

**Department of Community Planning and Economic Development – Planning Division**  
Variance  
BZZ-4624

**Date:** December 3, 2009

**Applicant:** David Heide Design Studio

**Address of Property:** 1409 and 1415 Mount Curve Avenue

**Project Name:** 1409 and 1415 Mount Curve Avenue

**Contact Person and Phone:** Mark Nelson, (612) 343-8013

**Planning Staff and Phone:** Shanna Sether (612) 673-2307

**Date Application Deemed Complete:** November 10, 2009

**End of 60-Day Decision Period:** January 9, 2010

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

**Existing Zoning:** R2 Two-family District and SH Shoreland Overlay District

**Proposed Zoning:** Not applicable for this application.

**Zoning Plate Number:** 17

**Legal Description:** Not applicable for this application

**Proposed Use:** Lot combination of an existing single family house and accessory dwelling and the conversion of the first floor living space of the accessory dwelling to parking area

**Concurrent Review:**

- **Variance** to limit one (1) principal residential structure per zoning lot for structures located in the R2 District existing on the effective date of this ordinance, provided at least one (1) of the structures shall have a minimum of six thousand (6,000) sq. ft. of floor area
- **Variance** to increase the maximum floor area devoted to accessory structures from 1,000 sq. ft. to 1,359 sq. ft.

**Applicable Code Provisions:** Chapter 525, Article IX, Variances, Specifically Section 525.520(3) “to vary the gross floor area requirements...” and 525.520(23) “to vary the limit of one (1) principal residential structure per zoning lot for structures located in the R2 District...”

**Background:** The subject properties have a combined lot area of 26,965 sq. ft. and consist of one single-family dwelling located at 1415 Mount Curve Avenue and one single-family structure with a

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detached garage located at 1409 Mount Curve Avenue. The single-family dwelling, located at 1415 Mount Curve Avenue, is also known as the A. R. Rogers House. The A. R. Rogers House was designed by Minneapolis architect William Channing Whitney and was constructed 1906. The adjacent single-family dwelling located at 1409 Mount Curve Avenue was constructed as the carriage house to the A. R. Rogers House in 1910. According to the applicant, over time, the A. R. Rogers House was divided into five dwelling units and multiple rooming units and the lot was subdivided to create two additional lots along Humboldt Avenue South. The carriage house was converted to a duplex in 1948. The detached garage located at 1409 Mount Curve Avenue was constructed in 1988. At some point in history, the house and the carriage house were subdivided into two separate parcels. Both subject parcels are currently owned by the same owner. The applicant has stated that the present property owners' desire is to return the property to as much of its original integrity as possible. The applicant is proposing to combine the parcels, thereby restoring the original platting and use of the property as a single family dwelling with a carriage house. The zoning code authorizes a variance to permit more than one (1) principal residential structure per zoning lot for structures located in the R2 District existing on the effective date of this ordinance, provided at least one (1) of the structures shall have a minimum of six thousand (6,000) sq. ft. of floor area. Therefore, the applicant is applying for a variance to allow for two principal residential structures on the same zoning lot.

In addition, the applicant is proposing to return the carriage house to its original function and design with garaging on the first floor and a dwelling unit on the second floor. The maximum floor area allowed for all detached accessory structures and any attached accessory use designed or intended to be used for the parking of vehicles, shall not exceed 676 square feet or 10 percent of the lot area, whichever is greater, not to exceed 1,000 square feet. The proposed area devoted to the garage within the carriage house is 754 sq. ft. and the existing detached garage is 605 sq. ft. If the variance to allow for the lot combination is approved, the total lot area will equal 26,595 sq. ft. The total proposed area devoted to accessory structures is 1,359 sq. ft., which is less than 10% of the lot area; however, it is in excess of 1,000 sq. ft. as permitted in the zoning code. Therefore, the applicant is applying for a variance to increase the maximum floor area devoted to accessory structures from 1,000 sq. ft. to 1,359 sq. ft. The applicant has also stated that the proposed variance will allow for the property owners to eliminate the existing, nonconforming parking area located between the dwelling at 1409 Mount Curve Avenue and the public street.

Staff has not yet received any correspondence from the Lowry Hill Neighborhood Association. Staff will forward any comments, if received, at the City Planning Commission meeting.

**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.**

**More than one principal dwelling on one zoning lot:** The applicant has requested a variance to allow for more than one (1) principal residential structure per zoning lot to allow for the lot combination of 1409 and 1415 Mount Curve Avenue. The zoning code authorizes this variance for structures located in the R2 District existing on the effective date of this ordinance, November 12, 1999, provided at least one (1) of the structures shall have a minimum of six

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thousand (6,000) sq. ft. of floor area. The A.R. Rogers House contains over 6,000 sq. ft. of gross floor area. The dwelling located at 1409 Mount Curve was constructed in 1910 as the carriage house to the A.R. Rogers House. The two lots were subdivided and were under different ownership some time ago. The parcel located at 1415 Mount Curve Avenue contains a dwelling, driveway and landscaped yards. The parcel located at 1409 Mount Curve Avenue has an existing dwelling, detached garage and parking area that has historically served the property of 1415 Mount Curve. The structure located at 1415 Mount Curve Avenue has structure encroachments over the property line of 1409 Mount Curve Avenue. In addition, there is an existing tunnel that connects the A.R. Rogers House to the carriage house. Staff believes that restoring the original platting and allowing the historical use of the properties is a reasonable use of the property and that strict adherence to the regulations of the zoning code, which prohibits more than one principal residential structure on a zoning lot, would cause undue hardship.

**Floor area devoted to accessory structures:** The applicant has requested a variance to increase the maximum floor area for accessory structures from 1,000 sq. ft. to 1,359 sq. ft. The zoning code allows for an administrative increase in the maximum floor area of detached accessory structures, if the floor area is 10% or less than the lot area, with the caveat that the floor area does not exceed 1,000 sq. ft. The total combined lot area for the two parcels is 26,595 sq. ft. Staff believes that it is reasonable to allow for 1,359 sq. ft. of floor area devoted to accessory structures as it is only 5% of the total lot area and that strict adherence to the zoning code would cause undue hardship.

- 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.**

**More than one principal dwelling on one zoning lot:** The circumstances upon which the variance has been requested are unique to the property and have not been created by the applicant. The original platting and use of the property included the main house at 1415 Mount Curve Avenue and a carriage house at 1409 Mount Curve Avenue. The two properties continue to share access and parking areas on both properties and have structure encroachments above and below grade over the existing property lines.

**Floor area devoted to accessory structures:** The circumstances upon which the variance has been requested are unique to the property due to the original platting, use and size of the subject site. The subject properties are approximately have historically shared access and parking areas. . The zoning code allows for an administrative increase in the maximum floor area of detached accessory structures, if the floor area is 10% or less than the lot area, with the caveat that the floor area does not exceed 1,000 sq. ft. The total combined lot area for the two parcels is 26,595 sq. ft. Staff believes that it is reasonable to allow for 1,359 sq. ft. of floor area devoted to accessory structures as it is only 5% of the total lot area. These are circumstances not 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.**

**More than one principal dwelling on one zoning lot:** Staff believes that the granting of the variance will be in keeping with the spirit and intent of the ordinance as it meets the criteria set forth in 525.520(23). The zoning code authorizes this variance for structures located in the R2 District existing on the effective date of this ordinance, November 12, 1999, provided at least one (1) of the structures shall have a minimum of six thousand (6,000) sq. ft. of floor area. The A.R. Rogers House contains over 6,000 sq. ft. of gross floor area. The dwelling located at 1409 Mount Curve was constructed in 1910 as the carriage house to the A.R. Rogers House. The parcel located at 1415 Mount Curve Avenue contains a dwelling, driveway and landscaped yards. The parcel located at 1409 Mount Curve Avenue has an existing dwelling, detached garage and parking area that has historically served the property of 1415 Mount Curve. The structure located at 1415 Mount Curve Avenue has structure encroachments over the property line of 1409 Mount Curve Avenue. In addition, there is an existing tunnel that connects the A.R. Rogers House to the carriage house. Further, staff believes that restoring the original platting and allowing the historical use of the properties will not alter the essential character of the locality or be injurious to the use or enjoyment of other people in the vicinity. The lot combination will not change the appearance or the current shared use of the properties.

**Floor area devoted to accessory structures** Staff believes that the proposed area devoted to the accessory structures will be keeping with the spirit and intent of the ordinance and will not alter the essential character of the surrounding neighborhood. The zoning code allows the maximum floor area of 10% of the lot area; the applicant is requesting floor area equivalent to 5% of the total lot area. Further, staff believes that the proposed floor area devoted to the accessory structures will not be injurious to the use or enjoyment of other property in the vicinity because the additional garage area will eliminate the existing parking area between the carriage house and the public street.

- 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.**

**Both variances:** Granting of the variances would likely have no impact on the congestion of area streets or fire safety, nor would the proposed accessory structure and parking area be detrimental to the public welfare or endanger the public safety.

**ADDITIONAL FINDINGS FOR THE VARIANCE PER THE SHORELAND OVERLAY DISTRICT:**

- 1. The prevention of soil erosion or other possible pollution of public waters, both during and after construction.**

The applicants will be required to prevent soil erosion and possible pollution of public waters, both during and after construction of the proposed addition. The applicants will be required to install a

silt fence during construction and will be required to follow all applicable City requirements to prevent any type of water pollution.

**2. Limiting the visibility of structures and other development from the protected waters.**

The surrounding properties consist of single-family dwellings with similar height and detached garages in the rear of the property. Staff believes the proposed project will be no more visible than the adjacent dwellings. The view of the Spring Lake will not be further limited with the proposed addition.

**3. The suitability of the protected water to safely accommodate the types, uses and numbers of watercraft that the development may generate.**

The proposed variance should have no impact on the types, uses, and numbers of watercraft that occupy the Spring Lake.

**RECOMMENDATIONS:**

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

The Community Planning and Economic Development Department – Planning Division recommends that the Board of Adjustment adopt the above findings and **approve** the variance to limit one (1) principal residential structure per zoning lot for structures located in the R2 District existing on the effective date of this ordinance, provided at least one (1) of the structures shall have a minimum of six thousand (6,000) sq. ft. of floor area for the properties located at 1409 and 1415 Mount Curve Avenue in the R2 Two-Family Residence District.

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

The Community Planning and Economic Development Department – Planning Division recommends that the Board of Adjustment adopt the above findings and **approve** the variance to increase the maximum floor area of a detached accessory structures from 1,000 sq. ft. to 1,359 sq. ft. for the properties located at 1409 and 1415 Mount Curve Avenue in the R2 Two-Family Residence District, subject to the following condition of approval:

1. Community Planning and Economic Development Department – Planning Division staff review and approval of the site and elevation plans.

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**Attachments:**

- 1) Statement and findings from applicant
- 2) October 30, 2009, e-mail to Lowry Hill Neighborhood Association and CM Goodman
- 3) Zoning map
- 4) Site plan
- 5) Floor plans
- 6) Elevation drawings
- 7) Photos