

Department of Community Planning and Economic Development – Planning Division Report

Variance Request
BZZ-3781

Date: October 11, 2007

Applicant: Carrigan Curtis, on behalf of Douglas and Therese Moore,

Address of Property: 2647 East Lake of the Isles Parkway

Contact Person and Phone: Carrigan Curtis, 952-401-9105

Planning Staff and Phone: Molly McCartney, 612-673-5811

Date Application Deemed Complete: September 11, 2007

End of 60 Day Decision Period: November 10, 2007

Appeal Period Expiration: October 22, 2007

Ward: 10 **Neighborhood Organization:** East Isles Resident Association

Existing Zoning: R1 Single-family District and SH Shoreland Overlay District

Proposed Use: Construction of a second story addition above existing first story.

Proposed Variance: A variance to reduce the front yard setback from the established setback created by the adjacent residential structures to allow for a second story addition at 2647 East Lake of the Isles Parkway in the R1 Single-family District and SH Shoreland Overlay District.

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

Background: The subject property is an existing single family dwelling on an interior lot along East Lake of the Isles Parkway. The applicant is proposing to add a second story above an existing first story. The proposed addition is a 13 ft. by 10 ft. enclosed structure that will house a bedroom and bathroom. The proposed addition has similar design features as the house, including steep roof pitch, exterior materials of wood and stucco, and similar window pattern. The enclosed structure meets other applicable zoning requirements, such as maximum floor area ratio, side yard setback, maximum height, and minimum windows.

A portion of the existing home is currently in the required front yard setback which is greater than the district setback of 25 ft. The adjacent home to the east at 2655 East Lake of the Isles Parkway has a front yard setback of approximately 62 ft. from the front property line. In addition to the larger front

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yard setback, East Lake of the Isles Parkway curves at this location, so that the street runs in a northwest to southeast diagonal fashion away from the subject site.

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.**

Strict adherence to the zoning code prevents the proposed addition which will add a small second story addition to the property. This addition is not possible under the zoning code due to the established front yard setback created by the adjacent property. A small second story addition over an existing structure to a single family house is a reasonable use for residential districts.

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.**

The circumstances are unique to parcel of land due to the platting of the properties along East Lake of the Isles Parkway and the curvilinear nature of the Parkway. A portion of the existing building is already located in the required front yard setback due to the location of the adjacent home to the east. The home was built before 1900, prior to ownership by the current homeowners. The above circumstances have not been 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.**

Granting the variance will be in keeping with the spirit and intent of the ordinance. The increased setback for front yards prevents buildings from encroaching into the front yard setback and potential view sheds. In this case, the addition will not expand the footprint of the structure, but merely add a second story above an enclosed portion of the home. The addition is in line with the existing second story of the home and does not impact views of Lake of the Isles from property to the east. The proposed design of the addition is also in character with the existing home, with similar massing, materials and window pattern. The addition will not expand the footprint closer to the front property and will not adversely impact the surrounding area.

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.**

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The proposed variance would likely have no impact on congestion of area streets or fire safety, nor would the proposed addition be detrimental to the public welfare or endanger the public safety.

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 front yard setback from the established setback created by the adjacent residential structures to allow for a second story addition at 2647 East Lake of the Isles Parkway in the R1 Single-family District and SH Shoreland Overlay District, subject to the following conditions:

1. CPED–Planning Division review and approve the final site plan, floor plans, and elevation. All drawings will be measured to an architect or engineer’s scale.