

Department of Community Planning and Economic Development - Planning Division Report
Variance
BZZ-4517

Date: September 17, 2009

Applicant: Mary and Michael Vanderford

Address of Property: 4154 Blaisdell Avenue South

Project Name: 4154 Blaisdell Avenue South

Contact Person: Mary and Michael Vanderford, (612) 827-3014

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

Date Application Deemed Complete: August 21, 2009

End of 60-Day Decision Period: October 20, 2009

Ward: 8 **Neighborhood Organization:** Kingfield Neighborhood Association

Existing Zoning: R1A Single Family District

Zoning Plate Number: 31

Legal Description: Not applicable

Proposed Use: Solar panels to an existing single family home

Variance: to reduce the corner side yard setback along 42nd Street West to allow for freestanding solar panels to the rear of an existing single family dwelling on a corner lot

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 40 ft. by 137.5 ft. (5,490 sq. ft.). The property consists of an existing single-family dwelling with a detached garage located on a corner lot. The applicant recently obtained a building permit to install three 10 ft. by 4 ft. solar panels on the roof of their existing single-family home. The panels will provide heat for the in-floor heating system and supplement the domestic hot water supply. Upon installation of the solar panels on the roof of the structure, the building contractor found that the existing roof did not have sufficient load capabilities to support the proposed solar panels. The applicant has instead proposed to mount the solar panels to the ground, approximately 4 feet to the required corner side yard. The three panels will be erected at a 60 degree angle and mounted to a one foot high base and approximately 9 ft. 6 in. high. The applicant has stated that the

proposed location for the solar panels is necessary to allow for the most exposure to the sun without being blocked by trees further north outside of the required yard and to protect the view corridor of the backyards for the properties to the north. The interior boulevard from the property line to sidewalk is approximately 8 ft. Solar panels are not permitted obstructions in the required corner side yard; therefore, the applicant is requesting a variance to reduce the corner side yard setback from 8 ft. to 4 ft. to allow for the proposed panels.

As of writing this staff report, staff has not received any correspondence from the Kingfield Neighborhood 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 south corner side yard setback from 8 ft. to approximately 4 ft. to allow for freestanding solar panels to the rear of an existing single-family dwelling. Strict adherence to the regulations requires a minimum 8 ft. corner side setback. The applicant has stated that the proposed location for the solar panels is necessary to allow for the most exposure to the sun without being blocked by trees further north outside of the required yard and to protect the view corridor of the backyards for the properties to the north. Staff believes that the proposed location for the solar panels will allow for reasonable use of the property. In addition, the interior boulevard from the property line to sidewalk is approximately 8 ft., which is greater than the average of 3 ft., which will give the appearance that the solar panels are located outside the required yard.

- 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 circumstances are unique to the parcel of land and have not been created by the applicant. The applicant is seeking a variance to the south corner side yard setback from 8 ft. to approximately 4 ft. to allow for freestanding solar panels to the rear of an existing single-family dwelling. Strict adherence to the regulations requires a minimum 8 ft. corner side setback. The applicant has stated that the proposed location for the solar panels is necessary to allow for the most exposure to the sun without being blocked by trees further north outside of the required yard and to protect the view corridor of the backyards for the properties to the north. Staff believes that the proposed location for the solar panels will allow for reasonable use of the property. In addition, the interior boulevard from the property line to sidewalk is approximately 8 ft., which is greater than the average of 3 ft., which will give the appearance that the solar panels are located within the required yard.

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 proposed use will be in keeping with the spirit and intent of the ordinance. The purpose of required yards is to provide for orderly development and use of land and to minimize conflicts among land uses by providing adequate light, air, open space and separation of uses. Further, staff believes the proposed variance will not be injurious to the use of the adjacent property. The applicant has stated that the proposed location for the solar panels is necessary to allow for the most exposure to the sun without being blocked by trees further north outside of the required yard and to protect the view corridor of the backyards for the properties to the north. In addition, the property is adjacent to a significantly larger than average interior boulevard of 8 feet, which will place the panels 12 feet from the public sidewalk.

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 side yard setback variance would likely have no impact on the congestion of area streets or fire safety, nor would the proposed freestanding solar panels 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 42nd Street West from 8 ft. to approximately 4 ft. to allow for freestanding solar panels to the rear of an existing single family dwelling on a corner lot located at 4154 Blaisdell Avenue South in the R1A Single Family Residence District.

Attachments:

- 1) Written descriptions and findings submitted by the applicant
- 2) Copy of e-mail sent to Kingfield Neighborhood Association and CM Glidden
- 3) Zoning map
- 4) Site plan/survey
- 5) Plumbing schematic
- 6) Specification sheet
- 7) Photographs