

Department of Community Planning and Economic Development – Planning Division**Variance Request
BZZ-2988**

Date: June 1, 2006

Applicant: Jim Scott on behalf of Blaine and Lyndel King

Address of Property: 326 West 50th Street

Contact Person and Phone: Jim Scott, (952) 924-0043

Planning Staff and Phone: Brian Schaffer, (612) 673-2670

Date Application Deemed Complete: May 2, 2006

Public Hearing: June 1, 2006

Appeal Period Expiration: June 12, 2006

End of 60 Day Decision Period: July 1, 2006

Ward: 11 **Neighborhood Organization:** Tangletown Neighborhood Association

Existing Zoning: R1, Single-Family Residential District.

Proposed Use: A two story addition to accommodate the addition of a bathroom and the relocation of a staircase and powder room.

Proposed Variance: A variance to reduce the west side yard setback from 6 feet to 5 feet to allow for the construction of a 3.5 foot wide two story addition to a single-family dwelling located at 326 50th Street West in the R1, Single-Family District.

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

Background: The subject property is located on an interior lot that is approximately 50 by 126 feet (6300 sq. ft.). The applicant is proposing to construct a 3 feet 5 and 5/8th inches wide, 2 story addition along the west side of the dwelling that extends approximately 13.5 feet to the rear of the existing dwelling. The proposed addition will allow for the addition of a new partial staircase, the relocation of a powder room from the existing portion of the home to the addition, as well as the addition of a second floor bathroom. The relocation of the staircase and powder room will allow for the expansion and remodeling of the kitchen. The proposed addition encroaches on the west side yard setback by 1 foot, resulting in a side yard setback of 5 feet. The adjacent dwelling to the west is 5.4 feet from the property line.

The dwelling with the proposed addition meets the five percent window minimum zoning requirement on each story.

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.**

The applicant has requested a variance to reduce the interior side yard setback from 6 feet to 5 feet to allow for the construction of a two story addition to the west side of a single-family dwelling. The applicant states that “strict adherence to the code will not allow for an addition housing a legal width stair to be constructed.” The building code minimum stair width for a single family home is 36 inches. The applicant further states that the “existing home’s layout locates the vertical circulation for the entire home on the west side of the home. To attempt to create an additional circulation path on the east side of the home would damage the character of the existing floor plan.”

The existing dwelling contains two staircases that connect the first and second floors. The proposed addition is to relocate one staircase and the powder room to accommodate the expansion of the kitchen. Staff believes that alternatives exist to design the remodel in such a way that it would not require a variance. Staff believes that the property can be put to reasonable use and does not believe there is undue hardship caused by strict adherence to the Zoning Ordinance.

- 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 upon which the side yard setback variances are requested are unique to the parcel of land due to the slightly-skewed orientation of the existing dwelling relative to the property. The front west corner of the dwelling is located 9 feet, 9 5/8th inches from the property line the rear west corner is 8 feet, 8 3/8th inches from the property line; over the 41 feet, 6 inch length of the existing principal structure, the dwelling becomes over a foot closer to the property line. This is a circumstance that is unique to this parcel and not created by the applicant.

- 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 design of the proposed addition is in stark contrast to the scale and character of surrounding structures and as such the proposed addition will alter the essential character of the surrounding neighborhood. The impacts of the addition will be experienced by

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adjacent properties. Staff believes that the proposed addition will not be injurious, but it may compromise the use or enjoyment of other property in the vicinity, if it is constructed, as presented. Staff believes there are reasonable alternatives for locating additions to the rear of the structure.

The neighbor immediately to the west has written a letter of support for the project. (See attached).

- 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 it 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 **deny** the variance to reduce the required side yard setback from 6 feet to 5 feet to allow for the construction of a two story addition to a single-family dwelling on the property located at 326 50th Street West in the R1, Single Family District.