



## Legislation Text

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**Meeting Date:** September 17, 2020

**To:** Members of the Zoning Board of Appeals

**From:** Mikayla Schmidt, City Planner

Consider Resolution for a Variance Request to Allow a Porch to Encroach into the Corner Side Yard Setback at 1020 College Street South.

### Action Requested:

The Zoning Board of Appeals is requested to approve allowing a roofed, but otherwise unenclosed, porch to be built up to the corner side yard property line (8 feet from the house) at 1020 College Street South.

### Summary Report:

The applicant, Larry and Melba Sargent, has applied for a variance to allow a covered, but otherwise unenclosed porch to be built to the corner side yard property line at 1020 College Street South. The parcel is zoned R1: Residential General 1 and is part of the Drakes Addition. The parcel is approximately 0.13 acres in size and is located more centrally in town. The lot is northwest of Fremont St. E. and College St. S. and looks to have been subdivided at some point. The parcel is half the size of a typically lot in this neighborhood.

The applicant has applied for a variance, which would allow the construction of an 8 foot by 12 foot roofed or covered, but otherwise unenclosed, porch on the south side of the home. This places the porch in the corner side yard, which is allowed to encroach a 25% of the street side setback (15 feet) to a maximum of 5 feet. In the mailing and the publication sent to the paper, it stated the encroachment was 20%, which is 5 feet. The correct percentage is 25% and it should have read, a maximum of 5 feet.

The applicants are aging in place, one is 90% disabled and they would like to create an additional landing to enter and exit the home. Currently, they use a wheelchairs, as needed, and have a long ramp on the east side of the home to enter and exit. The applicants are anticipating the need to use a motorized wheelchair in the future. The additional depth of 8 feet, rather than 5 feet, will allow for better mobility of the applicants and the larger motorized wheelchair. The entrance on the south side of the home is also easier for the applicants to enter/exit because there is almost no grade change. At the entrance, with the ramp, on the east side of the home there is at least a 4 foot change of grade from the street to the house.

The criteria for approving a variance, according to Section 5.5.16(C), are as follows:

- (1) Pursuant to Minn. Stat. §462.357, Subd 6, as it may be amended from time to time, the zoning board of appeals may only grant applications for variances where practical difficulties in complying with this LDC (Land Development Code) exist and each of the following criteria are satisfied:
- (a) The variance is in harmony with the general purposes and intent of this LDC; and,
  - (b) The variance is consistent with the Comprehensive Plan; and
  - (c) The property owner proposes to use the property in a reasonable manner not permitted by this LDC;

and

(d) The plight of the landowner is due to circumstances unique to the property not created by the landowner; and

(e) The variance, if granted, will not alter the essential character of the locality.

**Findings of Fact:**

Northfield Land Development Code 3.1.5 Build-to-Line and Setback Requirements and Exceptions (F) Table 3.1-1 Allowed Projections and Encroachments which denotes that a porch that may be roofed but is otherwise unenclosed can encroach 25% of the street side setback to a maximum of 5 feet. Analysis of the variance requested is addressed below.

**Criterion (a) The variance is in harmony with the general purposes and intent of the LDC.**

The R1-B: Residential District generally includes the established neighborhoods surrounding downtown Northfield that are characterized by traditional urban development qualities such as a grid pattern street network, sidewalk, and a range of single-family, two-family, and some multi-family dwellings on smaller lots. The purpose of the R1-B district is to continue to support single-family, two-family, and three-family attached and detached dwellings within the existing character of the city's older neighborhoods. The primary intent of this zone is to strengthen the character of existing historic neighborhoods within Northfield and to protect and enhance the unique character of those existing neighborhoods, particularly in locations where this character may be most susceptible to change.

**Finding - Criterion (a):**

The project is in harmony with the general purposes and intent of the LDC. The proposed porch would further the harmonious historic character of the R1 district by incorporating a porch, which is often found in the R1 district.

The Land Development Code was adopted to protect and promote the public health, safety, morals, and general welfare of the city. More specifically, the purpose of these regulations is to:

1.1.1 Maintain and enhance the community's distinct small town character.

1.1.2 Preserve and protect the area's natural, historic, and cultural resources while providing for improved methods of integrating these resources in the community.

1.1.3 Encourage growth in infill locations as the desired location of development with expansion on the edge of the city a secondary priority.

1.1.4 Create residential community areas with strong neighborhood qualities including pedestrian-friendly streets, community gathering spaces, and basic commercial needs within walking distance.

1.1.5 Encourage the development of neighborhoods that incorporate a variety of housing types to serve the needs of a diverse population.

1.1.6 Allow for places with a mixture of uses that are distinctive and contribute to the city's overall vitality.

1.1.7 Provide standards and guidelines for continuing strategic growth and sustainable development.

1.1.8 Provide for the expansion and diversification of the economic base to assure a strong economy.

1.1.9 Promote an ethic of sustainability in all activities to ensure that proposed development and redevelopment will, at a minimum, conserve energy and natural resources.

1.1.10 Improve and promote connectivity to better serve residents and to improve the function of the overall street network.

1.1.11 Ensure that proposed development is of human scale, primarily pedestrian-oriented to the extent appropriate, and designed to create exceptional streetscapes and pedestrian spaces.

- 1.1.12 Minimize vehicle traffic by providing for a mixture of land uses, pedestrian-oriented development, compact community form, safe and effective multi-modal traffic circulation (e.g., pedestrian, bicycle, and vehicular), and adequate on- and off-street parking facilities.
- 1.1.13 Protect the rural character of certain areas of the community as identified in the comprehensive plan.
- 1.1.14 Encourage vibrancy in the downtown core and fringe areas.
- 1.1.15 Ensure compatibility between different types of development and land uses.
- 1.1.16 Create a comprehensive and stable pattern of land uses upon which to plan transportation, water supply, sewerage, energy, and other public facilities and utilities.

The proposal is not in conflict with the LDC goals. It meets the following purposes:

- 1.1.1 Maintain and enhance the community's distinct small town character.
- 1.1.3 Encourage growth in infill locations as the desired location of development with expansion on the edge of the city a secondary priority.
- 1.1.5 Encourage the development of neighborhoods that incorporate a variety of housing types to serve the needs of a diverse population.
- 1.1.11 Ensure that proposed development is of human scale, primarily pedestrian-oriented to the extent appropriate, and designed to create exceptional streetscapes and pedestrian spaces.

**Criterion (b) The variance is consistent with the Comprehensive Plan.**

The Land Use chapter of the Comprehensive Plan will be consulted for any development proposal based on the following steps. If a proposal is not consistent with recommendations of any one of these steps, the proponent should re-evaluate and make adjustments (or provide justification for deviation) if the proposal is not aligned with the following three aspects:

- 1. Intent:** Development proposals will reflect the spirit and values expressed in the 12 principles (statements of intent) (pages 4.9 to 4.13).
- 2. Location:** Development proposals will be consistent with the Conservation and Development Map (page 4.18) and location descriptions (pages 4.14 to 4.15).
- 3. Character:** Development proposals will be consistent with the Framework Map (page 4.19) and recommendations and context descriptions (pages 4.15 to 4.17).

**Finding - Criterion (b):**

The variance is consistent with the Comprehensive Plan.

**Intent:**

**1. The small town character will be enhanced.**

The proposal to build a roofed porch will enhance the small town character. This is commonplace to have front or side porches in the R1 district.

**2. The natural environment will be protected, enhanced and better integrated in the community.**

The porch will not adversely affect the natural environment.

**3. The preference for accommodating future growth is in infill locations, then redevelopment/ land intensification opportunities, and then on the edge of existing developed areas.**

N/A

**4. New and redeveloped residential communities (areas) will have strong neighborhood qualities.**  
The proposed porch will continue to provide the strong neighborhood qualities of the R1 district.

**5. Environmentally-sensitive and sustainable practices will be integrated into new developments and redeveloped areas.**  
N/A

**6. Places with a mix of uses that are distinctive and contribute to increasing the city's overall vitality are preferred.**  
N/A

**7. Neighborhood-serving commercial will be small scale and integrated with the residential context.**  
N/A

**8. A wider range of housing choices will be encouraged - in the community as well as in neighborhoods.**  
The addition of this porch will help the Sargent's continue to age-in-place, which allows them to choose to stay in their home because they have adequate accessibility.

**9. Rural character of certain areas of the community will be protected.**  
N/A

**10. Streets will create an attractive public realm and be exceptional places for people.**  
The addition of a porch will create an attractive public view from the street.

**11. Places will be better connected, in part to improve the function of the street network and also to better serve neighborhoods.**  
The porch will better serve the neighborhood, by creating the sense of place and character of homes in the R1 district. It will allow the applicants to be better connected to the street and visitors.

**12. Opportunities will be created to walk and bike throughout the community.**  
The porch will allow the applicants the ability to have another access point in and out of their home to access the street and sidewalks for walking.

**Location:**

The parcel is developed along with the surrounding neighborhood.

**Character:**

The parcel is located in the R1-B: Residential District which applies to those areas designated as "Neighborhood Central" on the framework map of the comprehensive plan.

**Criterion (c) Property Owner proposes to use the property in a reasonable manner not permitted by the LDC.**

**Finding:**

The requested variance will result in a reasonable use of the property otherwise not permitted by the LDC. The addition of a porch will further preserve the qualities of the R1 district.

**Criterion (d) The plight of the landowner is due to circumstances unique to the property not created by the landowner.**

**Finding:**

The home is approximately 15 feet from the property line, 25% of that would be 3.75 feet to a maximum of 5 feet. A 3 foot by 3 foot landing is the required landing size by code, but this does not offer enough space for someone in a wheelchair or with a disability.

With the applicant's trying to stay in their home and one being 90% disabled, an additional and larger roofed landing to enter and exit the home would be most beneficial. The use of a regular or motorized wheelchair creates a unique circumstance where a building needs to meet certain specifications in order for a person to adequately be able to enter and exit a building. The setbacks of the street side yard do not allow for enough encroachment for this scenario. In addition, there is no other home to be concerned of for fire safety reasons on this corner lot.

The entrance on the south side of the home is also easier for the applicants to enter/exit because there is almost no grade change. The east entrance, with the ramp, has at least a 4-foot change of grade from the street to the house. The location on the south side of the home allows for better access for persons with a disability or who wheelchair.

**Criterion (e) The variance, if granted, will not alter the essential character of the locality.**

**Finding:**

Supported: Granting the variance will not alter the essential character of the locality. The porch will be compatible with the character of the surrounding properties.

**Staff Recommendation:**

Staff supports approval to allow a covered, but otherwise unenclosed, porch to be built up to the corner side yard property line (8 feet from the house) at 1020 College Street South.

**Alternative Options:**

1. The Zoning Board of Appeals could deny the request to increase the street side setback to encroach up to 8 feet.
2. The Zoning Board of Appeals could approve a variance to allow a roofed and enclosed porch into the side yard setback up to 8 feet.

**Financial Impacts:**

There are no direct financial impacts to the City due to approving the variance.

**Tentative Timelines:**

The applicant hopes to begin construction this year before winter arrives.