

**Department of Community Planning and Economic Development – Planning Division**  
Variance  
BZZ-4423

**Date:** June 26, 2009

**Applicant:** Bill Buelow, on behalf of Greater Metropolitan Housing Corporation

**Address of Property:** 4313 Webber Parkway

**Project Name:** Proposed Conversion to a Single Family Residence

**Contact Person and Phone:** Bill Buelow, (612) 339-0601

**Planning Staff and Phone:** Robert Clarksen, (612) 673-5877

**Date Application Deemed Complete:** May 21, 2009

**End of 60-Day Decision Period:** July 20, 2009

**Ward:** 4 (CM Barb Johnson) **Neighborhood Organization:** Webber Camden

**Existing Zoning:** R2B

**Zoning Plate Number:** 4

**Legal Description:** Lot 2, Block 1, JC Bohanons Addition to Minneapolis

**Proposed Use:** Accessory Structure for a Single Family Residence

**Concurrent Review:**

- Variance to reduce the required interior side yard along the northwesterly property line from the required 5 feet to 2 feet for a structure lying outside the rear 40 feet of lot.
- Variance to reduce the required front yard along Dupont Avenue North from the required 20 feet to 13 feet to allow a detached accessory structure at the rear of a through lot.

**Applicable zoning code provisions:** Chapter 525, Article IX Variances, Specifically Section 525.520(1) “to vary the yard requirements, including permitted obstructions into required yards not allowed by the applicable regulations.”

**Background:** The subject property consists of an existing two story two-family residence and detached garage. The applicant intends to remodel the structure extensively, and convert it back to its historic occupancy as a single family residence. The building would then be sold to a prospective homeowner upon completion of the project. The principal structure has a white stucco exterior with brick accents and dark green trim around openings. City records indicate the parcel is 50’ x 129’ (7029 square feet lot area) and the structure was built in 1909. The block on

which the property is located has an irregular triangular shape due to the transverse course of Webber Parkway, which breaks from the street grid present in much of the northern sector of the City. The parcel lies in the middle of the block face along Webber Parkway, across the roadway from Webber Pond. The existing development of the site is consistent with other structures on the same block as each property is oriented toward Webber Parkway, while the angular intersection of 43<sup>rd</sup> and Dupont Avenues comprise the rear of each property. The adjacent home (4311 Webber Parkway) has its accessory structure in a similar location to that proposed by the applicant. Access would continue to be taken from Webber Parkway, which is consistent with the other homes on the block and will not change. A slightly smaller (21' x 21') detached accessory structure exists in roughly the same location as the proposed building, which will be removed. The property is within the Shoreland Overlay zoning district due to its proximity to a pond, which retains protected water status in the Minneapolis code. In order to comply with the provisions of the Shoreland Overlay zoning district, and to protect the status of Webber Pond, an erosion control permit may be required by the City Engineer prior to the issuance of building permits.

**Findings Required by the Minneapolis Zoning Code:**

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

**Interior Side Yard:** The applicant has requested a variance to reduce the required northwesterly interior side yard from 5 feet to 2 feet to allow the construction of a new garage to replace the existing building. The new structure would be 10 feet from the existing dwelling and is entirely behind the rear wall of the homes on the adjacent parcels. Strict adherence to the Zoning Ordinance would effectively require the garage to be moved a few feet south of the proposed location, putting it more directly behind the home making access to the building more challenging. Relocating the garage out of the interior side yard setback would be impractical due to the change in grade at the rear of the property. The fact that an existing garage was located in a similar position implies that it would be reasonable to allow a new garage in the location proposed, with minimal negative impacts on adjacent properties.

**Front Yard:** The applicant has requested a variance to reduce the required front yard along Dupont Avenue North from 20 feet to 13 feet to allow a detached accessory structure at the functional rear of a through lot. A through lot is defined by Minneapolis code (Chapter 520.160) as a lot which “fronts upon two (2) generally parallel streets *or that fronts upon two (2) streets that do not intersect at the boundaries of the lot*”. The latter part of the definition applies to the subject property given its multiple frontages. The Zoning Administrator interprets the ordinance such that accessory buildings which meet the minimum required yards along the through lot frontage are permitted between the principal dwelling and the through lot frontage. In this case, a variance is required as the applicant would not meet the minimum 20 foot setback from DuPont Avenue. The alternative would require relocating the garage out of the front yard setback along DuPont, while this solves the setback issue, it creates the need for a different variance, for location within 6 feet of the principal structure. Furthermore, strict adherence to the ordinance will complicate access issues behind the principal structure. The proposed location captures the spirit and intent of the front setback

regulation by placing the accessory structure at the rear of the homes on the block face, and therefore the request is reasonable.

- 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.**

**Interior Side Yard:** The circumstances of this request are unique to the parcel of land. In order to comply with the interior side yard setback, the applicant would have to locate the proposed structure more directly behind the existing home, resulting in an awkward access pattern from the existing driveway on the property. The existing attached garage does not meet the requirement as it is located within the 5 foot interior side yard. The intent of the setback requirement is to mitigate harmful affects on adjacent properties created when structures are located too close to structures across shared property lines. However, the proposed garage will be entirely to the rear of the dwelling on both of the adjacent parcels, and approximately 15 feet from the nearest corner of the adjacent home to the west of the subject property. Relocating the garage out of the interior side yard setback could be impractical due to the impact of the change in grade at the rear of the property. Given the circumstances of the property, strict adherence will ignore the historical use of the site, while unduly burdening the use of the property by the current owner. In summary, the location of the proposed garage in the required side yard should not substantially impact the use or enjoyment of properties in the immediate area.

**Front Yard:** The circumstances of this request are unique to the parcel of land in that it has a total of five sides, and potentially three front yard requirements. The proposed location of the garage meets two of the three required setbacks based on the Zoning Administrators interpretation of application of the ordinance in this case. The unique circumstances of the property pertaining to the front setback are the fact that the block has an atypical triangular configuration, there is existing access along the north side yard via a driveway from Webber Parkway, and substantial grade changes at what will continue to be a functional rear yard for the subject property were the variance to be approved. Strict application of the ordinance will ignore historical use of the site, the location of the previous garage on the property, and will unduly burden the property owner's ability to rehabilitate the existing structure for use as a single family home. The proposed location of the garage in the required front yard along DuPont Avenue will be consistent with the development of adjacent properties, which all utilize the through lot front yard as a functional rear yard, and homes are oriented similarly towards Webber Parkway.

- 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.**

**Interior Side Yard:** The investment in the proposed garage, coupled with the renovation of the principal structure, should help to preserve the value of properties in the area, and should not impose injurious impacts upon them. Granting the side yard variance keeps with the spirit

and intent of the ordinance as the nearest existing structure is quite distant from the proposed building, and the property has had a garage in a similar location in the past which also did not meet the minimum side yard requirement. The applicant shall provide revised plans indicating that the pitch of the roof and the exterior materials of the detached accessory structure shall match those of the principal dwelling.

**Front Yard:** The applicant has requested a variance to reduce the required front yard along along Dupont Avenue North from the required 20 feet to 13 feet to allow a detached accessory structure at the rear of a through lot. The investment in the proposed garage and renovation of the principal structure should help to preserve the value of properties in the area, and should not impose injurious impacts upon them. The granting of the variance will not have detrimental effects on the front setback for this particular through lot. The property is set back from both 43<sup>rd</sup> Avenue and Dupont Avenue, and these frontages are, for all practical purposes of this application, functionally similar to a rear yard based on the orientation of the principal structures on the block to Webber Parkway. The exterior of the principal dwelling consists of cream stucco with brown decorative trim, while the proposed garage has 4” vinyl lap horizontal siding. Much of the structure will be below a substantial sloping grade at the rear of the site, mitigating any potential for harmful visual impacts of the proposed structure upon properties to the rear. However, the applicant should revise the proposed exterior materials of the garage to match the color and decorative details of the front of the principal structure in order to capitalize upon the unique aesthetics and mitigate negative impacts of the project along Webber Parkway, and upon adjacent homes. A condition of approval regarding the granting of the variance shall require the exterior materials of the new structure to match those of the principal dwelling.

- 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.**

**Interior Side Yard:** The project requires a variance to reduce the required interior side yard along the northwesterly property line from the required 5 feet to 2 feet for a structure lying outside the rear 40 feet of lot. The project is likely to decrease congestion on the public streets, as well as the likelihood of a fire; as it provides secure area for parking in a new offstreet building, and it is adequately spaced from existing principal/accessory buildings in the area.

**Front Yard:** The applicant is also requesting a variance to reduce the required front yard along Dupont Avenue North from the required 20 feet to 13 feet to allow a detached accessory structure at the rear of a through lot. The project is likely to decrease congestion on the public streets, as well as the likelihood of a fire; as it provides secure area for parking in a new offstreet building, and it is adequately spaced from existing principal/accessory buildings in the area. A condition of approval regarding the granting of the variance shall require the exterior materials of the new structure to match those of the principal dwelling, so as to mitigate any potential impacts on views from either of these street frontages.

## **RECOMMENDATIONS**

### **Recommendation of the Department of Community Planning and Economic Development – Planning Division for the variance:**

The Department of Community Planning and Economic Development – Planning Division recommends that the Board of Adjustment adopt the findings of the report and **approve** the variance to reduce the required interior side yard along the northwesterly property line from the required 5 feet to 2 feet for a structure lying outside the rear 40 feet of a through lot, and to reduce the required front yard along Dupont Avenue North from the required 20 feet to 13 feet to allow a detached accessory structure at the rear of a through lot; for the property located at 4313 Webber Parkway, in the R2B (Two-Family Residential) District, subject to the following conditions of approval:

1. The applicant shall provide revised plans indicating that the exterior materials of the detached accessory structure shall match those of the principal dwelling.

### **Attachments:**

- 1) Written descriptions and findings submitted by the applicant
- 2) Correspondence from neighbors, neighborhood associations, etc.
- 3) Copy of e-mail sent to neighborhood organizations and CM
- 4) Zoning map
- 5) Survey
- 6) Building elevations
- 7) Photographs
- 8) GIS and aerial vicinity maps