

Department of Community Planning and Economic Development – Planning Division Report**Variance Request
BZZ-3032****Date:** June 15, 2006**Applicants:** Charlie Ainsworth, on behalf of Michele and Phil Kelaart**Address of Property:** 4638 West Lake Harriet Parkway**Contact Person and Phone:** Charlie Ainsworth, 612-333-8020**Planning Staff and Phone:** Molly McCartney, 612-673-5811**Date Application Deemed Complete:** May 23, 2006**Public Hearing Date:** June 15, 2006**Appeal Period Expiration:** June 26, 2006**End of 60 Day Decision Period:** July 24, 2006**Ward:** 13 **Neighborhood Organization:** Linden Hills Neighborhood Council**Existing Zoning:** R1 Single-family District, SH Shoreland Overlay District**Proposed Use:** Construction of a new single-family dwelling and attached garage**Proposed Variances:**

- A variance to reduce the required front yard setback along West Lake Harriet Parkway from the setback established by the adjacent residential structures to 59 ft. to allow for a front patio and
- A variance to reduce the required front yard setback along Upton Avenue South from the setback established by the adjacent residential structure to 9 ft.
both to allow for an attached garage to a new single-family dwelling located on a through lot at 4638 West Lake Harriet Parkway in the R1 Single-family District and SH Shoreland Overlay District.

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

Background: The subject site is a irregularly shaped, through lot with dimensions of 50 ft. by 191 ft. by 50 ft. by 179 ft., (9476 sq. ft.) and consists of an existing two story, single-family dwelling with an attached garage. The rear of the property is Upton Avenue South. The applicant is proposing to demolish the existing dwelling and build a new 2 ½ story dwelling with an attached garage that had a footprint of 2,977 sq. ft. The front of the house appears to be three-stories, but the dwelling meets the zoning code requirements for a 2 ½ story dwelling. Much of the basement is exposed on the front of the dwelling due to the sloping nature of the property and design of the proposed dwelling.

The dwelling will face West Lake Harriet Parkway which has a setback greater than the required 25 ft. in the R1 District due to the setback of the adjacent residential structure. The proposed patio, constructed of stone, will be 7 ft. to 12 ft. deep (because the bay window on the front of the dwelling) and the floor of the patio will be 8 ft. above grade.

The proposed garage will be 798 sq. ft., which is an allowed garage size because it is less than 10 percent of the lot area. The proposed garage doors will face south and will not be visible from the Upton Avenue South. The portion of the garage that faces Upton Avenue South will have windows, approximately 30 sq. ft.

The properties on the east side of the 4600 block of West Lake Harriet Parkway are all through lots, except for one dwelling on the southwest corner of the block that faces and addresses of West 47th Street. There are a variety of attached and detached garages that face Upton Avenue South. There are residential structures on the west side of Upton Avenue South that face Upton Avenue South and the rear of subject site.

The dwelling is subject to Site Plan Review for a new construction of a single-family dwelling. The dwelling meets 17 points for a basement (5), exterior materials other of stucco and wood (4), 20 percent windows on the front façade (3), 10 percent windows on the side and rear elevations (3), and a roof pitch of 6/12 or greater (2).

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 along West Lake Harriet Parkway: Strict adherence to the zoning code requires the front patio to be constructed behind the established front yard setback which is approximately 70 ft. from the property line along West Lake Harriet Parkway. While the front yard setback is increased greatly by the adjacent residential structures, the length of the property allows for residential development of the site. Staff believes that constructing a front patio that meets the established setback is reasonable use of the property because there is space on the lot to construction a front patio behind the established setback

Front yard setback along Upton Avenue South: Strict adherence of the code prevents the location and size of the proposed garage. Either the proposed attached garage or a detached garage would not be permitted in the rear of the property without a variance because of the large setback along Upton Avenue South created by the through lot status. The proposed garage is a three stall garage, which exceeds the one off-street parking space that is required by the zoning Code. Even with the increased setbacks on both West Lake Harriet Parkway and Upton Avenue South, there is 82 linear feet to locate a dwelling and garage. Due to the amount of the lot that is

developable, staff believes that constructing the attached garage that meets the setback along Upton Avenue South is a reasonable use of the property.

- 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 along West Lake Harriet Parkway: The conditions upon which the variance is requested have been created by the applicant. The proposed size of the patio exceeds the front yard setback established by the adjacent residential uses. While the location of the adjacent residential structures is unique, the size of the dwelling and patio has been created by the applicant.

Front yard setback along Upton Avenue South: The conditions upon which the variance is requested are not unique and have been created by the applicant. While the lot does have two front yard setbacks and was originally platted as a through lot, the property is large enough to locate a dwelling and garage. The proposed size of the dwelling and attached garage is a circumstance created by the applicant.

- 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 along West Lake Harriet Parkway: Granting of the variance will not alter the essential character of the surrounding area because most of the properties on the 4600 block of West Lake Harriet Parkway have large front patios, porches or decks. These dwellings face Lake Harriet and these outdoor spaces make the most of the lake views across the Parkway. However, the presence of the proposed patio seems more massive because the patio is raised 8 ft from grade.

Front yard setback along Upton Avenue South: Granting the variance will alter the essential character of the surrounding area due to the mass of the dwelling and attached garage. The length of the north elevation of the proposed structure is 87 ft. and the length of the south elevation, including the patio but not the attached garage, is 72 ft. While many of the dwellings on this block are large homes, the length of the proposed dwelling and attached garage exceeds the current neighborhood characteristics.

Except for one property, the entire east side of Upton Avenue South is the backyard for the 4600 block of West Lake Harriet Parkway. There are attached garages on this block, many with the garage doors facing Upton Avenue South, which contributes to an alley-like characteristic to Upton Avenue South. The properties on the west side of Upton Avenue South front this street and have views of garage doors and backyards in their front yards. The garage doors of the proposed attached garage will face south, and not be visible from the street. The design of the

building wall will include a 30 sq. ft. window and design features keeping with the Tudor style of the proposed 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.**

Front yard setback along West Lake Harriet Parkway: Granting the front yard setback variance 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.

Front yard setback along Upton Avenue South: Granting the front yard setback variance 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. Vehicles would be able to maneuver onsite due to the location of the garage doors and the driveway size.

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 **deny** the variance to reduce the required front yard setback along West Lake Harriet Parkway from the setback established by the adjacent residential structures to 59 ft. to allow for a front patio and **deny** the variance to reduce the required front yard setback along Upton Avenue South from the setback established by the adjacent residential structure to 9 ft. both to allow for an attached garage to a new single-family dwelling located on a through lot at 4638 West Lake Harriet Parkway in the R1 Single-family District and SH Shoreland Overlay District.