

Department of Community Planning and Economic Development – Planning Division
Variances
BZZ-2094

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 3 and 4)

Concurrent Review:

Variance: to increase the height of a two-family dwelling (Units 3 and 4) from 2.5 stories/35 feet to 3 stories/37.5 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 30 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.

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”.

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 and a front yard variance to allow the two-family dwelling and a stairway in the front yard located on what will be Lot 3 once the site is re-platted. The plat is discussed in application number BZZ-2093.

VARIANCE - to increase the height of a two-family dwelling (Units 3 and 4) from 2.5 stories/35 feet to 3 stories/37.5 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 3 and 4) from 2.5 stories/35 feet to 3 stories/37.5 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 28-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 35.5 feet. When measured 10 feet away from the front center of the structure the height of the house is 37.5 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 35.5 and 37.5-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 28-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 30 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 30 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 28-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.

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 3 and 4) from 2.5 stories/35 feet to 3 stories/37.5 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 30 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

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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.

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. Response letters from surrounding property owners and/or neighbors
7. Zoning Map
8. Site plan, floor plans and elevations
9. Historic photographs
10. Photographs of the site and surrounding area