

Department of Community Planning and Economic Development – Planning Division**Variance Request
BZZ-2110**

Date: December 16, 2004

Applicant: Jim & Pat O'Brien

Address of Property: 99 Forest Dale Road

Contact Person and Phone: Randy Walker, (612) 282-9820

Planning Staff and Phone: Tanya Holmgren, (612) 673-5887

Date Application Deemed Complete: November 19, 2004

End of 60 Day Decision Period: January 18, 2005

End of 120 Day Decision Period: March 19, 2005

Ward: 13 **Neighborhood Organization:** Fulton Neighborhood Association

Existing Zoning: R1 Single-family Residential District; FP Floodplain Overlay District

Proposed Use: An attached garage and a screened porch addition to an existing single-family dwelling.

Proposed Variance: A variance to reduce the required front yard setback along Forest Dale Road from the setback established by the adjacent residential structure to 22 ft. to allow for the construction of a front addition to an existing single-family dwelling.

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

Background: The subject property is approximately 9,960 sq. ft. and consists of an existing single-family dwelling and attached garage. The applicant proposes to add a two-story addition to the front and side of an existing single-family dwelling. The neighboring property to the east is located approximately 120 ft. from the front property line at the closest corner to the subject property. The applicant is therefore seeking a variance to reduce the established front yard setback along Forest Dale Road to 22 ft. to allow for the construction of an addition that includes a tuck-under garage and a first story screened porch.

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.**

Front yard setback: The applicant is seeking variance to reduce the established front yard setback along Forest Dale Road to 22 ft. to allow for the construction of a two-story addition to an existing single-family dwelling. Strict adherence to the regulations requires the addition be constructed behind the established front yard setback. The front yard setback established by the adjacent property to the east is 80 ft. or more north of the subject property, making the entire lot unbuildable. Strict adherence to the regulations would not allow for the proposed front porch addition to the existing single-family dwelling, which 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.**

Front yard setback: The circumstance upon which the setback variance is requested is unique to the parcel of land due to the fact this property is required to maintain a 160 ft. setback from the front property line. The subject property is approximately 80 ft. deep in the location of the proposed addition. The front yard setback is located two properties to the north of the subject property that addresses off Upton Avenue South, making the subject lot unbuildable. The location of the existing structure on the adjacent property to the east is not a circumstance created by the applicant. This is an existing circumstance that is unique to this parcel and not created by the applicant. The alternative to the variance would cause an undue hardship to the property owner, by not allowing the proposed addition to the dwelling.

- 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.**

Front yard setback: Staff believes that the new addition will not alter the essential character of the surrounding neighborhood. The entire dwelling is already located in front of the setback established by the adjacent property to the east. The two-story addition is in keeping with the existing dwelling. Staff believes that the front addition will not be injurious to the use or enjoyment of other property in the vicinity considering the property would still maintain a 22 ft. setback. Staff believes that since the addition will align with the existing columns on the front of the dwelling and will not alter the line of the existing structure the addition meets the intent of the ordinance.

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.**

Front yard setback: Granting the front yard setback variance would likely have no impact on congestion of area streets or fire safety, nor would the proposed porch addition to the existing 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 required front yard setback along Forest Dale Road from the setback established by the adjacent residential structure to 22 ft. to allow for a front addition to an existing single-family dwelling subject to the following conditions:

1. Review and approval of final site and elevation plans by the Planning Department.
2. That exterior building materials used for the addition be compatible to the exterior building materials of the existing dwelling.
3. That the garage is constructed to meet flood fringe requirements.