

Department of Community Planning and Economic Development
Variance
BZZ 5948

Date: March 21, 2013

Applicant: Rebecca and Trevor Axner

Address of Property: 4745 Dupont Avenue South

Contact Person and Phone: Rebecca and Trevor Axner, (612) 859-8849

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

Date Application Deemed Complete: February 14, 2013

End of 60-Day Decision Period: April 15, 2013

Ward: 13 **Neighborhood Organization:** Lynnhurst Neighborhood Association

Existing Zoning: R1A Single-Family District

Existing Overlay District: Not applicable

Zoning Plate Number: 30

Proposed Use: Dormer additions to an existing single-family dwelling

Variance: to increase the maximum height from 2.5 stories to 3 stories to allow for dormer additions to an existing single-family dwelling

Zoning code section authorizing the requested variance: Chapter 525, Article IX Variances, Specifically Section 525.520(4) "...to vary the height requirements for any structure..."

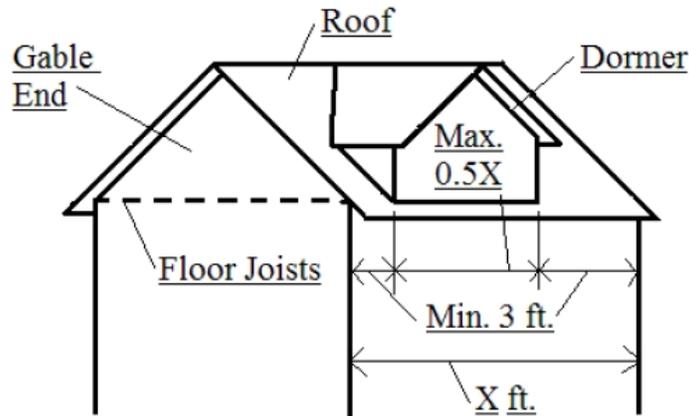
Background: The subject property is approximately 50 feet by 135 feet 7 inches (6,780 square feet) and includes an existing two-story dwelling with detached garage. The single-family dwelling was constructed in 1911 and a remodeling permit was issued in 1931.

The existing dwelling is a two-story dwelling because the existing dormers (1) exceed fifty (50) percent of the width of the wall below the floor and (2) the extend beyond the wall below and interrupt the eave edge of the gable roof, based on the definition of *half-story* (emphasis added):

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Story, half. A story that meets the following criteria:

- (1) The half story will be located on a principal residential structure with a maximum district or use height of two and one-half (2.5) stories. A partial story located in any other district or on any other use shall be considered a full story.
- (2) Gross floor area of the half story will be located under a gable or hip roof and all of the roof rafters shall abut the floor joists, except at gable ends or where dormers are allowed.
- (3) Dormers on the half story will meet the following standards.
 - a. The total width of all dormers on any façade will not exceed fifty (50) percent of the width of the wall of the floor below the half story roof.
 - b. Dormers will be located no closer than three (3) feet from any end-of-house corner of the floor below and any gable end wall.
 - c. Dormers will not extend beyond the wall below and will not interrupt the eave edge of the hip or gable roof.



The applicants are proposing to extend the dormers to include the attic space and be seven (7) feet in height measured at the floor plate of the third floor. The expansion of the dormers that would (1) exceed fifty (50) percent of the width of the wall below and (2) interrupt the eave edge of the primary gable roof into the attic space constitutes a full story addition and the proposed dwelling would be 3 stories. The maximum height of a principal dwelling in the R1A Single-Family District is 2.5 stories, not to exceed 30 feet. The proposed addition will be 30 feet in height or less, but is 3 stories in height. Therefore, the applicants are requesting a variance to increase the maximum height of a single-family dwelling from 2.5 stories to 3 stories to allow for the proposed addition.

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

Findings Required by the Minneapolis Zoning Code:

VARIANCE: to increase the maximum height of a single-family dwelling from 2.5 stories to 3 stories.

- 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.**

The circumstances upon which the variance is requested are unique to the parcel of land due to the existing, nonconforming dormer additions of the structure. The single-family dwelling was constructed in 1911 at the present height. The applicants are proposing to remodel the existing dormers to extend into the third floor and the dwelling is consistent with the maximum height at 30 feet. With the addition, the house would be within the allowed maximum height in feet and gross floor area permitted on this lot.

- 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.**

The applicants are seeking a variance to increase the maximum height of a principal structure from 2.5 stories to 3 stories to allow for the remodel of the existing dormers which would extend into the third floor of an existing 2-story single-family dwelling. The proposed remodel will not exceed the maximum height in feet. The remodel is intended to allow for added habitable space on the existing third floor. The proposed dormers will be 6 feet taller than the existing dormers and are subordinate in height to the existing gable roof. Staff finds that allowing additional habitable space on the third floor allows for reasonable use of the property; however the dormer addition on the front of the structure is not consistent with the spirit and intent of the ordinance.

- 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.**

Staff finds that the granting of this variance to allow the rear dormer would be in keeping with the spirit and intent of the ordinance and would not negatively alter the essential character of the area. The intent of the ordinance is to regulate bulk in order to minimize the impact structures have on surrounding properties in residential neighborhoods and to preserve the traditional development pattern of residential neighborhoods. Staff finds that the dormer at the front of the structure and the height from the street is generally inconsistent with the predominant character of surrounding single-family dwellings. If granted, the proposed variances will not be detrimental to the health, safety or welfare of the public or those utilizing the property as long as the dormers are constructed to current building codes. The dormer remodel will be required to receive a building permit prior to construction.

Recommendation of the Department of Community Planning and Economic Development:

The Department of Community Planning and Economic Development recommends that the Board of Adjustment adopt staff findings and **approve** the variance to increase the maximum height from 2.5 stories to 3 stories to allow for a **rear dormer** addition to an existing single-family dwelling located at 4745 Dupont Avenue South in the R1A Single-Family District, subject to the following conditions of approval:

1. Approval of the final site, elevation and floor plans by the Department of Community Planning and Economic Development.
2. All site improvements shall be completed by March 21, 2015, 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. Letters to Council Member Hodges and Nokomis East Neighborhood Association
3. Correspondence
4. Zoning map
5. Site Plan
6. Building elevations
7. Floor plans
8. Photos