

**Department of Community Planning and Economic Development – Planning Division****Variance Request  
BZZ-2695****Date:** December 1, 2005**Applicant:** Christo Stavrou, on behalf of William Weisman**Address of Property:** 2708 Irving Avenue South**Contact Person and Phone:** Christo Stavrou, (612) 308-7406**Planning Staff and Phone:** Molly McCartney, (612) 673-5811**Date Application Deemed Complete:** October 20, 2005**End of 60 Day Decision Period:** December 19, 2005**Appeal Period Expiration:** December 12, 2005**Ward: 7      Neighborhood Organization:** East Isles Residents' Association**Existing Zoning:** R1, Single-family Residential District**Proposed Use:** A front patio addition to an existing single-family dwelling.**Proposed Variance:** A variance to allow a ground level patio in the required front yard of a single-family dwelling and a variance to increase the maximum impervious surface coverage of the lot from 75 percent to 87 percent for a property located at 2708 Irving Avenue South in the in the R1 Single Family District and SH Shoreland Overlay District.**Zoning code section authorizing the requested variance:** 525.520 (1) (15)**Background:** The subject property is approximately 52 ft. by 120 ft. (6,240 sq. ft.) and consists of an existing single-family dwelling and attached garage. As a response to a neighborhood complaint, Zoning Enforcement cited the applicant this fall for a patio in the front yard that exceeded the maximum size permitted, 50 sq. ft. Building permits are not required for the landscaping completed at this property, however, the project must adhere to certain zoning code regulations. The applicant has been working on a landscaping project for the homeowner that consisted of two patio areas in the front yard, a new driveway from the street to the to the detached garage as well as landscaping along the public sidewalk and through the property. The larger patio area in the front yard contains a sculpture and is located adjacent to the driveway, while the other patio area has room for seating. There are also benches along the public sidewalk that the homeowner had installed for public use.

After a site plan was submitted for the front yard variance, Planning staff discovered that the size exceeded the maximum impervious surface coverage for a property in the R1 District. The amount of hard surface (buildings, hard cover, including pavers) is approximately 87 percent of the lot, which exceeds the maximum 75 percent of the lot the zoning code allows. Much of the runoff from impervious surfaces on the lot is directed to the landscaped portions of the property. This property is located approximately two blocks from Lake of the Isles and is in the Shoreland Overlay District.

**Findings Required by the Minneapolis Zoning Code:**

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

**Front yard setback:** The applicant is seeking variance to allow for a patio greater than 50 sq. ft. in the required front yard. Strict adherence to the code prohibits a patio larger than 50 sq. ft. in the required front yard. The larger patio has an area of 452 sq. ft. and the smaller patio has an area of 153 sq. ft. Staff believes that patios that meet the maximum 50 sq. ft. in the front yard or are located in an area other than the required front yard are a reasonable use of the property.

**Maximum impervious surface:** The applicant is seeking a variance to increase the maximum impervious surface coverage from 75 percent to 87 percent. Much of the property is either building or pavers. Staff believes that a property with 75 percent impervious surface or less is a reasonable use of the property.

- 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 circumstances upon which the variance is requested are not unique to the parcel and have been created by the applicant. The subject site does have a paved patio in the rear of the property in addition to the front yard patios. While the project does have aesthetic qualities, there are no unique circumstances on the property that would require a patio larger than the 50 sq. ft. permitted by the zoning code.

**Maximum impervious surface:** The circumstances upon which the variance is requested are not unique to the parcel and have been created by the applicant. The subject site does have a paved patio in the rear of the property in addition to the front yard patios. While the project does have aesthetic qualities, there are no unique circumstances on the property that would require the maximum impervious surface to be increased.

- 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 and maximum impervious surface:** Staff believes the patio will not substantially alter the essential character of the surrounding neighborhood but may have an impact on off-street parking and stormwater runoff from the site. The landscaping project creates a semi-public area that includes sculpture, gardens, and seating for the public. A large patio, with a radius of 12 ft., is connected to the driveway and even though a large sculpture is located in the middle of the patio, there is potential for illegal parking to occur in this area. In addition, the property is located two blocks from Lake of the Isles and in the Shoreland Overlay District. While some of the paved portions of the property drain into the landscaped beds, increasing impervious surface coverage increases the stormwater runoff of this property that eventually flows into Lake of the Isles.

- 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 and maximum impervious surface:** Granting the variances would likely have no impact on the congestion of area streets or fire safety, but the requested impervious surface is detrimental to the public welfare through increasing stormwater runoff to Lake of the Isles and the subsequent water bodies.

**Recommendation of the Department of Community Planning and Economic Development - Planning Division:**

The Department of Community Planning and Economic Development – Planning Division recommends that the Board of Adjustment adopt the findings above and **deny** the variance to allow a ground level patio in the required front yard of a single-family dwelling and **deny** the variance to increase the maximum impervious surface coverage of the lot from 75 percent to 87 percent for a property located at 2708 Irving Avenue South in the in the R1 Single Family District and SH Shoreland Overlay District.