

**Department of Community Planning and Economic Development – Planning Division Report**

Variance Request  
BZZ-3974

**Date:** March 27, 2008

**Applicant:** Christopher Wagner

**Address of Property:** 1785 Dupont Avenue South

**Contact Person and Phone:** Christopher Wagner, 612-282-9150

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

**Date Application Deemed Complete:** February 22, 2008

**Publication Date:** March 19, 2008

**Hearing Date:** March 27, 2008

**Appeal Period Expiration:** April 7, 2008

**End of 60 Day Decision Period:** April 19, 2008

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

**Existing Zoning:** R2B, Two-family District

**Proposed Use:** Construction of a stairway penthouse, storage space and pergola

**Proposed Request:** A variance to increase the height of two-family dwelling to 3 stories to allow for a stairway penthouse, storage space and pergola. at 1785 Dupont Avenue South in the R2B Two-family District.

**Zoning code section authorizing the requested variance:** 525.520 (4)

**Background:** The subject property is a two-family dwelling on a lot that is approximately 50 ft. by 133 ft. (6,750 sq. ft.) and consists of an existing top/down, two-family dwelling on an interior corner lot. The applicant is applying for a variance to construct of a stairway penthouse, storage space and pergola on the roof of the building. The building is a Classical Revival style, two-story structure with a flat roof that is a height of 28 ft. The building also has a 3 ft. parapet wall around the perimeter of the building. Because the building has a flat roof, the proposed structures will increase the height to a full third story and increase the height from a maximum 30 ft. to 34 ft. at the top of the building addition.

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The proposed construction includes a stairwell parapet, enclosed storage space with sink and refrigeration, and a pergola. The proposed stairwell is a circular stair which would be accessible only from the second dwelling unit. There are some instances where just a stairwell enclosure at the third - story would be allowed without a variance, but typically only for a structure that encloses stairs, and not storage space or living space. The entire enclosed structure is would be clad in dark brown brick similar to the house and have two sash windows on the south elevation and have a door to the stairwell as well as a door to the storage space that both face the deck. The size of the proposed structure is approximately 150 sq. ft. that is 19 ft. 6 in. long and the portion of the stairwell enclosure is 10 ft. 2 in. wide and the storage space is 6 ft 6 in. wide. The pergola is proposed to be made of wood and would cover an area of approximately 312 sq. ft. (16 ft. by 19 ft. 6 in.). The application is also proposing to add a planter box inside of the parapet wall that would not be visible. The home is 60 ft. deep and the entire proposed area would be located on the rear 20 ft of the building.

### **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 ordinance limits the height of a two-family structure in the R2B district. While outdoor living space is a common feature found in residential areas in Minneapolis, a third story addition to create outdoor living space is not common. The proposed variance would increase the allowed height of the structure and increase the bulk of the building. Staff does not view this type of an addition as a hardship and believes there are other options for outdoor living space.

- 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 property does not have unique circumstances that warrant a height variance to allow for the size of the proposed addition or pergola. Due to the size of the building and the location of the driveway and detached garage, there is limited space for outdoor living area. However, staff believes there are other options in locations that provide additional space but would not add bulk or height to the building.

The site does have some constraints on expansion of outdoor living space. Due to a large front yard setback and a large footprint, much of the rear yard is comprised of a driveway and detached garage. There is no alley access, but a front curb cut with driveway along the south side of the house.

- 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.**

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Staff believes the proposed third floor construction would alter the essential character of the surrounding neighborhood. While the subject site is not as tall as many other homes in the area, the addition would have a visual impact on the surrounding homes as well alter the visual impact of the subject building. Given that the addition is 40 ft from the front of the building, it may not be seen from the front of the house, but the subject site is just one house in from the cross street, Summit Avenue, and the home is very visible from the public right of way on Summit Avenue.

The subject property is located the Lowry Hill neighborhood in an area of very large homes. The surrounding homes are mostly two and one-half story homes that are even taller than the subject site, due primarily to the second and a half story. This area has also been identified through a historic survey to be part of a potential historic district call the Groveland Addition Residential Historic District. The district characterized by the masonry construction of large residential structures. While there is not a single type of architectural style that defines the district, the survey notes the integrity of the existing homes.

Within the survey area, the majority of construction within the Groveland Addition occurred between approximately 1893 and 1916. Houses were built by prominent business leaders that included J.B. Hudson, Governor John Lind, and Annie and Elizabeth Quinlan. Leading Minneapolis architects designed the homes in fashionable Period Revival styles. Many of the homes feature brick and stone masonry construction and brick veneer. When compared to the surrounding homes, approximately nine city blocks of the Groveland Addition stand out among the rest. These particular blocks within the Groveland Addition display among the most outstanding examples of architecture found within the survey area. The homes are located on large lots, feature a consistent visual row of similar architectural style, form, and character along broad streetscapes, and retain excellent historic integrity.

*Historic Resources Inventory Portions of Calhoun-isles Area city of Minneapolis, 2005*  
.p. 12

While the proposed construction would not impact the facade of the house, the proposed construction may damage the integrity of the district as a whole by adding an architectural element that is not historically accurate or sensitive to the district.

- 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.**

Provided the addition complies with applicable provisions of the building code for roof top deck safety, granting the variance would likely have no impact on the congestion of area streets or fire safety, nor would the proposed addition to the existing two-family dwelling be detrimental to the public welfare or endanger the public safety.

**Recommendation of the Department of Community Planning and Economic Development:**

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The Department of Community Planning and Economic Development Planning Division recommends that the Board of Adjustment adopt the findings above and **deny** the variance to increase the height of two-family dwelling to 3 stories to allow for a stairway penthouse, storage space and pergola at 1785 Dupont Avenue South in the R2B Two-family District.

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The subject property is a two-family dwelling on a lot that is approximately 50 ft. by 133 ft. (6,750 sq. ft.) and consists of an existing top/down, two-family dwelling on an interior corner lot. The applicant is applying for a variance to construct of a stairway penthouse, storage space and pergola on the roof of the building. The building is a Classical Revival style, two-story structure with a flat roof that is a height of 28 ft. The building also has a 3 ft. parapet wall around the perimeter of the building. Because the building has a flat roof, the proposed structures will increase the height to a full third story and increase the height from a maximum 30 ft. to 34 ft. at the top of the building addition.

The proposed construction includes a stairwell parapet, enclosed storage space with sink and refrigeration, and a pergola. The proposed stairwell is a circular stair which would be accessible only from the second dwelling unit. There are some instances where just a stairwell enclosure at the third story would be allowed without a variance, but typically only for a structure that encloses stairs, and not storage space or living space. The entire enclosed structure is would be clad in dark brown brick similar to the house and have two sash windows on the south elevation and have a door to the stairwell as well as a door to the storage space that both face the deck. The size of the proposed structure is approximately 150 sq. ft. that is 19 ft. 6 in. long and the portion of the stairwell enclosure is 10 ft 2 in. wide and the storage space is 6 ft 6 in. wide. The pergola is proposed to be made of wood cover an area of approximately 312 sq. ft. (16 ft. by 19 ft. 6 in.). The application is also proposing to add a planter box inside of the parapet wall that would not be visible. The home is 60 ft. deep and the entire proposed area would be located on the rear 20 ft. of the building.

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*Historic Resources Inventory Portions of Calhoun-Isles Area City of Minneapolis, 2005, p.12*

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The property does not have unique circumstances that warrant a height variance to allow for the size of the proposed addition or pergola. Due to the size of the building and the location of the driveway and detached garage, there is limited space for outdoor living area. However, staff believes there are other options, such as a small stairwell penthouse that leads to a roof top deck or other patio or deck option in other locations that provide additional space but would not add bulk or height to the building.

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Staff believes the proposed third floor construction would alter the essential character of the surrounding neighborhood. While the subject site is not as tall as many other homes in the area, the addition would have a visual impact on the surrounding homes as well alter the visual impact of the subject building. Given that the addition is 40 ft from the front of the building, it may not be seen from the front of the house, but the subject site is just one house in from the cross street, Summit Avenue, and the home is very visible from the public right of way on Summit Avenue. In addition, the building is part of a potential historic district and while the proposed construction would not impact the façade of the house, the proposed construction may damage the integrity of the district as a whole by adding an architectural element that is not historically accurate or sensitive to the district.

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- 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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### **Recommendation of the Department of Community Planning and Economic Development:**

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