

Department of Community Planning and Economic Development – Planning Division Report

Variance Request
BZZ-4652

Date: January 14, 2010

Applicant: Jeff Deitner

Address of Property: 1961 Kenwood Parkway

Contact Person and Phone: Jeff Deitner, 612-929-2049

Planning Staff and Phone: Aly Pennucci, 612-673-5342

Date Application Deemed Complete: December 10, 2009

End of 60 Day Decision Period: February 7, 2010

Ward: 7 **Neighborhood Organizations:** Kenwood Isles Area Neighborhood Association

Existing Zoning: R1 Single-family District

Lot Area: 13,850 sq. ft

Zoning Plate Number: 17

Legal Description: Not applicable

Proposed Use: Patio

Proposed Variance:

- A variance to reduce the required front yard setback from 26 ft. to 11 ft. along Queen Avenue South

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.”

Background: The subject property is 13,850 sq. ft. and consists of an existing single family dwelling, built in 1900. The property is located at the corner of Kenwood Parkway and Queen Ave S. The adjacent property to the south fronts Queen Ave S, making the subject site a reverse corner lot. The existing dwelling is located approximately 43 ft. from the front property line along Kenwood Parkway and 8 ft. from the corner side property line along Queen Ave S. The applicant is proposing a 315 sq. ft.

CPED Planning Division Report

BZZ-4652

ground level patio constructed of blue stone within the footprint of an existing 3 ft. tall wall to the front of the dwelling.

In the R1 single-family residence district the minimum front yard setback is 25 ft. Because of the reverse corner lot configuration, this lot is subject to two front yard requirements, one along Kenwood Parkway and one along Queen Avenue South. The proposed patio meets the required and established front yard setback along Kenwood Parkway but does not meet either the required district or established setback along Queen Ave S, therefore a variance is required.

As of the writing of this staff report, staff has not received any correspondence from the Kenwood Isles Area Neighborhood Association. 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 by the official controls and strict adherence to the regulations of this zoning ordinance would cause undue hardship.**

The applicant is seeking a variance to reduce the required front yard setback along Queen Avenue S from the setback established by connecting a line between the adjacent neighbors to the south. The existing dwelling is located within the established front yard setback along Queen Ave S. The Department of Community Planning and Economic Development – Planning Division staff recognizes a hardship created by the reverse corner lot configuration. If not for the two front yard requirements created by the reverse corner lot configuration, the proposed patio would be permitted. The proposed patio is within the footprint of an existing walled in area that was previously a landscaped (sod) area.

- 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.**

The circumstances are unique to this parcel of land due to the reverse corner lot configuration. The existing single family home is within the required front yard along Queen Ave S which makes it difficult to locate a ground level patio to the front of the dwelling while still maintaining the required yards. The home was built in 1900, prior to ownership by the current homeowner. The above circumstances have not been 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.**

CPED Planning Division Report

BZZ-4652

Granting the variance will be in keeping with the spirit and intent of the ordinance. The intent of the required and established front yard setback is to create a consistent building wall and to protect viewsheds in the front of dwellings. Other properties in the area have a similar configuration of a walled in area to the front of the dwelling (see attached staff photos). In addition, because the proposed patio is within the footprint of the existing wall and has been used as a landscaped patio, the viewshed will not be disrupted. In addition, there are 127 ft. between the patio and the only adjacent residence to the 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.**

The proposed variance would likely have no impact on congestion of area streets or fire safety, nor 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 request to reduce the required front yard setback from 26 ft. to 11 ft. along Queen Avenue South to allow for a 10 ft. by 31.5 ft. ground level patio to the front of an existing single-family dwelling on a reverse corner lot located at 1961 Kenwood Parkway in the R1 Single-Family District, subject to the following conditions:

1. CPED–Planning Division review and approve the final site plan.

Attachments:

- 1) Written descriptions and findings submitted by the applicant
- 2) Copy of e-mail sent to neighborhood organizations and CM
- 3) Zoning map
- 4) Site plan
- 5) Building elevations
- 6) Photographs submitted by applicant
- 7) Photographs taken by CPED-Planning Division staff
- 8) Oblique aerials