

Department of Community Planning and Economic Development – Planning Division
Variance
BZZ-2365

Date: July 21, 2005

Applicant: Sherman Associates

Address of Property: 48 & 52 Groveland Terrace

Project Name: Groveland Terrace

Contact Person and Phone: Jim Miles, 612-333-7272

Planning Staff and Phone: Janelle Widmeier, 612-673-3156

Date Application Deemed Complete: June 22, 2005

End of 60-Day Decision Period: August 21, 2005

Appeal Period Expiration Date: August 1, 2005

Ward: 7 **Neighborhood Organization:** Lowry Hill East Neighborhood Association

Existing Zoning: R6, Multiple-Family District

Proposed Use: Fifteen balconies.

Proposed Variances: A variance to reduce the established front yard setback along Groveland Terrace from 46 feet to 16 feet to allow 15 balconies.

Applicable zoning code provisions: Chapter 546 and Chapter 525, Article IX Variances, Specifically Section 525.520(1) “to vary the yard requirements, including permitting obstructions into required yards not allowed by the applicable regulations.”

Background:

Sherman Associates is remodeling three existing, residential buildings located on the Northwest corner of Bryant Avenue South and Groveland Terrace. Each building is four-stories in height with below-grade parking. The applicant is converting them from rental apartments to for-sale condominiums. The total number of units is changing from 145 to 128 dwellings. The applicant is requesting to add balconies to the facades of each building. Generally, the balconies are 4.5 feet by 12 feet, or 54 square feet, in area. Fifteen balconies do not meet the setback requirement. The structure facing Bryant, 50 Groveland Terrace, complies with all yard setback requirements and is not subject to this variance request. Portions of the structures facing Groveland, 52 Groveland Terrace (noted as Building “A” on the floor/elevation plans) and 48 Groveland Terrace (noted as Building “B” on the floor/elevation

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plans), project into the required front yard. The balconies on the facades within the front yard require the variance. The proposed balconies on all other facades comply with the minimum requirements for front, corner side, interior side and rear yard setbacks.

The nonconforming setback of Buildings A and B is created by the established setback of the adjacent residential structure. The R6 district requires a 15 feet front yard setback, unless an adjacent residential structure located on the same block face on the side of the property exceeds the front yard required by the zoning district, then the greater setback applies. In this case, the adjacent residential structure located at 58 Groveland Terrace is set back 46 feet from the front property line. Therefore, the required front yard setback along Groveland Terrace is 46 feet, which happens to cut through the entire width of Building A and the front Southwest corner of Building B.

Balconies are allowed to encroach into the setback if they project no more than four feet into the required yard from the setback line, if they do not exceed 50 square feet, and if they are no closer than 10 feet from an interior side lot line. Because of the existing nonconforming setback of the Buildings A and B, all fifteen of the proposed balconies project more than 4 feet from the setback line into the required front yard along Groveland Terrace. Twelve of the proposed balconies are more than 50 square feet. For these reasons, a variance is required to encroach into the required yard.

There are no previous land use application approvals on record. The Lowry Hill East Neighborhood Association was informed of this application on May 12, 2005. As of the writing of this report, staff has not received any correspondence from the neighborhood group. Staff will forward comments, if any are received, at the Board of Adjustment meeting.

Findings Required by the Minneapolis Zoning Code:

- 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.**

The applicant claims that not allowing balconies for the dwelling units with facades in the front yard setback is hardship on the current market value and the resale value of those units. The applicant also indicated that these balconies will have no greater affect than the balconies proposed for the other units. Staff agrees with this opinion. For instance, the balconies on the West façade of Building A are setback the same distance from the West property line as 18 other balconies of the same size. Also if the established setback requirement did not apply, the balcony additions would meet the R6 district setback requirement of 15 feet. The dwelling units for which the balconies are proposed do not have an alternative location outside of the front yard setback where they can be placed.

- 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.**

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The buildings on the subject site were built before 1970, therefore their placement is a hardship not created by the applicant. Several site conditions exist that have not been created by the applicant. The grade changes significantly in this area. The curvilinear character of Groveland Terrace and Bryant Avenue is caused by the changing topography. These streets curve around making the subject site an odd shape. A curving street results in a curving setback line, which is why some of Building B meets the setback requirement, but not all of it. Any additions to the South façade of Building A would require a variance, and any additions to the South façade of Building B would likely require a variance.

- 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.**

Staff believes that the granting of the variance will be in keeping with the spirit and intent of the ordinance and the essential character of the area. The existing facades have window openings, but do not have any recessions or projections. The exterior materials are brick and stucco. Adding balconies will break up a flat façade with more architectural elements. Several modern buildings exist in the area. The proposed changes are characteristic of that architectural style. Setbacks for other structures along Groveland Terrace vary. There is not a typical setback along this street, which is likely due to the street shape and changing topography. The existing buildings are no closer than 14.5 feet to the front property line. The proposed balconies project no closer than 16 feet to the front property line. The balcony projections from the building will likely not be noticeable from the surrounding properties. Building A will block the view of the balconies on Building B from the residences on the same side of the block to the West. The grade changes significantly, sloping downward 40 feet from the Southwest corner of the site to the Northeast corner of the site. As a result, the street grade of Groveland Terrace is higher than the footprint of Building A and B. There is also dense vegetation in front of all balconies projecting into the front yard. Granting the variance will not likely be injurious to the enjoyment of other property in the area.

- 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.**

Granting the variance would likely have no impact on the congestion of area streets or fire safety, nor would be detrimental to the public welfare or endanger the public safety.

RECOMMENDATIONS

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

The Department of Community Planning and Economic Development – Planning Division recommends that the Board of Adjustment adopt the above findings and **approve** the variance to reduce the established front yard setback along Groveland Terrace from 46 feet to 16 feet to allow 15 balconies for the properties of 48 & 52 Groveland Terrace.