

Department of Community Planning and Economic Development - Planning Division Report

Variance Request
BZZ-3985

Date: April 24, 2008

Applicants: The architect Gary Aulik, on behalf of the property owners John and Amy Higgins

Address of Property: 2217 Lake of the Isles Parkway East

Contact Person and Phone: Gary Aulik Associates (952) 591-1500

Planning Staff and Phone: Carol Ahlgren (612) 673-2847

Date Application Deemed Complete: March 21, 2008

Publication Date: April 18, 2008

Public Hearing: April 24, 2008

Appeal Period Expiration: May 5, 2008

End of 60 Day Decision Period: May 20, 2008

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

Existing Zoning: R1/Single Family District and SH/Shoreland Overlay District (^99)

Proposed Use: Expansion of an existing front patio

Proposed Variance: A variance to reduce the established front yard setback to 35.5 ft.

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

Background: The subject property, 2217 Lake of the Isles Parkway East, is located northeast of Lake of the Isles. This property, and the properties within a 350 foot radius, are zoned R1, Single-Family Residential and are also located in the Shoreland Overlay District. East Lake of the Isles Parkway runs northeast then northwest on this block which creates angled front property lines for the properties along this block of East Lake of the Isles Parkway.

The subject property is an interior double lot. It measures 19,124 sq. ft. and is 90 ft. wide. These measurements exceed the R1 Zoning District lot area and width requirements; 6,000 sq. ft. and 50 ft.

The property contains a 2.5 story single-family dwelling that was built in 1928, and designed in the Italian Renaissance Revival architectural style. The principal structure is located 35.5 ft. at its closest point from the front property line. Even though the front yard setback for the R1 Zoning District is 25 ft., the existing patio and a small portion of the house are located within the established front yard setback.

The Minneapolis zoning code provision 546.160 (b) requires properties that have neighboring properties setback further than the zoning district setback to be at or behind an imaginary line that connects the corners of the adjacent properties nearest the street.

Proposal: The applicant is proposing a remodel and expansion project that consists of modifying an existing window for patio access, replacing the existing front steps and a portion of the existing retaining wall; these changes do not require a variance. The portion of the project that requires the variance is the expansion of an existing 445 square foot patio by 131 square feet for a total of 576 square feet.

Public Comment: CPED notified property owners within 350 ft. of the variance request. A letter of support from Stanley and Jennifer Hubbard, property owners of 2222 Irving Avenue South was received via electronic mail on April 14, 2008 (attached).

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.**

The applicant requests a variance to reduce the established front yard setback to 35.5 ft. to allow for the expansion of the existing front patio. CPED does not recognize a hardship on this lot; however, it recognizes the proposed expansion of the existing patio as a reasonable request for ongoing use of the property.

- 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 unique circumstance for which this variance is sought is the uneven front yard setbacks of the subject property and its adjacent properties. This uneven front yard setback creates a situation where the subject property's existing patio and a small portion of the house are within the established front yard setback. The construction date of the existing front patio is unknown; however, it was built prior to the date the current owners purchased the property. The proposed project would extend the patio to 35.5 feet from the front property line, which is behind the R1 Zoning District setback of 25 feet.

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.**

The subject property was identified in 1983 and 2006 historic resource surveys of southwest Minneapolis as being contributing to a potential Lake of the Isles Historic District. The potential Historic District is significant for its landscape architecture, architecture, and for its pattern of development. The subject property, designed in the Italian Renaissance Revival architectural style, has had few exterior alterations and therefore, retains a high degree of historic integrity. The proposed remodel and expansion would alter the front elevation and change the character defining main entrance by the alteration of a window into a doorway to provide access to the patio on the main facade; these changes may change the status of the building to non-contributing in the potential historic district. Granting the variance to expand the existing front patio however, will not negatively impact the essential character of the area or the potential historic district in a way that is irreparable.

The expansion of the existing patio will also not be injurious to the use and enjoyment of other property in the vicinity, in particular the property to the south, 2225 East Lake of the Isles. The existing patio is 12 feet from 2225 East Lake of the Isles. The small, 34.5 foot addition on the south side of the patio be only a half foot closer than the existing.

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.**

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

Recommendation of the Department of Community Planning and Economic Development:

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 established front yard setback to 35.5 ft.

1. CPED-Planning review and approve final site plan, floor plans, and elevations.

Attachments:

Appendix A: Zoning map

Appendix B: Application

Appendix C: Potential Residential Historic District information

Appendix D: Letter of support from Stanley and Jennifer Hubbard, 2222 Irving Ave. South