

**Department of Community Planning and Economic Development – Planning Division**  
Variances  
BZZ-5869

**Date:** December 13, 2012

**Applicant:** David Heide Design

**Address of Property:** 2721 East Lake of Isles Parkway

**Contact Person and Phone:** Mark Nelson, (612) 337-5060

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

**Date Application Deemed Complete:** November 20, 2012

**End of 60 Day Decision Period:** January 19, 2013

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

**Existing Zoning:** R1 Single-Family District and SH Shoreland Overlay District

**Proposed Use:** A new rear addition, expanded roof-top terrace and attached garage, replacing an existing detached garage in the same location.

**Concurrent Review:**

- Variance to reduce the rear yard setback from 6 feet to 0 feet (measured to the eave) for a new attached garage.
- Variance to reduce the south interior side yard setback from 6 feet to 0 feet (measured to the eave) for a new attached garage.
- Variance to reduce the south interior side yard from 6 feet to approximately 1 foot to allow for the expansion of an existing roof-terrace.
- Variance to reduce the rear yard setback from 6 feet to 4 feet 6 inches for a new addition to an existing single-family dwelling.

**Zoning code section authorizing the requested variance:** Chapter 525, Article IX Variances, Specifically Section 525.520(1) “to vary the yard requirements, including permitted obstructions into required yards not allowed by the applicable regulations”.

**Background:** The subject property is approximately 56 feet by 139 feet (7,724 square feet) and contains an existing single-family dwelling and detached garage. The dwelling was permitted for construction in 1906 and the detached garage in 1914. The applicant is proposing to demolish the existing detached garage and construct a new attached garage in the same location as the previous structure via a new addition at the rear of the dwelling that will replace an existing brick patio. The wall of the new attached garage addition would be located 1 foot from the south interior side yard and rear property lines. The proposed eave and or/gutters would be located on the shared south interior side

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yard and rear property lines. The required yards for an attached garage are the equivalent to that of the principal structure, which is a minimum distance of 6 feet from the interior side and rear property lines. Therefore, the applicant has requested two variances to reduce the minimum south interior side yard setback and rear yard setback from 6 feet to approximately 0 feet, measured to the eave, to allow for an attached garage addition to an existing single family dwelling.

The proposed rear addition that would connect the existing single-family dwelling to the proposed attached garage would be located 4 feet 6 inches from the rear property line. This location also requires a rear yard setback variance from 6 feet to 4 feet 6 inches.

The existing dwelling has a porte-cochere with a cantilevered second level addition and roof-terrace on the south side of the structure. The applicant is proposing to remove the second level addition and expand the roof-terrace from 112 square feet to 374 square feet. The existing roof-terrace is located approximately 1 foot from the south property line. The roof-terrace will expand approximately 36 square feet within the required south interior side yard setback and therefore requires a variance.

The existing dwelling has a footprint of 1,832 square feet and the existing garage has a footprint of 416 square feet. The proposed addition and attached garage add 344 square feet. The total lot coverage of the site is 2,592 square feet, which is approximately 34% of the lot (50% is the maximum). The gross floor area of the existing dwelling is 4,662 square feet and the existing gross floor area of the detached garage is 416 square feet. The existing floor area ratio for the property is .6, which exceeds the maximum floor area ratio of .5 for a single family dwelling in the R1 Single-Family District. With the removal of the second floor cantilevered addition and with the proposed rear addition and attached garage, the total gross floor area of the structures will be 5,726 square feet. The floor area ratio for the property will be .74 (.5 is the maximum). The zoning code authorizes a one-time increase of gross floor area of 500 square feet for single-family dwellings that existed on January 1, 2008, and currently exceed or would exceed the maximum floor area ratio. The proposed gross floor area will increase by 500 square feet. If the applicant receives approval for the requested variances to allow the location of the attached garage and rear addition, they will be required to submit an administrative application to allow the one-time increase of gross floor area of 500 square feet.

As of the writing of this staff report, staff has not received any correspondence from the East Isles Residents Association. Staff will forward comments, if any are received, at the Board of Adjustment meeting.

### **Findings Required by the Minneapolis Zoning Code:**

**VARIANCE:** (1) to reduce the rear yard setback from 6 feet to 0 feet (measured to the eave) for a new attached garage, (2) to reduce the south interior side yard setback from 6 feet to 0 feet (measured to the eave) for a new attached garage, (3) to reduce the south interior side yard from 6 feet to approximately 1 foot to allow for the expansion of an existing roof-terrace, and (4) to reduce the rear yard setback from 6 feet to 4 feet 6 inches for a new addition to an existing single-family dwelling

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- 1. Practical difficulties exist in complying with the ordinance because of circumstances unique to the property. The unique circumstances were not created by persons presently having an interest in the property and are not based on economic considerations alone.**

**Garage and rear addition variances:** Staff recognizes that there are unique circumstances of the property, including the existing location of the dwelling and garage, the increased front yard setback along East Lake of the Isles Parkway, the lack of an alley and the topography of the adjacent property to the rear that contribute to practical difficulties in complying with the ordinances. These circumstances have not been created by the applicant. The dwelling and garage were permitted for construction in 1906 and 1914, respectively. The existing garage is located approximately 1 foot from the south interior side and rear property lines. The proposed garage will be constructed in the same footprint and location as the existing detached garage. The required front yard setback along East Lake of the Isles Parkway is approximately 70 feet, which significantly reduces the buildable area of the property without a variance. The existing garage is accessed from East Isles Parkway via a driveway along the south property line, due to the lack of alley access. The rear addition will replace an existing brick patio area. Further, the adjacent property to the rear is located 5 feet higher in elevation and both adjacent property owners have retaining walls and fences that are or exceed 6 feet in height, which will continue to screen the garage and addition from view.

**Roof-terrace variance:** Staff finds that there are unique circumstances of the property, including the existing location of the dwelling with a roof-terrace, garage and driveway that have contributed to practical difficulties in complying with the ordinances. These circumstances have not been created by the applicant. Staff believes that the porte-cochere was constructed around the same time as the dwelling. There is an existing second level addition and roof-terrace above the porte-cochere. The applicant is proposing to demolish the existing addition and expand the roof terrace. Approximately 36 square feet of additional area will be located in the required south interior side yard. The location of the existing structure on the property does not allow for an expansion of the roof terrace without a variance.

- 2. The property owner or authorized applicant proposes to use the property in a reasonable manner that will be in keeping with the spirit and intent of the ordinance and the comprehensive plan.**

**All variances:** Staff finds that the applicant is proposing to use the property in a reasonable manner that is consistent with the zoning code and comprehensive plan. The purpose of yard requirements and regulations pertaining to the location of structures is to provide for orderly development and use of land and to minimize conflicts among land uses between principal and accessory uses. The proposed garage will be constructed in the same location and footprint as the existing detached garage. The proposed rear addition will replace an existing brick patio. The proposed roof-terrace will have an expanded footprint of 36 square feet within the required side yard and will have a new 6-foot high screen fence along the south property line. Staff believes that the proposed screen fence would add additional bulk to the structure and has determined that a guard rail, required by the building code, would be sufficient. The adjacent property to the rear is located 5 feet higher in elevation and the adjacent property owners to the rear and the south have retaining walls and fences that are or exceed 6 feet in height. With the existing, retaining walls and fences, the proposed

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additions will be significantly screened from view. Further, the south property line is landscaped with deciduous trees, which would allow for screening of the proposed roof-terrace expansion.

- 3. The proposed variance will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. If granted, the proposed variance will not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties.**

**All variances:** The proposed variances will not substantially alter the essential character of the surrounding neighborhood or be injurious to the use and enjoyment of property in the vicinity. The single-family home, detached garage and porte-cochere will remain in their present location. The majority of homes on this block have garages, located towards the rear of the property. In addition, the proposed roof-terrace will have an expanded footprint of 36 square feet within the required side yard. The proposed rear addition will replace an existing brick patio. The adjacent property to the rear is located 5 feet higher in elevation and the adjacent property owners to the rear and the south have retaining walls and fences that are or exceed 6 feet in height. With the existing, retaining walls and fences, the proposed additions will be significantly screened from view. Further, the south property line is landscaped with deciduous trees, which would allow for screening of the proposed roof-terrace expansion. The proposed site plan shows a 65 square foot (.8%) increase in impervious surface on the site. Finally, if granted the proposed variances will not be detrimental to the health, safety or welfare of the general public. The proposed additions will require a building permit and compliance with the applicable building codes.

### **Findings required by the Minneapolis Zoning Code for development in the Shoreland Overlay District:**

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

Staff is recommending that the applicant use best management practices during and after construction to help prevent soil erosion and other possible pollution. There are no existing steep slopes on or near the subject property. Further, the principal structure is located over 320 feet from the Lake of the Isles. Therefore, the subject site will not be significantly altered to adversely affect the water quality of the lake.

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

The proposed additions, garage and roof-terrace will most likely not be visible from the Lake of the Isles. The proposed improvements will not be out of character with the surrounding developed properties.

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

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The subject site does not have direct access to Lake of the Isles. The proposed project will not require the accommodation of any watercraft of any type on the lake.

**RECOMMENDATIONS**

**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 **approve** the variance to reduce the rear yard setback from 6 feet to 0 feet (measured to the eave) for a new attached garage, for the property located at 2721 East Lake of the Isles Parkway in the R1 Single-Family District and SH Shoreland Overlay District, subject to the following conditions of approval:

1. The exterior materials used for the attached garage addition shall complement the exterior materials of the principal structure on the property.
2. Approval of the final site and elevation plans by the Department of Community Planning and Economic Development – Planning Division.
3. All site improvements shall be completed by December 13, 2014, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.

**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 **approve** the variance to reduce the south interior side yard setback from 6 feet to 0 feet (measured to the eave) for a new attached garage, for the property located at 2721 East Lake of the Isles Parkway in the R1 Single-Family District and SH Shoreland Overlay District, subject to the following conditions of approval:

1. The exterior materials used for the attached garage addition shall complement the exterior materials of the principal structure on the property.
2. Approval of the final site and elevation plans by the Department of Community Planning and Economic Development – Planning Division.
3. All site improvements shall be completed by December 13, 2014, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.

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

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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 south interior side yard from 6 feet to approximately 1 foot to allow for the expansion of an existing roof-terrace, for the property located at 2721 East Lake of the Isles Parkway in the R1 Single-Family District and SH Shoreland Overlay District, subject to the following conditions of approval:

1. Approval of the final site and elevation plans by the Department of Community Planning and Economic Development – Planning Division.
2. All site improvements shall be completed by December 13, 2014, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.

### **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 **approve** the variance to reduce the rear yard setback from 6 feet to 4 feet 6 inches for a new addition to an existing single-family dwelling, for the property located at 2721 East Lake of the Isles Parkway in the R1 Single-Family District and SH Shoreland Overlay District, subject to the following conditions of approval:

1. The exterior materials used for the addition shall complement the exterior materials of the principal structure on the property.
2. Approval of the final site and elevation plans by the Department of Community Planning and Economic Development – Planning Division.
3. All site improvements shall be completed by December 13, 2014, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.

### **Attachments:**

- 1) Written descriptions and findings submitted by the applicant
- 2) Copy of e-mails sent to Council Member Tuthill and the East Isles Residents Association
- 3) Zoning map
- 4) Survey and site plan
- 5) Floor plans
- 6) Building elevations
- 7) Photographs