

Department of Community Planning and Economic Development - Planning Division Report

Variance Request
BZZ-3473

Date: April 19, 2007

Applicant: Paige Heim (property owner)

Address of Property: 3520 24th Avenue South

Contact Person and Phone: Paige Heim, (612) 722-3948

Planning Staff and Phone: Aaron Hanauer, (612) 673-2494

Date Application Deemed Complete: March 19, 2007

Public Hearing: April 19, 2007

Appeal Period Expiration: April 30, 2007

End of 60 Day Decision Period: May 19, 2007

Ward: 9 **Neighborhood Organization:** Corcoran

Existing Zoning: R1A, Single-Family District

Proposed Use: Construction of a rear addition.

Proposed Variances:

- Variance to reduce the established front yard setback to 28 feet.
- Variance to reduce the north side yard setback from 5 feet to 3 feet.

Zoning code section authorizing the requested variance: 525.520 (1) (1)

Background: The subject property, 3520 24th Avenue South, is an above average sized, R1A Zoning District lot that measures 40 feet x 172 feet (6,880 square feet). The property is an interior lot that contains a 1½ story, single-family dwelling constructed in 1913. The owners are proposing to add a 560 square foot home addition and 240 square foot deck to the rear of the current property.

Note about the front yard variance: A front yard variance is required for this project, even though it is to the rear of the property. This is due to the addition being in the established front yard setback, which is established by drawing a line from the nearest corners of the adjacent properties (adjacent property, 3516 24th Avenue South, is an alley home).

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 variance: The applicant has requested a variance to reduce the established front yard setback to 28 feet to allow for the construction of a rear, home addition and deck. Staff believes the proposed project is a reasonable use of the property and recognizes the deep front yard setback established by the northern adjacent property (3516 24th Avenue South) as a hardship.

Interior side yard variance: The applicant has requested a variance to reduce the north interior side yard setback from 5 feet to 3 feet to allow for a rear, home addition and deck. The existing home, which was built in 1913, is 3 feet from the property line. Staff believes the applicant's project is a reasonable use of the property. Staff also recognizes the existing 3 foot interior side yard setback that was established when the home was built in 1913 (prior to the first Minneapolis Zoning Code) as a hardship.

- 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 variance: The circumstance upon which this front yard variance is requested that is unique to this parcel of land and was not created by the applicant is the deep front yard setback established by the alley home to the north of the subject property.

Interior side yard variance: The circumstance upon which the interior side yard variance is requested that is unique to this parcel of land and was not created by the applicant is the original placement of the home. The subject property's principal structure was built to 3 feet from the north interior property line in 1913. This building date is prior to Minneapolis Zoning Code provision for side yard setback requirements.

- 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.**

Both variance: Staff believes that granting of the front yard and interior side yard variances to allow for the construction of a rear, home addition and deck will not alter the essential character of the area. Staff also believes that granting of these variances will not be injurious to the use or

CPED Planning Division
BZZ-3473

enjoyment of 3516 24th Avenue South (and 3524 24th Avenue South). Even though the rear addition of the subject property may reduce light exposure for 3516 24th Avenue South, it will likely not be to a level that will be injurious to the use and enjoyment of the property owner and/or tenants.

- 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.**

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

Recommendation of the Department of Community Planning and Economic Development:

The Department of Community Planning and Economic Development (CPED)–Planning Division recommends that the Board of Adjustment adopt the findings above and

- **Approve** the variance to reduce established front yard setback to 28 feet.
- **Approve** the variance to reduce the north interior side yard setback from 5 feet to 3 feet.

to allow for the construction of a rear addition and deck at 3524 24th Avenue South in the R1A, Single-Family District subject to the following conditions:

1. CPED–Planning Division review and approve the final site plan, floor plans, and elevation. All drawings will be measured to an architect or engineer’s scale.
2. The home addition meets the administrative site plan review and building code regulations for single and two-family dwellings.

Attachments:

- Zoning map (1 page)
- Statement of proposed use (1 page)
- Applicant photos (2 pages)
- Site plan and floor plan(2 pages)
- Elevations (1page)
- Aerial (1 page)