



# CPED STAFF REPORT

Prepared for the Board of Adjustment

BOA Agenda Item #3  
March 26, 2015  
BZZ-7053

## LAND USE APPLICATION SUMMARY

*Property Location:* 2300 Milwaukee Avenue  
*Project Name:* Levin/Brofman Residence Porch Replacement  
*Prepared By:* [Janelle Widmeier](#), Senior City Planner, (612) 673-3156  
*Applicant:* Chuck Levin and Lynn Brofman  
*Project Contact:* Chuck Levin and Lynn Brofman  
*Request:* To allow a porch and deck addition to a two-family dwelling.  
*Required Applications:*

<b>Variance</b>	To reduce the minimum interior side yard requirement adjacent to the south lot line from 5 feet to 3 feet 10 inches to allow a porch and deck addition to a two-family dwelling.
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## SITE DATA

<b>Existing Zoning</b>	R2B Two-Family District
<b>Lot Area</b>	3,078 square feet
<b>Lot Width</b>	37.5 feet
<b>Ward(s)</b>	6
<b>Neighborhood(s)</b>	Seward Neighborhood Group
<b>Designated Future Land Use</b>	Urban Neighborhood
<b>Land Use Features</b>	Not applicable.
<b>Small Area Plan(s)</b>	Not applicable.

<b>Date Application Deemed Complete</b>	February 25, 2015	<b>Date Extension Letter Sent</b>	Not applicable
<b>End of 60-Day Decision Period</b>	April 26, 2015	<b>End of 120-Day Decision Period</b>	Not applicable

**BACKGROUND**

**SITE DESCRIPTION AND PRESENT USE.** The existing use is a 2.5-story, two-family dwelling. It was permitted for construction in 1883. It is a contributing structure in the middle of the [Milwaukee Avenue Historic District](#).

**SURROUNDING PROPERTIES AND NEIGHBORHOOD.** The size of and building type on the surrounding properties are very similar to the subject property, which is characteristic of properties in this historic district. In 1976, a planned unit development was approved by the City Planning Commission that included all of these properties.

**PROJECT DESCRIPTION.** The applicant is proposing to add an addition on the south side of the two-family dwelling located at the property of 2300 Milwaukee Avenue. The proposed addition includes a 1-story, 3-season porch and a covered porch with a roof deck above, and a deck landing. The addition will replace 2 enclosed porches and a deck in the same location. For this property, the minimum interior side yard requirement adjacent to the south lot line is 5 feet. The addition would be set back 3 feet, 10 inches. A variance is required to reduce the yard requirement.

**RELATED APPROVALS.**

Planning Case #	Application	Description	Action
<a href="#">BZH-28347</a>	Certificate of appropriateness	Proposed addition	<a href="#">Approved with conditions by the HPC on September 23, 2014</a>
BZH-28347	Appeal by the applicant of the condition of approval requiring a 5 foot setback	Proposed addition	<a href="#">Appeal granted by the City Council on November 14, 2014 (page 1173)</a>
BZZ-280	Variance to reduce south interior side yard requirement to 3.5 feet	Very similar to current proposal	Approved by the BOA on August 7, 2001

The applicant has requested that the minutes for the public hearing on the appeal of the HPC decision be included with this report. They are attached for reference. Highlighting was added by the applicant. Although the City Council removed the condition of approval, the variance is still needed to address the legal findings to reduce the yard requirement.

**PUBLIC COMMENTS.** A letter from the Seward Neighborhood Group was received and is attached to this report. Any additional correspondence received prior to the public meeting will be forwarded on to the Board of Adjustment for consideration.

## ANALYSIS

### VARIANCE

The Department of Community Planning and Economic Development has analyzed the application for a variance to reduce the minimum interior side yard requirement adjacent to the south lot line from 5 feet to 3 feet 10 inches to allow a porch and deck addition to a two-family dwelling, based on the following [findings](#):

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.*

Practical difficulties exist in complying with the ordinance due to circumstances unique to the property. The subject site is small in comparison to a typical city parcel in both width and area. The proposed addition will cover nearly the same footprint as the existing porches and deck. Also it will not extend closer to the interior side lot line than the existing deck.

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.*

In general, yard controls are established to provide for the orderly development and use of land and to minimize conflicts among land uses by regulating the dimension and use of yards in order to provide adequate light, air, open space and separation of uses. The proposed addition will cover nearly the same footprint as the existing porches and deck. There will be no net increase of impervious surfaces. Also it will not extend closer to the interior side lot line than the existing deck. Although the distance between the subject dwelling and the dwelling directly to the south would be lessened, the addition should not have significant impacts on surrounding properties access to light, air, and open space due to its small size. The request is reasonable and consistent with the 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.*

The granting of the variance would not affect the character of the area or be injurious to the use or enjoyment of other property in the vicinity. Nonconforming setbacks are characteristic in the area. Many of the dwellings on this block are set back 2 feet from their north lot lines. The proposed addition will cover nearly the same footprint as the existing porches and deck. Also it will not extend closer to the interior side lot line than the existing deck. Although the distance between the subject dwelling and the dwelling directly to the south would be lessened, the addition should not have significant impacts on surrounding properties access to light, air, and open space due to its small size. The exterior is designed in a way that is compatible with the existing structure and surrounding properties and has been approved by the Heritage Preservation Commission. If granted, the proposed variance will not be detrimental to the health, safety or welfare of the public or those utilizing the property provided the proposed construction is built to current building codes.

## RECOMMENDATIONS

The Department of Community Planning and Economic Development recommends that the City Planning Commission adopt staff findings for the application(s) by Chuck Levin and Lynn Brofman for the property located at 2300 Milwaukee Avenue:

**A. Variance to reduce the minimum interior side yard requirement.**

Recommended motion: **Approve** the variance to reduce the minimum interior side yard requirement adjacent to the south lot line from 5 feet to 3 feet 10 inches to allow a porch and deck addition to a two-family dwelling, subject to the following conditions:

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 26, 2017, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.

## ATTACHMENTS

1. Written description and findings submitted by applicant
2. Zoning map
3. Milwaukee Addition plat
4. Site survey
5. Existing and proposed site plan
6. Proposed floor plans
7. Building elevations
8. Renderings
9. Photos
10. Appeal public hearing minutes
11. Correspondence

February 10, 2015

Zoning Board of Adjustment  
City of Minneapolis

c/o Minneapolis Planning Department  
City Hall  
Room 210  
350 South 5<sup>th</sup> Street  
Minneapolis, MN 55415-1385

Re: Side setback variance for alterations to 2300 Milwaukee Avenue  
Legal: Lot 6 Block 10, Milwaukee Mall Addition, Hennepin County, MN

To Whom It May Concern:

We own a two family duplex at 2300 Milwaukee Ave. We wish to demolish our existing dilapidated side yard porch and replace it with a new porch of a slightly smaller footprint, but with improved design. The existing side yard porch was built in the mid 1970s. Please refer to the attached graphic materials and written description explaining the necessity of this work and illustrating the proposed design.

Our property is within the Milwaukee Avenue Historic District. The district is a Planned Residential Development approved by the mayor on March 31, 1976. We have presented our ideas and design to the Milwaukee Avenue Homeowners Association (MAHA) and received their approval.

We are requesting a side yard setback variance from the Zoning Board of Adjustment (the footprint of both the existing and proposed new porches intrude on the side yard setback standards of the underlying zoning). Since the porch is quite small, the variance, will provide an extra 13 ¼", making the design a more usable space.

The next-door neighbor most directly affected by the variance is in favor of the project, as are all of the other adjacent neighbors (see attached letters – Exhibit J).

An earlier, similar version of the project was granted a side yard set-back variance by the Zoning Board of Adjustment in 2001, but due to budget, was never implemented.

The current proposal was conditionally approved by the HPC on 9/23/14 and the condition was removed on appeal to the Zoning and Planning Committee of the City Council on 11/6/14.

**Scope of Proposed Work:**

1. Remove the existing side yard 3-season porch, steps and landings (see attached photos and drawings)
2. Construct new 3-season porch (unheated) and steps/landings (two) with a 2nd floor deck.

3. Install a new door from the second floor to the porch roof deck by removing an existing window and lowering the brick sill to the floor (width remains the same).
4. Install central air for the upper unit to eliminate current window ac units. (new ac condenser to be installed on the roof deck of new porch).
5. Restore/replace deteriorated wood on adjacent window bay.
6. Related walkway and landscape improvements.
7. Repair/paint exterior woodwork and reroof entire house

Please contact us with questions or comments. I will provide any additional information necessary.

Thank you for your consideration,

Charles Levin & Lynn Brofman, Property Owners  
2300 Milwaukee Avenue  
Minneapolis, MN 55404-3150

Phone: (612) 729-5333

E-mail: [chuck@charleslevinarchitects.com](mailto:chuck@charleslevinarchitects.com)  
[Jlb55404@visi.com](mailto:Jlb55404@visi.com)

# Statement of Proposed Use and Description of the Project

**Proposed Exterior Porch Remodeling**  
**2300 Milwaukee Avenue, Minneapolis, MN**

**Owner:** Charles Levin & Lynn Brofman

**Building Type:** Duplex (up/down)

**Project Description:** Replace existing 3-season side porch with a new 3-season porch with an open deck above

**Project Goals:**

- Appropriate design for historic district
- Eliminate winter ice build-up on walking surface due to roof melt
- Improve usability

**Project Features:**

- Overall footprint somewhat less than existing (including existing walkway)
- Side porch will feature:
  - Painted storm / screen windows on the upper 2/3<sup>rd</sup> of wall with painted wood lap siding on the lower third on the east and west walls to allow for transparency through the porch from the front and back of the house
  - Painted wood siding inside and out
  - Maximum 25% openings and 1 hour-rated wall to comply with fire code on the south wall of the porch (wall facing neighbor, perpendicular to the street – this will have minimal visual obstruction from the front and back sides of the house)
  - Wood ceiling stained
  - Painted balustrade
- Flat roof design prevents snow/ice from sliding onto landings, steps and walkways and provides deck for upper unit (several nearby houses, including next-door neighbors, have 2<sup>nd</sup> story decks)
- New structure constructed of appropriate materials to maintain existing character of the house and neighborhood

## Variance Statement

- (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 property is within the Milwaukee Avenue Historic District. The district is filled with non-conforming conditions. The property is substandard in width (37.5 ft vs. 40 ft required), area (3,078 sq. ft. vs. 5,000 sq. ft. required) and setbacks (front and sides). These conditions have not changed since the 1880's. In the 1970's, these conditions were legitimized by the formation of the Historic District as a Planned Residential Development (now a Planned Unit Development).

- (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 property is used for a residential duplex; that use will not change. The requested variance is for a new porch to replace a deteriorated existing porch.

- (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.**

The new porch is massed and detailed in the style of the rest of the neighborhood and will replace an eyesore.

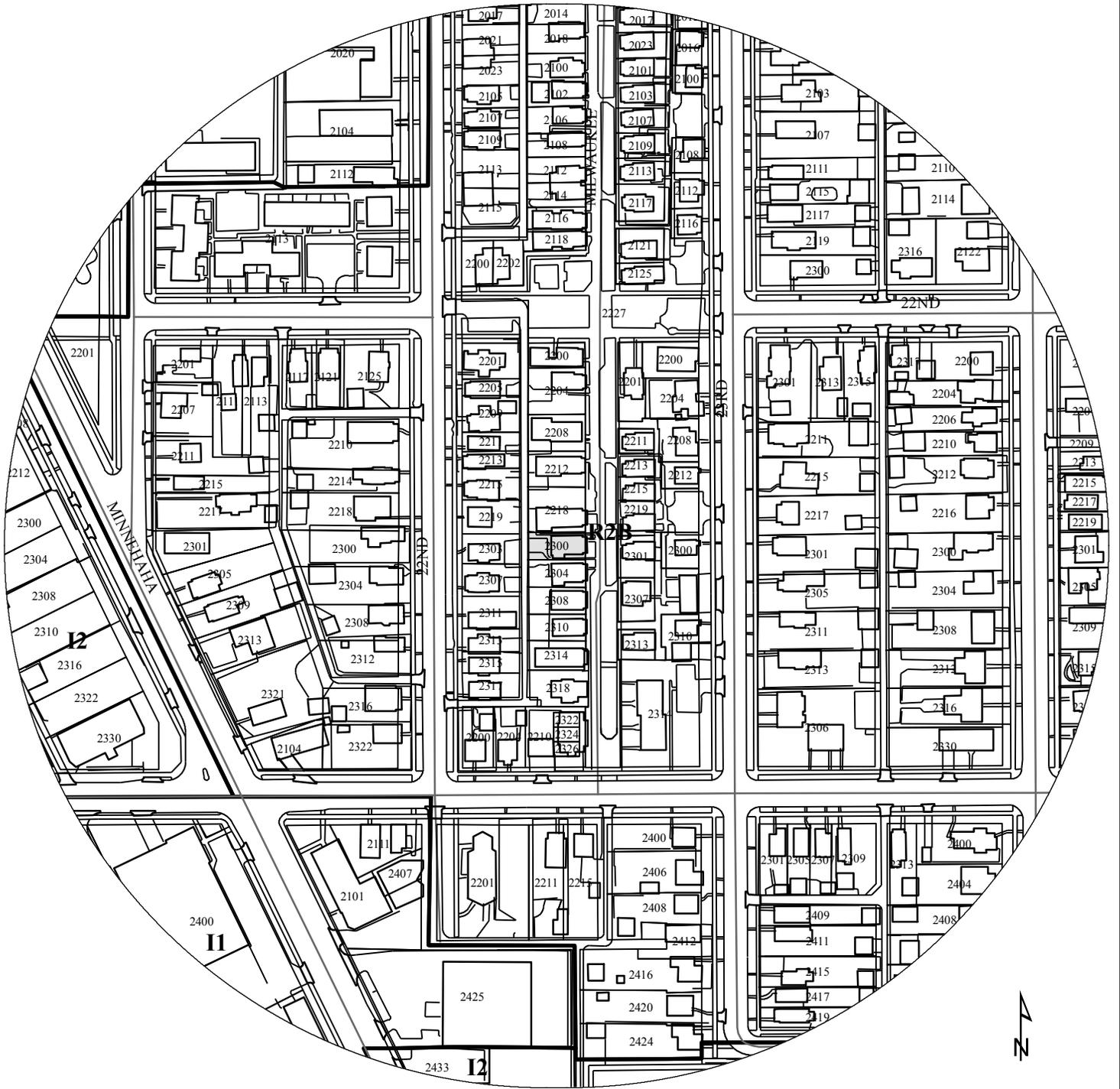
The project was proposed to the HPC with a 3'-10 ¾" side setback (which is slightly smaller than the existing porch footprint) but it was approved by the HPC conditional on maintaining a 5'-0" side setback. That decision was appealed to the Planning and Zoning subcommittee of the City Council who granted the appeal and removed the condition.

The design will comply with the fire resistance requirements of the building code. By replacing a deteriorated structure, the safety of anyone using the porch will be increased.

The project has received written endorsement from the Milwaukee Avenue Homeowners Association, the Seward Neighborhood Group Development Committee and all of the surrounding neighbors, including the next-door neighbor most affected by the variance [see letters attached to the application].

NAME OF APPLICANT

WARD



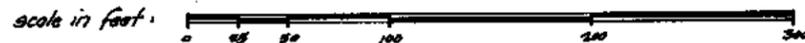
PROPERTY ADDRESS  
**2300 Milwaukee Ave**

FILE NUMBER  
**BZZ-7053**

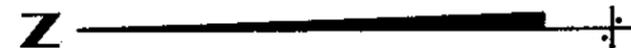
# MILWAUKEE MALL ADDITION

EGAN, FIELD & NOWAK, INC.  
SURVEYORS

Bearings shown are assumed October, 1976



o Denotes Iron Monument



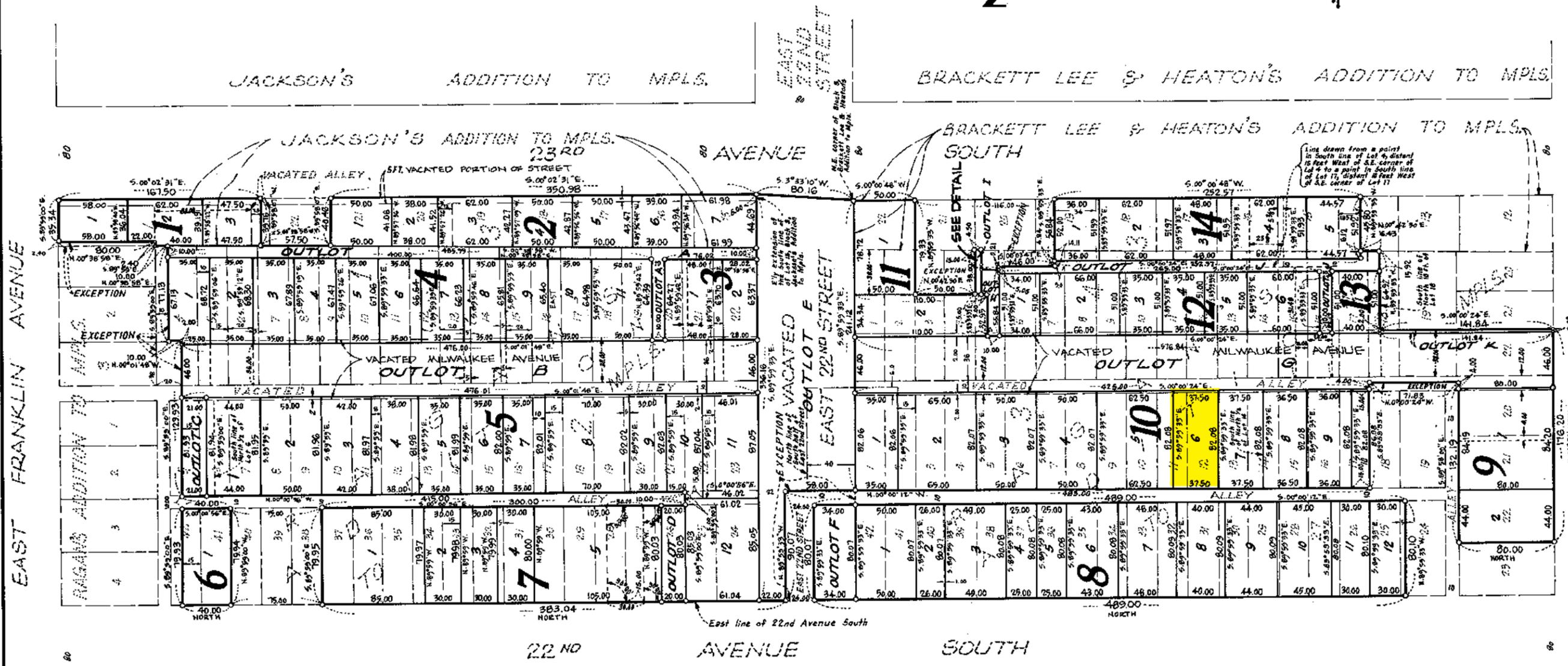
BINDING

FOR

RESERVED

SPACE

THIS



EAST FRANKLIN AVENUE

EAST 24TH STREET

EAST 22ND STREET

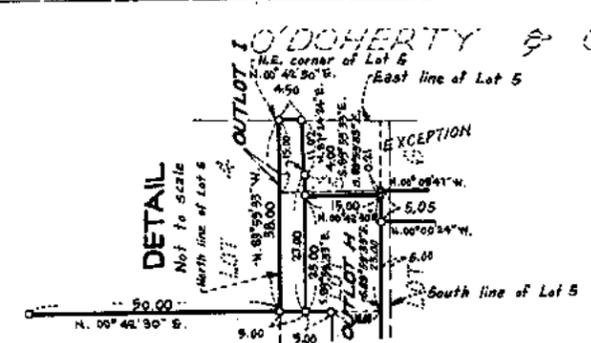
EAST 22ND STREET

EAST 22ND STREET

EAST 24TH STREET

O'DOHERTY & O'REILLY'S ADDITION TO MPLS.

O'DOHERTY & O'REILLY'S ADDITION TO MPLS.



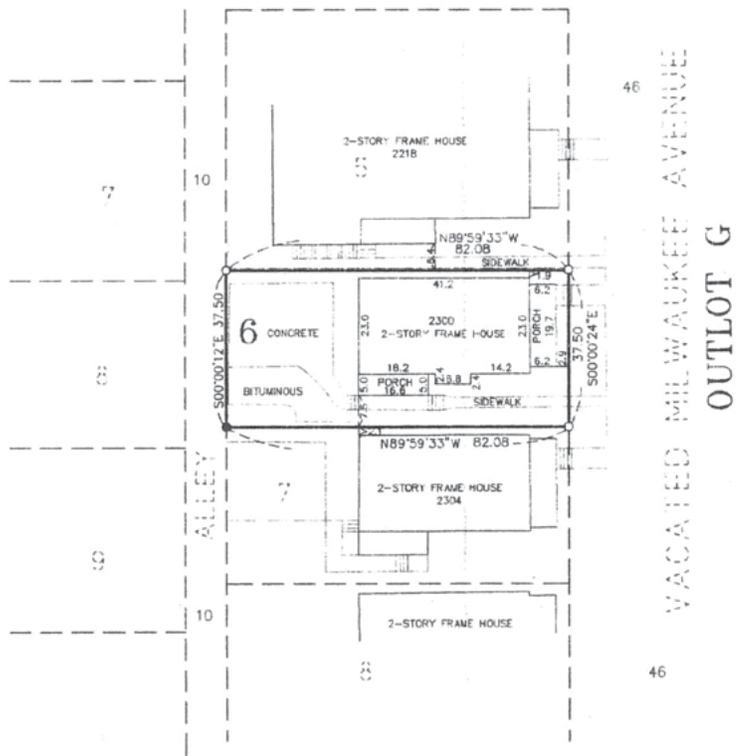
PERMITS REARRANGEMENT OF LOTS 1, 2 AND 3, BLOCK 1, ADDITION TO MPLS.

REARRANGEMENT OF BLOCK 1, WATERS ADDITION TO MPLS.

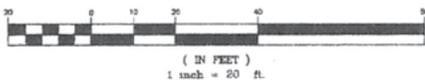
# CERTIFICATE OF SURVEY FOR; CHARLES LEVIN

**DESCRIPTION;**

LOT 6 BLOCK 10, MILWAUKEE MALL ADDITION, HENNEPIN COUNTY, MINNESOTA



GRAPHIC SCALE



- DENOTES IRON MONUMENT FOUND
- DENOTES IRON MONUMENT SET

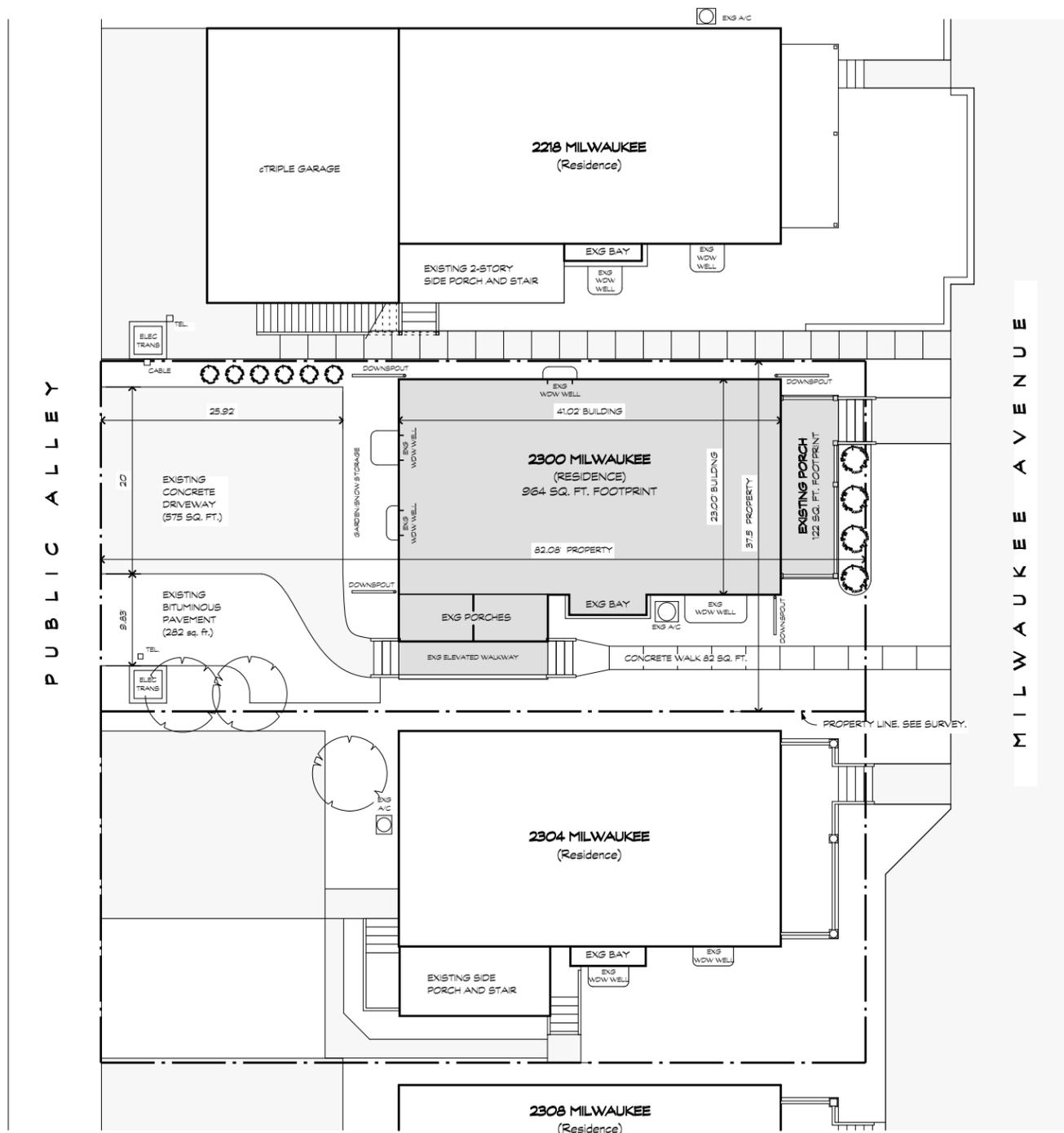
THE LOCATION OF UTILITIES SHOWN ARE APPROXIMATE ONLY  
OTHER UTILITIES MAY EXIST WHICH HAVE NOT BEEN SHOWN.  
CONTACT GOPHER STATE ONE CALL AT 454-0002  
FOR EXACT LOCATIONS BEFORE BEGINNING CONSTRUCTION.

	<b>CARLEY-TORGENSEN, INC.</b> LAND SURVEYORS (651) 484-3301
	SLITE 703 70 WEST COUNTY ROAD LITTLE CANADA, MN. 55117

I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Registered Land Surveyor under the laws of the State of Minnesota.

*David E. Torgersen*  
 David E. Torgersen, P.L.S.  
 Minn. Reg. No. 7551 Date 12-12-00

Revision Date \_\_\_\_\_ Book No. \_\_\_\_\_ Job No. 2000-183 File No. 9754



- GENERAL NOTES**
1. PROPERTY IS ESSENTIALLY FLAT.
  2. PAVED AREAS DRAIN TO STREET AND ALLEY, BOTH OF WHICH HAVE STORM SEWERS.

**AREA CALCULATIONS, EXISTING**

House	964
Front porch	122
Side porch	137
Pavement	939
Landscape	916
<b>TOTAL</b>	<b>3,078</b>



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 Telephone 612 729.5333  
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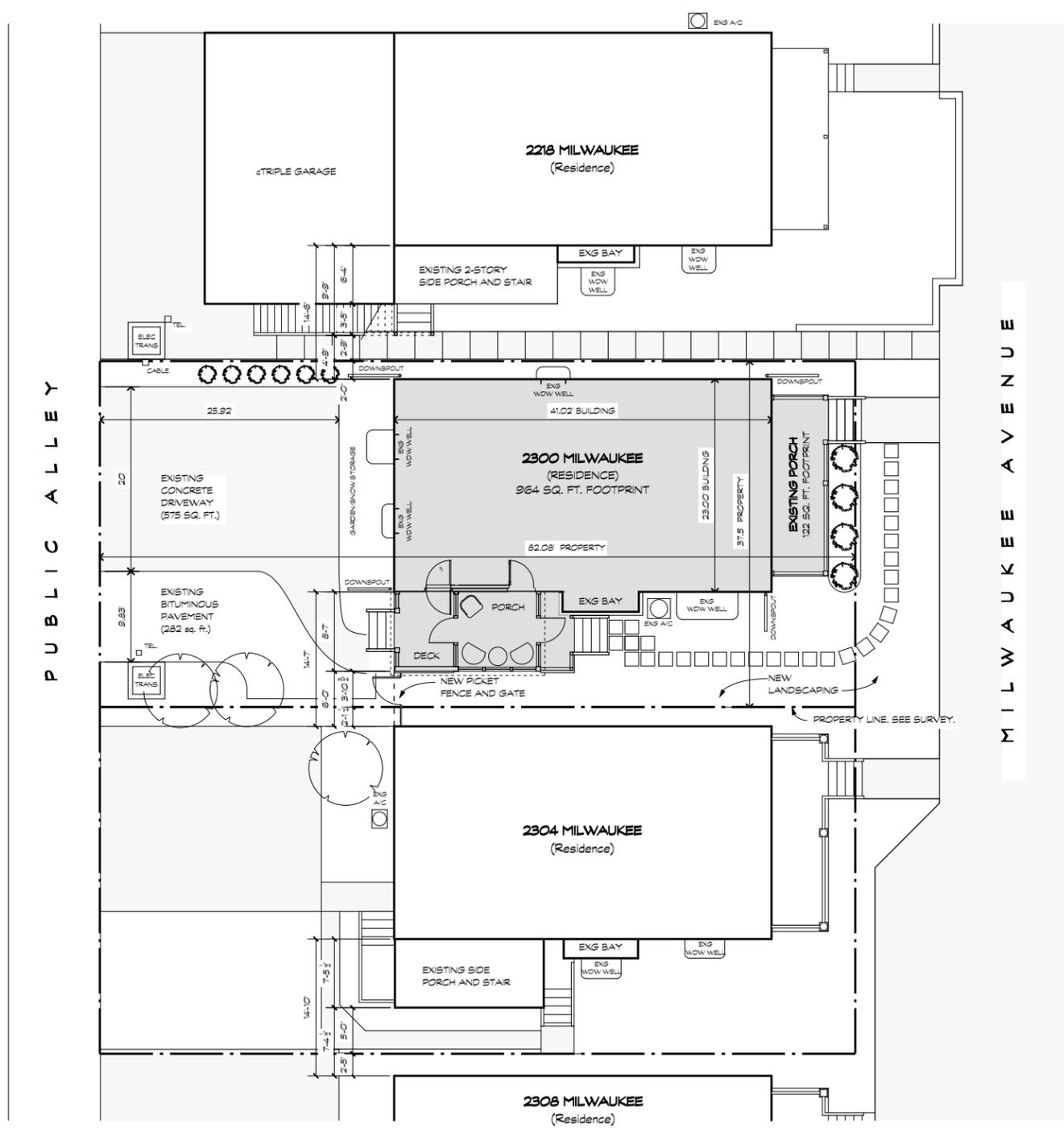
ISSUE FOR CLIENT REVIEW	12/11/00
ISSUE FOR ZONING REVIEW	7/25/01
ISSUE FOR VARIANCE APPLICATION	8/7/01
ISSUE FOR CERT OF APPROPRIATENESS	8/5/14

I hereby certify that this plan, specification or report was prepared by me or under my direct supervision and that I am a duly Licensed Architect under the laws of the State of Minnesota.

Charles A. Levin  
 Registration No. 14672  
 Date



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M I L W A U K E E A V E N U E

P U B L I C A L L E Y

- GENERAL NOTES**
1. PROPERTY IS ESSENTIALLY FLAT.
  2. PAVED AREAS DRAIN TO STREET AND ALLEY, BOTH OF WHICH HAVE STORM SEWERS.

**AREA CALCULATIONS, EXISTING**

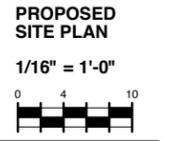
House	964
Front porch	122
Side porch	137
Pavement	939
Landscape	916
<b>TOTAL</b>	<b>3,078</b>

**AREA CALCULATIONS, NEW**

House	964
Front porch	122
Side porch	165
Pavement	895
Landscape	932
<b>TOTAL</b>	<b>3,078</b>

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#### BASEMENT FLOOR PLAN

1/4" = 1'-0"



ISSUE FOR MAHA REVIEW	9/19/00
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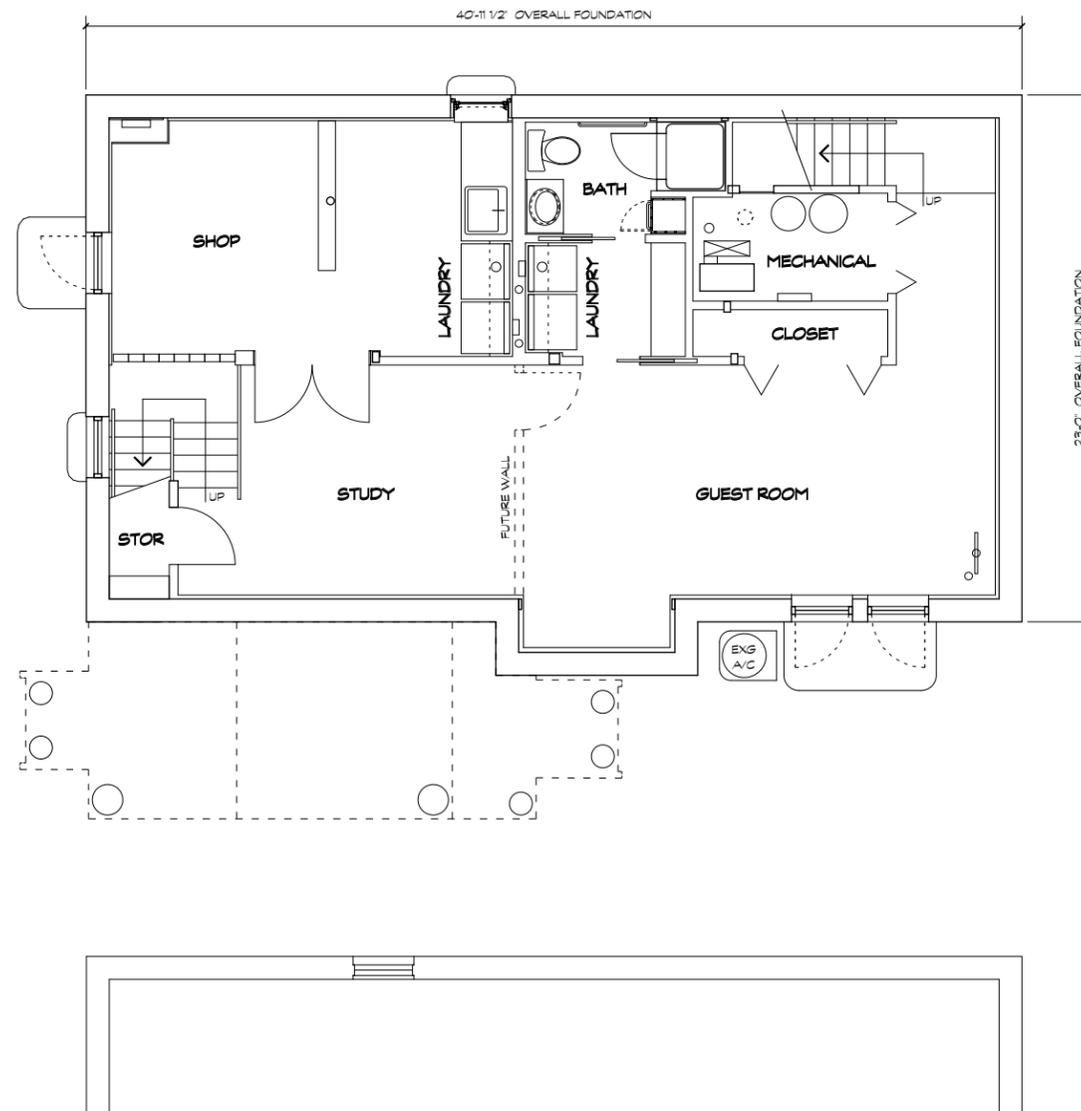
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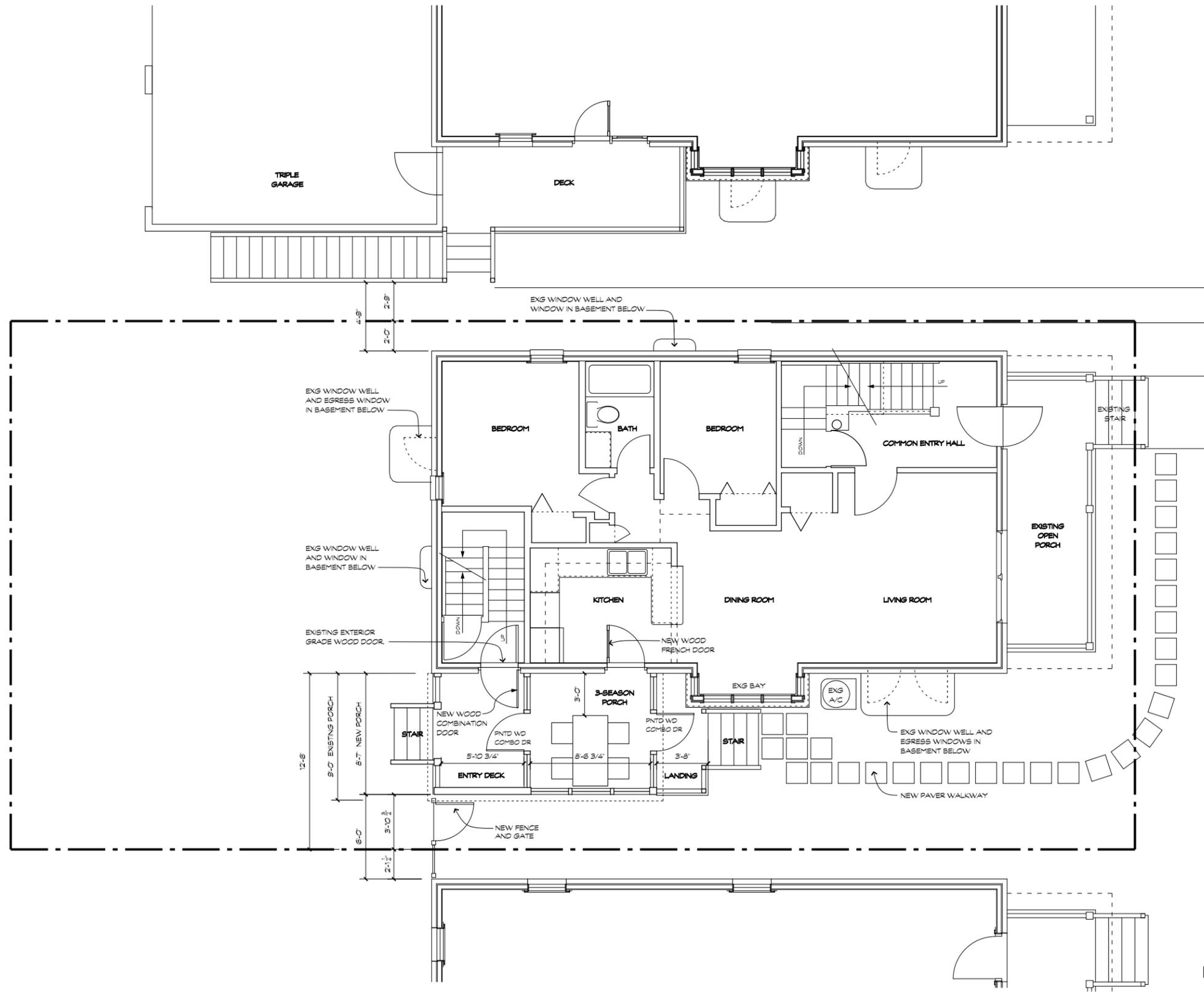


NORTH

# A3.4

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**1ST FLOOR PLAN**  
 1/8" = 1'-0"  
 0 1 2 3 4 5

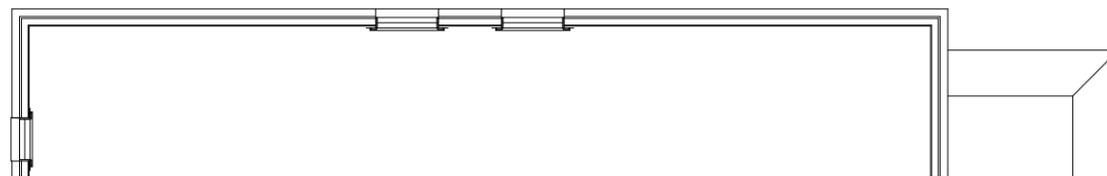
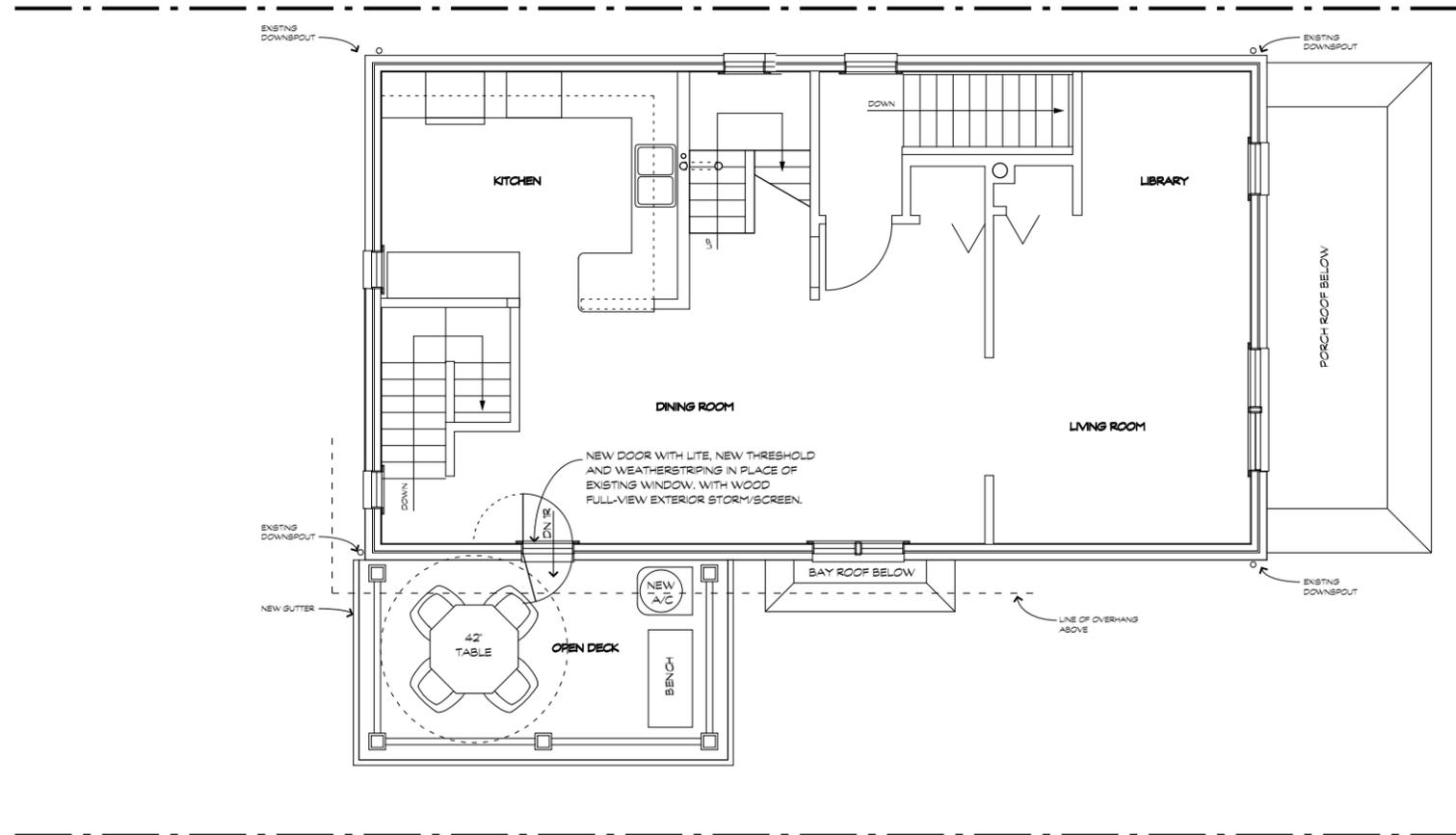
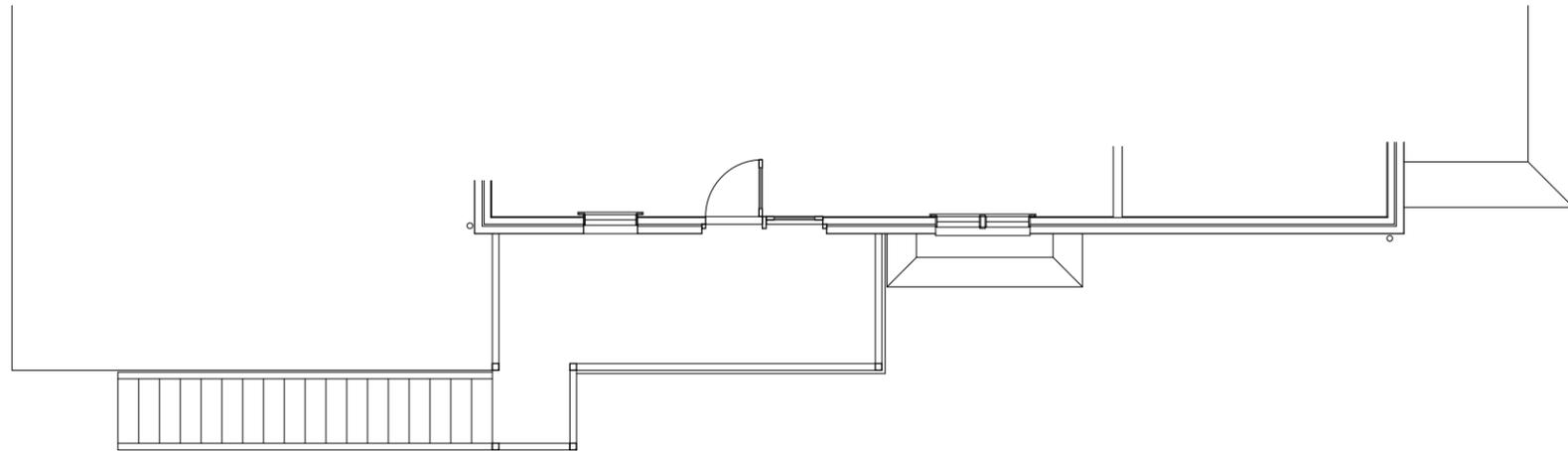
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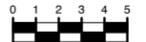
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**2ND FLOOR  
PLAN**

**1/8" = 1'-0"**



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**3RD FLOOR PLAN**

1/4" = 1'-0"



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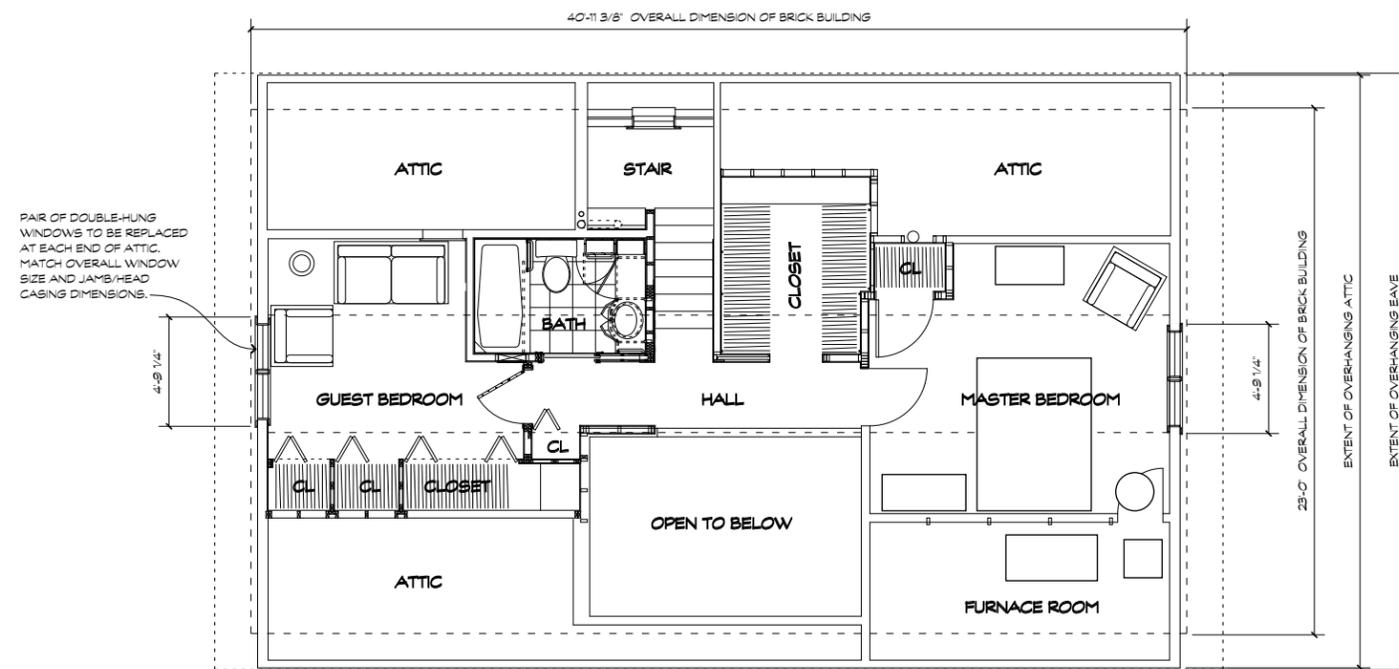
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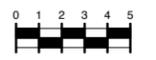
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**EAST ELEVATION**



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Alterations  
to the

**BROFMAN/  
LEVIN  
RESIDENCE**

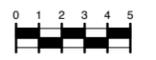
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Telephone  
612  
729.5333

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612  
729.8351

**SOUTH  
ELEVATION**



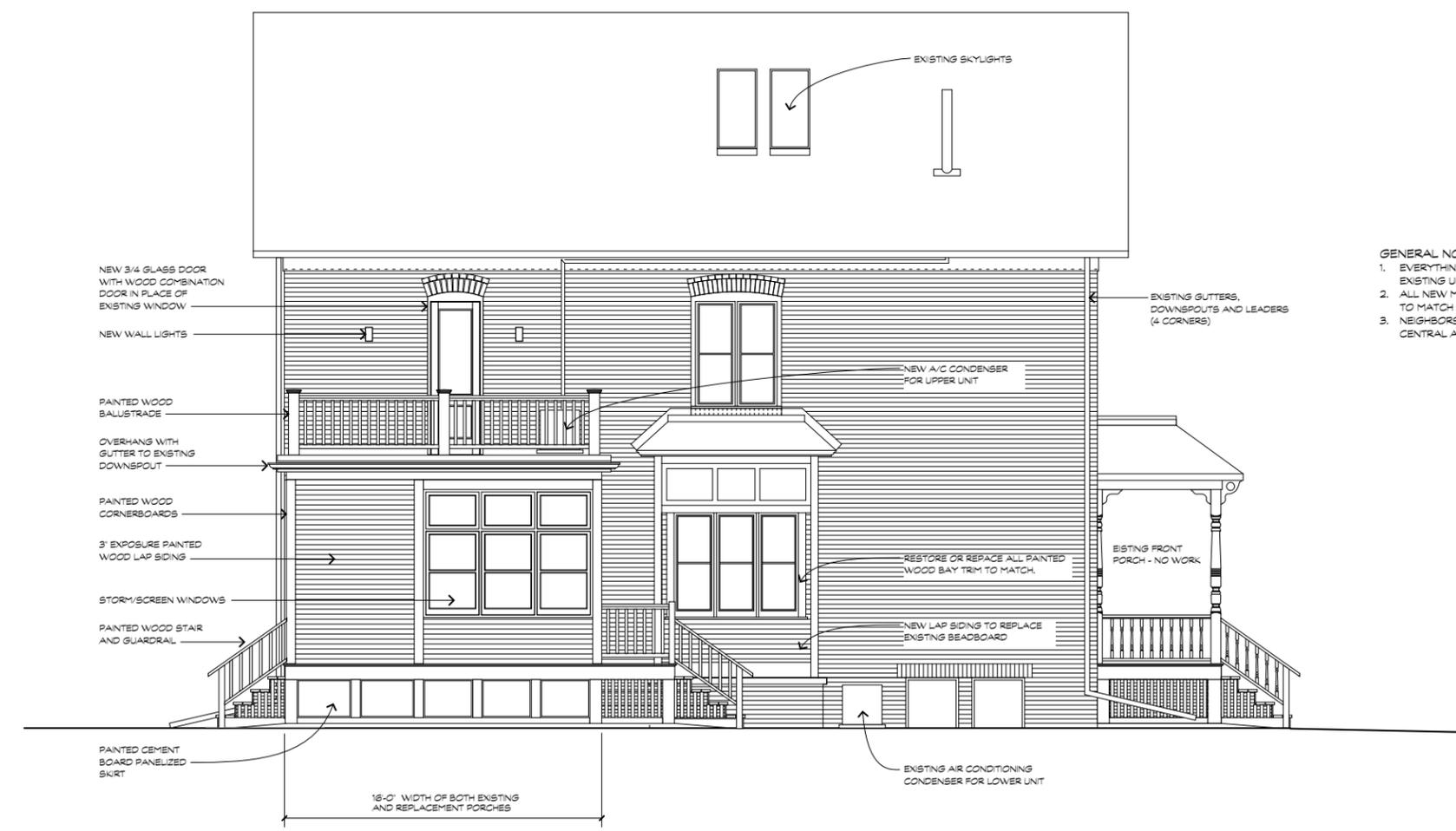
ISSUE FOR MARA REVIEW	9/19/00
ISSUE FOR ZONING REVIEW	7/31/01
ISSUE FOR VARIANCE APPLICATION	8/7/01
ISSUE FOR CERT OF APPROPRIATENESS	8/5/14

I hereby certify that this  
plan, specification or report  
was prepared by me or  
under my direct  
supervision and that I am a  
duly Licensed Architect  
under the laws of the State  
of Minnesota.

Charles A. Levin  
Registration No. 14672  
Date

**A7.2**

© 2014  
Charles Levin Architects



- GENERAL NOTES
1. EVERYTHING SHOWN IN DRAWING IS EXISTING UNLESS NOTED OTHERWISE
  2. ALL NEW MATERIALS AND DETAILING TO MATCH EXISTING.
  3. NEIGHBORS ON BOTH SIDES HAVE CENTRAL AIR CONDITIONING



Charles  
Levin  
Architects

2300  
Milwaukee  
Avenue

Minneapolis  
Minnesota  
55404-3150

P 612.729.5333  
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E chuck@clevin.com

www.charleslevinarchitects.com

Alterations  
to the

**BROFMAN/  
LEVIN  
RESIDENCE**

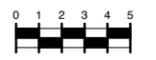
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Minnesota  
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729.8351

**WEST  
ELEVATION**



ISSUE FOR MAHA REVIEW	9/19/00
ISSUE FOR ZONING REVIEW	7/31/01
ISSUE FOR VARIANCE APPLICATION	8/7/01
ISSUE FOR CERT OF APPROPRIATENESS	8/5/14

I hereby certify that this plan, specification or report was prepared by me or under my direct supervision and that I am a duly Licensed Architect under the laws of the State of Minnesota.

Charles A. Levin  
Registration No. 14672  
Date

**A7.3**

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Charles Levin Architects





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Alterations  
to the

**BROFMAN/  
LEVIN  
RESIDENCE**

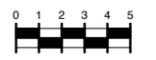
2300  
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Minnesota  
55404-3150

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612  
729.5333

Fax  
612  
729.8351

**NORTH  
ELEVATION**



ISSUE FOR  
MHA REVIEW 9/19/00

ISSUE FOR  
ZONING REVIEW 7/31/01

ISSUE FOR VARIANCE  
APPLICATION 8/7/01

ISSUE FOR CERT OF  
APPROPRIATENESS 8/5/14

I hereby certify that this  
plan, specification or report  
was prepared by me or  
under my direct  
supervision and that I am a  
duly Licensed Architect  
under the laws of the State  
of Minnesota.

Charles A. Levin  
Registration No. 14672  
Date

**A7.4**

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Charles Levin Architects



Sketches



Sketch of Front (East) View of Proposed Porch



Sketch of Back (West) Elevation of Proposed Porch



Close-up Sketch of Southwest corner of Proposed Porch



Close-up Sketch of Southeast corner of Proposed Porch



Photograph of 2304 Milwaukee Ave in August 2014  
Representative of materials and colors that will be used on the new porch

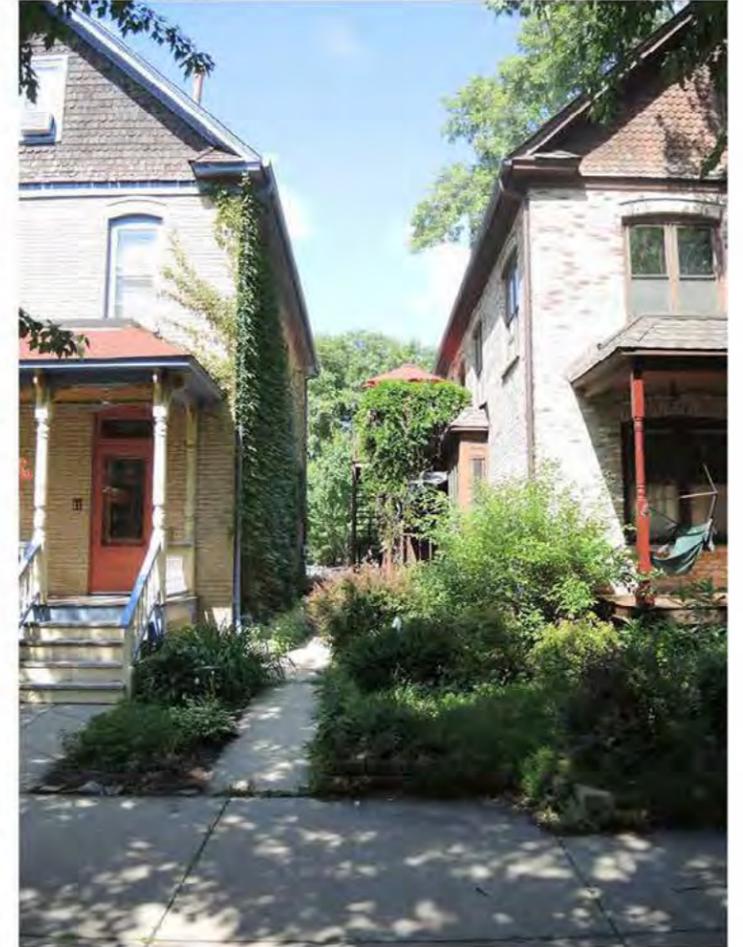
Existing Front (East) Elevations



2304 Front Facade and 2300 Side Yard



2300 Front Facade and Side Yard



2218 Side Yard and Front facade

Existing Back (West) Elevations



2218 Back Facade and Side Yard



2300 Back Facade



2300 Side Yard and 2304 Back facade

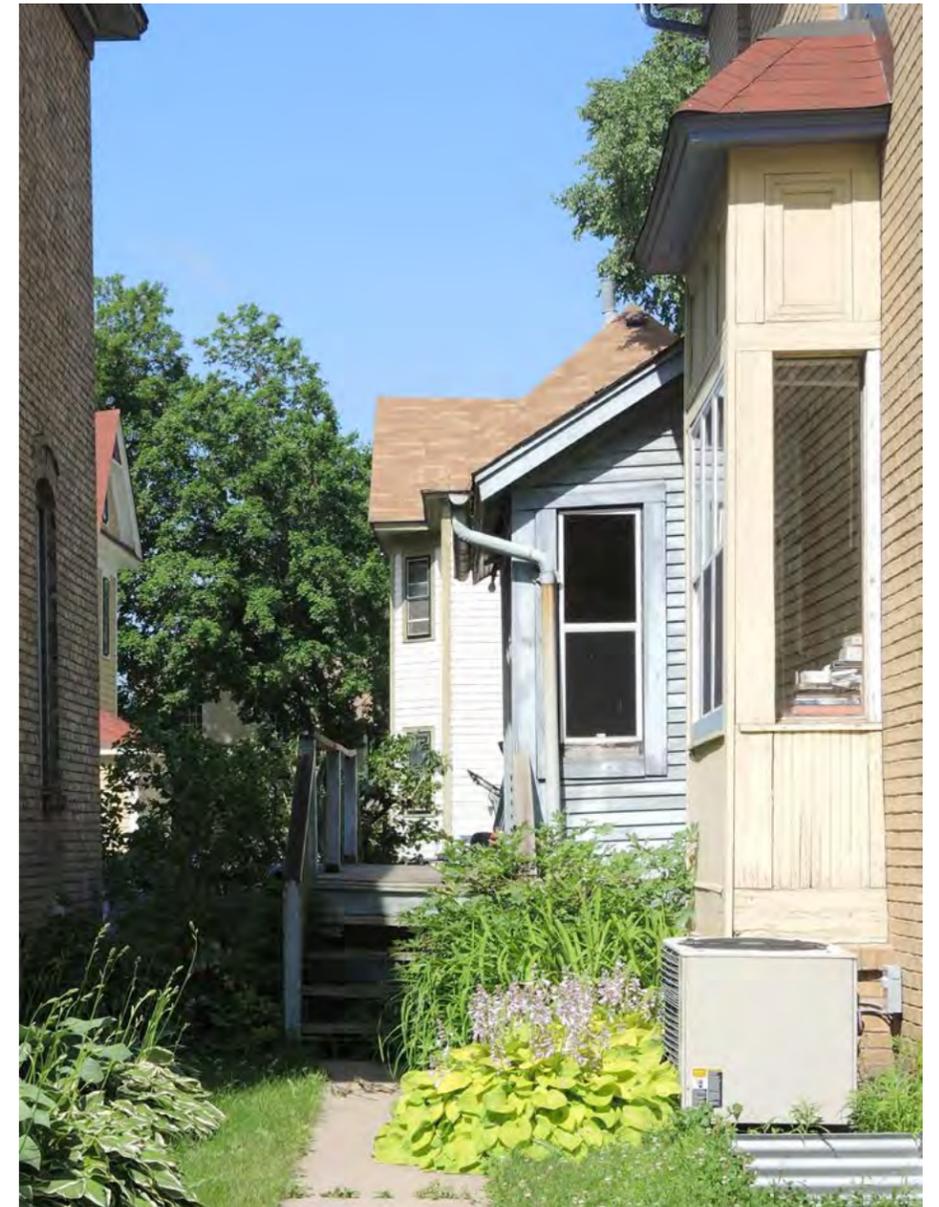
Porch Elevations



Existing West (back) Elevation



Existing North (side) Elevation



Existing East (front) Elevation

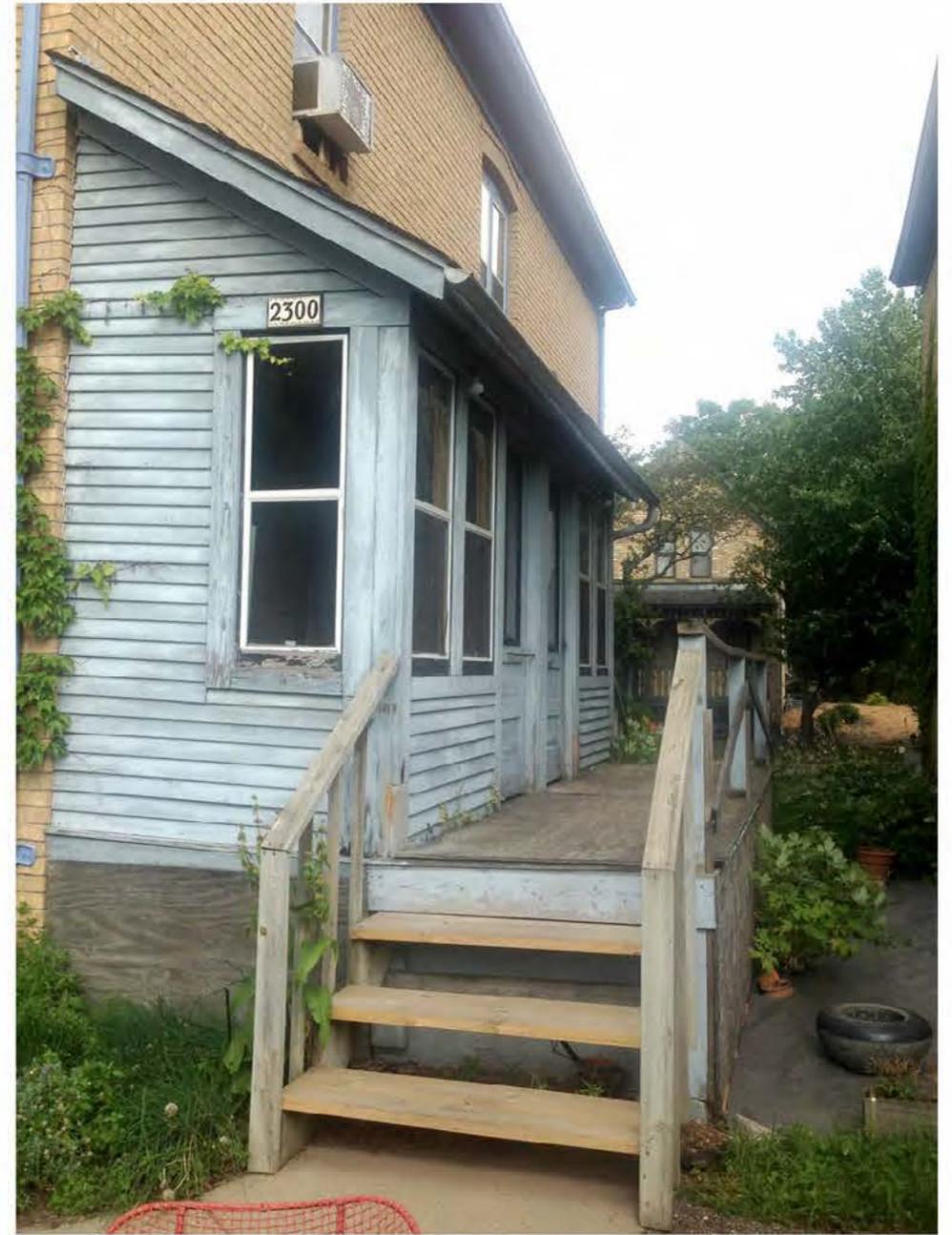
## Porch Deterioration



Snow and ice that collects on the sloped roof falls on porch walkway



Snow collects on the porch walkway creating hazardous walking conditions and causing rot and structural deterioration of the porch



Exterior finishes on side porch are deteriorated beyond repair: note sagging and rotten wood

**11/6/14**  
**Zoning and Planning Subcommittee of the Minneapolis City Council;**  
**discussion regarding Certificate of Appropriateness Appeal for 2300**  
**Milwaukee**

From YouTube: [https://www.youtube.com/watch?v=Her0Pn\\_hElg](https://www.youtube.com/watch?v=Her0Pn_hElg)  
Starting at time mark 41:27

=====

**Bender** [41:27]:

I think it would be helpful, Jason, Mr. Wittenberg or Mr. Nilsson, if you could just sort of explain again, the underlying zoning, the PUD and then...

I think the most important point here is what Councilmember Goodman brought up which is that we have a different standard here today so if we approve the appeal today the next step is to go to the Zoning Board and they will be looking at a different standard which goes to our underlying zoning and that's the question here so if your neighbors want to do this then each person's going to have to go to the Zoning Board of Adjustment and they're going to have to show practical difficulties which is the standard for a variance so, it's fine, it seems to me we need to make some policy changes.

**Wittenberg** [43:19]:

Chair Bender, that's correct and staff in their report and presentation really tried to focus on the historic district guidelines in this situation and I guess the discussion has gotten a little side-tracked from that. But, if there is an appetite among the Milwaukee Avenue residents and policy makers to sort of revisit guidelines and zoning district standards here, we can certainly have an ongoing conversation about what those tools might be. But as staff indicated, we've found no indication that the intent of the original PUD was to, sort of, ignore zoning setbacks within the district and we've found variances dating back, I think she [Steiner] said, 25 years. It's maybe worth noting that a Planned Unit Development actually isn't even allowed in this zoning district any longer so if we were to really strictly look at this as a Planned Unit Development then, that raises the question of whether it's all non-conforming and that could be a bigger can of worms than we really want to open if we are really go down the path of looking at this as that kind of Planned Unit Development. But we're certainly open to moving forward from this, looking at what kinds of tools might offer additional flexibility if that's the direction we'd like to go.

**Bender:**

Thank you. Council member Goodman.

**Goodman** [43:35]:

Thank you madam chair. I'm going to get this discussion going because I have a definite opinion about it and I see a path, in my mind, so maybe other people will see the path I do. I'm going to move to grant the appeal with regard to the issue in front of us, which is the Certificate of Appropriateness to allow this in an historic district and I would like to comment on my motion.

**Bender:**

Go ahead, thank you.

**Goodman** [43:58]:

Thank you madam chair.

First of all, Ms. Steiner, I think you did a great job. I think you laid out exactly the position that staff and HPC should be laying out. Here's the rule and here's how you have to follow it. And the reason we have an appeals process is so that we can determine whether or not that rule needs to be strictly enforced so I think staff did a great job and I appreciate your hard work and I don't think you should take anything we say today as anything about your work or the work of the HPC in this particular situation.

Historic Districts, of which I lived in one, the Harmon Avenue Historic District, have a set of Guidelines. They're not rules set in stone and I would argue people who live in those districts care the most about what the district looks like and the city's job is to try to help reinforce when changes are made in that district. Sometimes people who live in the district want to make changes, others are more predatory and buy property and want to make changes. In this particular situation where we have a policy in the city about density and growth and we want people to come here, we have to acknowledge that there are some historic districts that are not set up to allow for the kinds of growth and development of homes that we see.

I mean, look at this drama we're seeing in Southwest Minneapolis about tear-downs right now, so yeah, it's an historic district so they can't tear it down, but this is a very sensitive and architecturally significant change to this house that fits in perfectly and we need to figure out if our policy is to have growth and encourage people to live in the city we need to figure out what process we can go through - maybe there's a bigger process later, to get from here to there.

So, on the issue of the Certificate of Appropriateness, it's a no-brainer. I'm a little bit more concerned about the variance issue, and I'm going to throw this out here and see what Mr. Nilsson has to say about it. **I personally think we should grant them a Historic Use Variance - here, today - without any other process, under the auspices that it's consistent under a Certificate of Appropriateness to get the variance because it's in an historic district, to move forward.** That would be my path forward. I am a little bit concerned that we would then, if we agree to the Certificate of

Appropriateness, then the Board of Adjustment, which is a Citizen's panel, is going to come back to us with a very strict interpretation and we're going to be sitting in the same room \$400 later making the same exact argument.

I'm pretty strict about the rules generally speaking so I'm not someone who would say '...do whatever you want in an historic district...' I'm generally one of two or three people to vote with the preservation folks against everybody else moving forward. But in this situation, I think you made your case most clearly on the issue of what the size of the difference is. The illustrative picture you showed actually blocking the house behind you from the street, which I think is better; and the amount of space in this picture is a really good example actually. In other bigger cities where my parents live in Chicago there is not even 6 feet between the houses. The bedroom I sleep in looks right out onto the brick wall of the brownstone next door so this is more consistent with some patterns of growth in bigger older cities. So I don't think this is really a big deal so I'm going to again move to grant the Certificate of Appropriateness and then back off and see what Mr. Nilsson has to say. I'd be happy to make a motion to direct staff to approve findings to allow for an Historic Use Variance to vary the side yard setback down to three-and-a-half feet and take care of the entire thing today.

**Bender:**

Mr. Nilsson, can you comment on that?

**Nilsson [47:29]:**

Certainly.

Madam Chair, Council-member Goodman,

You are correct. I think one of the paths on this situation could have been a historic variance application. I think historically the way CPED staff has applied the historic variance is in situations where someone in an historic district capacity or a landmark designated capacity needs a variance to do something that is not one of our authorized variances and then they perhaps offer this path of a historic variance. When it's a variance that is one of our authorized variances typically they've made people go through the two-step process: HPC first and then the Board of Adjustment. I agree that this one, although it doesn't fall within that historic area where they would have offered an historic variance, this one seems ideally suited to that. I agree. There still is a practical difficulties consideration even with the historic variance, but it does allow for a little bit broader considerations and especially here you have this kind of intermingling of sort of zoning considerations and historic district considerations, this might have been an ideal candidate for that. I get it completely. I don't want to sound like sort of a spineless bureaucrat type of person but I think we would still need a historic variance application in front of you to act on it. I don't think you can act on it by fiat and just approve a historic variance, now, today, when there hasn't been any analysis on that as required by statute and ordinance so I don't know if there's a way we can get there quickly but I do think the applicant would need to have that application submitted in order to act on it.

**Bender:**

Councilmember Goodman

**Goodman** [49:21]:

I'll accept our attorney's analysis with regard to the process. I fist would like the chair to have a vote on the Certificate of Appropriateness and then I'll speak to the issue of the historic variance.

**Bender:**

Clerk, could you call the role on the motion to grant the appeal?

**Clerk:**

[Calls role and there are 5 for, none against].

**Bender:**

Councilmember Goodman

**Goodman** [49:55]:

So, I see the path forward. I see it's not as quick as I would like but I respect the fact that we don't want to be making on the fly exceptions without something in front of us; I think that would create a legal problem for us going forward and as preservationists, you probably would agree. We don't want everyone coming in and making an exception if we care about preservation broadly defined but I don't want this to set precedents for other historic districts and I'm sure you would agree you wouldn't want that either, as preservationists.

But I want to make it clear this committee is looking very favorably upon that variance and seems to me we would likely grant it. That has nothing to do with how the staff should respond to it or the Board of Adjustment should respond to it but I think it needs to be made clear in the report that goes to the Board of Adjustment that we asked them to do this and we want to see it move in this direction.

I don't know what the construction-timing schedule is -- 2001 and now you're back - a couple extra weeks won't kill you.

We found a path for you that I think is pretty clear and gives direction and reinforces the point that everything in this area is nonconforming. Setting a new standard for the future is not a bad thing.

If Councilmember Warsame wants to work with the community to further clarify how this could be achieved that's great but if not, then this particular applicant is

not going to be held up any further, but I do respect the fact that our attorney has suggested we not just simply grant something not in front of us and I can't take it that far.

**Bender:**

Thank you Councilmember Goodman. Councilmember Warsame.

**Warsame [51:24]:**

I'd like to thank chair Lisa [Bender] as well as Councilmember Goodman on this. She actually said everything that I wanted to say but I wanted to mention that we have the experts on Milwaukee Avenue here – people who built Milwaukee Avenue, people who care about Milwaukee Avenue, the people who defend the historic nature of Milwaukee Avenue are right here – they're the experts; they know how this beautiful part of my ward, part of Seward, should stay and I did like what Sheldon Main said which is it is a living historic district and people live there. There's actually families there, there's people who live there and we need to be very careful with their needs in terms of how they want to live in their neighborhood, so I thank everyone for coming and I thank staff for their hard work as well. Thank you.

**Bender [52:15]:**

Thank you Councilmember Warsame.

You know, thanks to Councilmember Goodman for your creative thinking here. I think what you're hearing from our committee is that we have an absolute desire to support the needs of this community and to allow these changes to go forward. I was concerned about every single property Owner in the district having to bounce around to all these different committees and variances and spending staff time if, imagining that this is something that may be desirable for a lot of the property owners, so as you achieve this whichever way goes forward. I know Councilmember Warsame has said he is interested in looking at this and I think I would offer my time as well to support policy changes that might make this easier in the future that may give some more certainty to property owners that want to do these changes in the future.

So thanks to everyone's time for being here. Is there any other comment on this issue? OK, seeing none, that's the close of our agenda and I'll adjourn the committee. Thank you.

**END**

# M A H A

## Milwaukee Avenue Homeowners Association

August 25, 2014

Chuck Levin and Lynn Brofman  
2300 Milwaukee Avenue  
Minneapolis, MN 55404

RE: Approval of side porch project

Dear Chuck and Lynn,

This letter is to confirm that the Milwaukee Avenue Homeowner's Association (MAHA) Architectural Review Committee (the ARC) has recommended, and the MAHA Board of Directors has approved, your proposal for your side porch project, a copy of which is on file with the ARC. This approval includes both the appropriateness of the Porch design and MAHA's support of your request for a side setback variance.

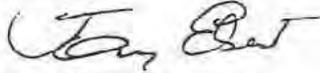
Please be advised that MAHA approvals are only for conformance with the *MAHA Guidelines for Architecture and Maintenance of Properties (11/87)* and that other approvals/permits from regulatory agencies such as the Heritage Preservation Commission (HPC), the Zoning Department or the Building Code Department may be required.

In addition, to ensure that your project goes smoothly for you and your neighbors, please adhere to the following guidance:

- Any obstruction of the paved mall 'street' or 'sidewalk' requires an obstruction permit from the City of Minneapolis. This is available at <http://www.minneapolis.mn.gov> and triggers notification of emergency service providers. In addition, obstructions require warning cones/tape to increase pedestrian safety. These permits should be provided by the contractor or homeowner.
- Driving vehicles on the mall 'landscape' and/or staging of materials is strongly discouraged due to the possibility of damage. If absolutely necessary, coordination with the landscape committee to flag sprinkler system components is required. Also, plywood or other protection should be used under materials, tires, etc. Homeowner is responsible for the cost of repairing any damage caused by their activities.
- If you are going to need a dumpster, think about where it will need to be located. Do not use MAHA or City property without obtaining prior written permission/s.
- It's highly encouraged that you talk to your neighbors in advance; notify your neighbors prior to starting your project, e.g. talk face-to-face, distribute notices, call, email, etc. as necessary to avoid surprises.

On behalf of MAHA, I thank you for your compliance with MAHA's review and approval process and wish you good luck with your project.

Sincerely,



Jenny Ebert  
MAHA Board Vice President  
2218 Milwaukee Avenue  
Minneapolis, MN 55404  
612.867.5915

cc: MAHA Board  
MAHA Architectural Review Committee (Diane Richard, Chairperson)  
Minneapolis Heritage Preservation Commission

Helpful Links:

HPC: <http://www.ci.minneapolis.mn.us/hpc/>

Mpls.Development Review Hours: <http://www.ci.minneapolis.mn.us/mdr/>

Mpls.Development Review Free Parking Info: <http://www.ci.minneapolis.mn.us/mdr/location/and-parking.asp>



## SEWARD NEIGHBORHOOD GROUP

2323 E Franklin Avenue • Minneapolis, MN 55406

PHONE 612 338 6205  
FAX 612 399 0739

E MAIL info@sng.org  
WEB www.sng.org

September 10, 2014

Lisa Steiner  
250 South 4<sup>th</sup> Street, Room 300  
Minneapolis, MN 55415

**Regarding: 2300 Milwaukee Ave. Certificate of Appropriateness & Variance (BZH-28347)**

Dear Ms. Steiner:

The Seward Neighborhood Group recommends approval of a Certificate of Appropriateness by the Heritage Preservation Commission and a side-yard setback variance to replace an existing porch with a new porch at 2300 Milwaukee Avenue.

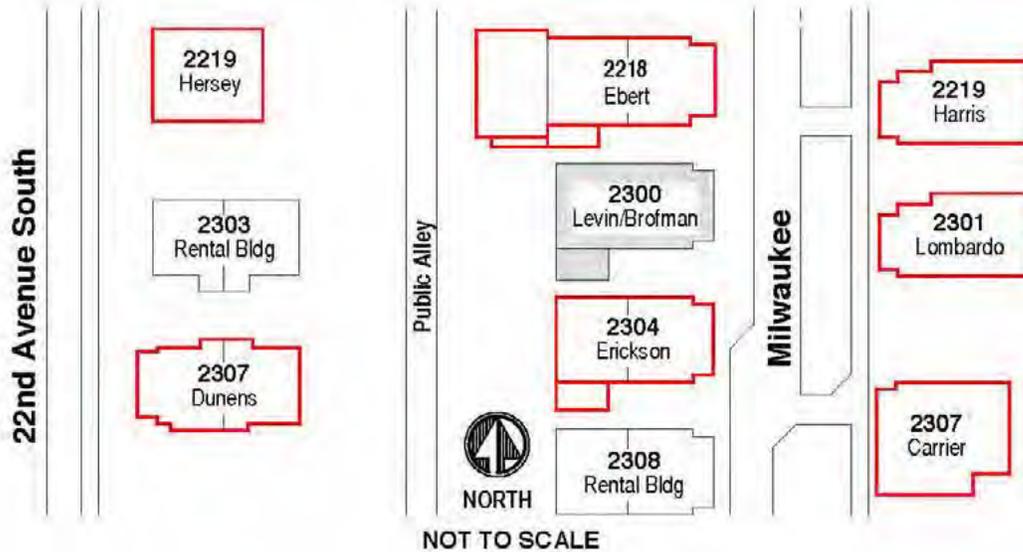
Thank you for the opportunity to comment on this proposal.

Sincerely,

Ben Walen  
Co-President  
Seward Neighborhood Group

cc: Charles Levin

## LETTER OF SUPPORT FROM NEIGHBORS



NO RESPONSE WAS RECEIVED FROM THE RENTAL BUILDING OWNERS AT 2303  
22ND AVE S AND 2308 MILLWAUKEE AVE

August 10, 2014

Heritage Preservation Commission  
City of Minneapolis  
c/o Minneapolis Planning Department  
Public Service Center  
Room 300  
250 South 4<sup>th</sup> Street  
Minneapolis, MN 55415-1339

Re: Certificate of Appropriateness and Variance for 2300 Milwaukee Avenue, Minneapolis, MN  
Legal: Lot 6 Block 10 Milwaukee Mall Addition, Hennepin County, MN

To Whom It May Concern:

I own the rental property at 2219 Milwaukee Avenue which is across Milwaukee Avenue to the Northeast from Lynn Brofman and Chuck Levin.

I have reviewed their proposed porch design and understand their request for a side setback variance from 5'-0" to 3'-10<sup>3</sup>/<sub>4</sub>". I support both their request for a Certificate of Appropriateness and for a Variance. I believe this planned improvement will be a welcome improvement to the building while maintaining the integrity of the historic district.

I encourage you to grant their requests for Certificate of Appropriateness and Variance.

Sincerely,



Ed Harris, Property Owner  
2219 Milwaukee Avenue  
Minneapolis, MN 55404-3150

August 10, 2014

Heritage Preservation Commission  
City of Minneapolis  
c/o Minneapolis Planning Department  
Public Service Center  
Room 300  
250 South 4<sup>th</sup> Street  
Minneapolis, MN 55415-1339

Re: Certificate of Appropriateness and Variance for 2300 Milwaukee Avenue, Minneapolis, MN  
Legal: Lot 6 Block 10 Milwaukee Mall Addition, Hennepin County, MN

To Whom It May Concern:

I am the neighbor of Lynn Brofman and Chuck Levin located directly across Milwaukee Avenue to the East at 2301 Milwaukee Ave.

I have reviewed their proposed porch design and understand their request for a side setback variance from 5'-0" to 3'-10 $\frac{3}{4}$ ". I support both their request for a Certificate of Appropriateness and for a Variance. I believe this planned improvement will be a welcome improvement to the building while maintaining the integrity of the historic district.

I encourage you to grant their requests for Certificate of Appropriateness and Variance.

Sincerely,



Arlene Lombardo, Property Owner  
2301 Milwaukee Avenue  
Minneapolis, MN 55404-3150

August 10, 2014

Heritage Preservation Commission  
City of Minneapolis  
c/o Minneapolis Planning Department  
Public Service Center  
Room 300  
250 South 4<sup>th</sup> Street  
Minneapolis, MN 55415-1339

Re: Certificate of Appropriateness and Variance for 2300 Milwaukee Avenue, Minneapolis, MN  
Legal: Lot 6 Block 10 Milwaukee Mall Addition, Hennepin County, MN

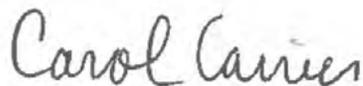
To Whom It May Concern:

I am a Milwaukee Avenue neighbor of Lynn Brofman and Chuck Levin located at the adjacent Southeast property (2307 Milwaukee Ave.).

I have reviewed their proposed porch design and understand their request for a side setback variance from 5'-0" to 3'-10<sup>3</sup>/<sub>4</sub>". I support both their request for a Certificate of Appropriateness and for a Variance. I believe this planned improvement will be a welcome improvement to the building while maintaining the integrity of the historic district.

I encourage you to grant their requests for Certificate of Appropriateness and Variance.

Sincerely,



Carol Carrier, Property Owner  
2307 Milwaukee Avenue  
Minneapolis, MN 55404-3150

August 10, 2014

Heritage Preservation Commission  
City of Minneapolis  
c/o Minneapolis Planning Department  
Public Service Center  
Room 300  
250 South 4<sup>th</sup> Street  
Minneapolis, MN 55415-1339

250 South 4<sup>th</sup> Street  
Minneapolis, MN 55415-1339

c/o Zoning Administration Office  
Public Service Center  
Room 300

Re: Certificate of Appropriateness and Variance for 2300 Milwaukee Avenue, Minneapolis, MN  
Legal: Lot 6 Block 10 Milwaukee Mall Addition, Hennepin County, MN

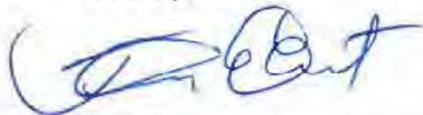
To Whom It May Concern:

I am a Milwaukee Avenue neighbor of Lynn Brofman and Chuck Levin located at the adjacent North property (2218 Milwaukee Ave.).

I have reviewed their proposed porch design and understand their request for a side setback variance from 5'-0" to 3'-10<sup>3</sup>/<sub>4</sub>". I support both their request for a Certificate of Appropriateness and for a Variance. I believe this planned improvement will be a welcome improvement to the building while maintaining the integrity of the historic district.

I encourage you to grant their requests for Certificate of Appropriateness and Variance.

Sincerely,



Jenny Ebert, Property Owner  
2218 Milwaukee Avenue  
Minneapolis, MN 55404-3150

August 1, 2014

Board of Adjustment  
City of Minneapolis

Heritage Preservation Commission  
City of Minneapolis

c/o Zoning Administration Office  
Public Service Center  
Room 300  
250 South 4<sup>th</sup> Street  
Minneapolis, MN 55415-1339

c/o Minneapolis Planning Department  
Public Service Center  
Room 300  
250 South 4<sup>th</sup> Street  
Minneapolis, MN 55415-1339

Re: Certificate of Appropriateness and Variance for 2300 Milwaukee Avenue, Minneapolis, MN  
Legal: Lot 6 Block 10 Milwaukee Mall Addition, Hennepin County, MN

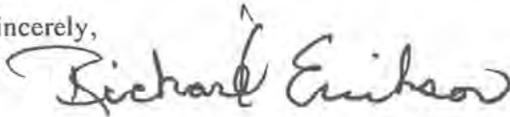
To Whom It May Concern:

I am a Milwaukee Avenue neighbor of Lynn Brofman and Chuck Levin located at the adjacent South property (2304 Milwaukee Ave.).

I have reviewed their proposed porch design and understand their request for a side setback variance from 5'-0" to 3'-10<sup>3</sup>/<sub>4</sub>". I support both their request for a Certificate of Appropriateness and for a Variance. I believe this planned improvement will be a welcome improvement to the building while maintaining the integrity of the historic district.

I encourage you to grant their requests for Certificate of Appropriateness and Variance.

Sincerely,

A handwritten signature in black ink that reads "Richard Erickson". The signature is written in a cursive style with a prominent initial "R" and "E".

Richard Erickson, Property Owner  
2304 Milwaukee Avenue  
Minneapolis, MN 55404-3150

10/3/14

To the Zoning and Planning Subcommittee of the City Council:

I understand that my project at 2304 Milwaukee was introduced as evidence of precedent at the 9/23/14 hearing for the 2300 Milwaukee Certificate of Appropriateness.

Last year, HPC conditionally approved my project without my requested variance. Due to the cost and time required to appeal, the condition of my existing porch and family health issues, I chose to not appeal even though I was very unhappy with the HPC's decision.

I support the Brofman-Levin request as proposed and if it is approved, will take no action to appeal or change the HPC decision regarding my property.

A handwritten signature in black ink that reads "Richard Erickson". The signature is written in a cursive style with a large initial "R".

Richard Erickson  
2304 Milwaukee Avenue  
Minneapolis, MN 55404

August 10, 2014

Heritage Preservation Commission  
City of Minneapolis  
c/o Minneapolis Planning Department  
Public Service Center  
Room 300  
250 South 4<sup>th</sup> Street  
Minneapolis, MN 55415-1339

Re: Certificate of Appropriateness and Variance for 2300 Milwaukee Avenue, Minneapolis, MN  
Legal: Lot 6 Block 10 Milwaukee Mall Addition, Hennepin County, MN

To Whom It May Concern:

I am a Milwaukee Avenue neighbor of Lynn Brofman and Chuck Levin located at the adjacent Northwest property (2219 22<sup>nd</sup> Ave. S).

I have reviewed their proposed porch design and understand their request for a side setback variance from 5'-0" to 3'-10<sup>3</sup>/<sub>4</sub>". I support both their request for a Certificate of Appropriateness and for a Variance. I believe this planned improvement will be a welcome improvement to the building while maintaining the integrity of the historic district.

I encourage you to grant their requests for Certificate of Appropriateness and Variance.

Sincerely,



Galen Hersey, Property Owner  
2219 22<sup>nd</sup> Avenue S  
Minneapolis, MN 55404-3150

August 10, 2014

Heritage Preservation Commission  
City of Minneapolis  
c/o Minneapolis Planning Department  
Public Service Center  
Room 300  
250 South 4<sup>th</sup> Street  
Minneapolis, MN 55415-1339

Re: Certificate of Appropriateness and Variance for 2300 Milwaukee Avenue, Minneapolis, MN  
Legal: Lot 6 Block 10 Milwaukee Mall Addition, Hennepin County, MN

To Whom It May Concern:

We are Milwaukee Avenue neighbors of Lynn Brofman and Chuck Levin located at the adjacent Southwest property (2307 22<sup>nd</sup> Ave. S).

We have reviewed their proposed porch design and understand their request for a side setback variance from 5'-0" to 3'-10 $\frac{3}{4}$ ". We support both their request for a Certificate of Appropriateness and for a Variance. We believe this planned improvement will be a welcome improvement to the building while maintaining the integrity of the historic district.

We encourage you to grant their requests for Certificate of Appropriateness and Variance.

Sincerely,



Elizabeth and Eriks Dunens, Property Owners  
2307 22<sup>nd</sup> Avenue S  
Minneapolis, MN 55404-3150