

**Department of Community Planning and Economic Development – Planning Division****Variance Request  
BZZ-3829****Applicant:** Elliot Olsen**Address of Property:** 4905 York Avenue South**Contact Person and Phone:** Elliot Olsen, (612) 920-0654**Planning Staff and Phone:** Brian Schaffer, (612) 673-2670**Date Application Deemed Complete:** October 31, 2007**Publication of Staff Report:** November 26, 2007**Public Hearing:** November 29, 2007**Appeal Period Expiration:** December 10, 2007**End of 60 Day Decision Period:** December 30, 2007**Ward:** 13      **Neighborhood Organization:** Fulton Neighborhood Association**Existing Zoning:** R1A Single Family District**Proposed Use:** An addition to a single family dwelling**Proposed Variance:** A variance to reduce the north interior side yard setback from 5 feet to 3 feet to allow for a one-story addition to a single family dwelling located at 4905 York Avenue South in the R1A Single Family District.**Zoning code section authorizing the requested variance:** 525.520 (1)**Background:** The size of the subject site is 50 feet by 129 feet (6,450 square feet). The property owner is proposing to expand the size of the existing single family dwelling through an addition to the side and rear of the dwelling. The proposed addition will contain a new pantry, bathroom, back foyer, a new deck and an enlarged family room on the first story. The second story addition will contain a new master bedroom and bathroom.

The subject dwelling has a one-story, 4 foot wide by 9 foot long side vestibule that is located 2 feet 8 inches from the north property line. There is also an approximately 6 foot long portion of a deck that follows the setback of the vestibule. The applicant is proposing to replace the vestibule and deck with a 4 foot wide by 24 foot long one-story addition and a 14 foot deep deck. The proposed addition will be 3

feet from the north interior property line and will contain the proposed pantry, bathroom and a portion of the rear foyer. The second story portion of the addition will follow the existing building wall of the dwelling and will be 6 feet from the north interior property line.

The required interior side yard setback is 5 feet for the subject property. A variance is required to reduce the setback from 5 feet to 3 feet to allow for the one-story portion of the 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 required north interior side yard setback from 5 feet to 3 feet to allow for a 4 foot wide by 24 foot long one-story addition and 14 foot deep deck. The proposed addition will replace an existing 9 foot long vestibule and 6 foot long portion of a deck. The applicant states that alternative designs to the proposed addition will require the relocation of existing plumbing, gas lines, and wiring. The proposed addition will preserve the historical layout and design of the dwelling. Strict adherence to the zoning ordinance would cause undue hardship due to the existing location of the vestibule and 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 variances are sought are requested are unique to the parcel. The existing home is located 2.7 feet from the north interior property line. The applicant did not construct the home 2.7 feet from the property line and did not create the interior configuration of the existing home.

- 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.**

The proposed setback variance will not alter the essential character of the neighborhood. The existing dwelling is located 2.7 feet from the north interior property line and the proposed addition will be 3.6 inches farther from the property line. The proposed addition is in keeping with the original design of the dwelling. Staff believes the addition will not be more visible than the existing vestibule from the street and will not extend east past the rear of the adjacent homes. The homes on this block of York have a much larger south setback than required and much smaller north setback than required due to the original platting. The proposed addition will be in keeping with that character.

**CPED Planning Division Report**  
BZZ-3829

The impact of the addition could be injurious to the enjoyment of the adjacent property to the north, 4901 York Avenue South. This dwelling is located 8.9 feet from the subject property line. The owners of this dwelling have written a letter of support for the variance.

The proposed addition will result in the relocation of the rear entrance of the subject home from 2.7 feet from the property line to 11 feet from the property line. This will likely reduce the impact of traffic and outdoor activity on the property at 4901 York Avenue South.

The applicant has proposed a deck that will extend approximately 14 feet further east from the proposed addition. The proposed deck will follow the proposed north interior side yard setback of 3 feet. Staff is concerned that proposed deck will be closer to the property line than the previous deck and the activity that takes place on the deck might be injurious to the enjoyment of the property at 4901 York Avenue 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.**

Granting the variances would not likely increase congestion in the area or increase the danger of fire safety, nor would the terrace variance be detrimental to welfare or 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 north interior property line from 5 feet to 3 feet to allow for a one-story addition to a single family dwelling located at 4905 York Avenue South in the R1A Single Family District with the following condition:

1. The proposed deck shall not be closer than 5 feet to the north interior property line.
2. CPED-Planning review and approve final site plan, floor plans, and elevations.