

Department of Community Planning and Economic Development - Planning Division Report

Variance Request
BZZ-3408

Date: March 22, 2007

Applicant: Kent and Monica Stuart (property owners)

Address of Property: 4116 Zenith Avenue South

Contact Person and Phone: Monica Stuart (612) 922-1364

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

Date Application Deemed Complete: January 29, 2007

Public Hearing: March 22, 2007

Appeal Period Expiration: April 2, 2007

End of 60 Day Decision Period: March 31, 2007

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

Existing Zoning: R1, Single-Family District

Proposed Use: Construction of front stairs that are 11 feet 6 inches wide for a new single-family dwelling.

Proposed Variances: A variance to increase the width of stairs allowed in a front yard setback from 6 feet to 11 feet 6 inches to allow for the construction of wider front steps at 4116 Zenith Avenue South in the R1, Single-Family District.

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

Background: The subject property, 4116 Zenith Avenue South, is a standard R1 Zoning District lot that measures 58 feet x 130 feet (7,540 sq. ft). The property owners are tearing down the existing home and replacing it with a new, 2 ½ story house that meets all zoning code regulations.

For the new home, the applicant has proposed to construct front stairs that would be 11 feet 6 inches wide within the front yard setback. The Zoning Code allows stairs to be 6 feet wide when in the front yard setback.

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.**

Strict adherence to the Zoning Code limits the width of front stairs within the front yard setback to 6 feet. The applicant has requested a variance to build front stairs that are 11 feet 6 inches wide within the front yard setback. They stated two hardships. First, it was their intent to construct a home to reflect the original Linden Hills cottages, and some of these homes have front stairs to a similar width. The applicants' second stated hardship is that stairs six feet wide would not provide enough room to assist relatives, who are confined to a wheelchair, up and down the stairs. Staff believes that the proposed project is a reasonable use of the property.

- 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 circumstance upon which the stair width variance is requested that is unique to this parcel of land and was not been created by the applicant is that the original homes in this area were built prior to the Zoning Code provision that limits stair width in the front yard setback. The applicant stated in their application that it is their intent to construct a home to reflect the original Linden Hills cottages, and some of these homes have front stairs to a similar width as the applicants proposed.

- 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 the construction of front stairs to a width of 11 feet 6 inches would not alter the essential character of the surrounding neighborhood for two reasons. First, there are examples of stairs with an equal or greater width in the front yard setback in this neighborhood. Second, the front stairs would be located 33 feet from the front property line which is 8 feet greater than the R1 front yard setback requirement. In addition to not altering the character of the neighborhood, staff believes that the wider stairs would not be injurious to the adjacent property owners for two reasons. First, the front stairs for the new house are in the middle of the home which is centered on the property. Second, the adjacent properties' front entrances are not located near the shared property line of the subject property (Figure 1).

- 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.**

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Granting of the variance 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 increase the width of the stairs in the front yard setback from 6 feet to 11 feet 6 inches to allow for wider stairs in the front yard setback at 4116 Zenith Avenue South in the R1, Single-Family District subject to the following conditions:

1. The walkway will be narrowed to 4 feet as shown on submitted site plan.
2. 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.

Attachments:

- Zoning map (1 page)
- Statement of proposed use
- Response to hardship (2 pages)
- Elevations showing 6 feet and 11 feet 6 inch stairs (2 pages)
- Site plan (1 page)
- Exhibit 1 (8 pages)
- Figure 1. Aerial (1 page)
- Letters in opposition (2 pages)
- Letter from Linden Hills Neighborhood Association (1 page)