

Department of Community Planning and Economic Development – Planning Division**Variance Request
BZZ-3751**

Date: September 27, 2007

Applicant: Susan Denk, on behalf of Tricia Cornell and Bruce Manning

Address of Property: 3921 Upton Avenue South

Contact Person and Phone: Susan Denk (612) 827-3800

Planning Staff and Phone: Brian Schaffer, (612) 673-2670

Date Application Deemed Complete: August 31, 2007

Public Hearing: September 27, 2007

Appeal Period Expiration: October 9, 2007

End of 60 Day Decision Period: October 30, 2007

Ward: 13 **Neighborhood Organization:** Linden Hills Neighborhood Council

Existing Zoning: R1 Single Family District.

Proposed Use: A second floor addition on a single story dwelling

Proposed Variance: A variance to reduce the established front yard setback to 26.3 feet to allow for a second story addition to an existing single family dwelling located at 3921 Upton Avenue South in the R1 Single Family District.

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

Background: The size of the subject site is 50 ft. x 115 ft. (5,750 sq. ft.). The subject site is an interior lot and is roughly 250 square feet smaller than the minimum lot area of 6,000 square feet for the R1 zoning district.

The applicant is proposing to construct a second story addition to a one story dwelling. The proposed second story addition will follow the existing building wall of the structure except on the façade that fronts Upton Avenue, where it will be cantilevered 1 to 3 feet forward toward Upton Avenue South.

The proposed addition and dwelling are located within the established front yard setback which is created by the front corners of the adjacent properties. The structure to the south, located at 3925 Upton

Avenue South, is located 33.4 feet from the front property line. The structure to the north, located at 3919 Upton Avenue South, is 27.8 feet from the front property line. A variance is required to reduce the established front yard setback to 26.3 feet to allow for the proposed addition.

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 has requested a variance to reduce the established front yard setback to 26.3 feet to allow for a second story addition. The dwelling to the north is located 27.8 feet from the front property line. The dwelling to the south is located 33.4 square feet from the front property line; however it has an attached tuck under garage with a deck above that is located 14.6 feet from the front property line. The zoning ordinance does not recognize the tuck under garage in calculating the established front yard setback.

The applicant is proposing a second story addition that is cantilevered 3 feet over the front of the dwelling resulting in a variance request to reduce the front yard setback to 26.3 feet from the front property line. The existing building wall of the structure is 29.3 feet from the front property line.

Staff believes that strict adherence to the zoning ordinance would cause undue hardship because of the location and configuration of adjacent home to the south. Staff believes a second story addition that does not extend further than the adjacent dwelling to the north, which is 27.8 feet from the front property line, is a reasonable request.

- 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 conditions upon which the setback variance is requested are unique to the parcel due to the configuration of the dwelling to the south. As previously mentioned the adjacent dwelling is setback 33 feet from the front property line and has an attached tuck under garage that is located 14.6 feet from the front property line. This is a circumstance that is unique to this parcel and not 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.**

Staff believes that a second story addition will not negatively alter the essential character of the surrounding neighborhood. The setback of the homes along the 3900 block of Upton is not consistent. The setback ranges from approximately 20 feet to approximately 33 feet. Staff believes the second story addition located at the setback of the adjacent home to the north at

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3919 Upton Avenue South, 27.8 feet from the front property line, will be in keeping with the spirit and intent of the ordinance and will not negatively alter the essential character of the locality.

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.**

Granting the variance would likely have no impact on the congestion of area streets or fire safety, nor would the proposed 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** a variance to reduce the established front yard setback to **27.8** feet to allow for a second story addition to an existing single family dwelling located at 3921 Upton Avenue South in the R1 Single Family District with the following condition:

1. CPED-Planning review and approve final site plan, floor plans, and elevations.