

Department of Community Planning and Economic Development - Planning Division Report
Variance
BZZ-4536

Date: September 17, 2009

Applicant: RJ Stegora, Inc.

Address of Property: 5101 16th Avenue South

Project Name: 5101 16th Avenue South

Contact Person: Ryan Stegora, (612) 889-8277

Planning Staff: Shanna Sether, (612) 673-2307

Date Application Deemed Complete: August 21, 2009

End of 60 Day Decision Period: October 20, 2009

Ward: 11 **Neighborhood Organization:** Hale, Page and Diamond Lake Community Association

Existing Zoning: R1A Single Family District

Zoning Plate Number: 38

Legal Description: Not applicable

Proposed Use: An addition to an existing single family home

Variance: to reduce the corner side yard setback along 51st Street East to allow for an addition to an existing single family dwelling

Zoning code section authorizing the requested variance: Chapter 525, Article IX Variances, Specifically Section 525.520(1) “to vary the yard requirements, including permitted obstructions into required yards not allowed by the applicable regulations.”

Background: The subject property is approximately 27 ft. by 123.4 ft. (3,331.8 sq. ft.). The property consists of an existing one and a half-story dwelling on a corner interior lot. The existing dwelling is located approximately 2 ft. 2 in. from the north corner side property line. The location of the existing structure is nonconforming to the north corner side yard setback, which requires a minimum of 8 feet to the property line in the R1A District. The applicant is proposing to add a second story above the existing first floor and a two-story, 3 ft. 6 in. by 16 ft. 3 in. addition, along the existing wall 2 ft. 2 in. to the existing single family dwelling. The minimum corner side yard setback in the R1 District is 8 ft. Therefore, the applicant is seeking a variance to reduce the required corner interior side yard setback from 8 ft. to approximately 2 ft. 2 in. to allow for the proposed second floor and new two-story rear addition.

As of writing this staff report, staff has not received any correspondence from the Hale, Page and Diamond Lake Community Association. Staff will forward comments, if any are received, at the Board of Adjustment meeting.

Findings Required by the Minneapolis Zoning Code - Variance:

- 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 is seeking a variance to the north corner side yard setback from 8 ft. to approximately 2 ft. 2 in. to add a second story above the existing first floor and a two-story, 3 ft. 6 in. by 16 ft. 3 in. addition, along the existing wall 2 ft. 2 in. to the existing single family dwelling. The existing dwelling is currently nonconforming to the north corner side yard setback and the property is located on a substandard lot, approximately 27 ft. in width. Strict adherence to the regulations requires a minimum of 8 ft. corner side setback. Typically, staff would be concerned with the location of the proposed addition, within 3 ft. of a property line; however, according to building code/plan review, windows are permitted along the corner side property line when the structure is closer than 3 ft. to the property line. The applicant has stated that the proposed addition is necessary to accommodate a code compliant staircase to the new 2nd floor addition. Staff believes that the proposed location for the addition would allow for 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 conditions upon which the setback variance is requested are unique to the parcel. The location of the structure and the substandard lot size are circumstances that have not been created by the applicant. The existing structure is located approximately 2 ft. 2 in. to the north corner side property line and the applicant is constructing the second floor addition and new rear addition along the existing wall. The lot is 27 feet wide which is 13 ft. less in width than the majority of lots on the block and in the area. All other lots on the block are 40 ft. or greater in width.
- 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 the proposed variance will not be injurious to the use of the adjacent property, due to the size and location of the proposed addition. The lot across 16th Avenue South, similarly, is 27 ft. wide and located within 8 ft. of the north corner side property line. In addition, the exterior materials of the addition will be consistent with the existing single family dwelling.
- 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 the side yard setback variance would likely have no impact on the congestion of area streets or fire safety, nor would the proposed addition to the existing single-family 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** the variance to reduce the corner side yard setback along 51st Street East to allow for a second floor addition and two-story, 3 ft. 6 in. by 16 ft. 3 in. rear addition to an existing single family dwelling on a corner lot for the property located at 5101 16th Avenue South in the R1A Single-Family District, subject to the following conditions:

1. Community Planning and Economic Development Department – Planning Division staff review and approval of the site and elevation plans.
2. The exterior materials shall match the existing dwelling.

Attachments:

- 1) Written descriptions and findings submitted by the applicant
- 2) Copy of e-mail sent to Hale, Page and Diamond Lake Community Association and CM Benson
- 3) Zoning map
- 4) Site plan
- 5) Building elevations
- 6) Floor plans
- 7) Photographs