

**LAND USE APPLICATION SUMMARY**

*Property Location:* 1907 Dupont Avenue South  
*Project Name:* 1907 Dupont Avenue South Accessory Dwelling Unit  
*Prepared By:* [Janelle Widmeier](#), Senior City Planner, (612) 673-3156  
*Applicant:* Michael and Ann Roess  
*Project Contact:* Randy Stawski, Pleasant Valley Homes Inc.  
*Request:* To allow a detached accessory dwelling unit for a single-family dwelling.  
*Required Applications:*

<b>Variance</b>	Of the development standards for accessory dwelling units to increase the maximum allowed size of a detached accessory dwelling unit and garage from 1,000 square feet to 1,264 square feet.
<b>Variance</b>	Of the development standards for accessory dwelling units to reduce the minimum 3 foot setback requirement of a detached accessory dwelling unit adjacent to interior and rear lot lines to 2.1 foot adjacent to the east lot line and to 2.1 feet adjacent to the north lot line.

**SITE DATA**

<b>Existing Zoning</b>	R4 Multiple-family District
<b>Lot Area</b>	7,433 square feet
<b>Ward(s)</b>	7
<b>Neighborhood(s)</b>	Lowry Hill Neighborhood Association
<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>	July 25, 2016	<b>Date Extension Letter Sent</b>	Not applicable
<b>End of 60-Day Decision Period</b>	September 23, 2016	<b>End of 120-Day Decision Period</b>	Not applicable

## BACKGROUND

**SITE DESCRIPTION AND PRESENT USE.** The existing use is a single-family dwelling. The existing dwelling was permitted for construction in 1905. The existing two-level, detached garage was permitted for construction in 1906. The site is not adjacent to a public alley.

**SURROUNDING PROPERTIES AND NEIGHBORHOOD.** The surrounding properties are a mix of residential uses.

**PROJECT DESCRIPTION.** The applicant is proposing to establish an accessory dwelling unit (ADU) in the existing detached garage located at the property of 1907 Dupont Avenue South. They are also proposing to establish a garden level dwelling unit in the principal dwelling (a two-family dwelling is a permitted use under the existing zoning). The ADU would be located on the upper level of the garage. It would be accessed from the ground level on the south side by way of a new exterior staircase and side dormer addition. The three enclosed parking spaces of the garage would remain. The floor area of a detached ADU is not allowed to exceed 1,000 square feet, including any areas designed or intended to be used for the parking of vehicles and any half-story floor area. The proposed floor area, including the half-story, would be 1,264 square feet in area. The minimum interior side and rear yard requirements for a detached ADU is not less than three feet. An interior side yard is required adjacent to the north lot line, where the existing garage is set back 2.1 feet. A rear yard is required adjacent to the east lot line, where the garage is setback 2.1 feet. Variances are also needed to allow the existing setbacks. Upon approval of the variances, the administrative ADU application process will need to be completed and any necessary building permits must be obtained before the ADU can be established.

An amendment to the ADU ordinance is currently underway. The recommended amendments include increasing the maximum allowed size of detached ADUs to 1,300 square feet of gross floor area (including parking areas). The City Planning Commission has recommended approval of the amendment; however, the City Council will not act on the ordinance until after the August 25<sup>th</sup> meeting of the Zoning Board of Adjustment has occurred.

**PUBLIC COMMENTS.** Comments have been received from the neighborhood group, Lowry Hill Neighborhood Association, and are attached to this report. Any additional correspondence received prior to the public meeting will be forwarded on to the Zoning Board of Adjustment for consideration.

## ANALYSIS

### VARIANCE: SIZE

The Department of Community Planning and Economic Development has analyzed the application for a variance of the development standards for accessory dwelling units to increase the maximum allowed size of a detached accessory dwelling unit and garage from 1,000 square feet to 1,264 square feet 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 applicant is proposing to convert part of the existing garage to include an ADU. The garage has a footprint of 632 square feet with a story above. The existing building bulk is not proposed to increase except for a small dormer proposed on the south side to allow the necessary

headroom height for access to the upper level. The garage was constructed in 1906, long before the ADU ordinance was adopted. These circumstances have not been created by the applicant.

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, standards governing accessory uses and structures are established to provide for the orderly development and use of land and to minimize conflicts among land uses by governing the type, size, location and operational characteristics of accessory uses and structures. The intent of limiting the size is to ensure that the detached ADU fits in with the character of low-density residential areas. The applicant is proposing to convert part of the existing garage to include an ADU. The existing building bulk is not proposed to increase except for a small dormer proposed on the south side to allow the necessary headroom height for access to the upper level. The size of the existing garage is compatible with the scale and character of the surrounding residential neighborhood. The request is reasonable and 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.*

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. The applicant is proposing to convert part of the existing garage to include an ADU. The existing building bulk is not proposed to increase except for a small dormer proposed on the south side to allow the necessary headroom height for access to the upper level. The size of the existing garage is compatible with the scale and character of the surrounding residential neighborhood. The exterior of the garage is also compatible with the exterior of the principal dwelling. The primary exterior material of each structure is lap siding and both structures also have hip roofs. If granted, the proposed variance would not be detrimental to the health, safety or welfare of the public or those utilizing the property provided the proposed conversion complies with current building codes.

## VARIANCE: YARDS

The Department of Community Planning and Economic Development has analyzed the application for a variance of the development standards for accessory dwelling units to reduce the minimum 3 foot setback requirement of a detached accessory dwelling unit adjacent to interior and rear lot lines to 2.1 foot adjacent to the east lot line and to 2.1 feet adjacent to the north lot line 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. A detached structure with an ADU is required to be setback at least 3 feet from any interior side and rear lot lines. The applicant is proposing to convert part of the existing garage to include an ADU. Adjacent to the north interior side lot line, the structure is set back 2.1 feet. Adjacent to the east rear lot line, the structure is set back 2.1 feet. The garage was constructed in 1906, long before the ADU ordinance was adopted. These circumstances have not been created by the applicant.

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, standards governing accessory uses and structures are established to provide for the orderly development and use of land and to minimize conflicts among land uses by governing the type, size, location and operational characteristics of accessory uses and structures. The intent of requiring a minimum setback of 3 feet from interior side and rear lot lines is to provide adequate light, air, open space and separation of uses. Detached garages are located adjacent to the north and east sides of the subject garage. The upper level of the ADU appears to have adequate access to light and air with windows on the south and west building walls. The reduction of the setback requirement also would not affect adjacent properties access to light, air and open space as no change is proposed to the existing building bulk in the required yards. The request is reasonable and 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.*

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. Detached garages are located adjacent to the north and east sides of the subject garage. The existing setbacks are compatible with the character of the area and the reduction of the setback requirement also would not affect adjacent properties access to light, air and open space. If granted, the proposed variance would not be detrimental to the health, safety or welfare of the public or those utilizing the property provided the proposed conversion complies with current building codes.

## RECOMMENDATIONS

The Department of Community Planning and Economic Development recommends that the Zoning Board of Adjustment adopt staff findings for the applications by Michael and Ann Roess for the property located at 1907 Dupont Avenue South:

### **A. Variance of the accessory dwelling unit standards for maximum size.**

Recommended motion: **Approve** the application for a variance of the development standards for accessory dwelling units to increase the maximum allowed size of a detached accessory dwelling unit and garage from 1,000 square feet to 1,264 square feet, subject to the following conditions:

- I. All site improvements shall be completed by August 25, 2018, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.

### **B. Variance of the accessory dwelling unit standards for setbacks.**

Recommended motion: **Approve** the application for a variance of the development standards for accessory dwelling units to reduce the minimum 3 foot setback requirement of a detached accessory dwelling unit adjacent to interior and rear lot lines to 2.1 foot adjacent to the east lot line and to 2.1 feet adjacent to the north lot line, subject to the following conditions:

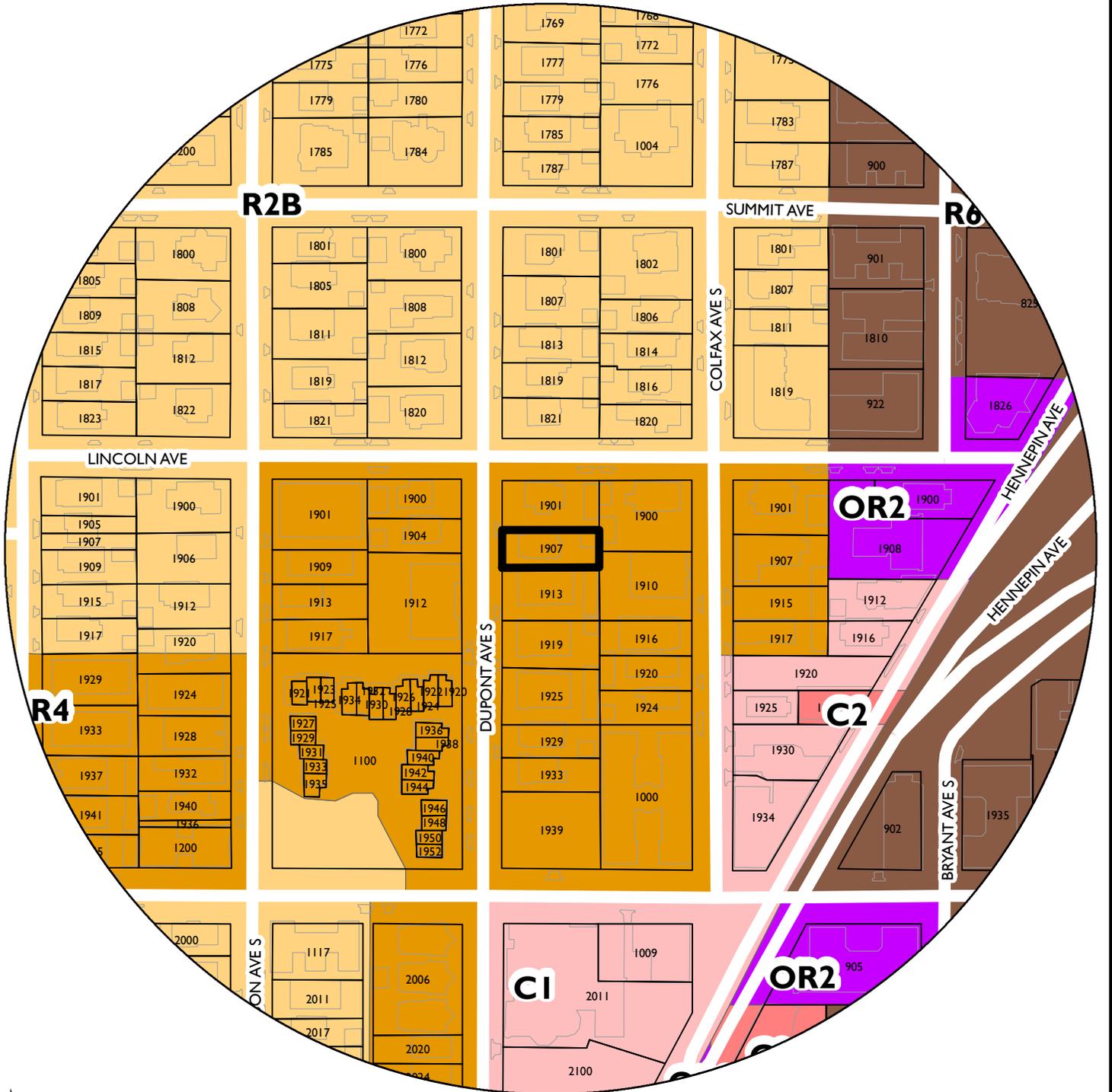
- I. All site improvements shall be completed by August 25, 2018, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.

## ATTACHMENTS

1. Zoning map
2. Written description and findings submitted by applicant
3. Survey
4. Floor plans
5. Building elevations
6. Photos
7. Comments received

NAME OF APPLICANT

WARD



PROPERTY ADDRESS

1907 Dupont Avenue South

FILE NUMBER

BZZ-7826

## STATEMENT OF PROPOSED USE AND DESCRIPTION OF PROJECT

Re: 1907 Dupont Ave S

This statement is in regard to our property at 1907 Dupont that was originally constructed in 1905. The property is zoned R4 and at one time the house was divided in to multiple dwelling units. We purchased this property in the end of January, 2016 and are residing there. This is our Minnesota retirement home (we are 55 and 53 years old). We are seasoned property owners, active in the Downtown Minneapolis Neighborhood Association (DMNA) and I volunteer as a member of the DMNA Land Use Committee for Downtown East. Both the previous owner and we are responsible for the following improvements returning the first, second and third floor to a single family residence and maintaining the original architectural detail.

- new windows
- plaster removed, new wiring, new plumbing, insulation and drywall installed
- new concrete driveway and patio
- new roof and gutters
- original foundation underpinned, elevator shaft and elevator installed
- new cedar lap siding on east side consistent with original siding
- remodeled kitchen and 4 bathrooms (2 remodeled, 2 new)
- Airconditioning installed

The main house is now energy efficient and in excellent condition.

With this background, we will describe our proposed project. The carriage house is an original cedar lap sided structure and is one of the better remaining examples of a Lowry Hill 1905 carriage house. While the foundation and garage floor are in excellent condition, the above grade portions of the structure are in need of repair and updating. While the roof has been replaced water intrusion has stopped, the structure has been home to squirrels, bats and possibly raccoons for many years. There are holes visible from the eaves where these rodents have gained access.

It is our desire to do the following:

- replace damaged siding with cedar lap siding and upgrade portions of the structure that are in need (similar to the main house),
- replace the rotten eaves
- remove and replace contaminated insulation and sheet rock

These improvements are expensive and it is our desire to convert this to an Accessory Dwelling Unit (ADU) and generate some income to support the cost of

these improvements and the ongoing maintenance of the property. To accomplish this, we are requesting two items.

1. A setback variance: The original structure is 2.5 feet from the property line and the current zoning requires a 3 foot setback.
2. An square footage variance: When the garage space is included (per the current ordinance) the entire structure is above the allowable square footage for an ADU.

There is currently a proposal before City Council to amend the ordinance for ADUs that would eliminate our second request. It is our understanding that this may be voted on in August and will likely pass but we would like to get this project complete before fall.

Ann and Michael Roess  
1907 Dupont Ave S  
Minneapolis, MN 55403  
612-412-7031  
[ann@imetroproperty.com](mailto:ann@imetroproperty.com)  
[michael@imetropropery.com](mailto:michael@imetropropery.com)

VARIANCE STATEMENT  
1907 DUPONT AVE S

We are requesting the following variances:

1. A setback variance: The original structure is 2.5 feet from the property line and the current zoning requires a 3 foot setback.
2. A square footage variance: When the garage space is included (per the current ordinance) the entire structure is above the allowable square footage for an ADU.

With respect to the setback variance:

- 1) The practical difficulties with complying with the 3 foot setback is that the original 1905 carriage house would need to be demolished.
- 2) Other than the setback and square footage variance (which we expect will be eliminated this year) we will use the property in accordance with the ADU ordinance and underlying zoning and it will remain our primary dwelling.
- 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.

With respect to the square footage variance:

- 1) Practical difficulties complying with the square footage requirement:  
The carriage house built in 1905 currently has a three-stall garage that is counted in the ADU total square footage. When deducted from the current allowable square footage, the ADU would not be large enough to accommodate a living unit. Alternatively, the elimination of parking to increase the dwelling unit size would not adequately accommodate onsite parking and would further complicate the already congested parking on the street. This issue may be mute at the time of submittal as it is our understanding that this issue is currently before the city council in the form of an amendment to the ADU ordinance which is expected to be adopted in an upcoming vote.
- 2) Other than the setback and square footage variance we will use the property in accordance with the ADU ordinance and underlying zoning and it will remain our primary dwelling.
- 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.

**LEGAL DESCRIPTION:**

The North half of Lot 20 and the South 30 feet of Lot 21, Block 33, GROVELAND ADDITION TO MINNEAPOLIS, Hennepin County, Minnesota.

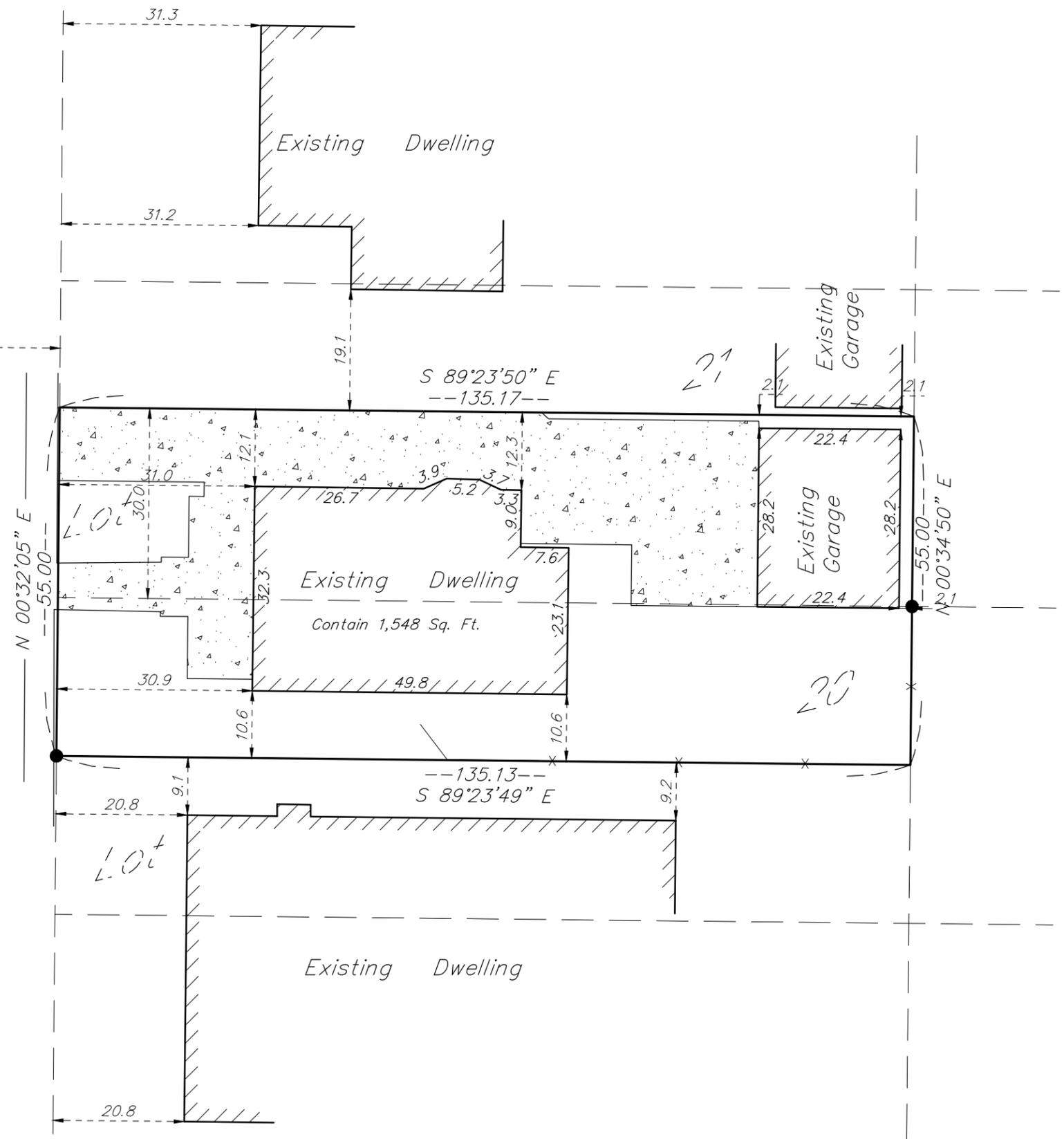
**SCOPE OF WORK & LIMITATIONS:**

1. Showing the length and direction of boundary lines of the legal description listed above. The scope of our services does not include determining what you own, which is a legal matter. Please check the legal description with your records or consult with competent legal counsel, if necessary, to make sure that it is correct and that any matters of record, such as easements, that you wish to be included on the survey have been shown.
2. Showing the location of observed existing improvements we deem necessary for the survey.
3. Setting survey markers or verifying existing survey markers to establish the corners of the property.
4. Note that all building dimensions and building tie dimensions to the property lines, are taken from the siding and or stucco of the building.
5. The subject property contains 7,433 Sq. Ft.

**STANDARD SYMBOLS & CONVENTIONS:**

"●" Denotes iron survey marker, set, unless otherwise noted.

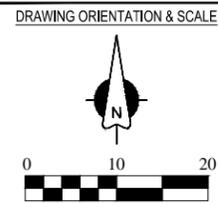
Dupont Avenue South



**LEGEND**

- = CATCH BASIN
- = FIRE HYDRANT
- = POWER POLE
- = MANHOLE
- = TELEPHONE PED.
- = ELEC. TRANSFORMER
- = WELL
- = GATE VALVE
- = LIGHT POLE
- = FENCE LINE
- = SANITARY SEWER LINE
- = WATER LINE
- = GAS LINE
- = STORM DRAIN LINE
- = OVERHEAD UTILITY LINE
- = CONCRETE SURFACE

DATE	REVISION DESCRIPTION



CLIENT NAME / JOB ADDRESS

**PLEASANT VALLEY HOMES**

1907 DUPONT AVENUE SOUTH  
MINNEAPOLIS, MN

**Advance**  
Surveying & Engineering, Co.

5300 South Hwy. No 101  
Minnetonka, Minnesota 55345  
Phone (952) 474-7964  
Web: www.advsur.com

I HEREBY CERTIFY THAT THIS PLAN, SURVEY 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.

Thomas M. Bloom  
# 42379  
LICENSE NO.  
MAY 18, 2016  
DATE

DATE SURVEYED: MAY 18, 2016

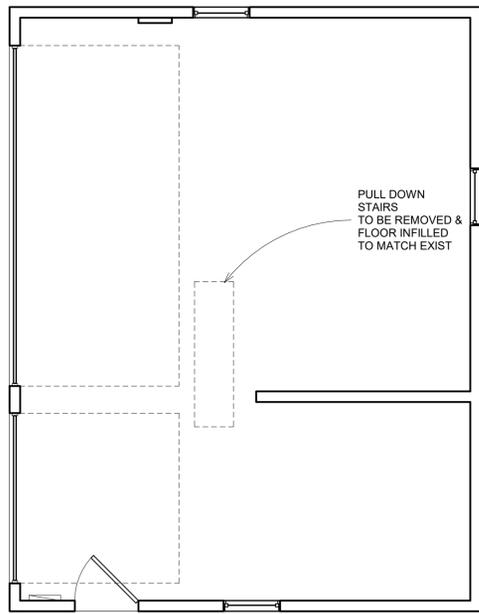
DATE DRAFTED: MAY 18, 2016

SHEET TITLE  
**EXISTING CONDITIONS SURVEY**

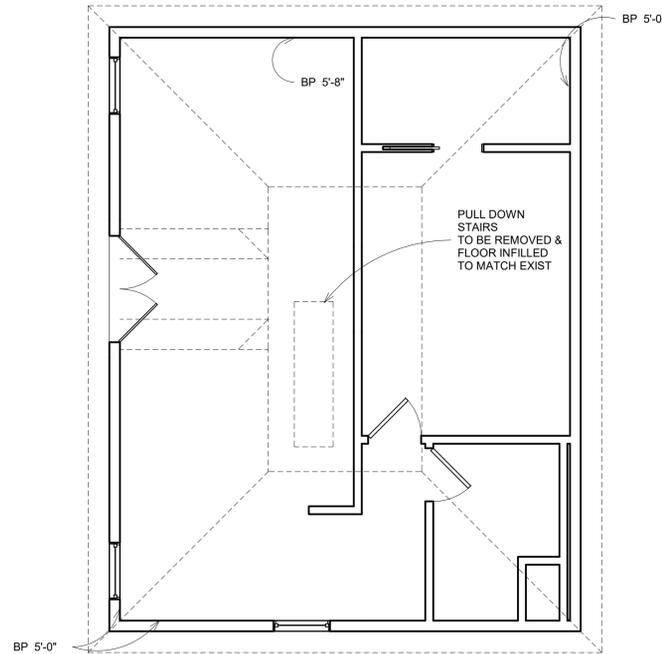
DRAWING NUMBER  
**160339 TB**

SHEET NO.  
**S1**

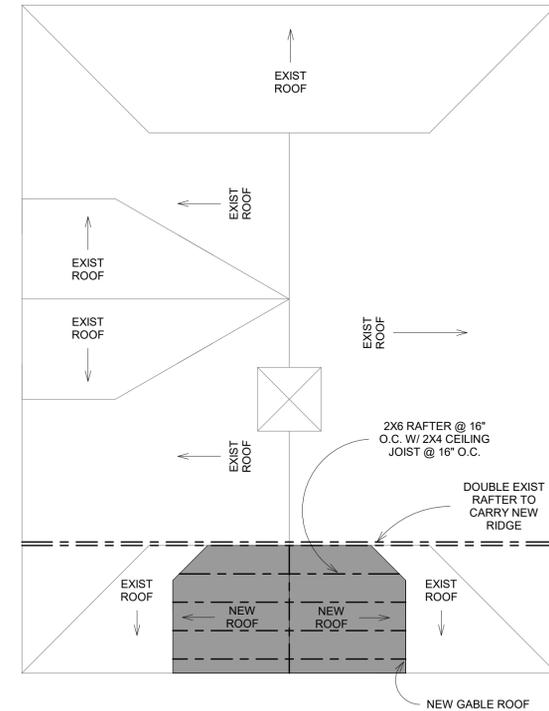
SHEET 1 OF 1



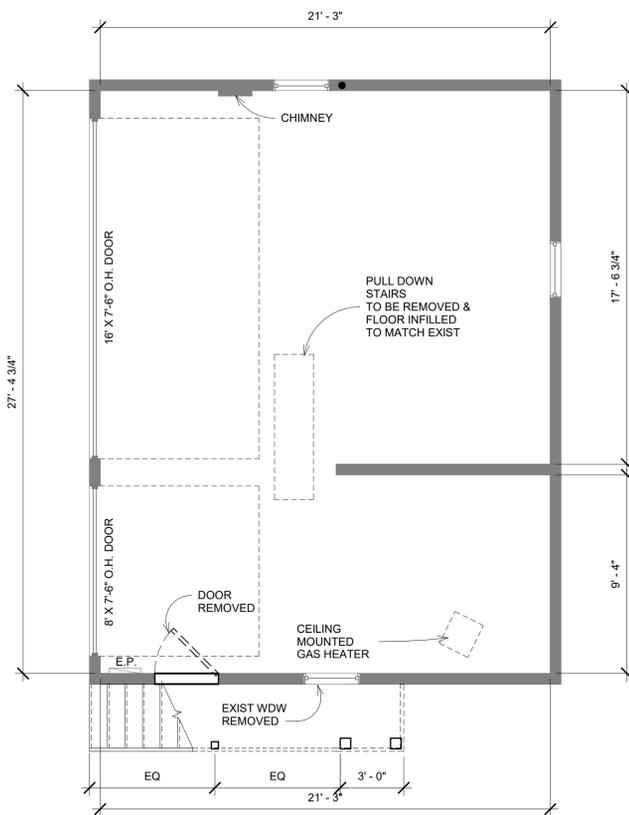
2 1ST FLOOR PLAN - EXISTING 632 S.F.  
1/4" = 1'-0"



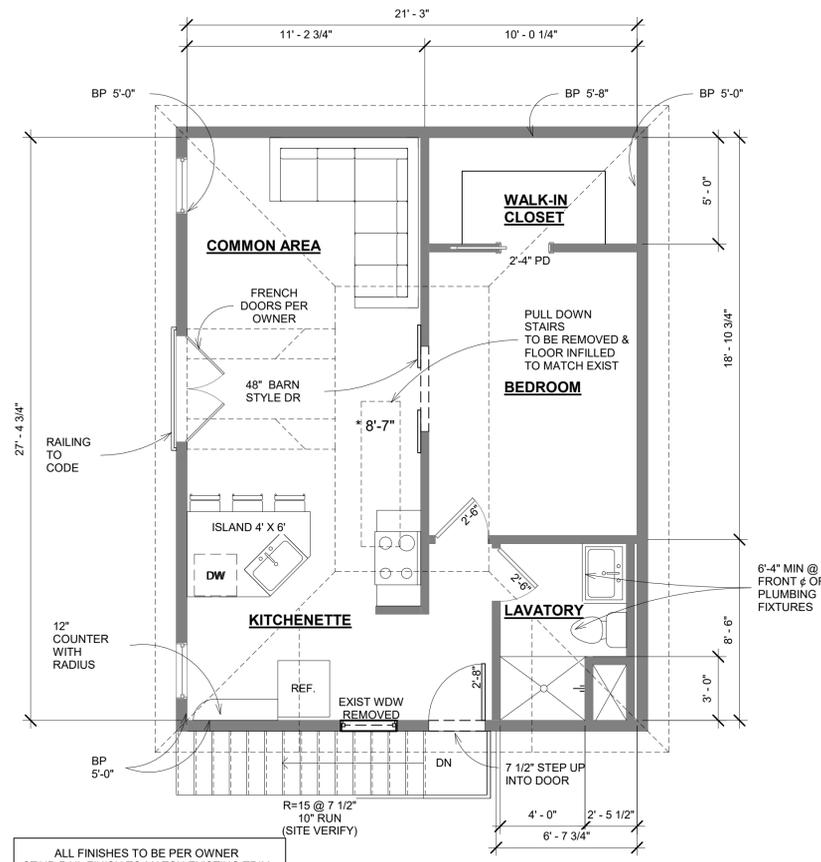
3 2ND FLOOR PLAN - EXISTING 632 S.F.  
1/4" = 1'-0"



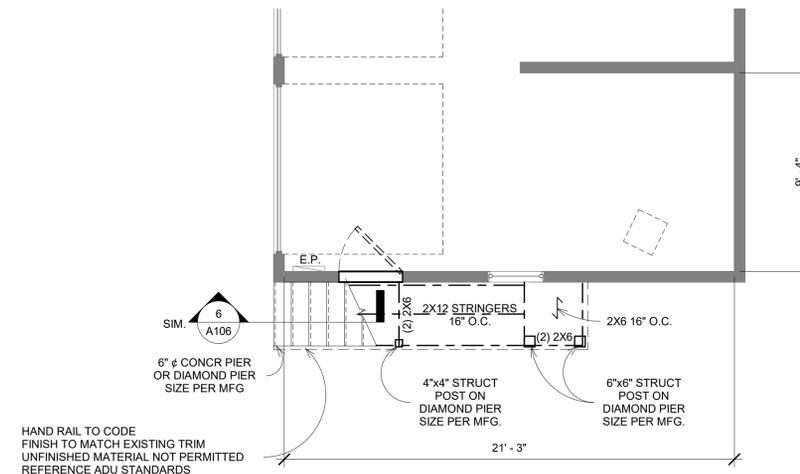
6 ROOF PLAN 1/4" = 1'-0"



1 1ST FLOOR PLAN - PROPOSED 632 S.F.  
1/4" = 1'-0"



4 2ND FLOOR PLAN - PROPOSED 632 S.F.  
1/4" = 1'-0"



5 FOUNDATION & FRAMING PLAN 1/4" = 1'-0"

REVISIONS:  
 REVISION #1:  
 CHANGES PER OWNER 6/1/16  
 REVISION #2:  
 CHANGES PER OWNER 6/2/16  
 REVISION #3:  
 CHANGES PER OWNER 6/9/16  
 REVISION #4:  
 ADDED HAND RAIL NOTE PER CITY ADU STANDARDS 8/3/16

ROESS RESIDENCE  
 1907 DUPONT AVENUE SOUTH  
 MINNEAPOLIS, MN 55403  
 CARRIAGE HOUSE FLOOR & STAIR FRAMING PLANS

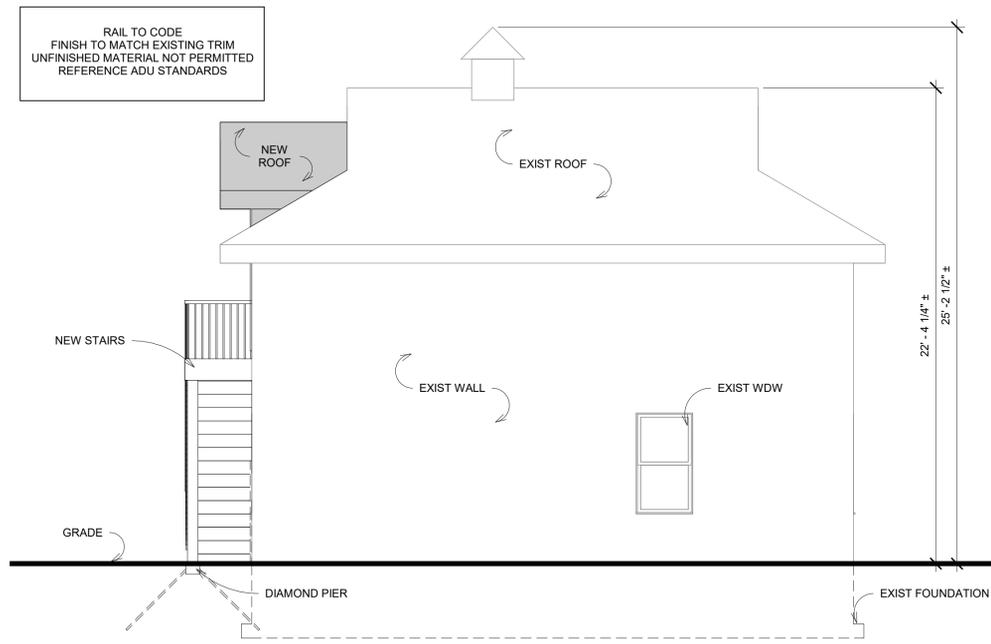
CARL J. GRAMENTZ, FARA  
 REGISTERED ARCHITECT  
 5048 CLEAR SPRING ROAD | MINNETONKA, MN 55345  
 PH 952.933.4590 | FAX 952.933.0684 | CELL 612.978.4954  
 email carl@cgarchitects.com | www.cgarchitects.com

Project Number 10912  
 Date 4/28/16  
 Drawn by WS  
 A105  
 1 OF 2

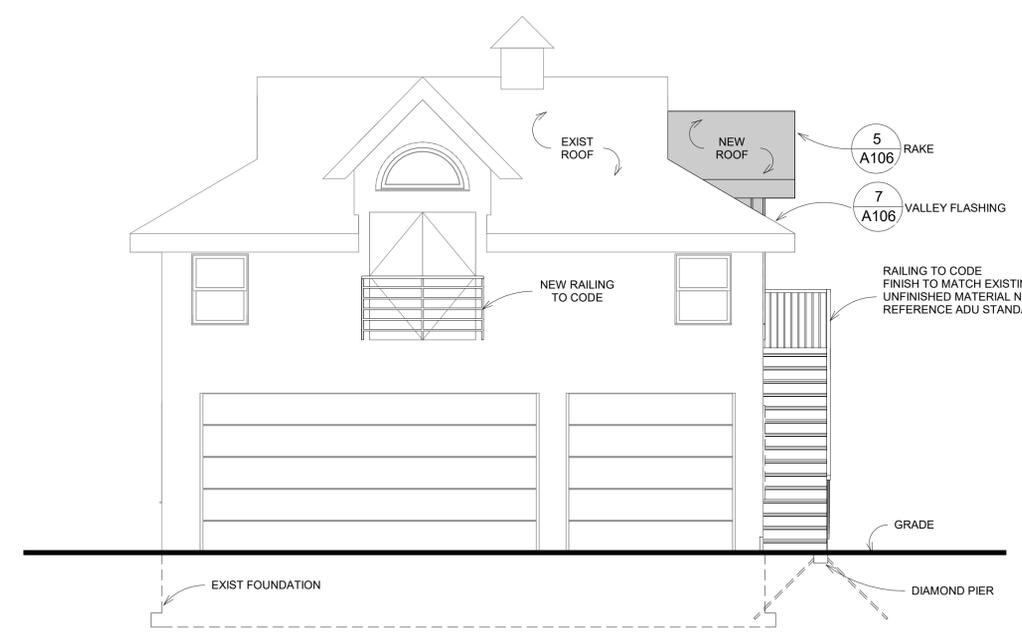
**FOR GENERAL NOTES SEE SHEET A-101**

**REVISIONS:**

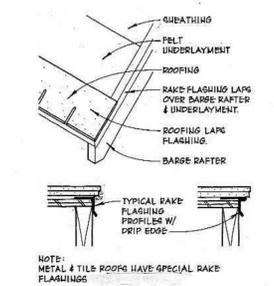
REVISION #1:	CHANGES PER OWNER	6/1/16
REVISION #2:	CHANGES PER OWNER	6/2/16
REVISION #3:	CHANGES PER OWNER	6/9/16
REVISION #4:	ADDED HAND RAIL NOTE PER CITY ADU STANDARDS	8/3/16



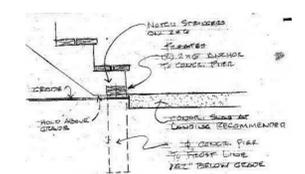
1 EAST ELEVATION - 1/4" = 1'-0"



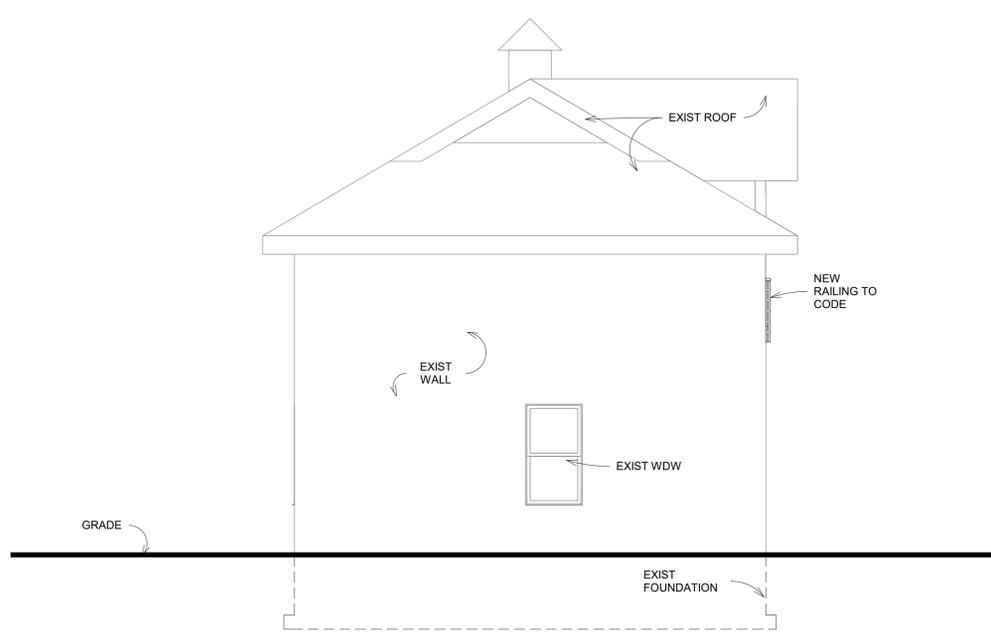
2 WEST ELEVATION - 1/4" = 1'-0"



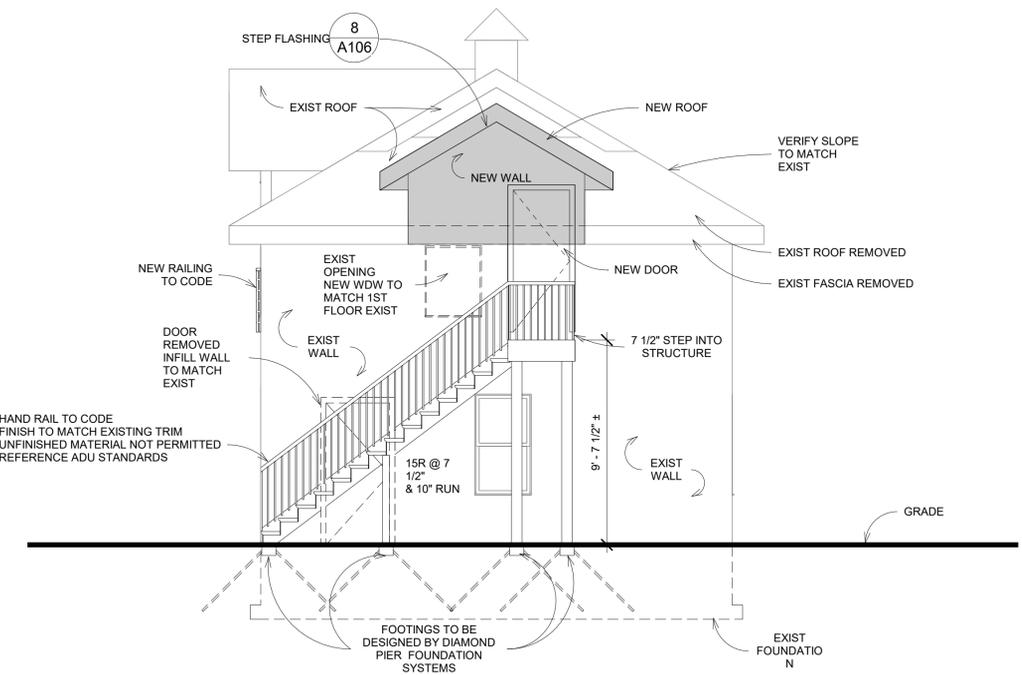
5 RAKE FLASHING 1 1/2" = 1'-0"



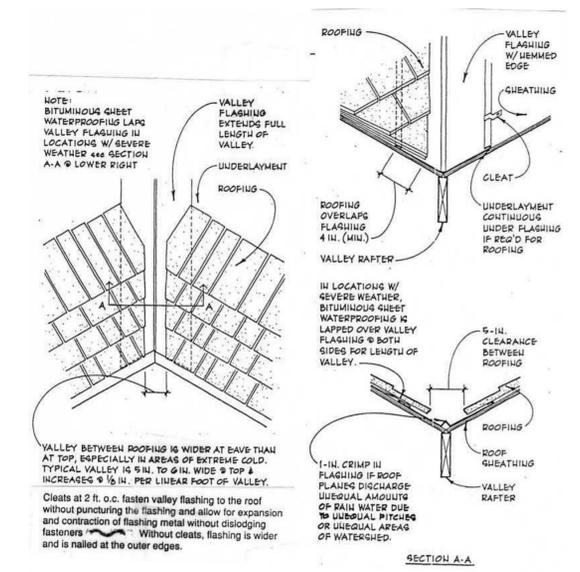
6 STEP AT GRADE 1/2" = 1'-0"



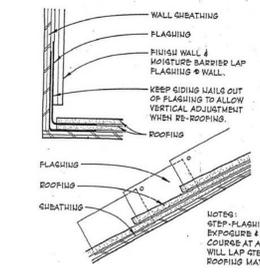
3 NORTH ELEVATION - 1/4" = 1'-0"



4 SOUTH ELEVATION - 1/4" = 1'-0"



7 VALLEY FLASHING 1/2" = 1'-0"



8 STEP FLASHING 1" = 1'-0"

ROESS RESIDENCE  
1907 DUPONT AVENUE SOUTH  
MINNEAPOLIS, MN 55403  
CARRIAGE HOUSE ELEVATIONS & DETAILS

CARL J. GRAMMENTZ, FARA  
REGISTERED ARCHITECT  
5048 CLEAR SPRING ROAD | MINNETONKA, MN 55345  
PH 952.933.4590 | FAX 952.933.0684 | CELL 612.878.4954  
email carl@cjg1244@aol.com | www.cjg1244.com

Project Number	10912
Date	4/28/16
Drawn by	WS
<b>A106</b>	
2 OF 2	































**From:** [ann.roess@gmail.com](mailto:ann.roess@gmail.com)  
**To:** [Widmeier, Janelle A.](mailto:Widmeier, Janelle A.)  
**Cc:** [imetroproperty@gmail.com](mailto:imetroproperty@gmail.com); [Randy Stawski](mailto:Randy Stawski)  
**Subject:** Fwd: 1907 Dupont Ave S  
**Date:** Monday, July 25, 2016 4:14:14 PM

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Janelle,

The email below is from the Lowry Hill Neighborhood Association. They are in support of our variance requests.

Best Regards,

Ann Roess

Begin forwarded message:

**From:** philip hallaway <[phallaway@comcast.net](mailto:phallaway@comcast.net)>  
**Date:** July 25, 2016 at 3:29:32 PM CDT  
**To:** Ann Roess <[ann.roess@gmail.com](mailto:ann.roess@gmail.com)>  
**Subject: Re: 1907 Dupont Ave S**

Dear Ann-

Clint Conner recently got back to me on your variance request to the city. He thought the variance requests made sense and that they are more than reasonable.

Best regards,  
Phil Hallaway

On Jul 22, 2016, at 12:02 PM, Ann Roess wrote:

Hi Phil,

Thanks for passing it along. We are more than happy to meet to discuss the project. We met with Janelle Widmeier at the city yesterday and she did not feel like there would be any issue from a city standpoint.

Stay cool this weekend!

Best Regards,  
Ann Roess

On Fri, Jul 22, 2016 at 10:59 AM, philip hallaway <[phallaway@comcast.net](mailto:phallaway@comcast.net)> wrote:

Dear Ann-

I have forwarded your email to Michael Cockson and Clint Conner, co-chairs of the Lowry Hill Neighborhood Association ("LHNA") Zoning and Planning Committee for their review.

The LHNA board does not meet in August. Our monthly meetings begin September 6, 2016. I will wait to see what Michael and Clint have to say regarding your request, and possible next steps.

Best regards,

Phil Hallaway

On Jul 21, 2016, at 7:00 PM, Ann Roess wrote:

<Land Use App - Letter to Neighborhood  
7.15.16.docx>