

Department of Community Planning and Economic Development
Variance
BZZ 6233

Date: September 26, 2013

Applicant: Healthy Exposure, Inc.

Address of Property: 2504 West Lake of the Isles Parkway

Contact Person and Phone: Darren Vigil, (612) 216-2453

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

Date Application Deemed Complete: August 27, 2013

End of 60-Day Decision Period: October 26, 2013

Ward: 7 **Neighborhood Organization:** Kenwood Isles Area Association

Existing Zoning: R1A Single-Family District

Existing Overlay District: SH Shoreland Overlay District

Zoning Plate Number: 17

Proposed Use: New roof over an existing stair with ADA chair lift accessory to an existing single-family dwelling

Variance: to reduce the east interior side yard setback from 5 feet to approximately 1 foot to allow for a roof over an existing stair with chair lift accessory to an existing single-family dwelling.

Applicable zoning code provisions: Chapter 525, Article IX Variances, Specifically Section 525.520(1) "to vary the minimum yard requirements" and Chapter 546 Residence Districts

Background: The subject property is a wedge shape, with 49 feet of frontage along West Lake of the Isles Parkway and 82 feet in width along the alley. The subject property is 9,331 square feet in area. The site has an existing single-family dwelling and two detached garages at the rear. The dwelling was constructed in 1908 and the garages were constructed in 1917 and 1976. The existing single-family dwelling is located 6.3 feet to the east interior side property line. Originally, a stairway leading to the root cellar (basement) exists on the east side of the structure. The stairway appears to have been constructed at the same time as the structure. The applicant received a building permit to repair and replace the 4-foot wide stairway to accommodate a wheelchair lift last year. The existing basement has had previous issues with water and drainage. Therefore, the applicant is proposing to add a sloped roof over the landing at the bottom of the stair to redirect stormwater and allow for a covered entrance. The area of the roof is approximately 35 square feet. An awning or canopy projecting not more than 2.5 feet

into the required interior side yard is a permitted obstruction. The proposed roof will be approximately 5.5 feet deep and 6.5 feet wide, which is not a permitted obstruction. Therefore, the applicant is seeking a variance to allow for the proposed roof, approximately 1 foot to the east interior side yard setback.

Staff has not received correspondence from the Kenwood Isles Area Association. Staff will forward comments, if any are received, at the Board of Adjustment public hearing.

Findings Required by the Minneapolis Zoning Code:

VARIANCE: to reduce the east interior side yard setback from 5 feet to approximately 1 foot to allow for a roof over an existing stair with ADA chair lift 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.

Staff finds that there are unique circumstances of the property, including the shape of the property and the existing location of the dwelling and stairway that create a practical difficulty in complying with the ordinance. The dwelling was constructed in its present location, approximately 6.3 feet to the east property line in 1908. An existing stair to the root cellar appears to be been located within in the east interior side yard setback since the construction of the dwelling. An awning or canopy 2.5 feet or less in depth is a permitted obstruction in the required side yard. This is to allow for protection from the elements while accessing an entrance along the interior side yard. The proposed roof is to allow for the same purpose and to redirect stormwater from entering the basement.

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 required east interior side yard setback from 5 feet to approximately 1 foot to allow for a roof over an existing stair with chair lift accessory to an existing single-family dwelling. The dwelling was built in 1908 with the basement stair in its present location. The purpose of yard requirements is to provide for orderly development and use of land and to minimize conflicts among land uses. The proposed roof area is approximately 36 square feet in area and will serve the same purpose as an awning or canopy that would be permitted in the interior side yard, 2.5 feet from the property line. The proposed roof is sloped to redirect the stormwater towards the front of the property and away from the basement and east property line. In addition, the applicant is proposing to add gutters to the primary roof to direct stormwater away from the house and towards the existing garden. Therefore, staff finds that the applicant is proposing to utilize 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 to allow for a 36 square foot roof addition, over an existing doorway and chairlift property line will not alter the essential character of the locality or be

injurious to the use or enjoyment of other property in the vicinity. Staff would typically have concerns about locating an obstruction 1 foot from a property line; however, the proposed roof is sloped to redirect the stormwater towards the front of the property and away from the basement and east property line. In addition, the applicant is proposing to add gutters to the primary roof to direct stormwater away from the house and towards the existing garden. The proposed roof will be constructed of ½ inch tempered safety glass and will not alter the existing architecture of the dwelling. Finally, granting of the variance will not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties, as long as it is constructed to current 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 finds that the proposed project will prevent soil erosion and other possible pollution during and after construction. The applicant has demonstrated that the necessary precautions will be taken during construction. Therefore, the subject site will not be significantly altered to adversely affect the water quality of Cedar Lake and the Lake of the Isles.
- 2. Limiting the visibility of structures and other development from protected waters.**
The proposed addition will be at the rear of the structure and would 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 the Cedar-Isles Channel or either lake. Therefore, the proposed additions will not impact watercraft usage on the lakes.

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 east interior side yard setback from 5 feet to approximately 1 foot to allow for a roof over an existing stair with accessible chair lift accessory to an existing single-family dwelling located at 2504 West Lake of the Isles Parkway in the R1A Single-Family District and SH Shoreland Overlay District, subject to the following conditions of approval:

1. The proposed roof shall be made of durable materials, consistent with the appearance and architecture of the dwelling.
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 26, 2015, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.

Department of Community Planning and Economic Development Report
BZZ 6233

Attachments:

1. Written descriptions and findings submitted by the applicant
2. E-mails to Council Member Goodman and Kenwood Isles Area Association
3. Correspondence
4. Zoning map
5. Existing survey
6. Site plan
7. Floor plans
8. Building elevations
9. Photos