

Department of Community Planning and Economic Development – Planning Division
Expansion of Nonconforming Use and Variance
BZZ-2340

Date: May 23, 2005

Applicant: James McComb

Address of Property: 2701 East Lake of the Isles Parkway

Project Name: Not applicable for this application

Contact Person and Phone: James McComb, (612) 339-7000

Planning Staff and Phone: Hilary Watson, (612) 673-2639

Date Application Deemed Complete: April 27, 2005

End of 60-Day Decision Period: June 26, 2005

End of 120-Day Decision Period: Not applicable

Ward: 7 Neighborhood Organization: East Isles Neighborhood Association

Existing Zoning: R1, Single-family District

Proposed Zoning: Not applicable for this application

Zoning Plate Number: 24

Legal Description: Not applicable for this application

Proposed Use: Duplex

Concurrent Review:

Expansion of a nonconforming use: to allow a one-story addition to an existing duplex in the R1 zoning district.

Variance: to reduce the front yard setback along West 27th Street from the required 25 feet to 11 feet to allow for a fireplace chimney and to 14 feet to allow for a one-story addition to an existing duplex.

Applicable zoning code provisions: 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” and Chapter 531, Nonconforming uses and structures.

Background: The subject building was designed by the architecture firm, Long and Kees, in 1887 for William Donaldson. Donaldson was the founder of the mercantile store, Donaldson’s, which was

located on Nicollet Mall from 1888 to 1987 and was also designed by Long and Kees. Long and Kees are most notable for designing Minneapolis City Hall and the Flour Exchange and Lumber Exchange Buildings. The subject building is considered a contributing element to the 1984 survey of the proposed Lake of the Isles historic district which was eventually not designated as a historic district.

The building located at 2701 East Lake of the Isles Parkway was originally constructed as a single-family dwelling. According to the City's building permit records, the building was converted to a duplex in 1959. In 1971 the owner at the time submitted a building permit to convert the building back to a single-family dwelling, however, the building was never converted to a single-family dwelling. Therefore, the building is a duplex and has nonconforming rights as such.

Now, the owner of the property is proposing to construct a one-story addition on the north side of the existing building. Specifically the applicant wants to construct a casual gathering area off of the existing first floor kitchen. Because the duplex is located in the R1 zoning district an application for an expansion of a nonconforming use is required. In addition, the addition is being located in the required front yard along West 27th Street. Therefore, a variance to reduce the required front yard setback is required.

EXPANSION OF NONCONFORMING USE - to allow a one-story addition to an existing duplex in the R1 zoning district

The Planning Commission may approve an application if it meets the following standards and all other applicable regulations in the zoning ordinance (this section shall not authorize a use prohibited in the zoning district in which it is located to be expanded beyond the boundaries of its zoning lot):

1. A rezoning of the property would be inappropriate.

Duplexes are first allowed in the R2, Two-Family District as a permitted use. The properties located on all four sides of the subject site are zoned R1, Single-Family District. The properties to the north east and south contain single-family dwellings. The property to the west is Lake of the Isles. Given the zoning classification of the surrounding properties and the uses of those properties, the Planning Division does not believe that it would be appropriate to rezone the subject site to R2.

2. The enlargement, expansion, relocation, structural alteration or intensification will be compatible with adjacent property and the neighborhood.

The addition that the applicant is proposing is a one-story addition that will be constructed in line with the east wall of the existing building. The addition will project 12 feet from the existing north wall of the building and will be approximately 240 square feet in size. The location of the addition protrudes into the front yard of the adjacent house to the east and will diminish the sightlines from this house to the lake and along the street. Given this, the Planning Division does not believe that the addition will be compatible with the adjacent properties or the neighborhood.

3. The enlargement, expansion, relocation, structural alteration or intensification will not result in significant increases of adverse, off-site impacts such as traffic, noise, dust, odors, and parking congestion.

Constructing an addition to the existing building should not result in significant increases of adverse, off-street impacts such as traffic, noise, dust, odors or parking congestion. The addition is approximately 240 square feet in size. No additional dwelling units will be constructed as part of this addition and the addition does not impact the parking requirement.

4. The enlargement, expansion, relocation, structural alteration or intensification, because of improvements to the property, will improve the appearance or stability of the neighborhood.

For the reasons stated in finding number three above, the Planning Division does not believe that the addition will improve the appearance or the stability of the neighborhood.

5. In districts in which residential uses are allowed, the enlargement, expansion, relocation, structural alteration or intensification will not result in the creation or presence of more dwelling units on the subject property than is allowed by the regulations of the district in which the property is located.

No dwelling units are being added to the site as a result of this expansion.

6. The enlargement, expansion, relocation, structural alteration or intensification will not be located in the Floodway District.

This site is not located in the Floodway District.

VARIANCE - to reduce the front yard setback along West 27th Street from the required 25 feet to 11 feet to allow for a fireplace chimney and to 14 feet to allow for a one-story addition to an existing duplex.

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

1. The property cannot be put to a reasonable use under the conditions allowed and strict adherence to the regulations of this zoning ordinance would cause undue hardship.

Front yard setback: The applicant is seeking a variance to reduce the front yard setback along West 27th Street from the required 25 feet to 11 feet to allow for a fireplace chimney and to 14 feet to allow for a one-story addition to an existing duplex. The applicant has indicated that his property is unique for several reasons. First, the building is subject to two front yard setback requirements as it is a reverse corner lot. If the property were not a reverse corner lot the proposed addition would meet the required 10-foot setback for a corner side yard. Second, when the building was originally constructed the decision was made to set the building back 110 feet from the front property line. According to the applicant, this large setback decreases the options of where to construct an addition to the building. Lastly, the internal layout of the building does not allow for an addition to the kitchen except in the

proposed location as the south wall of the kitchen contains the stairway that leads to both the basement and the second floor, the west wall of the kitchen contains a brick chimney, several water pipes and a plumbing stack and the kitchen cannot be expanded to the east as the driveway leading to the garage is immediately adjacent to this wall.

2. The circumstances are unique to the parcel of land for which the variance is sought and have not been created by any persons presently having an interest in the property. Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of the ordinance.

Front yard setback: The location of the house on the site and the fact that the property is subject to two front yard setback requirements are unique circumstances of this parcel of land.

3. The granting of the variance will be in keeping with the spirit and intent of the ordinance and will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity.

Front yard setback: The location of the addition protrudes into the front yard of the adjacent house to the east and will diminish the sightlines from this house to the lake and along the street. Given this, the Planning Division believes that the addition will significantly affect the essential character of the area and would be injurious to the enjoyment of other properties in the area, particularly the property located at 2700 Irving Avenue South.

4. The proposed variance will not substantially increase the congestion of the public streets, or increase the danger of fire, or be detrimental to the public welfare or endanger the public safety.

Front yard setback: Staff believes that the granting of the variance would have little impact on congestion of area streets or fire safety, nor would the proposed setback be detrimental to welfare or public safety.

RECOMMENDATIONS

Recommendation of the Department of Community Planning and Economic Development – Planning Division for the expansion of nonconforming use:

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **deny** the expansion of a nonconforming use to allow a one-story addition to an existing duplex in the R1 zoning district located at 2701 East Lake of the Isles Parkway.

Recommendation of the Department of Community Planning and Economic Development – Planning Division for the variance:

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The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **deny** the variance application to reduce the front yard setback along West 27th Street from the required 25 feet to 11 feet to allow for a fireplace chimney and to 14 feet to allow for a one-story addition to an existing duplex located at 2701 East Lake of the Isles Parkway.

Attachments:

1. Project description, history of the property and renovation plan
2. Plat map of the site
3. Home's original building permit and additional building permit history
4. List of previous owners and occupants
5. Responses to the findings for an expansion of a nonconforming use
6. Variance findings and supporting material
7. April 27, 2005 letter to CM Goodman
8. April 27, 2005 letter to the East Isles Neighborhood Association
9. Comments from surrounding property owners
10. Zoning Map
11. Existing and proposed site plan
12. Floor plans and elevations
13. Photographs of the site and surrounding area