

Department of Community Planning and Economic Development
Variance
BZZ 6350

Date: December 12, 2013

Applicant: Jonathan Query

Address of Property: 1901 East River Parkway

Contact Person and Phone: Jonathan Query, (612) 623-3782

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

Date Application Deemed Complete: November 14, 2013

End of 60-Day Decision Period: January 13, 2014

Ward: 2 Neighborhood Organization: Prospect Park/East River Road Improvement Association

Existing Zoning: R1 Single-Family District

Existing Overlay District: SH Shoreland Overlay District

Zoning Plate Number: 22

Proposed Use: Remodel, second story addition with a roof-top deck and new rain barrel to an existing single-family dwelling on a reverse corner lot.

Concurrent Review:

- Variance to reduce the required front yard setback along Seymour Avenue SE from 25 feet to approximately 11 feet 7 inches to allow for a remodel and second story addition to the dwelling.
- Variance to reduce the required front yard setback along Seymour Avenue SE from approximately 22 feet 3 inches to approximately 7 feet 9 inches to allow for a new roof-top deck.
- Variance to reduce the required front yard setback along Seymour Avenue SE from approximately 22 feet 3 inches to approximately 5 feet to allow for a rain barrel.

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 165.8 feet (8,290 square feet) and is on a reverse corner lot, located at the east corner of Seymour Avenue SE and East River Parkway. The property consists of an existing one-story, single-family dwelling with an attached garage, constructed in 1950.

Department of Community Planning and Economic Development Report
BZZ 6350

The applicant is proposing to remodel the existing dwelling to allow for a second story addition and roof-top deck. The proposed addition will be above the existing first floor, 11 feet 7 inches to the northwesterly property line and the roof-top deck will cantilever over the first floor and be located 7 feet 9 inches from the property line. A proposed rain barrel would be located at the west corner of the dwelling, 5 feet from the property line. The adjacent property to the northeast has frontage along Seymour Avenue SE and is setback approximately 22 feet 3 inches from the front property line. The adjacent property to the southeast has frontage along East River Parkway and is setback approximately 66 feet from the front property line. Due to the platting of the land, the subject parcel is required to meet a minimum required front yard of 25 feet along Seymour Avenue SE, the minimum required front yard in the R1 District and 66 feet along East River Parkway, the setback established by the adjacent structure. The proposed addition, roof-top deck and rain barrel will be located behind the front yard setback along East River Parkway, but will not be located behind the district setback of 25 feet along Seymour Avenue SE. Therefore, the applicant has requested three variances to reduce the required front yard setback along East River Parkway from 25 feet to 11 feet 7 inches for the second story addition, to 7 feet 9 inches for the roof-top deck and to 5 feet for the rain barrel accessory to an existing single-family dwelling on a reverse corner lot.

Staff has not received correspondence from the Prospect Park/East River Road Improvement Association. Staff will forward comments, if any are received, at the Board of Adjustment public hearing.

VARIANCE: to reduce the required front yard setback along Seymour Avenue SE from 25 feet (1) to approximately 11 feet 7 inches to allow for a remodel and second story addition to the dwelling; (2) to approximately 7 feet 9 inches to allow for a new roof-top deck; and (3) to approximately 5 feet to allow for a rain barrel.

Findings as Required by the Minneapolis Zoning Code for a Variance:

- 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.**

All variances: The circumstances upon which the variances are requested are unique to the parcel of land due to the platting of the land and the location of the existing dwelling. The applicant is proposing to construct a second story addition, roof-top deck and add a rain barrel to the existing dwelling. The increase in the building gross floor area would be 976 square feet. The remodel of the existing dwelling would also allow for a new roof-top deck. Finally, the applicants are proposing to add a rain barrel to capture stormwater from the roof the dwelling. The platting of the parcel requires a minimum 25 foot setback along Seymour Avenue SE and a 66 foot setback along East River Parkway. Adhering to the minimum front, interior side and rear yard setbacks would reduce the area to build an addition to approximately 24% of the lot, where the zoning code allows up to 50% of the lot to be covered by principal and accessory structures. If the property were not a reverse corner lot, the minimum setback from the west property line would be reduced from 25 feet to 10 feet. Due to the location of the existing dwelling, there is not an area on the property that would allow for a patio greater than 50 square feet in area and the rain barrel could not serve the property in the highest

capacity. Staff finds that these circumstances create a practical difficulty that was not created by the applicant.

- 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: The applicant is proposing to construct a second story addition, a new roof-top deck and rain barrel to an existing dwelling on a reverse corner lot. The purpose of required yards is to provide for orderly development and use of land and to minimize conflicts among land uses by providing adequate light, air, open space and separation of uses. The neighboring dwelling to the northeast would be located 36 feet to the roof-top deck and 70 feet to the second story addition. The rain barrel would be at grade at the east corner of the structure. Staff finds that the applicant is proposing to use the property in a reasonable manner consistent with the spirit and intent of the ordinance and the comprehensive plan.

- 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: Staff finds that the granting of this variance would not be injurious to the use or enjoyment of other property in the vicinity. As previously mentioned the adjacent home on the neighboring lot to the west is located approximately 36 feet away from the planned roof-top deck and 70 feet to the second story addition and the rain barrel will be at grade. The applicant is proposing to use lap siding for the addition, consistent with the exterior material of the existing dwelling. In addition, the applicant will be providing the minimum required windows facing public streets, rear and interior side property lines for the proposed addition, as required by section 535.90(c) of the zoning code.

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 it is constructed to current building codes. In addition, the proposed additions will be required to receive a building permit prior to construction.

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 projects will be over the existing building footprint. Therefore, the subject site will not be significantly altered to adversely affect the water quality of the Mississippi River.

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

The project area is not located on or near the top of a steep slope, but is located within the SH Shoreland Overlay District. The proposed addition and roof-top deck are over the existing first floor of the dwelling. The Mississippi River is located 80 feet lower and approximately 295 feet

Department of Community Planning and Economic Development Report
BZZ 6350

from the property. Any views of the property from the Mississippi River will be consistent with what has existed on this property for many years. Staff finds that the visibility of the addition will be limited due to the existing topography and natural vegetation and will appear as it has for many years.

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

The subject property is located approximately 295 feet from the Mississippi River and does not have access to the river directly.

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 Seymour Avenue SE from approximately 25 feet to approximately 11 feet 7 inches to allow for a remodel and second story addition to an existing single-family dwelling on a reverse corner lot located at 1901 East River 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, elevation and floor plans by the Department of Community Planning and Economic Development.
2. All site improvements shall be completed by December 12, 2015, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.
3. The exterior materials used for the addition shall be of a durable material and shall complement the exterior materials of the principal structure on the property.
4. Windows shall comply with section 535.80(c) of the zoning code.

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 Seymour Avenue SE from approximately 25 feet to approximately 7 feet 9 inches to allow for a new roof-top deck to an existing single-family dwelling on a reverse corner lot located at 1901 East River 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, elevation and floor plans by the Department of Community Planning and Economic Development.
2. All site improvements shall be completed by December 12, 2015, 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:

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 Seymour Avenue SE from 25 feet to approximately 5 feet to allow for a rain barrel to an existing single-family dwelling on a reverse corner lot located at 1901 East River 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, elevation and floor plans by the Department of Community Planning and Economic Development.
2. All site improvements shall be completed by December 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. E-mails to Council Member Gordon and Prospect Park/East River Road Improvement Association
3. Zoning map
4. Survey
5. Site plan
6. Building elevations
7. Floor plans
8. Photos