

**Department of Community Planning and Economic Development – Planning Division Report****Variance Request  
BZZ-2329****Date:** May 19, 2005**Applicant:** Paul Ruhland**Address of Property:** 1203 ½ 3<sup>rd</sup> Street Northeast**Date Application Deemed Complete:** April 22, 2005**End of 60 Day Decision Period:** June 21, 2005**Appeal Period Expiration:** May 31, 2005**Contact Person and Phone:** Paul Ruhland, 612-379-0349**Planning Staff and Phone:** Molly McCartney, 612-673-5811**Ward:** 3      **Neighborhood Organization:** Sheridan**Existing Zoning:** R2B, Two-family District**Proposed Use:** Construct an addition to an existing single-family dwelling**Proposed Variance:** A variance to reduce the required side yard setback from 5 ft. to 1 ft. to allow for the construction of an addition to an existing single-family dwelling on property located at 1203 ½ 3<sup>rd</sup> Street Northeast in the R2B, Two-family District.**Zoning code section authorizing the requested variance:** 525.520 (1)**Background:** The subject site is an interior lot that is approximately 41 ft. by 66 ft. (2,706 sq. ft.) and consists of a single family dwelling with an accessory structure (storage shed). The proposed two-story addition will be at the rear of the house and will follow the line of the house of the southern wall. The existing structure is 1 ft. from the southern interior property line and the proposed addition would follow that line. The adjacent property to the south is also setback from the interior side property line one 1 ft., leaving a total of 2 ft. between the existing houses. While the subject dwelling does not have an windows facing the adjacent house, the adjacent house does have windows that are potential means of egress.**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 interior side yard setback from 5 ft. to 1 ft. to allow for the construction of a two-story addition to a single-family dwelling. The existing dwelling, as well as the adjacent dwelling, is setback 1 ft. from the southern property line. Strict adherence to the code prohibits a structure to be located less than the 5 ft. from the interior property line and would not allow for the proposed addition to the existing single-family dwelling. Staff believes the addition is a reasonable use of the property and recognizes the hardship on the property created by the location of the subject dwelling and adjacent dwelling, but believes that the addition should be moved to 3 ft. to allow for safe egress for the adjacent 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.**

The conditions upon which the setback variance is requested are unique to the parcel of land and have not been created by the applicant. The location of the subject dwelling and the adjacent dwelling are one (1) ft. each from the property line, leaving only 2 ft. between the two dwellings. The proximity of the dwellings on the lot is a unique circumstance not created by the applicant. The adjacent structure does have bedroom windows facing the subject site and to ensure safe egress, staff believes the addition should be located 3 ft. from the interior property line.

- 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 has concerns with extending the building wall of the subject dwelling at the 1 ft. setback because of the limited space between the subject dwelling and the adjacent dwellings. The subject dwelling does not have any windows on this side of the dwelling, but the adjacent property does have windows along the side of the dwelling with the 1 ft. setback. The Building Code requires a second means of egress through windows for bedrooms to be considered legal from the Building Code. The Building Code also requires the distance required for basement egress windows wells be 3 ft. from the building and the distance required of building walls for windows or openings be 3 ft. from the property line. Adding to the subject dwelling with a 1 ft. setback will block the adjacent dwelling's windows for escape in case of an emergency. Staff is recommending that the proposed addition be setback 3 ft. from the property line, thus leaving at least 4 ft. between the subject dwelling and the adjacent dwelling. The applicant has been made aware of staff concerns and has agreed submit plans that reflect a change from a 1ft. or 3 ft. setback.

- 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.**

**Interior side yard and rear yard setbacks:** Granting the side yard setback variance for 3 ft. would likely have no impact on the congestion of area streets or fire safety, nor would the proposed addition to the existing dwelling be detrimental to the public welfare or endanger the public safety. A one (1) ft. setback to the property line would result a 2 ft. means of egress from bedrooms in the adjacent dwelling, which does not meet current building code standards for egress. A setback to 3 ft. would allow for 4 ft. between the addition to the subject dwelling and the adjacent dwelling.

**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 required side yard setback from **5 ft. to 3 ft.** to allow for the construction of an addition to an existing single-family dwelling on property located at 1203 ½ 3<sup>rd</sup> Street Northeast in the R2B, Two-family District.