

Department of Community Planning and Economic Development – Planning Division
Variances and Preliminary Plat
BZZ-2093

Date: December 13, 2004

Applicant: Bruce Singer

Address of Property: 39, 45, 49 and 57 Groveland Terrace and 1613 Dupont Avenue South

Project Name: Groveland Hill

Contact Person and Phone: Keith Waters with Keith Waters & Associates, Inc., (952) 974-0004

Planning Staff and Phone: Hilary Watson, (612) 673-2639

Date Application Deemed Complete: November 12, 2004

End of 60-Day Decision Period: January 11, 2005

End of 120-Day Decision Period: Not applicable

Ward: 7 **Neighborhood Organization:** Lowry Hill Residents, Inc.

Existing Zoning: R2

Proposed Zoning: Not applicable for this application

Zoning Plate Number: 18

Legal Description: Not applicable for this application

Proposed Use: Two-family dwelling (Units 1 and 2)

Concurrent Review:

Variance: to increase the height of a two-family dwelling (Units 1 and 2) from 2.5 stories/35 feet to 3 stories/37 feet (this was noticed as a variance from 2.5 stories to 3 stories).

Variance: to reduce the front yard setback along Groveland Terrace from the setback established by connecting a line between the front two corners of the two adjacent residential structures to 22 feet to allow for a two-family dwelling.

Variance: to reduce the front yard setback along Groveland Terrace from the setback established by connecting a line between the front two corners of the two adjacent residential structures to 0 feet to allow two stairways that rise more than four feet above the adjoining natural grade.

Preliminary Plat: PL-136.

Applicable zoning code provisions: Chapter 525, Article IX, Variances, specifically Section 525.520(4) “unless otherwise controlled by conditional use permit, to vary the height requirements for any structure...” and Section 525.520(1) “to vary the yard requirements, including permitted obstructions into required yards not allowed by the applicable regulations” and Chapter 598, Land Subdivision Regulations.

Background: The overall development site occupies the properties located 39, 45, 49 and 57 Groveland Terrace and 1613 Dupont Avenue South. There are three existing buildings on the site; one two-family dwelling that will be removed (45 Groveland Terrace), one carriage house located on the back portion of the site that will be removed (49 Groveland Terrace) and one single-family dwelling that will be added onto (57 Groveland Terrace).

The applicant is proposing to construct three new two-family dwellings and one additional dwelling that will be attached to the existing single-family dwelling located at 57 Groveland Terrace creating a fourth two-family dwelling. All four of the two-family dwellings will be owned individually and will operate under their own condominium agreements.

This specific application is for a variance to increase the height of the two-family dwelling, a front yard variance to allow the two-family dwelling and a stairway in the front yard located on what will be Lot 1 once the site is re-platted. As part of this application the preliminary plat for the entire development site is being reviewed.

VARIANCE - to increase the height of a two-family dwelling (Units 1 and 2) from 2.5 stories/35 feet to 3 stories/37 feet

Findings as Required by the Minneapolis Zoning Code for the Variance:

1. The property cannot be put to a reasonable use under the conditions allowed and strict adherence to the regulations of this zoning ordinance would cause undue hardship.

Structure height: The applicant is seeking a variance to increase the height of a two-family dwelling (Units 1 and 2) from 2.5 stories/35 feet to 3 stories/37 feet. Height is measured from the natural grade either at the curb line or at a point 10 feet away from the front center of the structure, whichever is closer to the top of the highest point of the structure. The applicant has indicated that the property is steeply graded from the front of the property to the back of the property. In total, there is a 32-foot grade change on the property. In this case, given the grade change on the property the height of the structure is being measured 10 feet away from the front center of the structure as that point is closer to the top of the highest point of the structure. The height of the structure, when measured from grade to the midpoint of the roof, is 34 feet. When measured 10 feet away from the front center of the structure the height of the house is 37 feet.

In this case, the two-family dwelling is also considered a three-story structure given that the third floor porch has a roofline that is different from the principal roofline of the overall structure. The roof over the third floor porch has a higher midpoint than the principal roofline of the overall structure so the 34 and 37-foot measurements are taken using the roof of the third floor porch.

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.

Structure height: The 32-foot grade change on the property is a unique circumstance of this parcel of land. If the site were flat there would be no need for a height variance.

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.

Structure height: The granting of the variance would not alter the essential character of the neighborhood given that the steep grades continue past the back property line and up to Mount Curve Avenue which is the next street south of the property. Given that the steep grades continue south the homes that front on Mount Curve Avenue sit higher than the proposed two-family 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.

Structure height: The Planning Division believes that the granting of the variance would have little impact on fire safety, nor would the height of the structure be detrimental to welfare or public safety.

VARIANCE – to reduce the front yard setback along Groveland Terrace from the setback established by connecting a line between the front two corners of the two adjacent residential structures to 22 feet to allow for a two-family dwelling

Findings as Required by the Minneapolis Zoning Code for the Variance:

1. The property cannot be put to a reasonable use under the conditions allowed and strict adherence to the regulations of this zoning ordinance would cause undue hardship.

Front yard setback, two-family dwelling: The applicant is seeking a variance to reduce the front yard setback along Groveland Terrace from the setback established by connecting a line between the front two corners of the two adjacent residential structures to 22 feet to allow for a two-family dwelling. The applicant has indicated that when a line is drawn between the front two corners of the two adjacent residential structures (35 Groveland Terrace and 57 Groveland Terrace) that the majority of the property is located in the required front yard. The residential structure at 35 Groveland Terrace has an 80-foot setback from the front property line and the residential structure at 57 Groveland Terrace has a 49-foot setback from the front property line.

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.

Front yard setback, two-family dwelling: The large setback that is created when a line is drawn between the two adjacent residential structures is a unique circumstance of this parcel of land.

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.

Front yard setback, two-family dwelling: The granting of the variance would not alter the essential character of the neighborhood given that the existing two-family dwelling that is going to be removed as part of this development (45 Groveland Terrace) is located 20 feet from the front property line.

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, two-family dwelling: The Planning Division believes that the granting of the variance would have little impact on fire safety, nor would the setback be detrimental to welfare or public safety.

VARIANCE – to reduce the front yard setback along Groveland Terrace from the setback established by connecting a line between the front two corners of the two adjacent residential structures to 0 feet to allow two stairways that rise more than four feet above the adjoining natural grade

Findings as Required by the Minneapolis Zoning Code for the Variance:

1. The property cannot be put to a reasonable use under the conditions allowed and strict adherence to the regulations of this zoning ordinance would cause undue hardship.

Front yard setback, stairways: The applicant is seeking a variance to reduce the front yard setback along Groveland Terrace from the setback established by connecting a line between the front two corners of the two adjacent residential structures to 0 feet to allow two stairways that rise more than four feet above the adjoining natural grade. The applicant has indicated that the property is steeply graded from the front of the property to the back of the property. In total, there is a 32-foot grade change on the property and from the front property line to the front door there is a 14-foot grade change.

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.

Front yard setback, stairways: The grade change from the front property line to the front door is a unique circumstance of this parcel of land.

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.

Front yard setback, stairways: The granting of the variance would not alter the essential character of the neighborhood given that the other homes on Groveland Terrace have front stairways that rise more than four feet above the adjoining natural grade.

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, stairways: The Planning Division believes that the granting of the variance would have little impact on fire safety, nor would the height of the two stairways be detrimental to welfare or public safety.

PRELIMINARY PLAT

Required Findings:

1. The subdivision is in conformance with these land subdivision regulations, the applicable regulations of the Zoning Code and policies of the Comprehensive Plan.

LAND SUBDIVISION REGULATIONS

The subdivision is in conformance with the design requirements of the land subdivision regulations except for Sections 598.240 (2) [a] and 598.240 (4). Section 598.240 (2) [a] requires that the width of a lot be increased by 10 feet when an alley is not provided. This section also requires that no lot be created that has more than five (5) sides. Section 598.210 (4) requires that no lot be created that has a reverse frontage orientation.

The R2 zoning district requires that a lot have a width of 40 feet. In addition to this zoning code requirement, Section 598.240 (2) [a] of the subdivision regulations requires that a lot width be increased by 10 feet when an alley is not provided. The lots do not have access to an alley, so the lot width is required to be increased from 40 feet to 50 feet. Lots 2, 3 and 4 all have a lot width wider than 50 feet, so these lots do not require a variance. However, Lot 1 is 40 feet wide, so it requires a variance of the subdivision standards from 50 feet to 40 feet. Lot 1 meets the lot size and lot width requirements of the zoning code, but they do not meet the increased standards of the subdivision ordinance that are triggered by the subdivision application.

Lot 4 has only four sides so a variance is not needed for this lot. However, Lots 1, 2 and 3 all have more than five sides; therefore a variance to increase the number of sides is required. Lot 1 has 12 sides, Lot 2 has 11 sides and Lot 3 has 10 sides.

Lots with reverse frontage orientation are those lots that are platted in reverse orientation to the rest of

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the block. Lots 1, 2 and 3 do not have reverse frontage orientation so these lots do not need a variance. However, Lot 4 has reverse frontage orientation, so it requires a variance.

While variances from the zoning code require a separate application, variances from the subdivision standards are done as a part of the subdivision application subject to the standards listed below:

598.310. Variances. Where the planning commission finds that hardships or practical difficulties may result from strict compliance with these regulations, or that the purposes of these regulations may be served to a greater extent by an alternative proposal, it may approve variances to any or all of the provisions of this chapter. In approving variances, the planning commission may require such conditions as it deems reasonable and necessary to secure substantially the objectives of the standards or requirements of these regulations. No variance shall be granted unless the planning commission makes the following findings:

- (1) There are special circumstances or conditions affecting the specific property such that the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of land.
- (2) The granting of the variance will not be detrimental to the public welfare or injurious to other property in the area in which the property is located.

The purpose of the lot width requirement is to provide room for driveways on lots where there is no alley access. Lot widths are required to be increased to allow for a driveway on the side of the house. While Lot 1 does not have alley access, the width of the lot is such that it can accommodate a driveway. Therefore, it is not necessary that Lot 1 have 50 feet of frontage on Groveland Terrace and it would be a hardship to require strict adherence to this standard. Granting the variance should not be detrimental to the surrounding area as all of the houses on this block have access onto Groveland Terrace.

Two of the properties within the development, 57 Groveland Terrace and 1613 Dupont Avenue South currently have more than five sides. Although the number of lots with more than five sides is increasing to three, granting the variance would allow an existing condition to remain as it has for almost 100 years with little negative effect on the surrounding area.

The property located at 57 Groveland Terrace is currently a reverse frontage lot. Although the lot is increasing in size, granting the variance would allow an existing condition to remain as it has for almost 100 years with little negative effect on the surrounding area.

ZONING CODE

With the approval of the variances and the preliminary plat this development will meet the requirements of the R2 zoning district.

THE MINNEAPOLIS PLAN

The property is designated as both single and two-family in the comprehensive plan. According to the principles and polices outlined in *The Minneapolis Plan*, the following apply to this proposal:

- Promote preservation as a tool for economic development and community revitalization.
- Improve the availability of housing options for its residents.
- Work with private and other public sector partners to invest in new development that is attractive, functional and adds value to the physical environment.
- Maintain and strengthen the character of the city's various residential neighborhoods.
- Increase citizen awareness of preservation and the important role it plays in fostering community revitalization and civic pride.

This development preserves the existing single-family dwelling located at 57 Groveland Terrace which was built in 1914. This development also adds as additional seven dwelling units to the site which will increase the number of housing units within the City. The structures that are being built have been designed to blend in with the existing architecture of the surrounding area.

2. Subdivision will not be injurious to the use and enjoyment of other property in the immediate vicinity, nor be detrimental to present and potential surrounding land uses, nor add substantially to congestion in the public streets.

The proposed subdivision is to replat 5 lots into 4 lots that come closer to meeting the requirements of the zoning code and subdivision ordinance. The area is zoned for single and two-family homes and eventually seven new homes will be built on the lots. Two-family homes will not be out of character with the area and should not add significant congestion to the public streets.

3. All land intended for building sites can be used safely without endangering the residents or users of the subdivision and the surrounding area because of flooding, erosion, high water table, soil conditions, improper drainage, steep slopes, rock formations, utility easements, or other hazard.

While the development site has significant grade changes, there are existing structures on the property which demonstrates that new structures can be built on the site in a safe manner and without endangering the properties surrounding the site.

4. The lot arrangement is such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in securing building permits and in providing driveway access to buildings on such lots from an approved street. Each lot created through subdivision is suitable in its natural state for the proposed use with minimal alteration.

Lots 1, 2 and 3 are accessed off of Groveland Terrace and Lot 4 is accessed off of Dupont Avenue South. The development site will undergo grading in order to make the site suitable for construction.

The applicant will need to obtain building permits and erosion control permits prior to the start of construction.

5. The subdivision makes adequate provision for stormwater runoff, and temporary and permanent erosion control in accordance with rules, regulations and standards of the city engineer and the requirements of these land subdivision regulations. To the extent practicable, the amount of stormwater runoff from the site after development will not exceed the amount occurring prior to development.

Public Works will review and approve drainage and sanitary system plans before issuance of building permits.

RECOMMENDATIONS

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the findings above and **approve** the variance application to increase the height of a two-family dwelling (Units 1 and 2) from 2.5 stories/35 feet to 3 stories/37 feet for the property located at 39, 45, 49 and 57 Groveland Terrace and 1613 Dupont Avenue South.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the findings above and **approve** the variance application to reduce the front yard setback along Groveland Terrace from the setback established by connecting a line between the front two corners of the two adjacent residential structures to 22 feet to allow for a two-family dwelling for the property located at 39, 45, 49 and 57 Groveland Terrace and 1613 Dupont Avenue South.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the findings above and **approve** the variance application to reduce the front yard setback along Groveland Terrace from the setback established by connecting a line between the front two corners of the two adjacent residential structures to 0 feet to allow two stairways that rise more than four feet above the adjoining natural grade for the property located at 39, 45, 49 and 57 Groveland Terrace and 1613 Dupont Avenue South.

Recommendation of the Department of Community Planning and Economic Development – Planning Division for a preliminary plat:

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the findings above and **approve** the preliminary plat application for Groveland Hill located at 39, 45, 49 and 57 Groveland Terrace and 1613 Dupont Avenue South.

Attachments:

1. Project description
2. History of the site
3. Statement of proposed use
4. Variance findings
5. Correspondence between the applicant and the neighborhood association
6. November 18, 2004 memo from Public works regarding the preliminary plat
7. Response letters from surrounding property owners and/or neighbors
8. Zoning Map
9. Site plan, floor plans and elevations
10. Historic photographs
11. Photographs of the site and surrounding area