



Request for City Council Committee Action from the Department of Community Planning and Economic Development – Planning Division

Date: June 21, 2007

To: Councilmember Gary Schiff, Zoning and Planning Committee

Referral to: Not applicable

Prepared or Submitted by: Carol Ahlgren, Senior Planner, (612) 673-2439

Subject: Request for a Historic Variance for a previously approved Certificate of Appropriateness by the Heritage Preservation Commission for the construction of a gazebo/garden folly at 625 S. 9th Street.

Recommendation: Approve the variance

Previous Directives: Not applicable

Prepared by: Carol Ahlgren, Senior Planner
Approved by: Jack Byers, Planning Supervisor
Presenters in Committee: Carol Ahlgren, Senior Planner

Reviews

- Permanent Review Committee (PRC): Approval ___ Date _____
- Policy Review Group (PRG): Approval ___ Date _____

Financial Impact

- No financial impact: No substantive financial impact
- Action requires an appropriation increase to the ___ Capital Budget or ___ Operating Budget: Not applicable
- Action provides increased revenue for appropriation increase: Not applicable
- Action requires use of contingency or reserves: Not applicable
- Action is within the Business Plan: Not applicable
- Action requires a change to the Business Plan: Not applicable
- Other financial impact: Not applicable
- Request provided to the Finance Department when provided to the Committee Coordinator: Not applicable

Community Impact

Ward: 7

Neighborhood notification: The notice to the neighborhood and surrounding property owners sent on April 20, 2007.

City Goals: see staff report

Zoning Code: see staff report

Living Wage/job Linkage: not applicable

End of the 60-120 –day Decision Period: The end of the 60 day decision period is June 22, 2007

Other: Not applicable.

Background/Supporting Information Attached:

The appellant received HPC approval of a Certificate of Appropriateness on May 1, 2007 for the construction of a gazebo/garden structure at 625 South 9th Street, a residence located in the South 9th Street Historic District. The subject property is a contributing resource to the District and represents the only building within the historic district that was originally constructed as a single family house. In less than 10 years after its construction it was converted to a rooming house, and later apartments.

Since 1997 the current owner has undertaken restoration of the property to return it to a single family residence; all work has been approved by the HPC through Certificates of No Change and/or Certificates of Appropriateness.

The appellant is seeking a Historic Variance to construct the previously approved gazebo/garden folly which will be constructed in the existing side yard which represents the only outdoor space historically associated with the property. Construction of the gazebo/garden folly represents a reasonable use of the property, and complies with Section 599.490 of the Minneapolis Code of Ordinances, Article IX. This section of the Code was established to encourage the preservation and reuse of landmarks and properties in historic districts by providing the commission with authority to recommend departure from the literal requirements of any of the applicable zoning regulations.

Supporting Information

All documents associated with the William Lee Residence, 625 9th Street South application for an Historic Variance for a previously approved Certificate of Appropriateness for construction of a gazebo/garden folly are available on the City's web site:

<http://www.ci.minneapolis.mn.us/cped/agendas/hpc/2007/HPCmeetingfolders\05\01\2007:06\05\2007 Hearing> and by request of the Planning Department.

Supporting Information

Exhibit 1: Action of the Minneapolis HPC on June 5, 2007

Exhibit 2: Planning Division Staff report to the Minneapolis HPC, dated May 21, 2007

Exhibit 3: Action of the Minneapolis HPC on May 1, 2007

Exhibit 4: Planning Division Staff report to the Minneapolis HPC, dated April 18, 2007

Exhibit 5: Application for Historic Variance dated May 18, 2007

**CITY OF MINNEAPOLIS
HERITAGE PRESERVATION COMMISSION STAFF REPORT**

FILE NAME: 625 S. 9th Street, William Lee Residence
DATE OF APPLICATION: May 21, 2007
APPLICANT: David Heide Design Studio
DATE OF HEARING: June 5, 2007
EXPIRATION OF APPEAL PERIOD: June 15, 2007
HPC SITE/DISTRICT: South 9th Street Historic District
CATEGORY: Contributing
CLASSIFICATION: Request for Historic Variance
STAFF INVESTIGATION AND REPORT: Carol Ahlgren
DATE: [May 21, 2007](#)

A. SITE DESCRIPTION AND BACKGROUND:

The William Lee Residence, located at 625 S. 9th Street is a contributing building in the South 9th Street Historic District. The three story brick Romanesque Revival style building was constructed in 1887 as a single family house, designed by local architect William Channing Whitney. The Lee Residence is noteworthy in that it is the only building in the 9th Street District that was originally built as a single family dwelling. In 1894, less than ten years after its construction, the house was converted to a rooming house; in 1914, it was converted into apartments, reflective of historic changes in the neighborhood.

The Lee Residence is located on a narrow lot measuring approximately 70 by 100 feet. The house occupies a prominent corner, and is built to the edges of the lot lines with the main façade facing 9th Street, and the secondary façade facing Park Avenue to the south. These main facades feature first floor exteriors constructed of rusticated red sandstone. The second through third stories of the entire building are constructed of red brick, characteristic of the adjacent historic district. Typical of a late 19th century town house constructed on a narrow urban lot, the Lee house has a small side yard located on the north elevation; this area represents the outdoor/garden space historically associated with the site. The property is enclosed by wrought iron fencing on the 9th Street elevation and chain link fencing on the north edge of the lot, which is bordered by a surface parking lot.

Since 1997 the current owner has undertaken restoration of the property to return it to a single family residence. Certificates of No Change have been granted for the work including window repair/replacement (1998, 2005); roof repair (2001). Certificates of Appropriateness have been granted for side porch rehabilitation and for construction of a new rear porch (2001; 2003). On May 1, 2007 the Heritage Preservation Commission approved a Certificate of Appropriateness for the construction of a three-sided c. 10' by 6' wooden gazebo/garden folly. The structure will be located in the side yard, approximately 6 inches from the north edge of the lot line, which is not in compliance with city code for side yard setback which requires a minimum three (3) feet from the side and rear lot line (Minneapolis Code, section 531.30 2) a).

B. PROPOSED CHANGES:

The applicant is seeking a Historic Variance to construct the previously approved gazebo/garden folly. As previously determined by the HPC, the proposed new construction is of appropriate scale, materials, design, and massing for the William Lee residence and for the South 9th Street District as a whole. The house was originally constructed as a single family dwelling; the existing side yard is the outdoor space

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historically associated with the property. Construction of the gazebo/garden folly represents a reasonable use of the property, which historically and to the present, has no other open space. Further, the structure will be an asset to the property, and by extension, to the South 9th Street Historic District.

C. APPLICABLE REGULATION, POLICIES, AND GUIDELINES:

City of Minneapolis Code of Ordinances

Chapter 599. Historic Preservation Regulations

ARTICLE IX. Historic Variances

599.490. Purpose

This article is established to encourage the preservation and reuse of landmarks and properties in historic districts by providing the commission with authority to recommend departure from the literal requirements of any of the applicable zoning regulations. (2001-Or-029, § 1, 3-2-01)

599.500. Application for historic variance. An application for historic variance shall be filed on a form approved by the planning director and shall be accompanied by all required supporting information, as specified in section 599.160 (2001-or-029, § 1,3-2-01)

599.510. Hearing on application for historic variance. The commission shall hold a public hearing on each complete application for historic variance as provided in section 599.170. Following the public hearing, the commission shall make findings with respect to the proposed historic variance and shall submit the same together with its recommendation to the zoning and planning committee of the city council. (2001-Or-029, § 1, 3-2-01)

599.520. Required findings for historic variance. Before recommending approval of a historic variance, the commission shall make findings that the variance is compatible with the preservation of the property and with other properties in the area, and that the variance is necessary to alleviate undue hardship due to special conditions or circumstances unique to the property and not created by the applicant. (2001-Or-029, § 1,3-2-01)

599. 530. Historic variance conditions and guarantees. The commission may impose such conditions on any historic variance and require such guarantees as it deems reasonable and necessary to protect the public interest and to ensure compliance with the standards and purposes of this chapter. (2001-Or-029, §1, 3-2-01)

599.540. City council decision. The city council shall make the final decision on all historic variances. (2001-or-029, § 1, 3-2-01)

599.550. Changes in approved historic variance. Changes to an approved historic variance shall require a new application. The requirements for application and approval of a change to a historic variance shall be the same as the requirements for original approval. (20010-Or-029, §1, 3-2-01).

D. FINDINGS

1. The William Lee residence, located at 625 South 9th Street is contributing to the Minneapolis South 9th Street Historic District.
2. The proposed gazebo/ garden folly will constitute new construction within the Minneapolis South 9th Street Historic District.

3. The proposed gazebo/garden folly will be constructed of wood with wrought iron side panels and will be located in the narrow side yard historically associated with the property, less than one foot from the property line.
4. The scale, massing, design, and location of the proposed structure will not detract from the historic integrity of the Lee house or the South 9th Street District as a whole.
5. A Certificate of Appropriateness for construction of the gazebo/garden folly was approved by the HPC on May 1, 2007.

E. STAFF RECOMMENDATION:

That the Heritage Preservation Commission **adopt** the staff findings and **approve** the Historic Variance.

Attachments:

- A. Historic Variance application, May 21, 2007
- B. Site plans, photographs of proposed project
- C. HPC Actions, May 1, 2007
- D. Certificate of Appropriateness for 625 S. 9th Street, gazebo/garden folly, Staff report, April 18, 2007

**CITY OF MINNEAPOLIS
HERITAGE PRESERVATION COMMISSION STAFF REPORT**

FILE NAME: Construction of a gazebo/folly for William H. Lee Residence, 625 South 9th Street

DATE OF APPLICATION: March 28, 2007

DATE APPLICATION DEEMED COMPLETE: April 2, 2005

APPLICANT: David Heide Design Studio

DATE OF HEARING: May 1, 2007

EXPIRATION OF APPEAL PERIOD: May 11, 2007

HPC SITE/DISTRICT: 9th Street South Historic District

CATEGORY: Contributing

CLASSIFICATION: Certificate of Appropriateness

STAFF INVESTIGATION AND REPORT: Carol Ahlgren

DATE: [April 18, 2007](#)

A. SITE DESCRIPTION AND BACKGROUND:

The William Lee Residence is located at 625 S. 9th Street and is a contributing building in the South 9th Street Historic District. The three story brick Romanesque Revival style building was constructed in 1887 as a single family house, designed by local architect William Channing Whitney. The Lee Residence is noteworthy in that it is the only building in the 9th Street District that was originally built as a single family dwelling. In 1894, less than ten years after its construction, the house was converted to rooming/boarding house; in 1914 it was converted into apartments, reflective of historic changes in the neighborhood. The 9th Street South Historic District is characterized by brick multiple family rowhouses. The house was determined to be individually eligible for the National Register of Historic Places in 1985 but was not listed due to lack of owner consent.

The William Lee Residence is a three story brick and sandstone building constructed in the Romanesque Revival Style. Characteristic elements of the style include the variation in fenestration on each story; rounded arches, semi arched windows and belt courses. The main, or 9th Street façade features a stone porch with arches and a decorative balustrade. The first floor features both rectangular and arched window openings, some of which retain stained glass panels. The second floor fenestration is characterized by rectangular window openings; the third floor has lancet windows with ogee hoods that continue to the brackets and corbelling of the cornice. Two small additions are located on secondary facades; one is a red brick and wood addition located at the rear of the house which encloses the rear stairwell. The second is a porch, original to the building, located on the east façade which was rehabilitated in 2001 and received a Heritage Preservation Commission Award the following year.

The William Lee Residence is located on a narrow lot measuring approximately 70 by 100 feet. The house occupies a prominent corner location on the lot with a main façade facing 9th Street (east) and Park Avenue facing south. The first floor of the Park Avenue, 9th Street, and a portion of the north façade are constructed of rusticated red sandstone. The second and third stories of all facades are constructed of red brick, characteristic of the 9th Street Historic District. Typical of a turn of the century townhouse constructed on a narrow urban lot, the Lee house has a small side yard located on

the north elevation; the side yard represents the outdoor/garden space historically associated with the site. The property is enclosed by wrought iron fencing on the 9th Street, or main façade and chain link fencing along the north edge of the lot, which is bordered by surface parking.

Since 1997, the current owner of the William Lee house has undertaken restoration of the property to return it to a single family dwelling. Certificates of No Change have been granted for the work including window repair/replacement (1998; 2005) roof repair (2001) and most recently, continued interior and exterior restoration (2007). Certificates of Appropriateness have been granted for a new rear porch (2003); and for the retaining wall and rehabilitation of the side porch (2001).

B. PROPOSED CHANGES:

The applicant is applying for a Certificate of Appropriateness for the following work:

Construction of a three sided, 9'9 " by 6'3" inch wooden gazebo/garden folly. The structure will be located 6 inches from the north edge of the lot line and will be 12 feet in height, including two pinnacles. The side yard is currently open space with an area of bluestone terracing. Existing vegetation consists of honey locust, crab trees, Boston ivy, shrub roses, and lilac tress. The proposed new construction will retain the existing vegetation wherever possible.

The three sided structure will be oriented to the north façade of the residence, visually aligned with the existing side porch. The existing bluestone terrace will be extended to cover an additional area approximately 12 by 6 feet. The new garden structure will feature a red stone base plinth, and a fish scale cedar shingle pagoda style roof with finials on the east and west edges. Details such as decorative wooden brackets, and arched verge board edging along the cornice will provide stylistic reference to the Lee house.

The proposed gazebo/garden folly will consist of a wood structure painted to match the existing porch on the north elevation of the house. Wood frames containing laminated restoration glass panels will be utilized on the north elevation of the structure. The east and west side elevations will be constructed of iron framed wrought iron trellis panels; the south elevation will be open. The proposed gazebo/garden structure will provide privacy as well as a visual connection to the site and will help to screen the surface parking located immediately north of the property.

**C. APPLICABLE REGULATION, POLICIES, AND GUIDELINES:
NINTH STREET HISTORIC DISTRICT GUIDELINES
Minneapolis Heritage Preservation Commission**

III. Guidelines For Infill Construction.

1. Design intent.
 - A. The intent of these guidelines is for infill construction which characterize a masonry loading bearing building and not a contemporary curtain wall structure.
2. Building massing (General footprinting and shape).
 - A. Building outline.
 - a. New construction shall be built out to the property line on street frontage.
 - B. Building shape.

- a. The building shall be rectangular in shape and volume. Step backs at the upper floors on street facades will not be allowed. "Projecting bays" are permissible.

C. Building height.

First story shall be minimal 4'0" above street grade.

- a. Minimum height: 2-1/2 stories.
- b. Maximum height: 4-1/2 stories.
- c. A story shall be defined as:
 - (1) First story: At a maximum of 10'.
 - (2) 2-4 story: 9-10'.

**The Secretary of the Interior's Standards for Rehabilitation
U.S. Department of the Interior National Park Service (1990)**

Building Site:

Recommended:

-Identifying, retaining, and preserving buildings and their features as well as features of the site that are important in defining its overall historic character. Site features can include driveways, walkways, lighting, fencing, signs, benches, fountains, wells, terraces, canal systems, plants and trees, berms, and drainage or irrigation ditches; and archeological features that are important in defining the history of the site.

-Retaining the historic relationship between buildings, landscape features, and open space.

Not Recommended:

-Introducing a new landscape feature or plant material that is visually incompatible with the site or that destroys site patterns or vistas.

Alterations/Additions for the New Use

- -Introducing new construction onto the building site which is visually incompatible in terms of size, scale, design, materials, color and texture or which destroys historic relationships on the site.

District/Neighborhood

Recommended:

-Identifying, retaining, and preserving buildings, and streetscape, and landscape features which are important in defining the overall historic character of the district or neighborhood. Such features can include streets, alleys, paving, walkways, street lights, signs, benches, parks and gardens, and trees.

Not Recommended:

Alterations/Additions for the New Use

-Introducing new construction into historic districts that is visually incompatible or that destroys historic relationships within the district or neighborhood.

D. FINDINGS

1. The William Lee Residence, located at 625 9th Street South is contributing to the Minneapolis South 9th Street Historic District.
2. The proposed gazebo/garden folly will constitute new construction within the Minneapolis 9th Street Historic District.
3. The proposed gazebo/garden folly will be constructed of wood with wrought iron side panels and will be located in the side yard historically associated with the property.
4. The scale, massing, and location of the proposed structure will not detract from the historic integrity of the Lee house or the South 9th Street District as a whole.
5. The stylistic details of the proposed gazebo/garden folly will make stylistic reference to design elements of the Lee house, will be visually compatible, and will be distinguished as new construction.
6. The overall landscape plan for the proposed project will retain and incorporate existing vegetation such as lilac bushes, honey locust, Boston ivy, and crab apple trees.
6. The landscape plan, along with the proposed new gazebo/garden folly will provide screening of adjacent surface parking, and will visually enhance the Lee house and by extension the South 9th Street Historic District.

E. STAFF RECOMMENDATION:

That the Heritage Preservation Commission **adopt** the staff findings and **approve** the Certificate of Appropriateness with the following condition:

- 1) All final plans, elevations and drawings are subject to review and approval by CPED-Preservation staff.

Attachments:

1. Certificate of Appropriateness application, March 28, 2007
2. Site plan, scaled drawings of proposed work