

Department of Community Planning and Economic Development – Planning Division**Variance Request
BZZ-2787****Date:** February 2, 2006**Applicant:** Billy Smith, on behalf of Gary Aulik**Address of Property:** 2374 West Lake of the Isles Parkway**Contact Person and Phone:** Billy Smith, (952) 591-1500**Planning Staff and Phone:** Paul Mogush, (612) 673-2670**Date Application Deemed Complete:** December 28, 2005**End of 60 Day Decision Period:** February 21, 2006**Appeal Period Expiration:** February 13, 2006**Ward:** 7 **Neighborhood Organization:** Kenwood-Isles Area Association**Existing Zoning:** R2B Two-Family District and SH Shoreland Overlay District**Proposed Use:** New addition to the front and side of an existing single-family home

Proposed Variances: A variance to reduce the required front yard setback along West Lake of the Isles Parkway from the setback established by the adjacent residential structures to 26 feet to allow for the construction of an addition on the west side of an existing single-family dwelling and a variance to allow a deck in the required front yard for the property located at 2374 West Lake of the Isles Parkway in the R2B Two Family District and SH Shoreland Overlay District.

Zoning code section authorizing the requested variance: 525.520 (1)

Background: The subject property is a 13,150 square-foot lot with an existing single-family home. The applicant is proposing to demolish a portion of the home measuring approximately 10 feet by 28 feet and replace it with a side 2-story addition of approximately 26 feet by 20 feet. The applicant also proposes to construct a 136 square-foot terrace in front of the new addition. Because a terrace is not specifically addressed in the zoning code, this report will refer to the terrace as a deck. The proposed addition would project 10 feet into the required yard at the most restrictive point, so the applicant is seeking a variance to reduce the front yard setback from the setback established by the adjacent residential structures to 26 feet. The proposed deck is located entirely within the required front yard, where decks of greater than 50 square feet are not a permitted obstruction. Therefore, the applicant is seeking a variance to allow a deck of 136 square feet in the required front yard.

CPED preservation planners are conducting a resource study of properties in the Kenwood neighborhood in order to identify potential homes for historic designation. This study is not yet complete, however, and no properties have been suggested as potential historic resources. The proposed additions outlined in this report are not subject to Historic Preservation Commission approval.

Findings Required by the Minneapolis Zoning Code:

- 1. The property cannot be put to a reasonable use under the conditions allowed by the official controls and strict adherence to the regulations of this zoning ordinance would cause undue hardship.**

Front yard setback: The applicant proposes a 26 foot by 20 foot addition to a single family home, projecting 10 feet into the required front yard established by the two adjacent residential structures. The structure immediately west of the subject property, 2380 West Lake of the Isles Parkway, faces southwest to follow the curve of the street as it transitions to Kenwood Parkway. This creates a situation in which the established front yard setback cuts through the existing home on the subject property. Strict adherence to the front yard setback regulation would cause undue hardship because it prevents any addition to the side of the house that follows the existing front façade. In fact, the applicant proposes to step the addition back from the existing front façade, roughly maintaining the relationship between the front of the house and the setback line.

Deck in the required front yard: The applicant proposes a 17 foot by 8 foot deck on the front of the proposed addition. Because the deck is consistent with the exterior materials and architectural features of the existing home, staff believes it to be a reasonable use that would otherwise not be permitted under the conditions allowed by the official controls of the zoning code. Staff finds a similar hardship to that associated with the front yard setback variance, in that the established setback is unduly restrictive based on the orientation of the adjacent structure to the west.

- 2. The circumstances are unique to the parcel of land for which the variance is sought and have not been created by any persons presently having an interest in the property. Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of the ordinance.**

Front yard setback: The applicant proposes a 26 foot by 20 foot addition to a single family home, projecting 10 feet into the required front yard established by the two adjacent residential structures. The structure immediately west of the subject property, 2380 West Lake of the Isles Parkway, faces southwest to follow the curve of the street as it transitions to Kenwood Parkway. This creates a situation in which the established front yard setback cuts through the existing home on the subject property. The orientation of the surrounding homes and the curvilinear intersection between Kenwood Parkway and Lake of the Isles Parkway is indeed unique, and is not a circumstance created by the applicant.

Deck in the required front yard:

The applicant proposes a 17 foot by 8 foot deck on the front of the proposed addition, located entirely within the required front yard established by the two adjacent residential structures. The structure immediately west of the subject property, 2380 West Lake of the Isles Parkway, faces southwest to follow the curve of the street as it transitions to Kenwood Parkway. This creates a situation in which the established front yard setback cuts through the existing home on the subject property. The orientation of the surrounding homes and the curvilinear intersection between Kenwood Parkway and Lake of the Isles Parkway is indeed unique, and is not a circumstance created by the applicant.

- 3. The granting of the variance will be in keeping with the spirit and intent of the ordinance and will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity.**

Front yard setback: The applicant proposes to step the addition back from the existing front façade, roughly maintaining the relationship between the front of the house and the setback line. This meets the intent of the required yard ordinance, which is to provide a uniform building line down a block face, preserve views up and down the street, and to ensure access to light and air.

Deck in the required front yard: Because the proposed deck is consistent with the exterior materials and architectural features of the existing home, and because many other homes facing Lake of the Isles have front terraces, staff believes it will not alter the essential character of the locality. The proposed deck is approximately 44 feet from the nearest home, so staff does not expect that it will be injurious to the use or enjoyment of other property in the vicinity. However, the visual impact of the proposed deck would be reduced substantially if landscaping is incorporated around the deck.

- 4. The proposed variance will not substantially increase the congestion of the public streets, or increase the danger of fire, or be detrimental to the public welfare or endanger the public safety.**

Front yard setback: Granting the variance to allow an addition projecting into the required front yard should have no effect on congestion. The proposed addition will be approximately 16 feet from the side property line, so it will not increase the danger of fire, or be detrimental to the public welfare or endanger the public safety.

Deck in the required front yard: Granting the variance to allow a deck in the required front yard should have no effect on congestion. The proposed deck will be approximately 30 feet from the side property line, so it will not increase the danger of fire, or be detrimental to the public welfare or endanger the public safety.

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Recommendation of the Department of Community Planning and Economic Development - Planning Division:

The Department of Community Planning and Economic Development – Planning Division recommends that the Board of Adjustment adopt the findings above and **approve** the variance to reduce the required front yard setback along West Lake of the Isles Parkway from the setback established by the adjacent residential structures to 26 feet to allow for the construction of an addition on the west side of an existing single-family dwelling and **approve** the variance to allow a deck in the required front yard for the property located at 2374 West Lake of the Isles Parkway in the R2B Two Family District and SH Shoreland Overlay District.