

Department of Community Planning and Economic Development - Planning Division Report

Variance Request
BZZ-4120

Date: August 14, 2008

Applicant: Cari Erickson

Address of Property: 1120 Mount Curve Avenue

Contact Person and Phone: Cari Erickson, (612) 226-6755

Planning Staff and Phone: Aaron Hanauer, (612) 673-2494

Date Application Deemed Complete: July 16, 2008

Publication Date: August 8, 2008

Public Hearing: August 14, 2008

Appeal Period Expiration: August 25, 2008

End of 60 Day Decision Period: September 7, 2008

Ward: 7 **Neighborhood Organization:** Lowry Hill

Existing Zoning: R2/Two Family District and SH/Shoreland Overlay District

Proposed Use: Landscaping project and front patio/terrace

Proposed Variances:

- A variance to allow for the maximum width of a walkway to be increased from 4 feet to 6 feet in the front yard setback;
- A variance to allow for the maximum width of the stairs to be increased from 6 feet to 8 feet in the front yard setback;
- A variance to allow for the maximum size of a landing to be increased from 36 square feet to 127 square feet in the front yard setback;
- A variance to allow for a ground level patio/terrace that exceeds 50 square feet in area and projects more than 4 feet into the front yard setback.

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

CPED Planning Division
BZZ-4120

Background: The subject site is an interior lot that is 93 feet wide and 10,045 square feet in area. The lot area measurement and width exceed the R2 Zoning District requirements of 40 feet and 5,000 square feet respectively. The subject property contains a two-story, single-family dwelling that was built in 1923. The principal structure on the subject property is located 59 feet from the front property line. Even though the R2 Zoning District front yard setback requirement is 20 feet it is located within the established front yard setback, per Minneapolis Zoning Code provision 546.160 (b). The Minneapolis Zoning Code provision 546.160 (b) requires a property with neighboring properties setback further than the Zoning District setback to be at or behind an imaginary line that connects the corners of the adjacent properties nearest the street.

On May 2, 2008, the applicant received a stop work order from City of Minneapolis Zoning Inspectors for constructing a landscaping project that did not meet the City of Minneapolis Zoning Code. The property owner, Ms. Erickson, submitted a variance application for the proposed project on May 22, 2008.

Proposal: The applicant proposes to maintain the landscaping project as shown in the site plan (see Appendix B13 and B5-B11). There are three parts to the project. First, a 550-square foot ground level patio at the front entrance. Second, a six-foot wide walkway that leads from the front patio to the southeast property line. In addition to the walkway, the path includes eight-foot wide stairs, and a 127 square foot landing. The third part of the project is the retaining walls, shrubs, and edges.

Zoning Code Analysis

The proposal does not meet the following code requirements from Table 535-1 of the City of Minneapolis Zoning Code:

- In a front or corner side yard stairs shall not exceed six (6) feet in width and entrance landings shall not exceed thirty-six (36) square feet in area
- Walkways, not exceeding four (4) feet in width.
- Balconies, decks and ground level patios not exceeding fifty (50) square feet in area and projecting not more than four (4) feet into the required yard.

Public Comment: CPED notified property owners within 350 feet of the variance request on July 24, 2008. As of August 5, 2008, there has been one letter submitted in support of the variance request and one letter against the variance request (see Appendix H).

Notice Information: This application was noticed for a variance to allow for a residential lot to exceed the 65 percent maximum impervious surface coverage requirement. Staff received information from the applicant after the notice went out that shows the impervious surface of the lot with the front patio is 54 percent.

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.**

Walkway/stairs/landing: The applicant proposes a walkway that is six feet in width, stairs that are eight feet in width, and a landing that is 127 square feet. Strict adherence to the Zoning Code limits the width of a walkway to four feet, stairs to six feet, and a landing to 36 square feet within the front yard setback. CPED does not recognize a hardship on the lot for this variance request; however, it recognizes that the walkway, stairs, and landing are a reasonable request for ongoing use of the property given the character of the surrounding properties.

Terrace/Patio: The applicant has built and proposes to maintain the front terrace that is approximately 550 square feet. Strict adherence to the Zoning Code limits the width of a front patio to 50 square feet in area and to not project more than four feet into the required yard. Even though the principal structure was built prior to the Zoning Code and is already within the front yard setback, CPED-Planning does not recognize a hardship on the lot for this variance request, but recognizes that the patio is a reasonable request for ongoing use of the property given the character of the surrounding properties.

- 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.**

Walkway/stairs/landing: Similar to other properties along Mount Curve Avenue, the subject property is not a standard Minneapolis lot. A 2005 Historic Resource Inventory stated the following about the properties along Mount Curve Avenue: “The residences along Mount Curve Avenue represent the early residential development trends of wealthy individuals who moved away from the city center during the late nineteenth and early twentieth centuries. The lot size, scale, form, massing, and architectural detail of the residences are much larger and more elaborate than the residences within the surrounding areas of Lowry Hill (see Appendix G3).” Even though the walkway, stairs, and landing do not meet the City of Minneapolis Zoning Code size and width requirements, they are comparable in size to many properties along Mount Curve and in the neighboring area (see Appendix E).

Terrace/Patio: Similar to other properties along Mount Curve Avenue, the subject property is not a standard Minneapolis lot. A 2005 Historic Resource Inventory stated the following about the properties along Mount Curve Avenue: “The residences along Mount Curve Avenue represent the early residential development trends of wealthy individuals who moved away from the city center during the late nineteenth and early twentieth centuries. The lot size, scale, form, massing, and architectural detail of the residences are much larger and more elaborate than the residences within the surrounding areas of Lowry Hill.” Even though the patio does not meet the City of Minneapolis Zoning Code requirement for size and for how far it is allowed to extend,

the patio is comparable to many properties along Mount Curve and in the neighboring area (see Appendix E).

- 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.**

Walkway/stairs/landing: The spirit and intent of the zoning code walkway, stair, and landing size requirements is two fold. First, to ensure that the size of walkways, stairs, and landings are compatible with the size of the lot and are in character with the neighborhood, and second, to try and limit the impervious surface of the property. Staff believes that the proposed six-foot wide walkway, eight-foot wide stairs, and 127-square foot landing will not negatively alter the essential character of the surrounding neighborhood.

The subject property was also identified in a 2005 Historic Resource Inventory as a contributing structure to the proposed Mount Curve Historic District (see Appendix G). In this survey, the report mentions that the lot size, scale, form, massing, and architectural detail of the residences along Mount Curve Avenue are much larger and more elaborate than the residences within the surrounding areas of Lowry Hill (see Appendix E for examples). In addition to being compatible with the character of the surrounding neighborhood, the impervious surface coverage with the landscaping/patio project will not exceed 65 percent, which is the maximum allowed by the Zoning Code.

Terrace/Patio: The spirit and intent of the ordinance to the limit the size of a terrace if two fold. First, to ensure that terraces do not increase the impervious surface of the property to a level greater than the impervious surface requirements of the Zoning Code. Second, to limit the number of front patios that are built since they are not a typical City of Minneapolis residential property feature.

Staff believes that the proposed patio meets the first intent of the ordinance. The impervious surface coverage with the landscaping/patio project will not exceed 65 percent. In addition, staff believes that even though the Zoning Code limits the size of patios more than open front porches, a patio is sensitive to the Italian Renaissance architectural style house, which is a potential historic resource. There are examples along Mount Curve Avenue that have a front patio that is greater in size than what the Zoning Code allows (see Appendix E). And the lot size, scale, form, massing, and architectural detail of the residences [along Mount Curve Avenue] are much larger and more elaborate than the residences within the surrounding areas of Lowry Hill and the City as a whole.

- 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.**

Walkway/stairs/landing: Granting the variances would likely have no impact on the congestion of area streets or fire safety, nor would the proposed dwelling be detrimental to the public welfare or endanger the public safety.

Terrace/Patio: Granting the variances would likely have no impact on the congestion of area streets or fire safety, nor would the proposed dwelling be detrimental to the public welfare or endanger the public safety.

Recommendation of the Department of Community Planning and Economic Development:

The Department of Community Planning and Economic Development Planning Division recommends that the Board of Adjustment **adopt** the findings above and

- **Approve** a variance to allow for the maximum width of a walkway to be increased from 4 feet to 6 feet in the front yard setback;
- **Approve** a variance to allow for the maximum width of the stairs to be increased from 6 feet to 8 feet in the front yard setback;
- **Approve** a variance to allow for the maximum size of a landing to be increased in the front yard setback from 36 square feet to 127 square feet;
- **Approve** a variance to allow for a ground level patio/terrace that exceeds 50 square feet in area and projects more than 4 feet into the front yard setback.

To allow for a landscaping project at 1120 Mount Curve Avenue in the R2/Two Family District and SH/Shoreland Overlay District subject to the following condition:

1. CPED-Planning review and approve final site plan, floor plans, and elevations.

Attachments:

Appendix A: Zoning map

Appendix B: Application

Appendix C: Aerials

Appendix D: Staff photos

Appendix E: Applicant's Examples of neighborhood stairs and patios

Appendix F: Street Views

Appendix G: Proposed Mount Curve Historic District description and CLG information

Appendix H: Public Comments