

LAND USE APPLICATION SUMMARY

Property Location: 4320 West Lake Harriet Parkway
Project Name: Detached Accessory Dwelling Unit
Prepared By: Joseph Giant, City Planner, (612) 673-3489
Applicant: Eric Tollefson
Project Contact: Christopher Strom
Request: To convert the second story of an existing garage into an accessory dwelling unit

Required Applications:

Variance	<ul style="list-style-type: none"> To reduce the minimum distance between a detached accessory dwelling unit and a principal structure from 20 feet to 6.3 feet. To allow an accessory dwelling unit not entirely to the rear of the principal structure. To reduce the required interior side yard from eight (8) feet to 4.1 feet to allow an accessory dwelling unit in an existing structure (returned to applicant).
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SITE DATA

Existing Zoning	RIA Single-Family District SH Shoreland Overlay District
Lot Area	5,120 square feet
Ward(s)	13
Neighborhood(s)	Linden Hills
Designated Future Land Use	Urban Neighborhood, adjacent to Parks and Open Space
Land Use Features	NA
Small Area Plan(s)	NA

BACKGROUND

SITE DESCRIPTION AND PRESENT USE. The subject property, 4320 West Lake Harriet Parkway, is an irregularly shaped parcel with an area of 5,120 square feet located in the RI Single-Family District and SH Shoreland Overlay District. The property contains a single-family home constructed in 1918, as well as a two-story garage, constructed in 1994, located to the rear of the home. The garage is connected to the home by an elevated deck.

Date Application Deemed Complete	October 28, 2015	Date Extension Letter Sent	NA
End of 60-Day Decision Period	December 28, 2015	End of 120-Day Decision Period	NA

While the front portion of the lot has historically contained a single-family home, the rear portion of the lot formerly accommodated the railroad right-of-way for the Minneapolis and St. Paul Suburban Railroad Company. The land survey and original plat maps suggest that when the railroad right-of-way was vacated, a 25-foot strip of land south of the centerline of the railroad right-of-way was conveyed to the subject property. The portion of land that was conveyed from the railroad company currently contains the detached garage and a 16'x12' shed.

The grade on the front portion of the property containing the home is approximately level with the street. The portion of the property containing the former railroad right-of-way is several feet lower than the grade at the front of the property. As such, the ground floor of the garage is approximately level with the basement floor of the home. A concrete retaining wall extends underneath the deck and between the two structures separating the two grades.

SURROUNDING PROPERTIES AND NEIGHBORHOOD. The subject property is located in the Linden Hills neighborhood of southwest Minneapolis. Lake Harriet is located approximately 200 feet to the east of the property. Although the land across the Parkway slopes precipitously toward Lake Harriet, the area of development is not on or within 40 feet from the top of a steep slope.

The site is bordered by Lake Harriet to the east, a single-family home to the south, and a three-story apartment buildings to the northwest. The land adjacent to the rear of the property is used as parking for the apartment building.

PROJECT DESCRIPTION. The property currently accommodates a two-story single-family home connected to a two-story garage by an elevated deck. The applicant intends to convert the upper level of the garage into an accessory dwelling unit (ADU). Building permits for the garage and deck from 1993 mention the construction of an "attached garage." However, because the connecting element is a deck with neither a roof nor walls, and no usable space exists below the deck, the Zoning Administrator has determined that the structure should be regulated as a "detached" ADU rather than an "attached" ADU.

As part of the project, existing window openings would be modified, new window openings would be constructed, and the existing exterior materials of the garage would be replaced with cement-based siding. No additional bulk would be added to the structure. The elevated deck would be rebuilt at a smaller footprint and slightly different shape.

Detached ADUs must be located entirely to the rear of the principal structure and must be no closer than 20 feet from a habitable portion of the principal structure. At its closest point, the garage is located 6.3 feet from the home, and approximately half of the structure would be located closer to the front lot line along West Lake Harriet Parkway than the rear wall of the home. Therefore, the applicant has applied for a variance to reduce the required distance between a detached ADU and a principal structure, and a variance to allow a detached ADU not entirely to the rear of the principal structure.

In all other respects the proposed ADU meets the development standards contained in Chapter 537, Accessory Uses and Structures, as well as the other applicable provisions contained in the zoning ordinance.

The applicant has withdrawn the request for a variance to the interior side yard setback. The bulk of the structure is not increasing, and the existing structure meets the minimum 3-foot interior side yard setback required for detached ADUs, so a variance of the required interior side yard is not necessary.

PUBLIC COMMENTS. Staff has received one letter from a neighbor in support of the proposed variances. The applicant plans to present the project to the Linden Hills Neighborhood Council on November 16, 2015. Feedback from the meeting will be forwarded to the Zoning Board of Adjustment along with any additional correspondence received prior to the public meeting.

ANALYSIS

VARIANCE – Detached ADU not entirely to rear of dwelling

The Department of Community Planning and Economic Development has analyzed the application for a variance of the development standards for accessory dwelling units 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.*

The development standards for detached ADUs require that the ADU be located entirely to the rear of the principal structure. Typically, this provision is administered by requiring that the entire ADU be located further from the front lot line than the rear wall of the principal structure. The southernmost portion of the home is located 52.2 feet from the front lot line adjacent to West Lake Harriet Parkway. At its closest point, the east corner of the ADU is located approximately 30.25 feet from the front lot line.

A practical difficulty exists due to the unique shape of the property and the location of the home on the property. The shape of the property roughly resembles a 30-60-90 right triangle with a square cut out of the 60-degree vertex. The home is situated on the property in such a manner that very little buildable area exists behind its rear wall, so constructing an accessory structure in this area would be nearly impossible. Most of the developable area of the lot is located north of the home. However, this area is not located behind the rear wall of the home.

The unique shape of the property was not created by the applicant and the variance request is not solely based on economic considerations.

- 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 current use of the property is a single-family home. Single-family homes are a permitted use in the R1 zoning district. Detached ADUs are permitted as an accessory use to single-family homes provided the ADU meets the applicable development standards.

The intent of the provision requiring that detached ADUs be located entirely to the rear of the principal structure is to retain the character of residential neighborhoods and to ensure that the ADU is subordinate in size and location to the principal structure (the same provision applies to detached garages accessory to residential uses).

The requested variance meets the intent of the ordinance. The ADU would be subordinate in size and location compared to the principal structure, and would be the same size as the garage that has lawfully existed on the site for more than 20 years. Besides the requested variances, the ADU meets all other relevant provisions of the zoning code.

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.*

Allowing the conversion of the upper level of the garage into an ADU would not alter the essential character of the locality or be injurious to the use or enjoyment of other properties in the vicinity. The ADU would be located in an existing structure. The exterior materials of the structure would be replaced with vertical cement-based siding, including the lower portion currently composed of exposed concrete blocks, and the windows openings would be modified. However, no bulk would be added to the structure.

Granting the variance would not be detrimental to the health, safety, or welfare of the general public.

VARIANCE – Twenty-foot separation distance

The Department of Community Planning and Economic Development has analyzed the application for a variance of the development standards for accessory dwelling units 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.*

The existing garage is located approximately 6.3 feet from the principal structure. The zoning ordinance requires that detached ADUs be located a minimum of 20 feet from the principal structure. A practical difficulty exists in complying with the minimum 20-foot separation distance due to the unique shape of the property. Complying with the 20-foot separation distance would limit the buildable area of the property so severely that constructing an ADU that met the minimum 300-square-foot requirement anywhere on the property would be virtually impossible without additional variances.

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 intent of the 20-foot minimum spacing requirement is to ensure that ADUs are subordinate to the principal structure and fit the established character of residential neighborhoods. The 20-foot spacing requirement, in particular, is intended to emulate the traditional development pattern exhibited throughout Minneapolis of detached garages being located towards the rear of a property.

Despite the unusual shape of the property, the garage/ADU is nevertheless located at the rear of the property adjacent to the public alley, in keeping with the intent of the ordinance.

Allowing the accessory dwelling unit is consistent with several policies contained within the comprehensive plan.

- It preserves the diversity of the city's neighborhoods while allowing for increased density in order to attract and retain long-term residents (Land Use Policy 1.8).
- It allows the city to grow by increasing the housing supply (Housing Policy 3.1).
- It fosters complete communities by preserving and increasing high quality housing opportunities suitable for all ages and household types (Housing Policy 3.6).
- It maintains and preserves the quality and unique character of the city's existing housing stock (Urban Design Policy 10.7).

Due to the location of the structure adjacent to the alley in the rear of the property and the various policies contained in the comprehensive plan that support the variance, staff finds that reducing the spacing between the principal structure and the detached ADU is in keeping with 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.*

Although the subject property is slightly smaller than the 6,000-square foot lot area minimum for the R1 district, at 5,120 square feet, the parcel is comparable in area to a typical low-density residential zoning lot. The request to reduce the setbacks to construct an ADU, therefore, would not overburden a substandard property. Rather, the request stems from the unique shape of the property and the large setbacks.

Other properties on the block face contain single-family homes, but most other nearby land uses are medium-density apartments. Requiring compliance with a provision intended to promulgate traditional neighborhood development is less necessary in a setting where such a pattern has never existed. Therefore, decreasing the required distance between the proposed detached ADU and the principal structure from 20 feet to 6.3 feet will not alter the essential character of the neighborhood.

Reducing the required distance between the principal structure and the ADU would have no effect on the health, safety, or welfare of the general public.

Additional Standards for Variances within the SH Shoreland Overlay District

In addition, the Zoning Board of Adjustment shall consider, but not be limited to, the following factors when considering conditional use permit or variance requests within the SH Shoreland Overlay District:

1. *The prevention of soil erosion or other possible pollution of public waters, both during and after construction.*

The subject property is located approximately 210 feet from Lake Harriet. Although the terrain across the Parkway from the subject property slopes downward towards the lake, the impacted area on the subject property is well over 40 feet from the top of a steep slope.

The grade at the subject property drops by several feet from street level to the rear of the lot. However, the grade change does not constitute a steep slope.

The conversion of the upper story of the existing garage into an ADU and the reconstruction of the deck should not have an adverse impact on the protected water body. Besides new footings for the reconstruction of the deck, the project would not require any ground disturbance. The deck would be rebuilt at a slightly smaller footprint than the existing deck, thereby reducing the amount of impervious surfaces on the property.

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

The existing structure would not be enlarged and is currently well screened from the lake by a substantial amount of vegetation.

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

The proposed ADU will not generate any watercraft.

RECOMMENDATIONS

The Department of Community Planning and Economic Development recommends that the Zoning Board of Adjustment adopt staff findings for the applications by Eric Tollefson for the property located at 4320 West Lake Harriet Parkway:

A. Variance of the development standards for accessory dwelling units.

Recommended motion: **Approve** the application for a variance to allow a detached accessory dwelling unit not entirely to the rear of the principal structure, subject to the following conditions:

1. Approval of final site, elevation, and floor plans by the Department of Community Planning and Economic Development;
2. All site improvements shall be completed by November 19, 2017, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance;
3. The detached accessory dwelling unit shall be clad entirely in a high-quality durable material;
4. The deck connecting the detached accessory dwelling unit to the principal structure shall not be composed of unfinished wood.

B. Variance of the development standards for accessory dwelling units.

Recommended motion: **Approve** the application for a variance to reduce the required spacing between a detached accessory dwelling unit and a principal structure from 20 feet to 6.3 feet, subject to the following conditions:

1. Approval of final site, elevation, and floor plans by the Department of Community Planning and Economic Development;
2. All site improvements shall be completed by November 19, 2017, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.

C. Variance of the north interior side yard setback.

This application has been **returned** to the applicant.

ATTACHMENTS

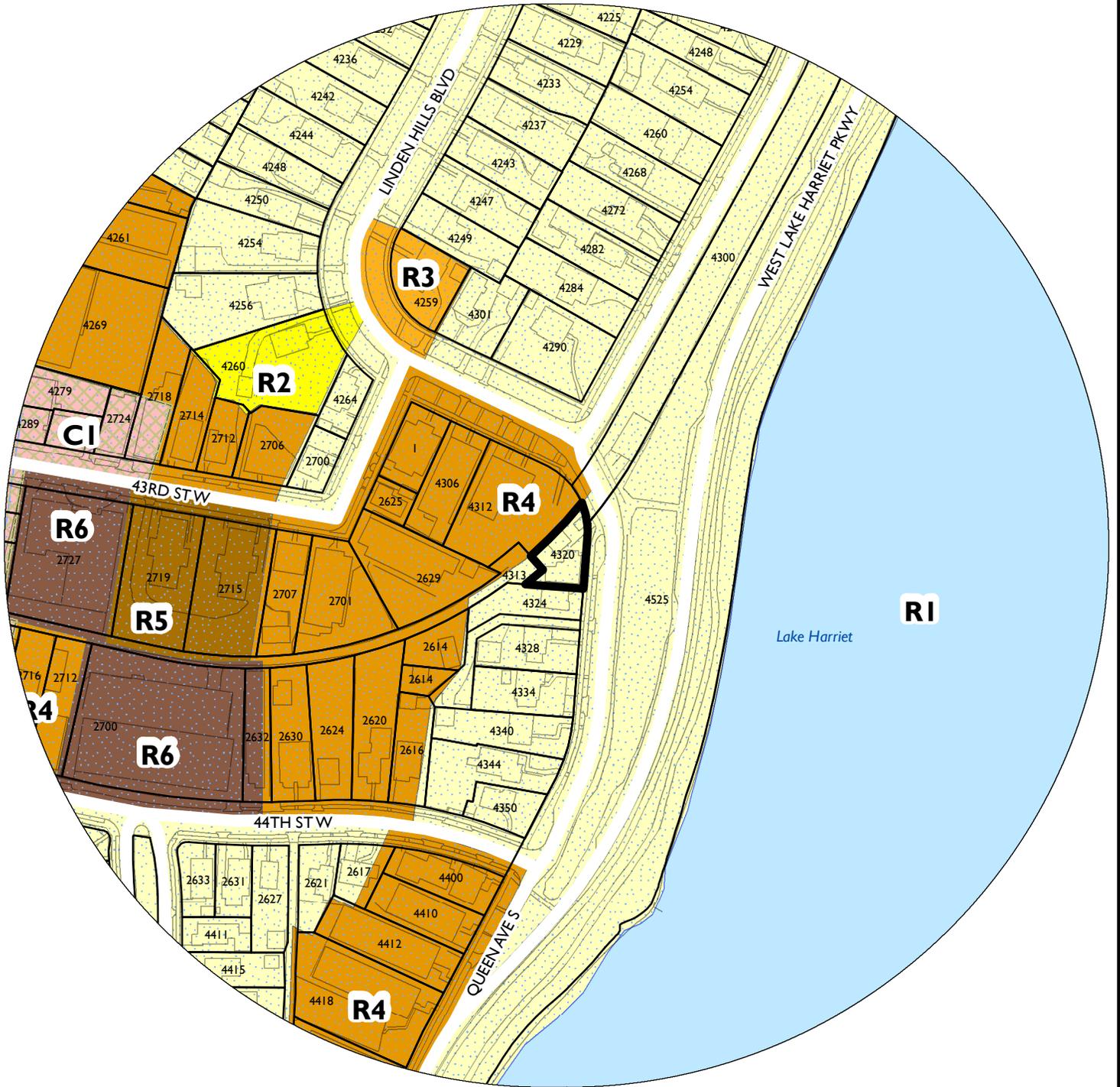
1. Zoning map
2. Written statements and variance findings by applicant
3. Survey of existing conditions
4. Site plan
5. Floor plans and elevation drawings
6. Photographs
7. Letter to Linden Hills Neighborhood Council and Ward 13
8. Correspondence

Eric Tollefson

13th

NAME OF APPLICANT

WARD



PROPERTY ADDRESS

4320 West Lake Harriet Parkway

FILE NUMBER

BZZ-7493

Eric Tollefson
4320 West Lake Harriet Parkway
Minneapolis, MN 55410
October 30, 2015

Community Planning and Economic Development
Development Services Division
250 South 4th Street, Room 300
Minneapolis, MN 55412-1316

Dear Community Planning and Economic Development:

I, Eric Tollefson, authorize Chris Strom to apply for a variance on my behalf in pursuing a variance for 4320 Lake Harriet Parkway.

If you have any questions, please contact me at 612-423-6037.

Sincerely,

Eric Tollefson

Statement of Proposed Use and Description of the Project:

The owner of 4320 West Lake Harriet Pkwy, Eric Tollefson, would like to convert the upper story of his garage into an accessory dwelling unit (ADU). Although the garage is attached to the house by a deck, CPED considers this a detached ADU. Detached ADUs can be no closer than 20 feet from the home, and the existing structure is 7.3 feet from the home. Therefore, the owner is applying for a variance to reduce the distance between the house and the detached ADU.

Statement of Required Findings for Variances

4320 Lake Harriet Parkway West

A. Variance Finding (Allow ADU closer than 20 feet from 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.***

A practical difficulty exists because of the unique shape, location, and topography of the property. The property is roughly a triangle with nearly 120 feet of street frontage. The house and garage are situated in a deep ravine alongside the Lake Harriet streetcar track. As a result, development within the buildable area of the lot is very challenging. Detached ADUs are required to be 20 feet from the main house. Due to the unique features of the property, it would be virtually impossible to construct an ADU anywhere on the property without triggering additional variances. The unique features of the property were not created by the owners of the property and are not based on economic considerations.

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 home would remain an owner-occupied single-family home. Detached ADUs are allowed by-right accessory to owner-occupied single-family homes. Therefore, the use is reasonable. The proposed variance request is also reasonable. The purpose of the 20-foot separation requirement is to preserve the traditional development pattern of detached garages being located towards the rear of the property, with a backyard separating the home from the garage. No opportunity to pursue this development pattern exists at this property. Rather, approving this variance would allow the creation of a unique ADU that would be befitting of the unique site conditions. Therefore, reducing the separation distance to 7.3 feet would not violate 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.***

The proposed variance would not alter the essential character of the locality. The garage is existing and would not be expanded. Windows would be added to the structure and the deck that currently connects the ADU to the house would be rebuilt with a smaller footprint than currently exists. The exterior cladding of the structure would also be replaced and extended to cover the concrete blocks that currently comprise the lower portion of the structure. Allowing the ADU closer than 20 feet to the house would have no effect on the use or enjoyment of other properties in the vicinity. The ADU is not visible from the home to the south, and is located a substantial distance from the apartment buildings to the west. Overall, the improvements to the existing structure would improve the aesthetic of the property and contribute towards the established character of the neighborhood.

B. Variance finding (allow ADU not entirely to rear of principal 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.***

A practical difficulty exists because of the unique shape, location, and topography of the property. The property is roughly a triangle with nearly 120 feet of street frontage. The house and garage are situated in a deep ravine alongside the Lake Harriet streetcar track. As a result, development to the rear of the house is impossible. The need for the variance was not created by the applicant and is not based upon economic considerations; the building already exists in its current location.

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.***

There will be no effect on the adjacent apartment building because the building already exists and the entrance cannot be seen; no persons will be seen coming and going.

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.***

This is already a very densely populated corridor due to the large multi-unit apartment building adjacent to this existing structure. This structure would add one or two people to the area which will have no effect on the adjacent apartment building or other persons in the public.

C. Shoreland Overlay District findings:

1. ***The prevention of soil erosion or other possible pollution of public waters, both during and after construction.***

The proposed project would not contribute to soil erosion or have any adverse effect on Lake Harriet. The ADU would be located in an existing structure and no excavation would occur. The deck connecting the ADU with the home would be rebuilt at a smaller size, thereby decreasing the amount of impervious surfaces at the property. No development would occur on or within 40 feet from the top of a steep slope.

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

The structure is existing and would be no more visible than it is currently. The ADU is separated from the lake by a hill and several rows of trees. The main house screens the ADU from most vantage points in front of the home.

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

The ADU would not generate any watercraft.

CERTIFICATE OF SURVEY

Survey for: ERIC TOLLEFSON



SCALE: 1" = 8'

- Denotes Iron Monument Found
- Denotes Iron Monument Set

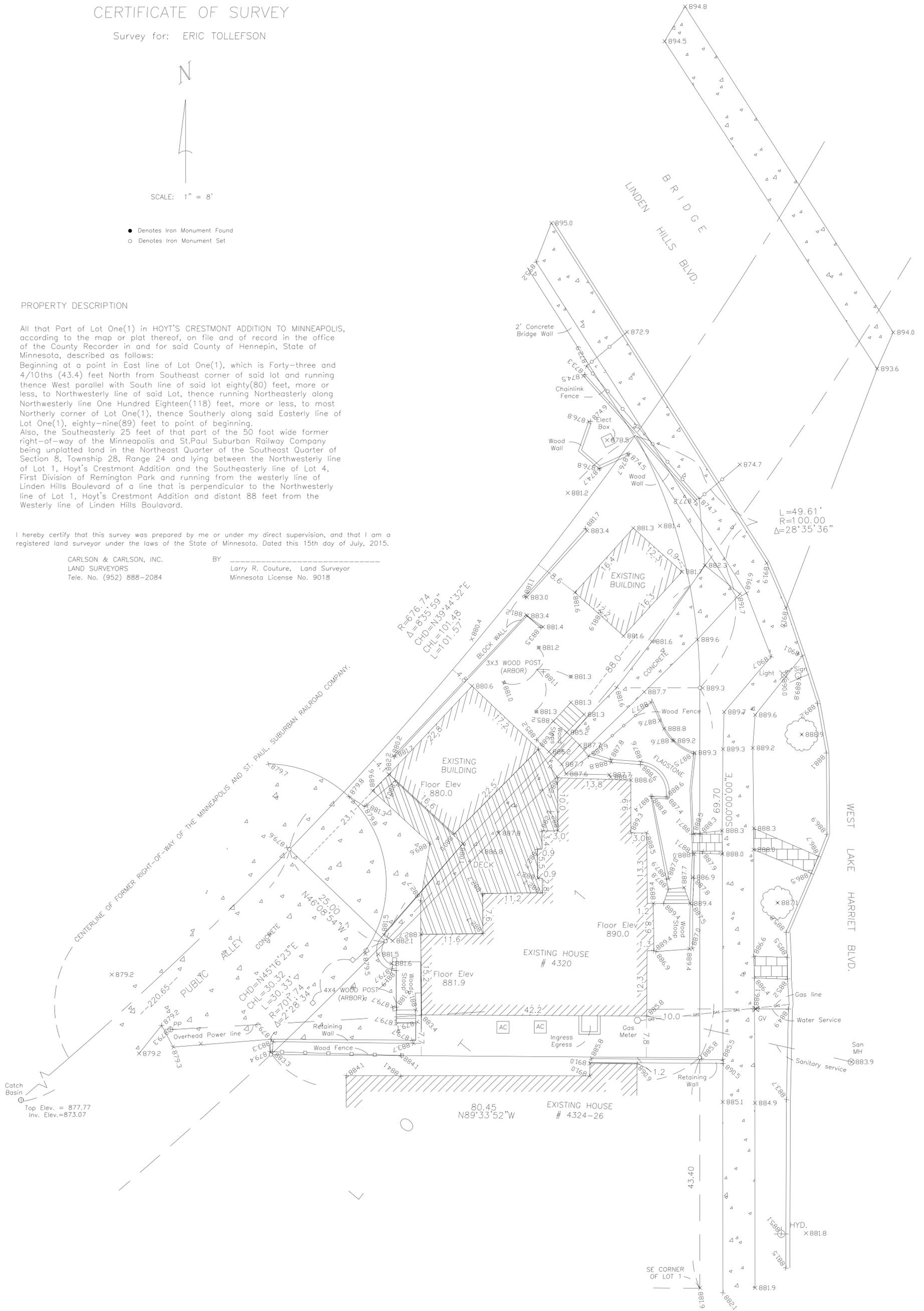
PROPERTY DESCRIPTION

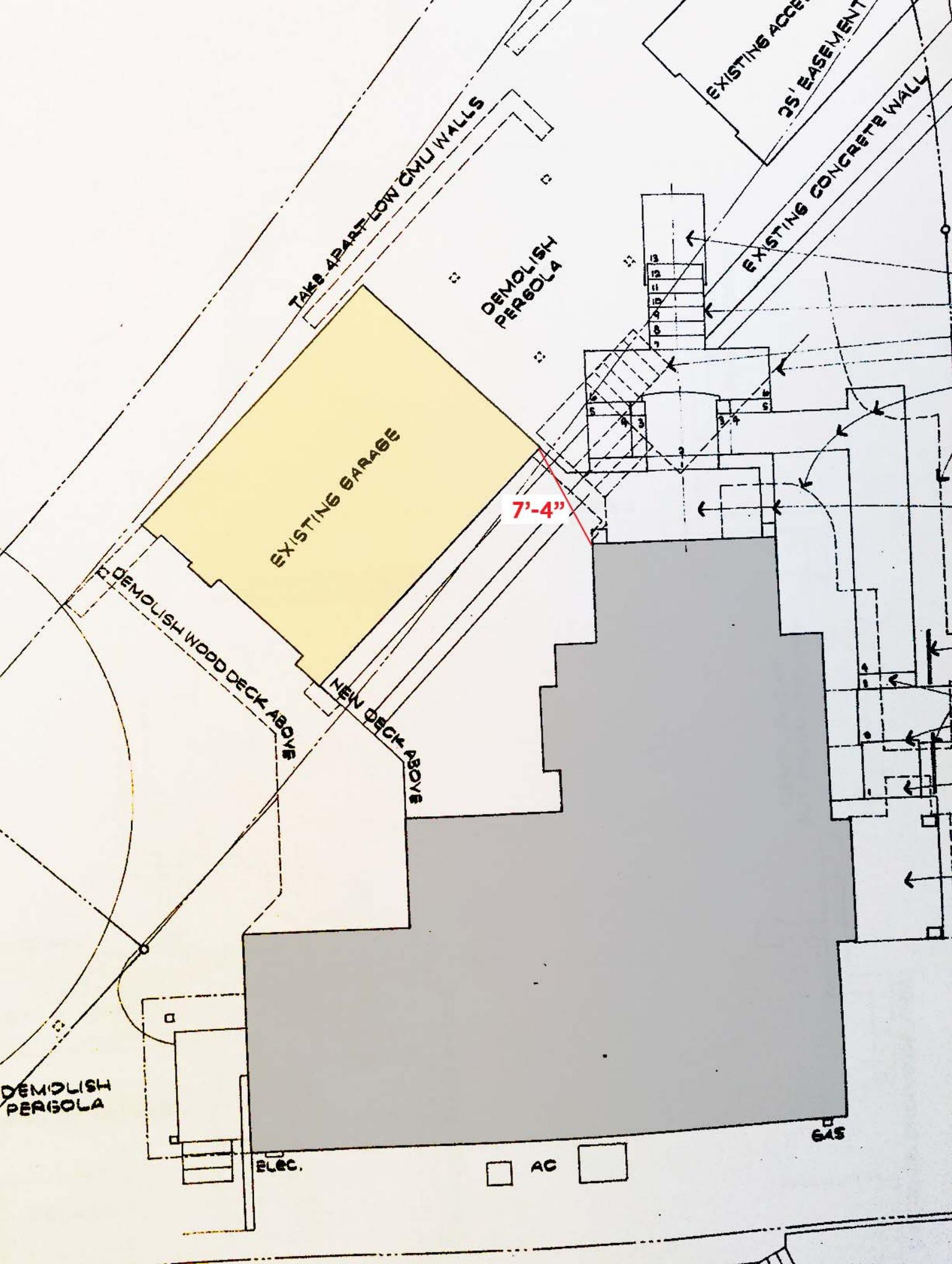
All that Part of Lot One(1) in HOYT'S CRESTMONT ADDITION TO MINNEAPOLIS, according to the map or plat thereof, on file and of record in the office of the County Recorder in and for said County of Hennepin, State of Minnesota, described as follows:
 Beginning at a point in East line of Lot One(1), which is Forty-three and 4/10ths (43.4) feet North from Southeast corner of said lot and running thence West parallel with South line of said lot eighty(80) feet, more or less, to Northwestern line of said Lot, thence running Northeasterly along Northwestern line One Hundred Eighteen(118) feet, more or less, to most Northerly corner of Lot One(1), thence Southerly along said Easterly line of Lot One(1), eighty-nine(89) feet to point of beginning.
 Also, the Southeasterly 25 feet of that part of the 50 foot wide former right-of-way of the Minneapolis and St. Paul Suburban Railway Company being unplatted land in the Northeast Quarter of the Southeast Quarter of Section 8, Township 28, Range 24 and lying between the Northwestern line of Lot 1, Hoyt's Crestmont Addition and the Southeasterly line of Lot 4, First Division of Remington Park and running from the westerly line of Linden Hills Boulevard of a line that is perpendicular to the Northwestern line of Lot 1, Hoyt's Crestmont Addition and distant 88 feet from the Westerly line of Linden Hills Boulevard.

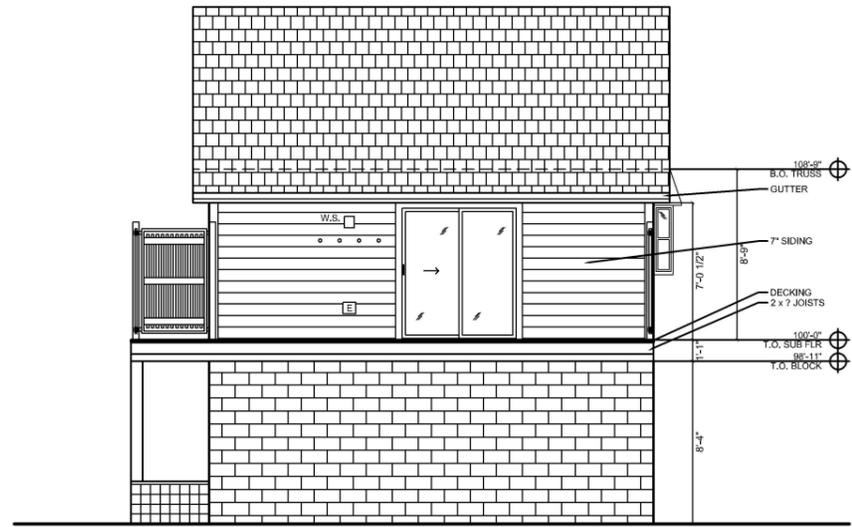
I hereby certify that this survey was prepared by me or under my direct supervision, and that I am a registered land surveyor under the laws of the State of Minnesota. Dated this 15th day of July, 2015.

CARLSON & CARLSON, INC.
 LAND SURVEYORS
 Tele. No. (952) 888-2084

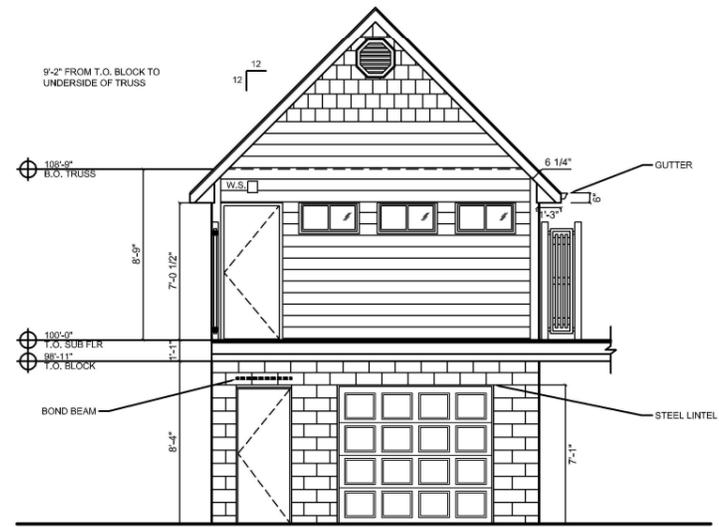
BY _____
 Larry R. Couture, Land Surveyor
 Minnesota License No. 9018



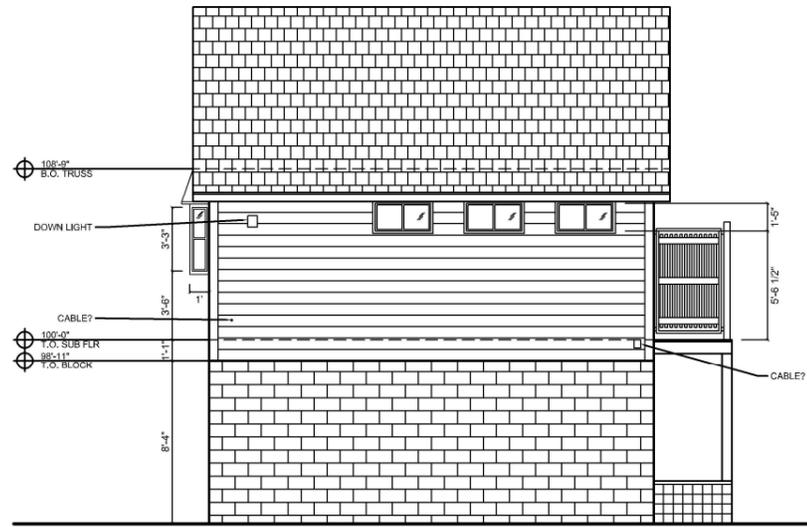




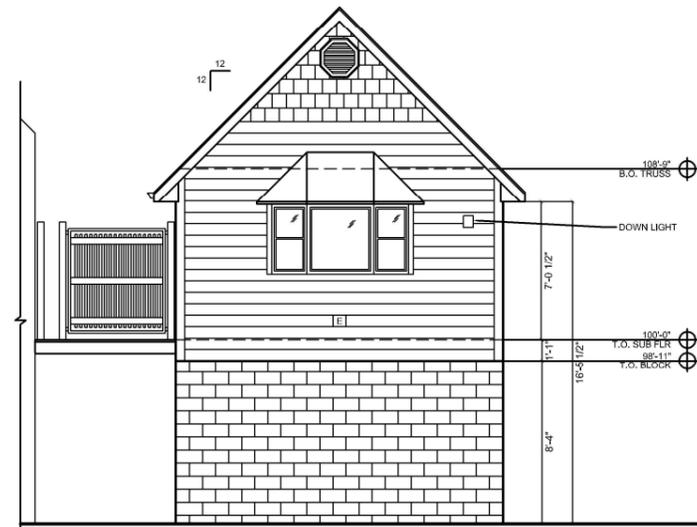
ELEVATION S/E



ELEVATION _ SW



ELEVATION _ N/W



ELEVATION _ N/E

CHRISTOPHER STROM
ARCHITECTS

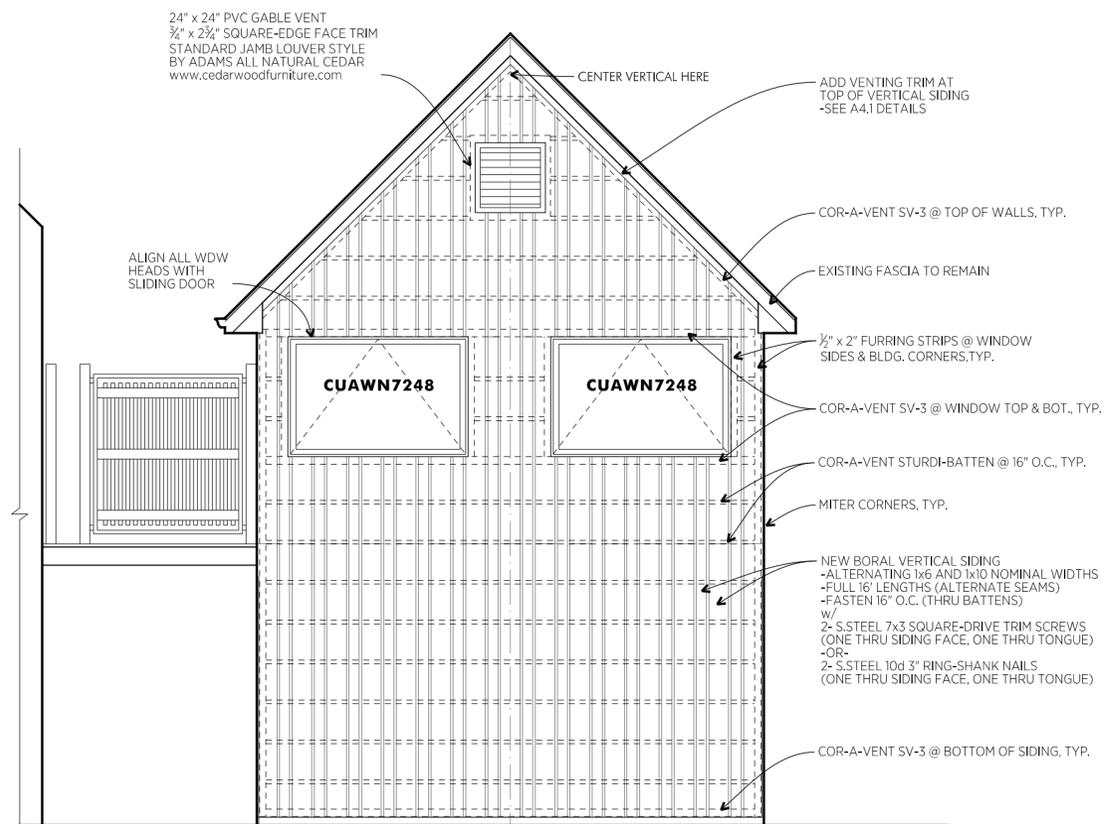
4901 Abbott Avenue South
Minneapolis, MN 55410
612 . 961 . 9093

TOLLEFSON
ACCESSORY
BUILDING

"As-Built"
Existing

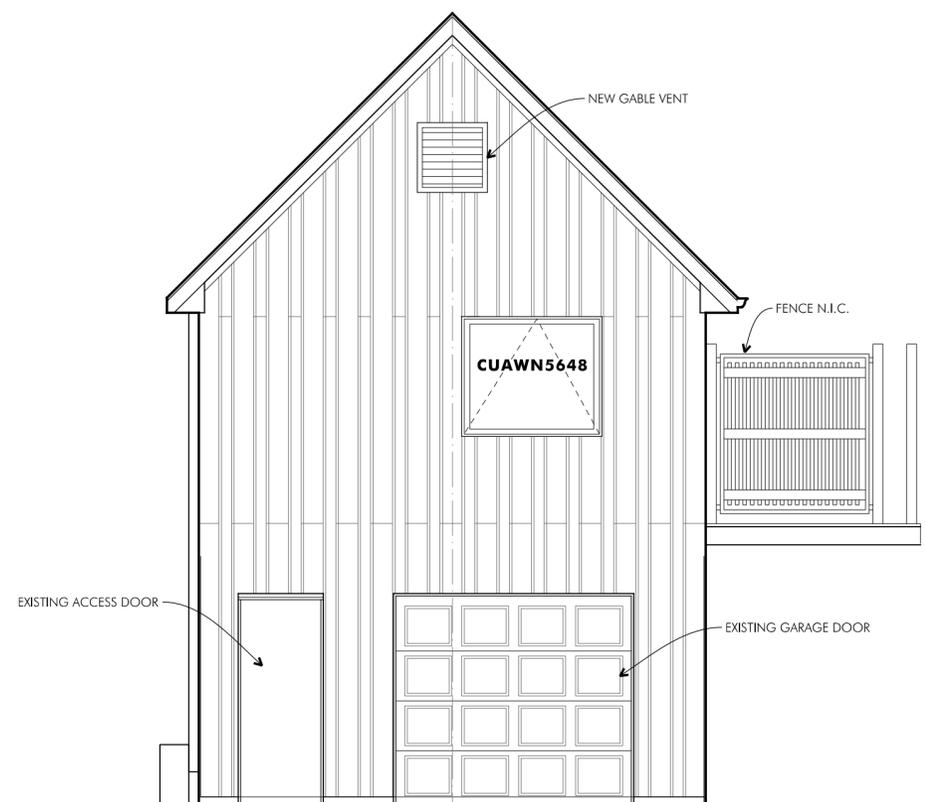
MEASURED 06.01.15

SCALE: 1/8"



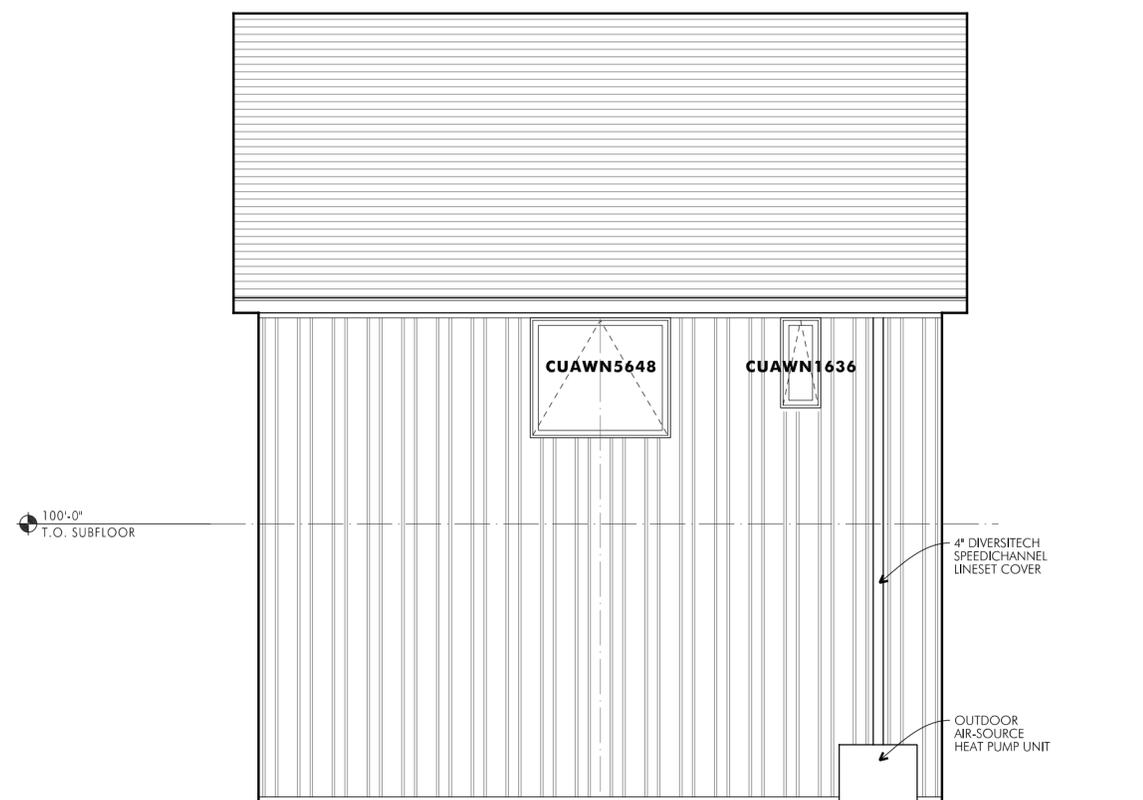
EAST (Lakeside) Elevation

SCALE: 1/4" = 1'-0"



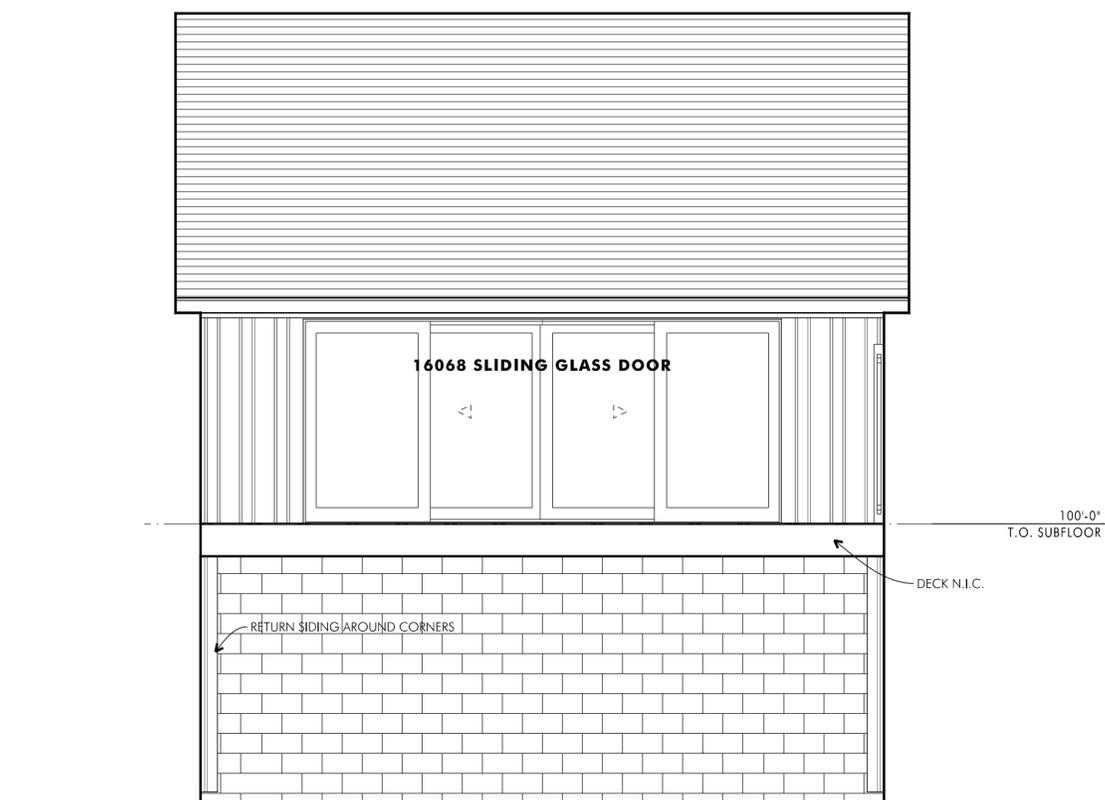
WEST (Alley) Elevation

SCALE: 1/4" = 1'-0"



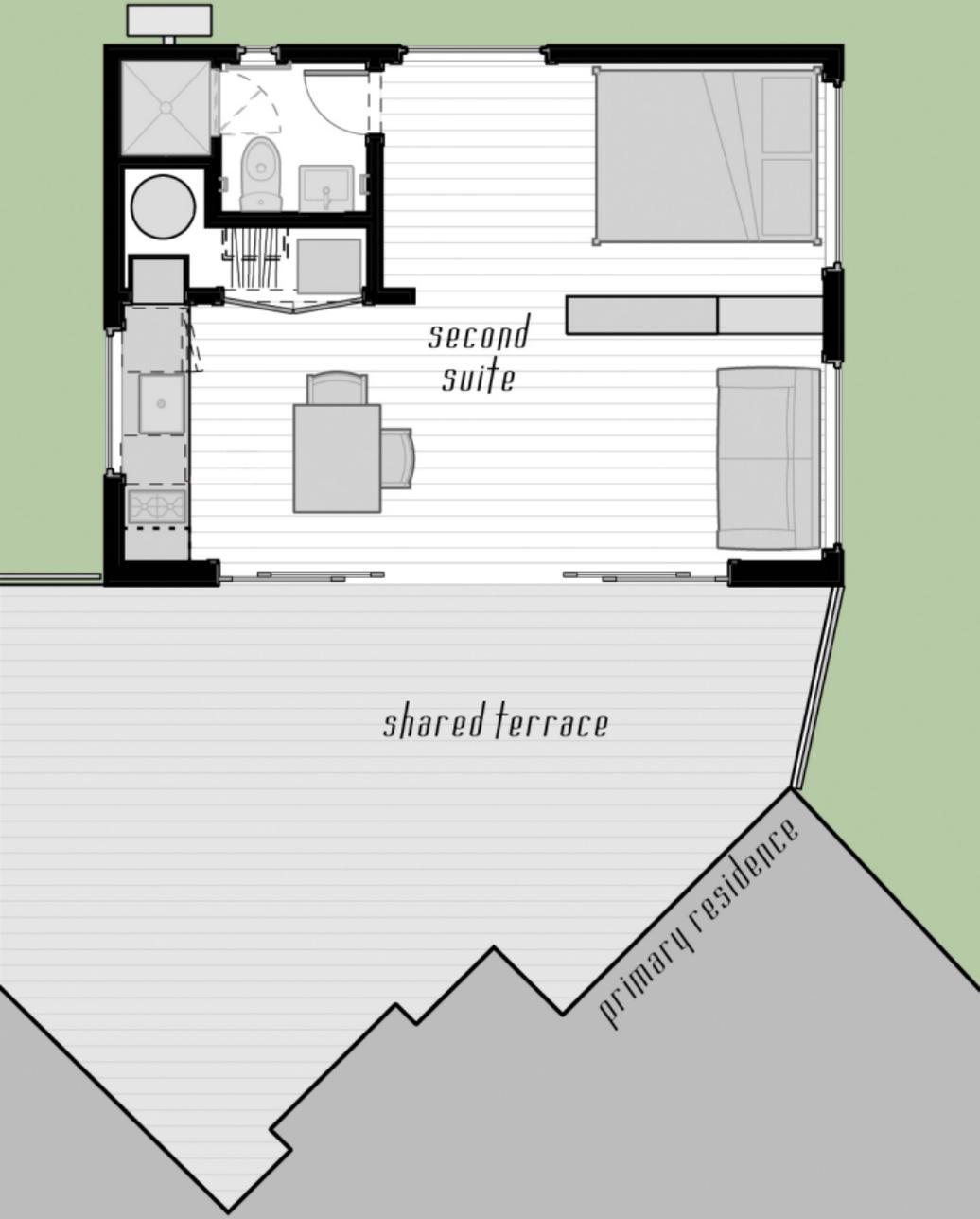
NORTH (Apartment Building) Elevation

SCALE: 1/4" = 1'-0"



SOUTH (Main House) Elevation

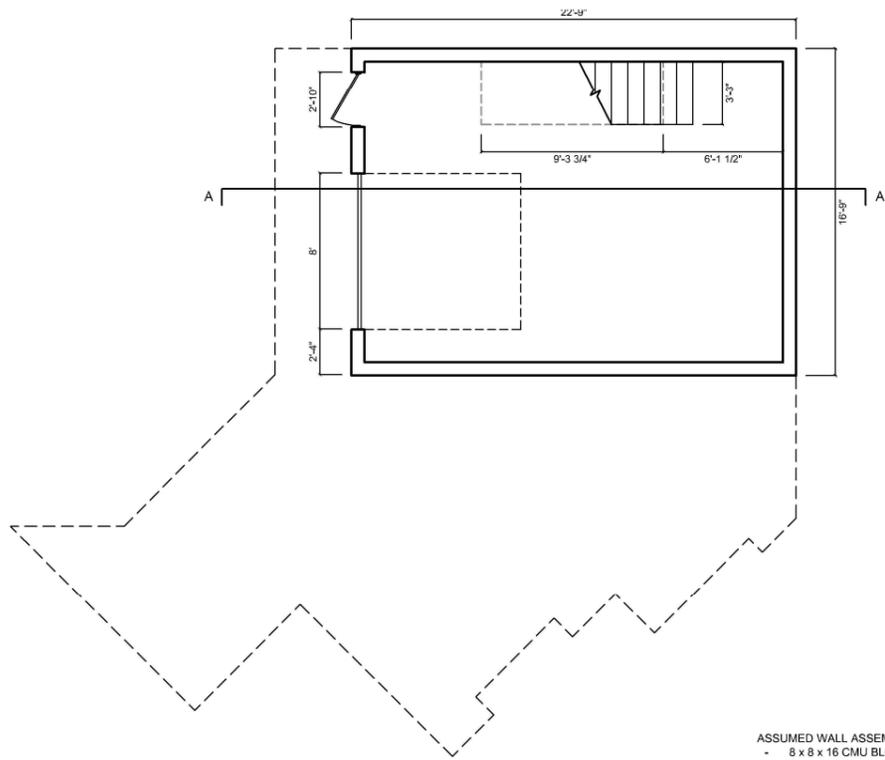
SCALE: 1/4" = 1'-0"



second suite

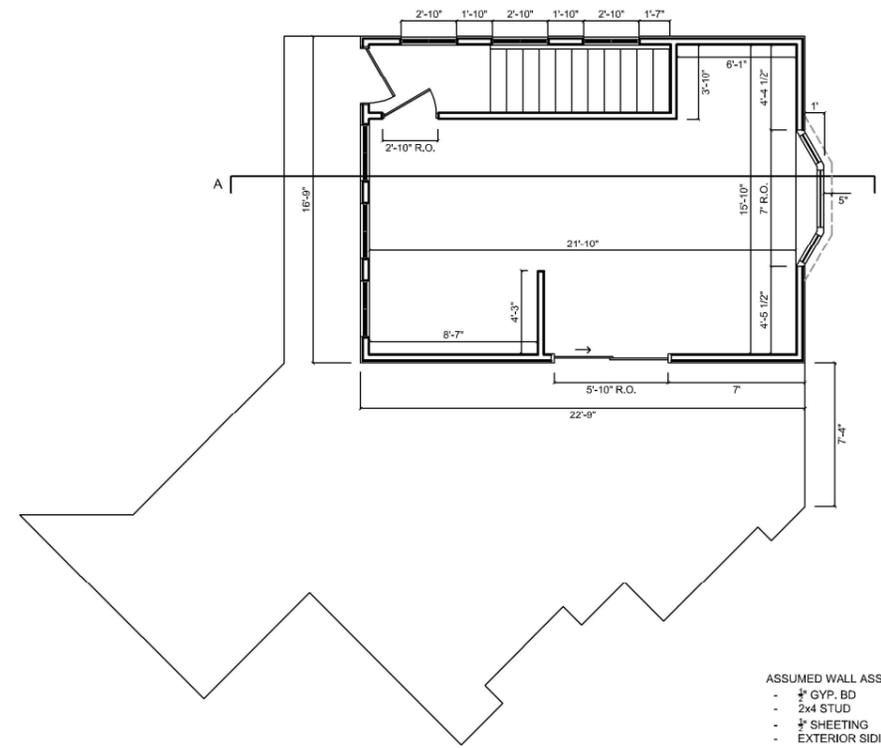
shared terrace

primary residence



PLAN _ LEVEL 1

ASSUMED WALL ASSEMBLY:
 - 8 x 8 x 16 CMU BLOCKS



PLAN _ LEVEL 2

ASSUMED WALL ASSEMBLY:
 - # GYP. BD
 - 2x4 STUD
 - # SHEETING
 - EXTERIOR SIDING

CHRISTOPHER STROM
 ARCHITECTS

4901 Abbott Avenue South
 Minneapolis, MN 55410
 612 . 961 . 9093

TOLLEFSON
 ACCESSORY
 BUILDING

"As-Built"
 Existing

MEASURED _____ 06.01.15

SCALE: 1/8" = 1'-0"

W Lake Harriet Pkwy



4320 W Lake Harriet Pkwy

W Lake Harriet Pkwy



4320





4320



4320



Christopher Strom

From: Christopher Strom
Sent: Wednesday, October 28, 2015 7:17 PM
To: 'info@linden hills.org'; 'emily.ziring@minneapolismn.gov'
Cc: Eric Tollefson (mplskayaker@gmail.com); joseph.giant@minneapolismn.gov
Subject: Variance notice for 4320 West Lake Harriet Pkwy

Dear LiHNC and Councilmember Palmisano,

I am writing to you on behalf of Eric Tollefson, the owner and occupant of 4320 West Lake Harriet Parkway, to inform you that he will be applying for a variance to allow a detached accessory dwelling unit (ADU) at his property. The ADU would be on the upper floor of the existing garage. No changes to the size of the garage would occur. The variance is necessary because detached ADUs are required to be no closer than 20 feet from the home, and the existing garage is located 7.3 feet away. We expect the variance to be heard at the November 19 Board of Adjustment hearing. Please let me know if you have any questions.

Sincerely,

Chris Strom, AIA

CHRISTOPHER STROM ARCHITECTS

www.christopherstrom.com

www.secondsuite.org

612-961-9093

From: [Michael Altmann](#)
To: [Giant, Joseph R](#)
Subject: Re: 4320 W Lake Harriet Parkway
Date: Saturday, November 07, 2015 8:38:15 AM

I am writing to support the possible variances for a detached accessory dwelling unit at 4320 W Lake Harriet Pkwy. If the purpose is to codify the use of the current detached accessory dwelling, I think that is wonderful. That house and secondary dwelling are a good-looking and quirky holdover from long before our current building laws. They are part of what give the neighborhood its charm and I think a ADU is a perfect use for the space.

Long term resident of 4249 Linden Hills Blvd,
Michael Altmann
612.812.6682