

Department of Community Planning and Economic Development
Variance
BZZ 6197

Date: September 12, 2013

Applicant: Edit Design Build Studio

Address of Property: 2681 East Lake of the Isles Parkway

Contact Person and Phone: Ryan Sturtz, (612) 412-9501

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

Date Application Deemed Complete: August 6, 2013

End of 60-Day Decision Period: October 5, 2013

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

Existing Zoning: R1 Single-Family District

Existing Overlay District: SH Shoreland Overlay District

Zoning Plate Number: 24

Proposed Use: New balcony over an existing open front porch to an existing single-family dwelling

Variance: to reduce the front yard setback along East Lake of the Isles Parkway from the setback established by the line connecting the adjacent structures from approximately 47 feet to approximately 38 feet to allow for a new balcony over the existing open front porch accessory 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 50 feet by 117 feet, on average, (5,906 square feet) and consists of an existing two and a half story dwelling and detached garage constructed in 1906 and 1967, respectively. The existing dwelling is located approximately 47 feet and the porch is approximately 38 feet from the front property line. The applicant is proposing to construct a balcony over the open front porch. The new balcony would be accessed via a new french door on the existing second floor. The minimum front yard setback in the R1 District is 25 feet. However, the required front yard shall be increased where the established front yard of the closest principal building originally designed for residential purposes located on the same block face on either side of the property exceeds the front yard required by the zoning district. In this case, the front yard setback is increased to

approximately 47 feet based on the location of the adjacent structures. Therefore, the applicant is seeking a variance to reduce the required front yard setback along East Lake of the Isles Parkway from the setback established by the line connecting the adjacent structures from approximately 47 feet to approximately 38 feet to allow for a new balcony over the existing open front porch accessory to an existing single-family dwelling.

As of writing 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: to reduce the front yard setback along East Lake of the Isles Parkway from the setback established by the line connecting the adjacent structures from approximately 47 feet to approximately 38 feet to allow for a new balcony over the existing open front porch accessory to an existing single-family dwelling.

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 setback variance is requested are unique to the parcel of land due to the location of the adjacent structures and the curvilinear street. The minimum front yard setback in the R1 District is 25 feet, but has been increased to approximately 47 feet due to the location of the adjacent structures. Their existing dwelling is setback further in relationship to the block face, because the property is located along the curvilinear portion of East Lake of the Isles Parkway. The applicant is proposing to remodel the existing dwelling to allow for a balcony over the existing open front porch located in the required front yard setback. The adjacent dwelling to the north is setback 47 feet and the adjacent neighbor to the south is setback 50 feet, but has a patio located 37 feet from the front property line. Staff finds that these circumstances have created practical difficulties in complying with the ordinance.

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 applicant is seeking a variance to reduce the front yard setback established by the adjacent residential structures along East Lake of the Isles Parkway from the setback established by the line connecting the adjacent structures from approximately 47 feet to approximately 38 feet to allow for a new balcony over the existing open front porch accessory to an existing single-family dwelling. The purpose of yard requirements is to provide for orderly development and use of land and to minimize conflicts among land uses by governing the location of accessory uses and structures. The existing dwelling with proposed addition will be in line with the majority of the homes on the block face along East Lake of the Isles Parkway, which is a curvilinear street in this location. Staff finds that the applicant is proposing to use the property in a reasonable manner.

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 will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. The applicant is proposing to add a balcony over the existing front porch. The applicant has provided pictures showing three balconies on the second floor and one 13-foot deep patio on four adjacent dwellings. East Lake of the Isles Parkway is a curvilinear street and the structures on the north half of the block is located substantially further to the west than the structures on the south half. The proposed guardrail and finishes of the balcony match the existing open front porch. Further, granting of the variance will not increase the danger of fire safety or be detrimental to the public welfare or endanger the public safety.

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 finds that the proposed project will prevent soil erosion and other possible pollution during and after construction. The proposed project would allow for an interior and exterior remodel of the existing second floor and open front porch. There are no proposed additions at the ground level and no proposed footings. Therefore, the subject site will not be significantly altered to adversely affect the water quality of Lake of the Isles.

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

The proposed balcony will be constructed over the existing open front porch. The height of the dwelling will not change and will be consistent with the appearance of the existing structure.

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

The subject property does not have direct access to Lake of the Isles. Therefore, the proposed additions will not impact watercraft usage on the lake.

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 reduce the required front yard setback along East Lake of the Isles Parkway from the setback established by the line connecting the adjacent structures from approximately 47 feet to approximately 38 feet to allow for a new balcony over the existing open front porch accessory to an existing single-family dwelling located at 2681 East Lake of the Isles Parkway in the R1 Single-Family District and SH Shoreland Overlay District, subject to the following conditions of approval:

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1. The finishes of the balcony shall complement the existing open front porch.
2. Approval of the final site, elevation and floor plans by the Department of Community Planning and Economic Development.
3. All site improvements shall be completed by September 12, 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 Tuthill and East Isles Residents Association
3. Zoning map
4. Existing survey
5. Site plan
6. Building elevations
7. Floor plans
8. Photos