

**ITEM:** Variance requests for 1496 Larpenteur Avenue

**SUBMITTED BY:** Deborah Jones, Zoning and Planning Director

**REVIEWED BY:** Justin Miller, City Administrator  
Roger Knutson, City Attorney

**EXPLANATION:**

**Background/History/Property Description:**

1496 West Larpenteur, PIN 222923220144, is located on the south side of Larpenteur Avenue, midway between Arona and Pascal Streets in Falcon Heights. The legal description is “W ½ Lot 10 Bk. 13, Northome 3rd Addition Ramsey County, Minnesota.” The parcel is approximately 50 feet wide by 115 feet deep, with an area of approximately 5663.8 square feet. The property is zoned R-4 “R-4 medium density multiple-family residential district – apartment buildings” and has been maintained in this use since 1946 when the existing 8-unit apartment building was constructed. Of all residential properties in Falcon Heights, 1496 Larpenteur has the highest housing density in units per acre.

The owner of 1496 W. Larpenteur has applied for variances in order to build a new detached garage facing the alley behind the building. The proposed garage would have space for five vehicles and a covered walkway between the back yard and the alley for more convenient tenant access. It would replace an existing two-car garage at the east side of the rear of the lot. The property has five on-site parking spaces, three uncovered and two in the existing garage. According to the owner, only one of the garage spaces is used for vehicle parking at the present time due to storage needs for building maintenance.

**West Side Setback Variance**

The required setback from the side property line is 5 feet unless the property meets conditions for one of the exceptions defined in Section 113-240(c) of the city code. The existing garage meets the conditions to allow the setback to be narrowed to 2 feet at the east side of the property but not the west side. The applicant requests a variance of three feet on the west side in order to build the garage at two feet from the property line on the west. Otherwise, the garage could not accommodate five vehicles and a proposed breezeway through the building. No variance is sought in the rear setback, which will be five feet from the alley right-of-way, as required by code.

## Area Variances

Section 113-240(p) of the code restricts detached accessory buildings to no more than 40% of the rear 30 feet of the lot and 1000 square feet over all. The proposed garage would exceed both of these limits, having an area of 1015 square feet and occupying 67.5% of the rear 30 feet of the property. The owner requests (1) a variance of 27.5% above the 40% limit for the rear 30 feet of the lot and (2) a variance of 15 square feet above the overall limit for detached accessory structures. These two variances are separate but interdependent. The first is essential to the proposed new garage; the second one may not be.

### Analysis:

**a. That the granting of the variance will not be detrimental to the public welfare.**

Staff finds that granting of the variances will not be detrimental to the public welfare. The proposed garage represents no net loss of on site parking and the practical gain of one space.

**b. That the granting of the variance will not substantially diminish or impair property values or improvements in the area.**

Staff finds that granting the variances will not substantially diminish or impair property values or improvements in the area. The applicant cites increased value to tenants and improved value of the property among his reasons for requesting the variances.

**c. That the granting of the variance is necessary for the preservation and enjoyment of substantial property rights.**

Staff finds that granting of the variances is not necessary for the preservation and enjoyment of substantial property rights. However, it is reasonable for a rental property owner to want to provide enclosed parking for tenants in Minnesota, if space allows.

**d. That the variances will not impair an adequate supply of light and air to adjacent property.**

Staff finds that the variances will not impair an adequate supply of light and air to adjacent properties.

**e. That the variance will not impair the orderly use of the public streets;**

Staff finds that the variances will not impair the orderly use of public streets. There will be no net decrease in off street parking. See (a) above.

**f. That the variance(s) will not increase the danger of fire or endanger the public safety;**

Staff finds that the variances will not increase the danger of fire or endanger the public safety.

- g. Whether the shape, topographical condition or other similar characteristic of the tract is such as to distinguish it substantially from all of the other properties in the zoning district of which it is a part, or whether a particular hardship, as distinguished from mere inconvenience to the owner, would result if the strict letter of the Chapter were carried out.**

Staff finds that the characteristics of the property do distinguish it substantially from other R-4 properties in Falcon Heights. 1496 Larpenteur is one of only nine apartment buildings in Falcon Heights with alley access, all of which have limited on street parking. Of those nine, it is one of the two that occupy single-family-size lots. In fact, 1496 Larpenteur is smaller than most single family parcels. Unlike the neighboring 5-unit building at 1492 Larpenteur on a similar lot, this building has 8 units, making this the highest density residential property in the city in units per acre. Both 1492 and 1496 have front property lines set farther from the street centerline than the other properties on the block. The constraints imposed by the small size and intense use of this property do create a particular hardship in limiting the property to no more than a double garage under the requirements of the city code. This is not practical for multi-family residential property.

- h. Whether the variance is sought principally to increase financial gain to the owner of the property, and to determine whether a substantial hardship to the owner would result from a denial of the variance.**

Since the owner now has the option of removing and not replacing the existing garage, or replacing it on the existing footprint without added enclosed parking – both at much lower cost – staff finds that the variance is not sought principally to increase financial gain to the owner. While the city no longer requires enclosed parking for apartment properties on alleys, covered parking is a reasonable and desirable amenity for a multi-family dwelling in Minnesota. In particular, the area restrictions in Sec. 113-240(p), possibly intended to apply primarily to single-family properties, would constitute a major impediment to the construction of new enclosed parking on many multi-family properties in the city. This is certainly a hardship to tenants.

- i. Whether the conditions which give rise to the application for the variance arose after the adoption of this Chapter of the Code of the City of Falcon Heights or any amendment thereto which placed the tract in a zoning district different from what it was under the Chapter. In the consideration of this item, the City shall make diligent inquiry as to all changes in the property and shall refuse to grant the variance if the problem is one that can be solved through a proper application of a conditional use permit or an amendment of the Zoning code. Financial hardship shall not be a basis for the granting of a variance when the owner purchased the property in reliance on a promise that a variance would be granted, and the City shall dismiss the appeal if it shall appear that the property was purchased on such reliance.**

Not applicable.

**Comments from Residents and Businesses:** A neighbor on California behind 1496 Larpenteur contacted staff the week of May 18 to express concern about the setback variance being requested, that the proposed building would be too close to the alley and impair access to garages on both sides. Upon being informed that the application included only the west side setback and did not include the rear setback, which will be maintained at 5 feet per ordinance, the resident said he had no further concerns or objections. No additional comments from the public had been received by Staff as of May 22, 2009.

**Staff Recommendation:**

Staff recommends approval of the setback variance and the 40% area variance for the following reasons:

- Given the size and narrowness of the lot, the 40% limit is impractical for a multi-family property and rules out any significant improvement in parking configuration for 1496 Larpenteur.
- The proposed garage does not reduce the amount of on-site parking at 1496 Larpenteur. In fact, it creates an additional usable space for parking that was formerly used for storage.
- Although the city now exempts apartment properties on alleys from the requirement that at least half the parking be enclosed, covered parking is still a desirable amenity in this climate, and the proposed garage would improve the value of this property as housing in the community and improve the quality for tenants.
- Denying the setback variance on the west would require the elimination of the covered walkway from the plan. Staff considers a walkway through the building a better design and better use of space than requiring extra room between the west end and the property line. Provided the walkway is kept well lit and clear (and not used for storage, which would be a code violation), it would provide much easier access to the alley for residents than walking around the ends of the building.

Staff makes no recommendation on the request for additional square feet of detached accessory structure above the 1000 square feet allowed. Making the building narrower by 7 inches would be sufficient to lower the area below 1000 square feet. The width could be removed from the walkway without impact on the vehicle space. The applicant has not demonstrated that the extra width, and thus the additional 15 square feet, is necessary.

**Attachments:**

- Variance application with attached letter from applicant
- Proposed site plan (sketch)
- Parking data for Falcon Heights apartment buildings with alley access
- Maps of the block on the south side of Larpenteur between Arona and Pascal
- Legal notice of public hearing, published May 12, 2009
- Letter to property owners within 350 feet.
- Map of 350 mailed notice area

**Action Requested:**

- Open Public Hearing
- Take comments from the public
- Close the Public Hearing
- Discussion
- Make a recommendation to the City Council regarding the variances requested for 1496 Larpenteur. The Commission may, at commissioners' discretion, consider the variances separately and make separate recommendations on each:
  - Variance of 3 feet in the side setback on the west side (Sec. 113-240(c) )
  - Variance of 27.5% over the 40% limit to area of structures in the required rear yard (Sec. 113-240(p) )
  - Variance of 15 square feet over the 1000 square feet limit for total area of detached accessory structures. (Sec. 113-240(p) )



**City of Falcon Heights  
Planning Application**

APR 20 2009

**Action Requested By:**

Name of Property Owner DOUGLAS LEE  
Phone (h) 763-533-5858 (w) 651-592-2661  
Address of Property Owner 7115-62nd AVE. N., NEW HOPE, MN, 55428  
Name of Applicant (if different) \_\_\_\_\_  
Address \_\_\_\_\_ Phone \_\_\_\_\_

**Property Involved:**

Address 1496 CARPENTIER AVE  
Legal Description NORTHOME 3rd ADDITION, RAMSEY COUNTY  
SUBJECT TO RA; W 1/2 LOT 10, BLK 13

Property Identification Number (PIN) 22-29-23-22-0144

**Present Use of Property (check one):**

- |  |   |
|--|---|
| <input type="checkbox"/> Single Family Dwelling          | <input type="checkbox"/> Business/Commercial      |
| <input type="checkbox"/> Duplex/Two Family Dwelling      | <input type="checkbox"/> Government/Institutional |
| <input checked="" type="checkbox"/> Multi Family Complex | <input type="checkbox"/> Vacant Land              |


**Action Requested (NON-REFUNDABLE):**

- |  |  |
|--|--|
| <input checked="" type="checkbox"/> Variance (\$100.00)    | <input type="checkbox"/> Lot Split (\$250.00)            |
| <input type="checkbox"/> Conditional Use Permit (\$165.00) | <input type="checkbox"/> Site Plan Review (\$100.00)     |
| <input type="checkbox"/> Rezoning (\$500.00)               | <input type="checkbox"/> Other (Please Specify)<br>_____ |

**Brief Summary of Request (applicant may submit letter to Planning Commission with details of request):**

SEE ATTACHED LETTER / DRAWINGS -

**I certify that all statements on this application are true and correct:**

 4/20/09  
**Signature of Property Owner (required)**

\_\_\_\_\_  
**Signature of Applicant (if applicable)**

April 20, 2009

APR 20 2009

City of Falcon Heights  
2077 W. Larpenteur Ave. W.  
Falcon Heights, MN 55113

Attn: Ms Deborah Jones

Subject: 1496 Larpenteur Garage

Dear Ms Jones,

Per our conversation, please find herein my preliminary request for approval to build a five (5) car garage with a two (2) foot side yard setback, occupying more than 40 percent of rear yard area and exceeding more than 1,000 square feet in size. My reasons for this request are 1) as silly as it sounds I would have less snow to shovel, 2) offer my tenants more value for their rent, 3) create a more appealing back alley view with cars being inside a garage rather than outside , 4) improve my property value, which will increase my tax base, good for the city, 5) in the last couple of years I have seen a number of new garages built by my alley neighbors and hope I too can do the same.

I've included additional information for your review.

If you should have any questions, please feel free to contact me and I wait for your response.

Sincerely,



Doug Lee  
7115 62<sup>nd</sup> Ave. N.  
New Hope, MN 55428  
651-592-2661 Cell

1496 LARPELLEUR AVE

APR 20 2009

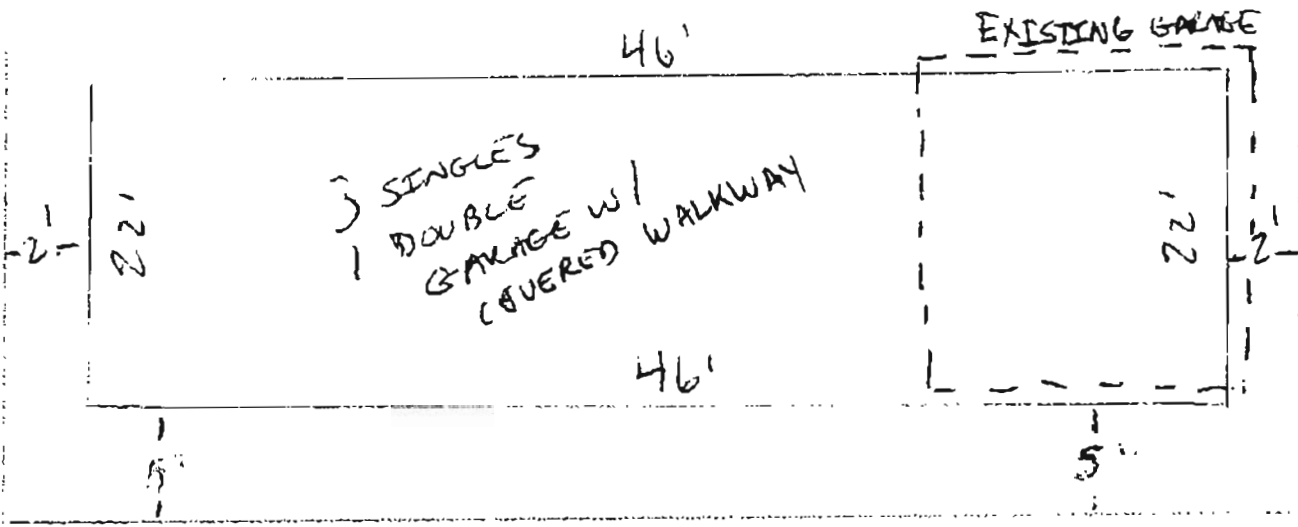
50'

APARTMENT  
BLDG

\* NO SCALE \*

120'

120'



50'







# R-4 Properties with Alleys - Close up

## Falcon Heights



DISCLAIMER: This map is neither a legally recorded map nor a survey and is not intended to be used as one. This map is a compilation of records, information and data located in various city, county, state and federal offices and other sources regarding the area shown, and is to be used for reference purposes only.

SOURCES: Ramsey County (February 2, 2009), The Lawrence Group; February 2, 2009 for County parcel and property records data; February 2009 for commercial and residential data; April 2006 for color aerial imagery;

Falcon Heights Planning Commission  
 February 24, 2009

**Apartments with Alleys: Larpenteur Avenue from Pascal to Arona**  
 Lot coverage allowed in R-4: 75%

Address	Year Built	Units	Lot size/ Lot width	Corner	Required Parking		Existing Parking		Nearby On-street
					Total	Covered	Total	Covered	
1466 Larpenteur	1964	8	12196.8 100'	Yes	16	8	14	6	Larpenteur, Pascal, California
1472 Larpenteur	1948	10	12196.8 100'	No	20	10	10	0	Larpenteur, Pascal, California
1486 Larpenteur	1948	10	12196.8 100'	No	20	10	10	0	Larpenteur
1490 Larpenteur	1946	5	5662.8 50'	No	10	5	5	2*	Larpenteur
1496 Larpenteur	1946	8	5662.8 50'	No	16	8	5	2*	Larpenteur
1504 Larpenteur	1946	10	12196.8 100'	No	20	10	10	1*	Larpenteur, Arona, California
1510 Larpenteur	1946	10	12196.8 100'	Yes	20	10	9	9	Larpenteur, Arona, California
1688 Arona	1949	10	7405.2 58.9'	Yes	20	10	14	0	Larpenteur, Arona, Crawford
1511 Larpenteur	1949	10	9583.2 76.4'	No	20	10			Larpenteur, Arona, Crawford (no street parking adjacent to building)

\* This represents the size of an existing garage and is included in the total. It has not been determined if this garage space is available to tenants for parking.

# CITY OF FALCON HEIGHTS, MINNESOTA

## PUBLIC HEARING NOTICE

**NOTICE IS HEREBY GIVEN**, that the Falcon Heights Planning Commission will meet on May 26, 2009, at approximately 7:00 p.m. at Falcon Heights City Hall, 2077 Larpenteur Avenue West, Falcon Heights, Minnesota 55113, to consider the following variances to construct a detached accessory garage: (1) side and rear yard setbacks and (2) the requirements that a detached accessory buildings not occupy more than 40 per cent of the area of a required rear yard and not exceed a total of 1,000 square feet. The Property is located at 1496 Larpenteur Avenue, Falcon Heights, Minnesota, legally described as:

*W ½ Lot 10 Bk. 13, Northome 3<sup>rd</sup> Addition Ramsey County, Minnesota*

All persons who desire to speak on this issue are encouraged to attend and will be given an opportunity to be heard at this meeting. Additional information can be obtained by contacting the City of Falcon Heights at (651) 644-5050.

Dated: May 11, 2009

  
\_\_\_\_\_  
Justin Miller, City Administrator/Clerk  
City of Falcon Heights, Minnesota



CITY OF  
**FALCON HEIGHTS**

2077 W. Larpenteur Avenue  
Falcon Heights, MN 55113-5594

email: mail@ci.falcon-heights.mn.us  
website: www.ci.falcon-heights.mn.us

Phone - (651) 792-7600  
Fax - (651) 792-7610

May 11, 2009

Dear Property Owner:

You are hereby notified that the owner of the apartment building at 1496 Larpenteur has applied for several variances to build a new 5-car garage adjacent to the alley behind the building. The city code requires a five foot side setback for a detached garage on an alley in a residential district, unless the property meets certain conditions. The existing garage qualifies the owner to build with a two foot setback on the east side of the lot but not for the west side. Therefore, the owner requests a variance for the west side.

In addition the code limits a detached garage to 40% of the rear 30 feet of the lot and limits the total amount of accessory building area to 1000 square feet. The proposed garage exceeds both of these limits. Therefore, the owner is also seeking an area variance.

The City is required to notify owners of properties within 350 feet. I have enclosed a copy of the site plan. You are welcome to attend the Planning Commission meeting at which this variance application will be considered:

**Tuesday, May 26, 2009**  
**7:00 p.m.**  
**City Hall Council Chambers**

Please call me at 651/792-7613 if you require further information. You may also send written comments to me at deb.jones@falconheights.org or by U.S. Mail at the address below.

Thank you,

Deborah Jones  
Zoning and Planning Coordinator

cc: City Administrator, Planning Commissioners

