

Department of Community Planning and Economic Development – Planning Division Report

Variance Request
BZZ-4061

Date: June 12, 2008

Applicant: John Lilly

Address of Property: 1000 East 51st Street

Contact Person and Phone: John Lilly, 612-824-7707

Planning Staff and Phone: Molly McCartney, 612-673-5811

Date Application Deemed Complete: May 21, 2008

Publication Date: June 6, 2008

Hearing Date: June 12, 2008

Appeal Period Expiration: June 23, 2007

End of 60 Day Decision Period: July 20, 2008

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

Existing Zoning: R1A Single-family District and SH Shoreland Overlay District

Proposed Use: Single-story addition to a single-family home

Proposed Variances:

- A variance to decrease the required front yard setback along East 51st Street from 20 ft to 17 ft. 9 in., and
- A variance to decrease the required front yard setback along East 50th Street from 20 ft. to 13 ft. 6 in. both to allow for a single-story building addition at 1000 East 51st Street in the R1A Single-family District and SH Shoreland Overlay District.

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

Background: The subject property is an existing single family dwelling on a triangular-shaped, through lot at the intersection of East 51st Street and East 50th Street. The home is adjacent to another single-family home to the east. Minnehaha Creek is north of the property across East 50th Street. The applicant is applying for a variance to construction a single-story addition to the west side of the home, which is in the front setbacks along both East 50th Street and East 51st Street.

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The property is considered a through lot because of the layout of the block. The rear yards of this home and the three homes to the east have direct access to 51st Street, some having vehicular access from the 51st Street and some having from 50th Street or another alley to the east. The three homes to the east address off East 51st Street and the rear of the homes are off East 50th Street.

The proposed 18 ft. by 20 ft. (360 sq. ft) addition is a single-story, four-season sun room. The addition will have similar design as the existing Cap Cod, including roof pitch, window pattern, and exterior materials and color. On the façade, the addition will be bumped in 2 ft from the original façade.

The home has large spaces in the interior right of ways off both East 50th and 51st Streets. The right of way along 50th Street East (to the rear) varies from 19 ft. to 30 ft. between the street curb and the property line. Along East 51st Street, the right of way varies from 4 ft. to 18 ft. between the sidewalk and the property line.

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.**

A variance to decrease the required front yard setback along East 51st Street from 20 ft to 17 ft. 9 in., and , a variance to decrease the required front yard setback along East 50th Street from 20 ft. to 13 ft. 6 in.

Strict adherence to the zoning code prevents the proposed addition to the property due to the triangular shape of the home and the two required front yard setbacks along East 50th and 51st Streets. Because the large setbacks limit building placement, the request of a small addition to the home is a reasonable use for a single family house.

- 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.**

A variance to decrease the required front yard setback along East 51st Street from 20 ft to 17 ft. 9 in., and , a variance to decrease the required front yard setback along East 50th Street from 20 ft. to 13 ft. 6 in.

The circumstances are unique to the property due to the triangular shape of the home and the two required front yard setbacks along East 50th and 51st Streets. The lot was platted and the home built prior to ownership by the current homeowners. The platting of the lot and location of the home are not circumstances created by the applicant.

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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.**

A variance to decrease the required front yard setback along East 51st Street from 20 ft to 17 ft. 9 in., and , a variance to decrease the required front yard setback along East 50th Street from 20 ft. to 13 ft. 6 in.

Granting the variance will be in keeping with the spirit and intent of the ordinance. The increased setback for through lots prevents buildings from encroaching into the front yard setback when home have different frontages on a block with through lots. In this case, the other through lot on the block face East 51st Street, like the subject site, the addition will not project into the established front yard setbacks of the home to the east.

The addition is keeping with the character of the design of the home. The addition will have similar design as the existing Cap Cod, including roof pitch, window pattern, and exterior materials and color. On the façade, the addition will be bumped in 2 ft from the original façade, so as to differentiate between original and new construction.

The location of the home in proximity to Minnehaha Creek and the addition may have the potential to block views of the Creek and surrounding green space. However, the lot does have an extraordinary amount of right of way between the property line and curb cut, so that the addition will have little impact on public views.

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.**

A variance to decrease the required front yard setback along East 51st Street from 20 ft to 17 ft. 9 in., and , a variance to decrease the required front yard setback along East 50th Street from 20 ft. to 13 ft. 6 in.

The proposed variances would likely not have an impact on decreasing congestion and enhancing 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 decrease the required front yard setback along East 51st Street from 20 ft to 17 ft. 9 in., and
- A variance to decrease the required front yard setback along East 50th Street from 20 ft. to 13 ft. 6 in. both to allow for a single-story building addition at 1000 East 51st Street in the R1A Single-family District and SH Shoreland Overlay District, subject to the following conditions:

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1. 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.