



Request for City Council Committee Action from the Department of Community Planning & Economic Development - Planning Division

Date:

**To: Council Member Gary Schiff, Chair, Zoning & Planning Committee and
Members of the Committee**

Referral to: Zoning & Planning Committee

Subject:

Name of Appellant: N/A

Name of Original Applicant: *Lars Peterssen, Peterssen/Keller Architecture*

Property Address: 20 Park Lane

Ward #: 7

At their October 12, 2010 meeting, the Heritage Preservation Commission voted to recommend approval of the historic variance to the Zoning and Planning Committee to allow for a third-story addition and to allow for the third-story addition to have less windows than the minimum requirement.

Recommendation:

The Heritage Preservation Commission did not uphold the staff recommendation to deny the historic variance for the property at 20 Park Lane, Ward, 7. At their October 12 meeting, the Heritage Preservation Commission voted (5-0) to recommend approval of the historic variance to the Zoning and Planning Committee to allow for a third-story addition and to allow for the third-story addition to have less windows than the minimum requirement.

The original staff recommendation is as follows: Deny a historic variance to allow for a third-story addition and to allow for an addition that does not meet the minimum window requirements.

Previous Directives: N/A

Prepared by: Aaron Hanauer, Senior City Planner, (612) 673-2494

Approved by: Jack Byers, Planning Manager, (612) 673-2634

Presenters in Committee: Aaron Hanauer, Senior City Planner, (612) 673-2494

Financial Impact *(delete all lines not applicable to your request)*

- No financial impact

Community Impact

- Neighborhood Notification: The Cedar-Isles-Dean Neighborhood Association was notified of this application by letter, mailed on September 20, 2010
- City Goals: See staff report
- Comprehensive Plan: See staff report
- Zoning Code: See staff report
- End of 60-120-day decision period: N/A

Background/Supporting Information

In addition to the historic variance application, the Applicant applied for a Certificate of Appropriateness application to allow for a rehabilitation and new addition project. The Heritage Preservation Commission voted (4-1) to approve the Certificate of Appropriateness application with the following conditions:

1. The proposed vinyl clad replacement windows are not allowed.
2. The Applicant shall receive final HPC approval on the proposed windows.
3. CPED-Planning Preservation Staff shall review and approve the final plans and elevations prior to building permit issuance.
4. The Certificate of Appropriateness approval shall expire if it is not acted upon within one year of approval, unless extended by the Planning Director in writing prior to one-year anniversary date of approvals.

Attachments

Heritage Preservation Commission actions and minutes

Attachment A1-A5: Staff report

Attachment B1-B38: Materials submitted by CPED

Attachment C1-C129: Materials submitted by Applicant

Attachment D1-D5: Public comments

Attachment E1-E9: Public comments submitted after staff report publication

**CITY OF MINNEAPOLIS
CPED PLANNING DIVISION
HERITAGE PRESERVATION COMMISSION STAFF REPORT
BZH #26347**

ADDRESS: 20 Park Lane

CATEGORY/DISTRICT: Minneapolis Local Landmark

CLASSIFICATION: Historic Variance

APPLICANT: Lars Peterssen,

DATE OF APPLICATION: August 18, 2010

PUBLICATION DATE: October 5, 2010

DATE OF HEARING: October 12, 2010

APPEAL PERIOD EXPIRATION: October 22, 2010

STAFF INVESTIGATION AND REPORT: Aaron Hanauer, 612-673-2494

REQUEST: Historic variances to allow for a third-story addition and to reduce the minimum window requirement for an addition.

A. SITE DESCRIPTION AND BACKGROUND:

PROPERTY INFORMATION	
Current name	Lacey Residence
Historic Name	V.M.S. Kaufmann House
Current Address	20 Park Lane
Historic Address	20 Park Lane
Original Construction Date	1935
Original Contractor	Nelson and Benson
Original Architect	Wessel, Brunet, and Kline
Historic Use	Residential (Single-Family)
Current Use	Residential (Single-Family)
Proposed Use	Residential (Single-Family)

CLASSIFICATION:	
Individual Landmark	V.M.S. Kaufmann House 20 Park Lane
Period of Significance	1935-Present
Criteria of significance	Architecture
Date of local designation	1987
Applicable Design Guidelines	N/A

B. PROPOSED CHANGES:

Influenced by the examples of modern architecture at the Chicago World's Fair in 1933, V. Mel Kaufmann was determined to build an International style house. He hired architect James Brunet, a recent graduate of the University of Minnesota, to design a home that would capture the theme of "progress" on the shores of Cedar Lake. Surrounded by traditional homes, the modern design with its stucco exterior and flat roof stands out for its architectural distinctiveness. It evokes Le Corbusier's idea of a house as a "Machine for Living" where all superfluous ornamentation is stripped away. Architect Brunet used the latest advances in plumbing, materials and equipment throughout the house. Having been in the first class to be schooled in the "modern design," Brunet designed a prime example of the latest trends in architecture. After the house was built, professors from the University would have bus loads of students come for field trips (City of Minneapolis website).

The house has had four owners. The Kaufmanns lived in the house from 1936-1979. Robert and Julie Weber purchased the house in 1979 and lived there until 1986. In 1987, Penny and John Bynre purchased the property and lived there until 2001. In 2001, the Lacey's purchased the property.

The house was designated in April 1987. From the time the house was built to the designation, the Kaufmann House experienced minimal exterior alterations (see Attachment B37-B38). In the later part of 1987, Penny and John Byrne received Minneapolis Heritage Preservation Commission (HPC) approval for a second-story addition that included adding a new master bedroom, a new family room, and a roof terrace. The restoration also included a complete replacement of the stucco siding, extensive structural repair, as well as re-plastering the entire interior. In addition, the kitchen was renovated and expanded to meet the needs of the owner. This 1987 addition, designed by Meyer, Scherer, and Rockastle, received a 1992 Minneapolis Heritage Preservation Commission award for a new addition to an historic residential building (Attachment B21-B34).

In November 1990, the Byrnes received Heritage Preservation Commission approval for a third-story addition. However, this addition was not built (Attachment C36-C38).

SUMMARY OF APPLICANT'S PROPOSAL

The Applicant states: "Roger and Neroli Lacey have lived in the V.M.S. Kaufman House on Cedar Lake at 20 Park Lane for ten years, and in that time their family has grown.

Both are working professionals and one often works out of the home. The home, which the Lacey's specifically bought for the combination of modern design and its exceptional location, is an early example of the International Style. When the home was published in Architectural Forum in 1937, the program for the house described as: "PROBLEM: To design a house of use chiefly on the week-ends, by a couple with no children (Attachment B5-B6)." Mr. Peterssen also states that, "In the time our clients have lived there, they have begun to feel the home's limitations. They love the home, but it does not have enough space for a growing and active family" (Attachment C8).

"The renovations and additions that are being proposed by Peterssen/Keller build on the precedents set by the additions designed by MS&R that were subsequently approved by the HPC [in 1991] (Attachment C36-C38). As with the previous alterations, the proposed design matches the material, detail, color, form and style of the original 1936 home. Also, as with the previous MS&R additions, the distinction between new and old is not explicitly clear in every instance. Both the MS&R additions had points where the new additions to the home continued planes of stucco from the existing 1936 home to the new additions. The proposed design exhibits this as well, however it is done in careful and judicious manner."

The Historic Variance application includes two requests:

1. Construction of a third-story addition.

The Applicant is proposing to add a third-story addition that contains 738 square feet of living space (Attachment C26-C30). The addition includes a master suite, which consists of a bedroom, bathroom, closet and dressing area, and a small sitting area with access to a roof terrace overlooking Cedar Lake. The addition would be built with stucco to match the existing stucco (A-200), and glass block windows to reflect original construction. The Applicant had a structural analysis completed, and it was found that the existing structure could support the addition (Attachment C66-C71).

The maximum number of stories allowed for a single-family home is two-and-a-half stories. The top floor is considered a half story when the gross floor area of the half story is located under a gable or hip roof and all of the roof rafters shall abut the floor joists, except at gable ends or where dormers are allowed (520.160).

The proposed third story addition is not allowed by the zoning code because it does not meet the definition of a half story.

2. Allowing a building addition that does not meet the minimum window requirements.

For the third story addition, the Applicant is proposing glass block windows on the front elevation. The glass block windows would be compatible with the design of the first floor elevation, which features glass block. However, glass block is not counted towards meeting the minimum window requirement stated in 535.90: "Not less than fifteen (15) percent of the walls on each floor of single and two-family dwellings and multiple-family dwellings of three (3) and four (4) units that face a public street shall

be windows. “ As proposed, the street facing elevation of the third-story addition would have approximately 1.4% window coverage.

Additionally, the north elevation of the proposed addition does not have any windows. This is not in compliance with section 535.90 of the zoning code, which states, “Not less than five (5) percent of the walls on each floor of single and two-family dwellings and multiple-family dwellings of three (3) and four (4) units that face a rear or interior side lot line shall be windows.” As proposed, the third story addition on the north elevation would have 0% window coverage.

C. FINDINGS REQUIRED FOR A HISTORIC VARIANCE:

1. 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.

As outlined in the Certificate of Appropriateness report for this project, staff finds that the third story addition is not compatible with the preservation of this property. The addition would adversely impact the scale, size, and massing of the original construction. The proposed addition would have a substantial impact on the integrity of design for the house, which is of great importance for a property designated for its architecture. Additionally, staff finds that the proposed addition is not in keeping with the Secretary of the Interior’s Standards for the Treatment of Historic Properties.

The glass block windows, which do not meet the zoning code’s requirements for window coverage, would be compatible with the preservation of the property because they match the glass block windows on the first floor, part of the original design of the house.

The north elevation of the house has relatively few windows, though both the first and second stories do include windows. Inclusion of windows on the third-story addition to fulfill the requirements of the zoning code would not be incompatible with the preservation of the property.

2. Before recommending approval of a historic variance, the commission shall make findings 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.

The historic variance is not necessary to alleviate undue hardship due to special conditions or circumstances unique to the property and not created by the applicant. The existing house is 3,382 square feet in area. While this is less than the maximum FAR allowed under the zoning ordinance, the house is not small. Small additions to the first floor, if approved by through the Certificate of Appropriateness process, would provide some additional space.

The prohibition of a third story is not unique to this property- it applies to all single-family residences in the City of Minneapolis. The inability to construct a “half-story” with a flat roof is also not considered a hardship. The definition of a half story is

outlined in the zoning code, and one of the requirements is that a half story be located completely under a hipped or gabled roof. The code itself cannot be the cause of a hardship. This circumstance is also not unique to this property. While flat roofed houses are not found in great numbers in Minneapolis, all such properties are subject to this provision of the code. The need for the variance is being created by the Applicant's request to build an addition that is not in compliance with the zoning code.

The variance is also not needed to alleviate undue hardship in regard to the window requirements. While the first floor of the front elevation does feature glass block, the second story of this elevation, and all other elevations of the house, contain other styles of windows that would be counted towards meeting the minimum window requirement. The existing north elevation of the house does feature windows, thus the third story addition could include them without having an impact on the integrity of the design of the house. It would be possible to design an addition that is both sympathetic to the design and integrity of the house and in compliance with the window requirements of the zoning code. The need for the window variance is being created by the Applicant's proposal to use glass block instead of windows on the street facing elevation and to not include any windows on the north elevation.

D. PUBLIC COMMENT

Notices were mailed on September 28, 2010. No public comments have been received.

E. STAFF RECOMMENDATION:

Staff recommends that the Heritage Preservation Commission **adopt** staff findings and **deny** a historic variance to allow for a third-story addition and to allow for an addition that does not meet the minimum window requirements.

Attachments:

Attachment A: Staff Report (A1-A12)

Attachment B: Materials submitted by CPED

- B1: Context Map
- B2: Future Land Use Map

- B3-B4: Aerials
- B5-B6: 1937 Architectural Forum Article
- B7-B10: August 8, 1982 Star Tribune Article
- B11-B14: 1987 Nomination Form
- B15-B20: August 27, 2003 Star Tribune Article
- B21-B34: 1992 HPC Award for a New Addition
- B35-B36: September 5, 1981 Hill and Lake Press Article
- B37: Front Elevation Comparison
- B38: Rear Elevation Comparison

Attachment C: Materials submitted by Applicant– (C1-C114)

- C1-C2: Certificate of appropriateness application
- C3-C4: Council member and neighborhood notification
- C5-C7: Applicant zoning review
- C8-C17: Project narrative
- C18-C20: Evaluation of Secretary of Interior’s Standards for Rehabilitation

Proposed Plan Set

- C21: Proposed Plan Set Title page
- C22: Proposed site plan
- C23-C26: Proposed floor plan set
- C27-C30: Proposed elevations
- C31-C32: Building sections
- C33: Window detail
- C34: Comparison
- C35: Height comparison with neighboring properties

Historical Development

- C36-C38: 1991 proposal
- C39-C42: Historic development analysis
- C43-C44: Applicant renderings
- C45-C47: Circa 1988 photographs
- C48-C52: Present photographs

Landscape Plan

- C53: Existing site plan
- C54-C55: Proposed site plan and details

Existing Plan Set

- C56: Existing site plan:
- C57-C60: Existing floor plan set
- C61-C62: Existing elevations

Other Details

- C63-C65: Interior remodeling and construction detail
- C66-C71: Structural engineer information
- C72-C95: Contemporary detail images

Window Information

- C96-C129: Window narrative, analysis and product information

Attachment D: Historic Variance Information

- D1-D3: Historic Variance Application
- D4-D5: Variance Statement

Minneapolis Heritage Preservation Commission

October 12, 2010, Room 317 City Hall

Staff: Aaron Hanauer

Planning Supervisor: Jack Byers

Date of Z&P Meeting: November 10, 2010

ITEM SUMMARY

Address: 20 Park Lane, V.M.S. Kaufmann House – Individual Landmark, Ward 7

Description: Historic Variance for a third-story addition and for not meeting the zoning code minimum window requirement for a new addition.

Action: Notwithstanding staff recommendation, the historic variance was approved to allow for a third-story addition and to allow for the third-story addition to have less windows than the minimum requirement.

TRANSCRIPTION

Chair Larsen: Now comes Item #4, and that is going to be whether or not we approve of the historic variance. It's not a change in the zoning code, just whether or not we are allowing a unique one-time change for this particular property.

Commissioner Lemmon: Do we need a presentation, or can we just have a discussion?

Chair Larsen: Well, let's get the rundown on it and then we'll get any public comment on it and then we can discuss it.

Staff Hanauer: So there are two items for this historic variance, the third story addition and the window coverage. There is one correction that needs to be made and that's on the north elevation. The staff report states that the window coverage is not met on both the east elevation (the front elevation) as well as the north elevation (the side elevation). The third story addition on that north elevation does meet the window coverage, so it is only the front elevation that we will be focusing on when reviewing window coverage.

The purpose of an historic variance is to encourage the preservation and reuse of landmarks and properties in historic districts by providing the commission with an acceptable recommended departure from the literal requirements of any of the applicable zoning regulations. The two questions to ask when analyzing a historic variance are is this compatible with the preservation of the property and is there an undue hardship. You saw how staff recommended for the third story addition, stating that the addition wasn't compatible with the preservation of the property. The argument was that it overwhelmed the scale and massing of the original construction and

that there wasn't an undue hardship for that third story addition based on looking at the existing size of the home and it being functional, being able to function as a single family residence for 75+ years. Staff does recognize that the requirements for a flat roof structure are stricter compared to a gable/hip roof structure in that you can not have additional living space above the second floor.

For the window discussion, staff recognizes and understands the intent of the design of the third story addition and the proposed window and sees it as compatible with the design of the original construction. In the argument for undue hardship, staff did state that there was a potential to meet the window coverage with the design; but I want to say that we recognize what they are proposing is compatible with the property.

For those reasons, staff is recommending denial for that third story addition and the window coverage. One last point, the intent of that window coverage, as you likely know, is to have eyes on the street and not to have these blank walls. That's the intent of having transparent windows, that you can see in and out of the home. Glass block windows often prevent one or both of those.

Chair Larsen: Ok, questions for staff before we open up the public hearing? Ok, we'll open up the public hearing ... so you are just going to cover this section, right? Ok.

Lars Peterssen: I had never applied for an historic variance before and so I had to do some research into this. So you may all be really familiar with the variance and what it means and what it doesn't mean but I would just like to reiterate a couple things. Section 525.530 of the Minneapolis Zoning Code says "in order to promote the use of historic properties, the city council may also grant variances from the provisions of this zoning ordinance to locally designated properties" which of course this is one. What I understand, I spoke to Carole Lansing at Fagre and Benson, and Carole said that the rationale for historic variances is that they provide more flexibility to an historic property than is provided by the zoning code because of the need for the historic character to be maintained. Then also from Section 599.520 "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 an undue hardship due to special conditions or circumstances unique to the property and not created by the applicant. Actually not being able to comply with the zoning code because of the home's designation as a landmark is a hardship for the purposes of an historic variance. If the home was not a designated landmark, a third floor in the form of a half-story under a gable roof would be allowed and would not be subject to the minimum window requirement, as a half story is exempt from the 15% requirement – that's 535.90. So, basically what we're saying is any two-story flat roofed home in the city has an opportunity to put more space on top. This one, because it has as one of its defining characteristics that it has a flat roof, I just wanted to show you what is appropriate under the zoning code now, a gable roof ...

Chair Larsen: Not really appropriate, but that might be what's allowable.

Lars Peterssen: I'm not using that word well at all ... it's allowable, it's allowable to do this and actually to make it even higher than the gable that is shown here. Then to contrast the third story that we're proposing, which is not allowable by the zoning code but which you found is historically appropriate. In the back it's kind of the same thing. This is a, part of the findings, one of the findings is that it is compatible with other properties in the neighborhood, so we've included this which was requested by the city, this elevation which also has elevations marked or noted by a surveyor to show the relationship of the proposal to the other houses that are right next to it. These are not unusually big houses or small houses for the area, they are kind of average houses and it shows that. In the dotted line above the house, the Kaufmann house, shows how high a gable could be under the zoning code. It's allowed to be 30 feet to the midpoint of the gables. So the house could be almost as big as this one next door to it. So, I'm reading this because the legal language sometimes escapes me. If the property was not a locally designated landmark, the proposed third floor space could be constructed under a gable roof without any street facing windows and fully comply with the zoning code. Since this is a historic property, the required findings for an historic variance are that: one, the third floor addition is compatible with preservation of the property; two, compatible with other properties in the neighborhood; and three, the variance is necessary to alleviate an undue hardship due to special conditions and circumstances unique to the property and not created by the applicant. The special condition that is unique to this property is that it is a locally designated landmark and the only appropriate addition would be one with a flat roof because that is a defining characteristic of the international style and of this home. This condition was not created by the applicant. The hardship is that the designation of the V.M.S. Kaufmann house as a historic landmark does not allow the owners to fully comply with the zoning code in constructing a third story addition that would be considered a half story under the definition of the zoning code. If it is found that the Certificate of Appropriateness should be granted for the third floor, then the historic variance must also be approved so that the addition can receive a full permit and be constructed. Thank you.

Chair Larsen: Ok, can you go back one and just leave it there? Thank you. Alright, is there anybody else that wishes to speak either for or against this application, please step forward. Ok, seeing none we'll close the public hearing. Commissioners? Commissioner Kelley.

Commissioner Kelley: Ok, sorry if this is off point, but it seemed like this was the place where we would consider that context and clearly anything but a flat roof would be very detrimental to the historic look and feel of this structure and in context to the neighbors as seen from the street or from the water, the profile of the house or the third story does not seem obtrusive or large to me. I think I generally agree with the applicant's arguments along those lines except that what we haven't really nailed is the glass block windows. They are attractive to me but I certainly don't have any particular dispute with what staff has said about the regs in that respect. So I'm kind of inclined towards granting this, but I'd like to hear what everyone else has to say again about windows.

Commissioner Lemmon: I guess part of this goes back to the fact that we were looking at an international style building, and international style buildings did often have the glass block. It did tend to use large planes of actually mostly stucco. And so I would say in keeping with us wanting to retain the character of the building, by retaining its international style, that we are also

saying that we are accepting the fact that a third story for zoning is fine and compatible with the style. That we feel the design is kept as well as the window. Part of that is the windows have to do with the calculations as Aaron mentioned, yes, there's having eyes onto the street. But also there is day lighting and other things that are taken into consideration with those, and in order to retain that international style in some ways it comes down to style and it begins to move aside some of the other criteria as to why that is in place.

Chair Larsen: I'd also just follow up. I think one of the main impetuses if I'm not mistaken for the percentage of windows on the façade has to do with a lot of the construction done on the north side and the substandard housing and no windows on particular walls ... to make sure there's a minimum standard for day lighting. And so the fact that we're providing day lighting via glass block which meets the style and there is other light within the structure, satisfies my issue on the matter. Commissioner Hunter Weir.

Commissioner Hunter Weir: Well, I find myself in an odd position since I didn't support the third floor addition, but I think a variance is in order because I do think that this presents a real hardship to the owners not to be given that. And I also, whatever the merits of glass block, I love the look of glass block, it's the way to go. I have no problem with it.

Chair Larsen: Ok, I'll make a motion that we adopt, that the Heritage Preservation Commission approves the historic variance to allow a third story addition and to allow for an addition that does not meet the minimum requirements. And I'll make those based on the findings of fact that the third floor addition is compatible with the preservation of the property and that it's compatible with other properties in the neighborhood, and that it's necessary to alleviate an undue hardship due to special conditions and circumstances unique to the property and not created by the applicant. This is highlighted by the lack of a basement and then also, certainly, to the elevations, the heights, of the neighboring properties and therefore not created by the applicant. Likewise with the windows not meeting the requirement, likewise that the minimal use of windows and the use of glass block and stucco are fitting with the style of the international style and therefore meets the definition of hardship in this case.

Commissioner Kelley: I'll second that.

Chair Larsen: Ok, Commissioner Kelley ... is there additional discussion on the motion? Ok, seeing none we'll call the roll.

Clerk: Commissioner Hunter Weir?

Commissioner Hunter Weir: Aye.

Clerk: Lemmon?

Commissioner Lemmon: Aye.

Clerk: Larsen?

Chair Larsen: Aye.

Clerk: Kelley?

Commissioner Kelley: Aye.

Clerk: Haecker?

Commissioner Haecker: Aye.

Chair Larsen: That motion carries.