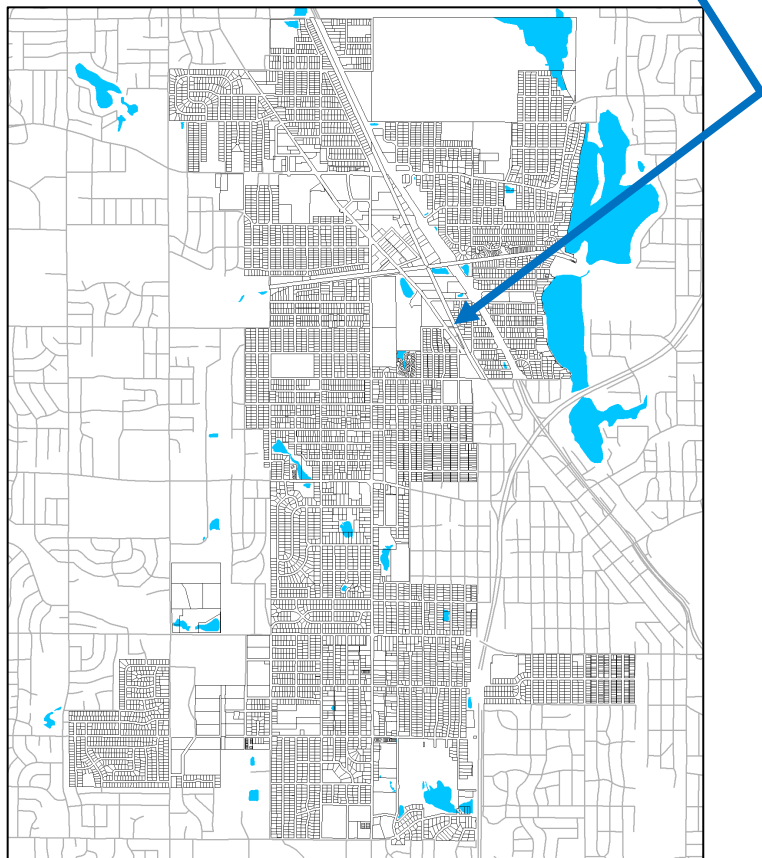
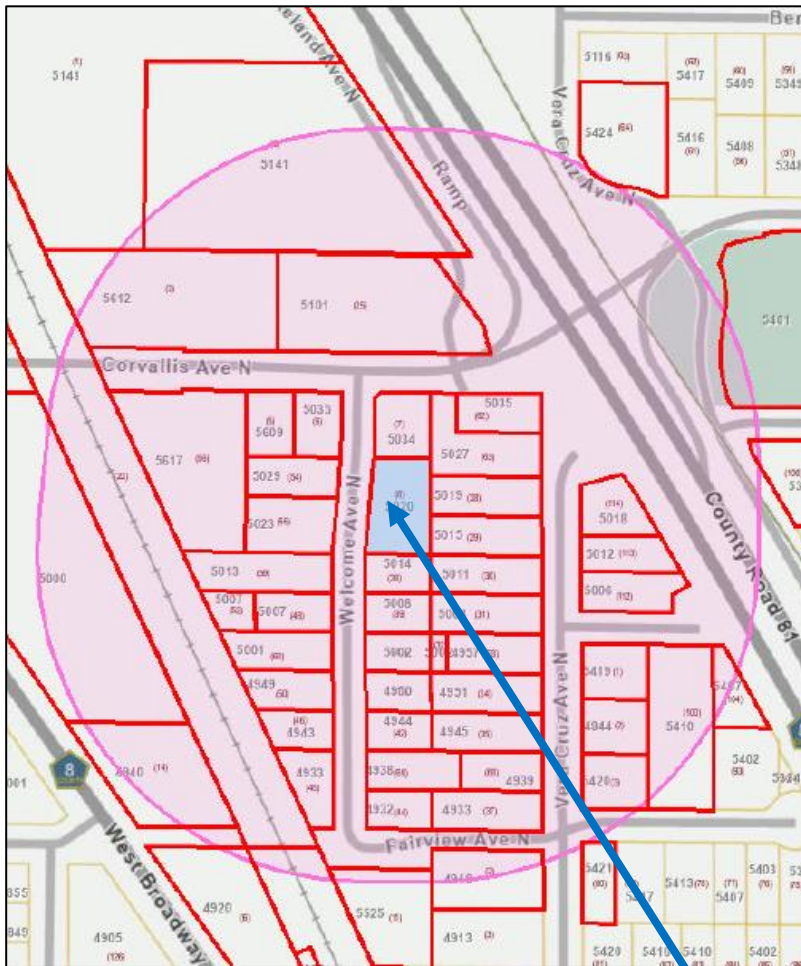
This recommendation should include findings of fact either for or against the proposal. The Commission may reference the findings for approval in Section B, above. Staff recommends approval of the variance request with the conditions below:

1. Compliance. The variances are subject to the applicable requirements of the Crystal City Code. The applicant is required to comply with all applicable federal, state, and local laws, rules, regulations and ordinances and is required to obtain such other permits and permissions as may be required.
2. No Waiver. Failure by the city to take action with respect to any violation of any condition, covenant or term of the variance shall not be deemed to be a waiver of such condition, covenant, or term or any subsequent violation of the same or any other condition, covenant, or term.
3. Binding Effect. This variance, and the conditions placed on its approval, are binding on the applicant, the applicant's successors and assigns, shall run with the property, and shall not in any way be affected by the subsequent sale, lease, or other change from current ownership. The obligations of the applicant under this approval shall also be the obligations of the current and any subsequent owners of the property.
4. Acceptance of Conditions. Utilization of the property for any of the uses allowed by this variance shall automatically be deemed acceptance of, and agreement to, its terms and conditions without qualification, reservation, or exception.

City Council action is anticipated on January 17, 2023.

Site Location and Public Hearing Notice Mailing Map

Attachment A



5020 Welcome Ave N

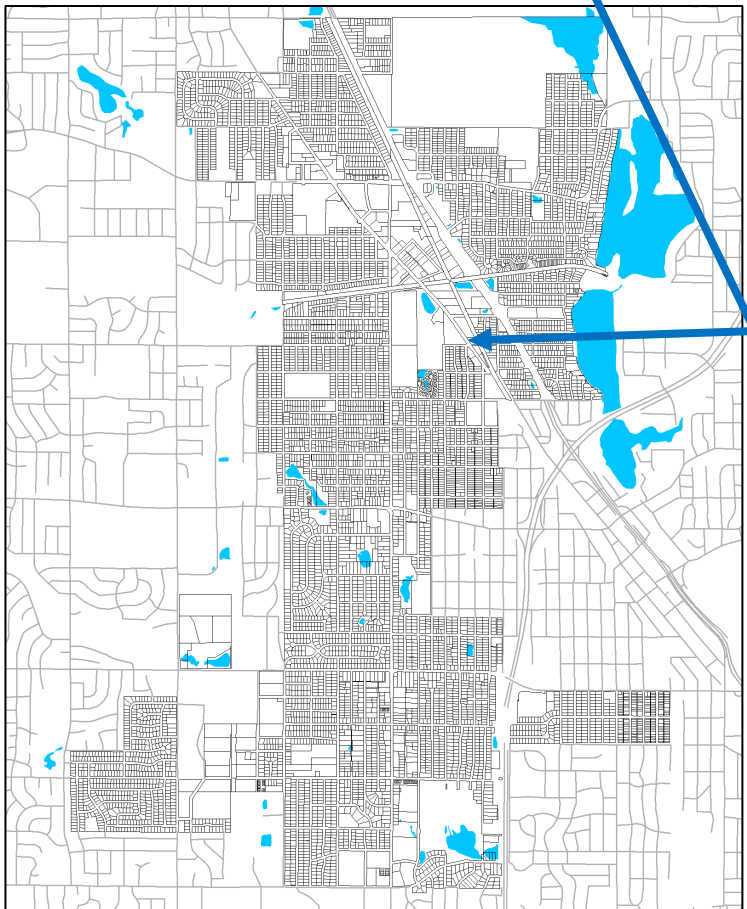
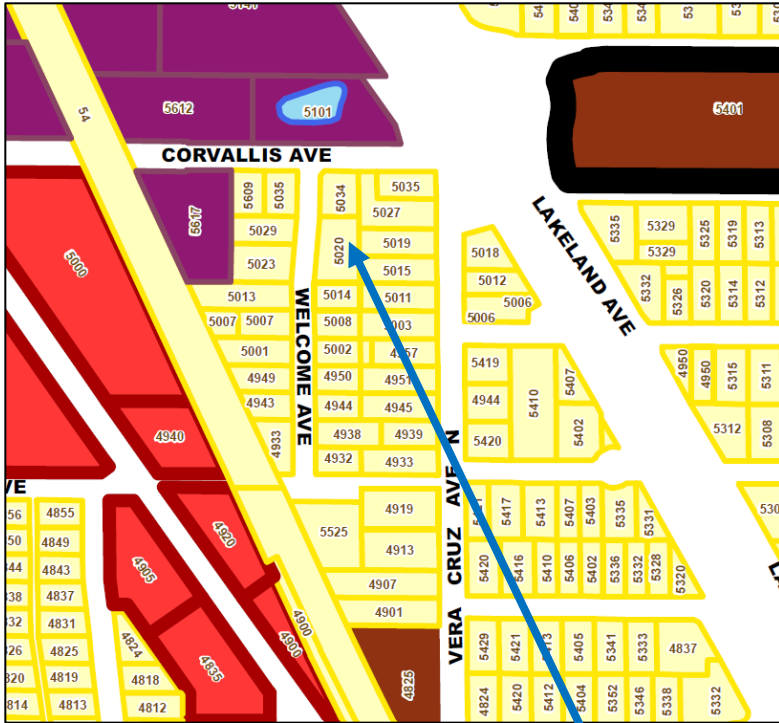


CITY of CRYSTAL

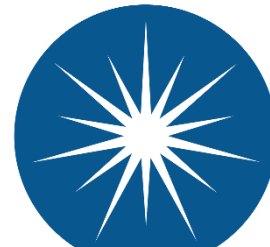
**4141 Douglas Dr. N.
Crystal MN 55422**

Zoning Map

Attachment B



5020 Welcome Ave N



CITY of CRYSTAL

4141 Douglas Dr. N.
Crystal MN 55422

1945 Aerial Photo:



2021 Aerial Photo:





CERTIFICATE OF SURVEY

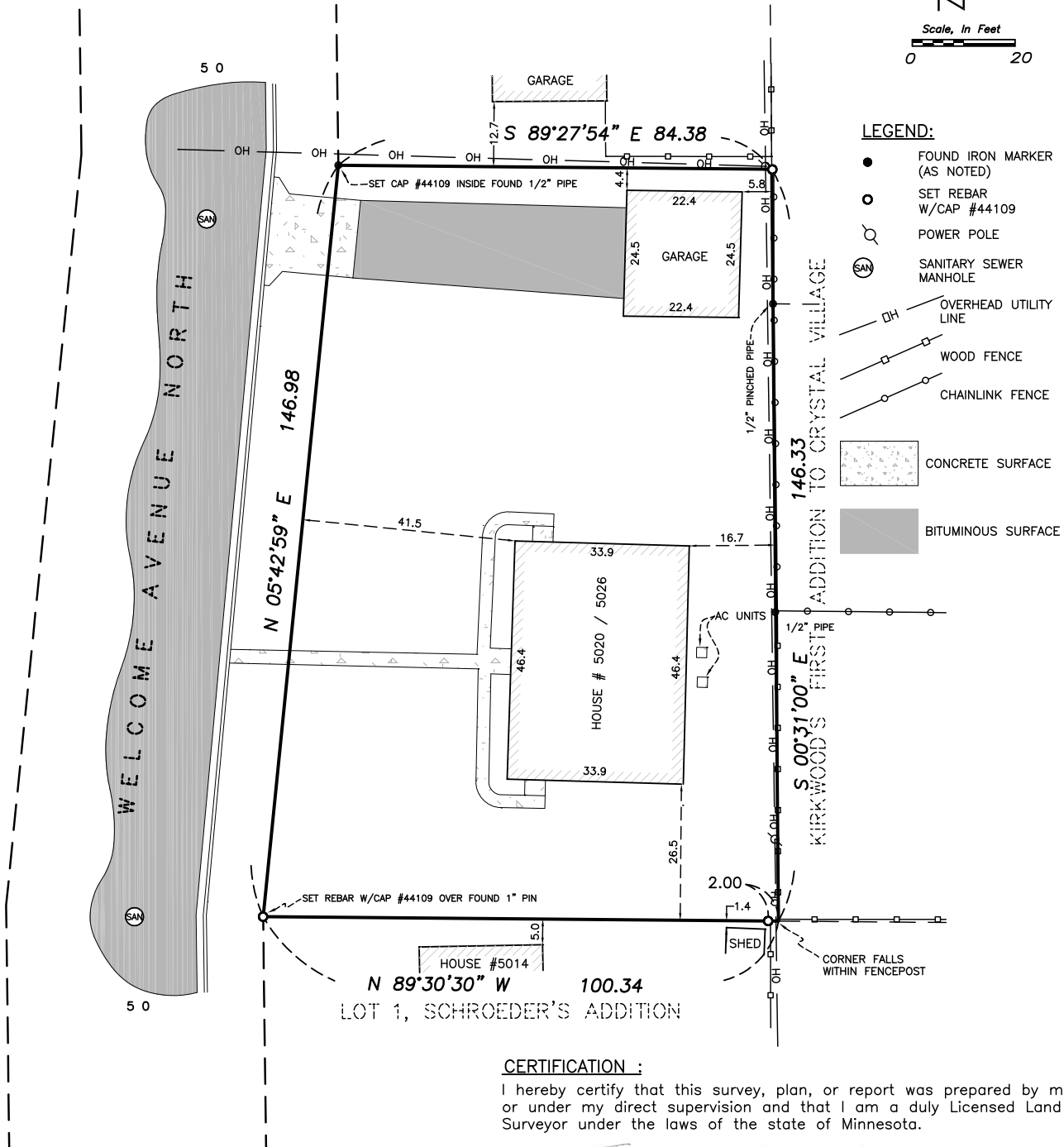
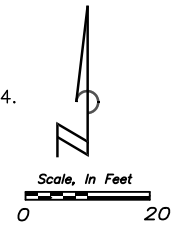
Attachment E

LEGAL DESCRIPTION:

THAT PART OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 9, TOWNSHIP 118, RANGE 21, WHICH LIES EAST OF WELCOME AVENUE NORTH, AS SHOWN ON THE PLAT OF SCHROEDER'S ADDITION, NORTH OF THE NORTH LINE OF LOT 1 OF SAID ADDITION, WEST OF THE WEST LINE OF "KIRKWOOD'S FIRST ADDITION TO CRYSTAL VILLAGE", AND SOUTH OF A LINE DRAWN PARALLEL WITH THE EXTENSION WEST OF THE NORTH LINE OF LOT 1, OF SAID "KIRKWOOD'S FIRST ADDITION TO CRYSTAL VILLAGE" FROM A POINT IN THE WEST LINE OF SAID LOT 1 DISTANT 40 FEET SOUTH OF THE NORTHWEST CORNER OF SAID LOT, ALL IN HENNEPIN COUNTY, MINNESOTA.

PREPARED FOR:

BETH HUMPHREYS
JUNK GENIUS
1907 CHARLES AVE.
ST. PAUL, MN 55104.



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 Land Surveyor under the laws of the state of Minnesota.

SIGNED : *Travis W Van Neste*

Travis W. Van Neste, Minnesota Professional Surveyor #44109
Michigan Professional Surveyor #46695

NOTES:

- 1) THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE INSURANCE COMMITMENT.
- 2) ADDRESS OF THE SUBJECT PROPERTY: 5020 WELCOME AVENUE NORTH, CRYSTAL, MN 55428
P.I.D.: 09-118-21-24-0008
- 3) PARCEL AREA: 13,516 SQ. FT.
- 4) BEARING BASIS IS ASSUMED.
- 5) DATE OF FIELDWORK: 12-10-2022

JOB # 2022047	ISSUED: 12-12-2022
DRAWN BY: TAWN	REV:
SCALE: 1"=20 FEET	

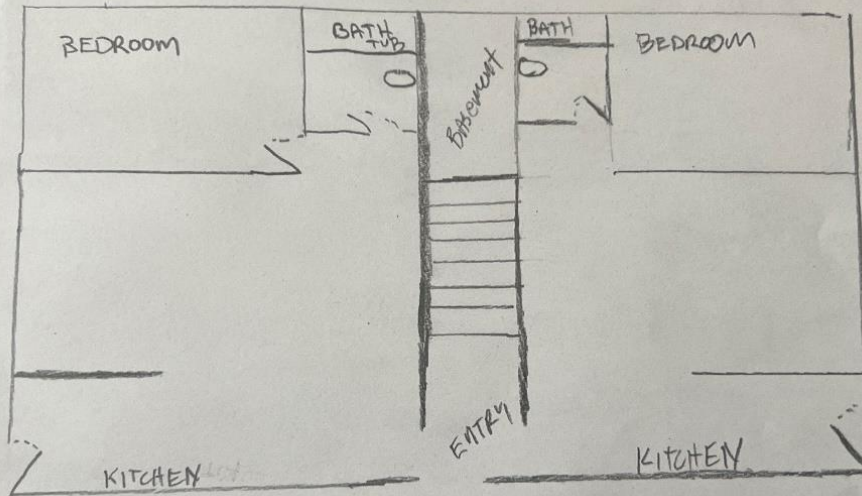
VAN NESTE SURVEYING
PROFESSIONAL SURVEYING SERVICES

4612 HAMPSHIRE AVE. NORTH, MINNEAPOLIS MN 55428
(952) 686-3055 VANNESTESURVEYING.COM



Attachment F

5020 WELCOME AVE
5026 WELCOME AVE



Variance Narrative 5020 Welcome Ave N

1. Variance Narrative Submit a separate narrative document which answers or addresses the following questions about the proposed variance.

a) What is the zoning district for the property?

Low Density (R1)

b) What is the existing use for the property?

Vacant Property

c) What is the proposed use for the property?

Duplex

d) What requirement of the unified development code (City code chapter 5) are you requesting a variance from?

Lot Depth and reduce rear yard setback as required in city code section 520.03

e) Describe how the variance request is in harmony with the general purposes of the unified development code (City code section 500.03).

The R1 allows for a duplex. The property will be a duplex.

f) Describe how the proposed variance is consistent with the Comprehensive Plan, such as the planned use map.

The property is guided LDR. The duplex will be in conformity with the designation.

g) Describe the unique circumstances of the property that create a need for a variance.

The building was constructed as a duplex, not as a single-family home.

h) Describe how granting the variance will not change the essential character of the surrounding area.

The street will still be considered an LDR.