

Department of Community Planning and Economic Development – Planning Division**Variance Request
BZZ-1918****Date:** September 5 2004**Applicant:** Pamela Crawford**Address of Property:** 3502 25th Street East**Contact Person and Phone:** Pamela Crawford, (612) 729-9749**Planning Staff and Phone:** Tanya Holmgren, (612) 673-5887**Date Application Deemed Complete:** August 12, 2004**End of 60 Day Decision Period:** October 11, 2004**End of 120 Day Decision Period:** December 10, 2004**Ward: 2 Neighborhood Organization:** Seward Neighborhood Group**Existing Zoning:** R1A, Single-family Residential District**Proposed Use:** A front deck addition to a new single-family dwelling.**Proposed Variance:** A variance to reduce the required front yard setback along 35th Avenue South from the setback established by the adjacent residential structure from 25 ft. 1 in. to 17 ft. to allow for the construction of a deck addition to an existing single-family dwelling on a reverse corner lot.**Zoning code section authorizing the requested variance:** 525.520 (1)**Background:** The subject property is approximately 57 ft. by 80 ft. (4,560 sq. ft.) and consists of a newly constructed single-family dwelling and attached garage. The property is located at the corner of 35th Avenue South and 25th Street East and fronts 25th Street East. However, the adjacent property to the north fronts 35th Avenue South, making the subject site a reverse corner lot. The applicant is requesting a variance to reduce the required front yard setback along 35th Avenue South from the setback established by the adjacent residential structure from 25 ft. 1 in. to 17 ft. to allow for the construction of a deck addition to an existing single-family dwelling.

The newly constructed single-family dwelling maintains both established front yard setbacks from 35th Avenue South and 25th Street East. Additionally, the lot meets both of its side yard requirements. The existing single-family dwelling on the subject site maintains a 25 ft. 1 in. setback from the west front property line. The applicant is requesting a variance to 17 ft. to allow for the construction of a 12 ft. by

8 ft. deck addition to an existing single-family dwelling. The deck addition will be constructed on the side of the dwelling, because the dwelling fronts 25th Street East.

Decks located in required yards are allowed by code to be constructed to 50 sq. ft. and project no more than 4 ft. into the required yard. The proposed deck will be 96 sq. ft. and will project 8 ft. into the required front yard.

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 reduce the required front yard setback along 35th Avenue South to 17 ft. to allow for the construction of a 12 ft. by 8 ft. deck addition to an existing single-family dwelling on a reverse corner lot. The single-family dwelling was constructed behind the established front yard setback along both Avenue South and 25th Street East. The front yard setbacks imposed on the single-family dwelling provides no portion of the property to allow for a deck addition. Strict adherence to the code requires that the subject property construct a deck that is 50 sq. ft. and project no more than 4 ft. into the side yard. This would require a deck that was no greater than 4 ft. deep. Strict adherence to the regulations would not allow for the proposed deck addition to the existing single-family dwelling.

- 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 setback variance is requested are unique to the parcel of land due to the location of the existing dwelling to the north and the location of the existing dwelling on the property to the east. As previously mentioned, the subject property is a reverse corner lot, therefore, a front yard setback is required along both 35th Avenue South and 25th Street East. The adjacent property to the north is setback 25 ft. The adjacent property to the east is setback 20 ft. 6in. This is a circumstance that is unique to this parcel and not created by the applicant. The alternative to the variance would cause an undue hardship to the property owner, by not allowing the deck addition. The single-family dwelling on the subject property meets both of the established front yard setbacks. The dwelling also meets both of its side yard setbacks. By meeting these setbacks, the property maintains no remaining buildable area. The location of the existing structures and the configuration of the lots are not circumstances created by the applicant.

- 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: Staff believes the deck addition will not substantially alter the essential character of the surrounding neighborhood. The proposed deck addition will maintain the required side yard setback from the adjacent property to the north. The variance request is required in order to construct a deck that is greater than 4 ft. deep. Staff feels a deck that is 8 ft. deep is more useable than a 4 ft. deep deck. Staff believes that the 8 ft. by 12 ft. deck addition will not be injurious to the use or enjoyment of other property in the vicinity.

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: Granting the front yard setback variance would likely have no impact on the congestion of area streets or fire safety, nor would the proposed deck addition to the existing dwelling be detrimental to the public welfare or endanger the public safety.

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 **approve** the variance to reduce the required front yard setback along 35th Avenue South from the setback established by the adjacent residential structure from 25 ft. 1 in. to 17 ft. to allow for the construction of a deck addition to an existing single-family dwelling on a reverse corner lot subject to the following conditions:

1. Review and approval of final site and elevation plans by the Planning Department.
2. That the deck would remain open and not enclosed with screens, drywall, or glass windows at any point in the future without obtaining an additional variance.