

Department of Community Planning and Economic Development – Planning Division**Variance Request
BZZ-3319**

Date: December 7, 2006

Applicant: Joseph Metzler, on behalf of John Michaels and Karen Holicky Michaels

Address of Property: 1000 46th Street West

Contact Person and Phone: Joseph Metzler, 612-824-8981

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

Date Application Deemed Complete: November 10, 2006

Public Hearing: December 7, 2006

Appeal Period Expiration: December 18, 2006

End of 60 Day Decision Period: January 10, 2007

Ward: 13 **Neighborhood Organization:** East Harriet (adjacent to Lynnhurst)

Existing Zoning: R1A Single-family Residential District

Proposed Use: A two-story rear addition to a single family home including a single-story attached garage, including a rear deck.

Proposed Variance: A variance to reduce the required front yard setback along Colfax Avenue South from the setback established by the adjacent residential use to 20 ft. to allow for a two-story, rear addition.

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

Background: The subject property is located at the intersection of 46th Street West and Colfax Avenue South on a reverse corner lot approximately 67 ft. by 84 ft. (5,628 sq. ft.). There is no alley access to this lot and the property has a driveway access from 46th Street West. The property currently contains a two-story single family dwelling with a detached single stall garage. The subject property is currently in the required front yard setback along Colfax Avenue South due to the location of the residential structure to the south. This neighboring dwelling to the south is setback approximately 30 ft. from the front property line on Colfax and the subject property is located 19 ft. from the property line along Colfax Avenue South. The proposed addition is located to the rear of the subject residential structure

and will not project further past the existing building footprint. The attached garage will meet the minimum 5 ft. setback along the east and south 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.**

The applicant has requested a variance to reduce the reverse corner side yard setback along Colfax Avenue South from the setback established created by the adjacent residential structure to 20 ft. to allow for a two story addition to a single family dwelling. Staff believes that due to the substandard lot depth and the location of the existing dwelling and driveway, there is limited area on the property for the proposed addition. Much of the existing subject structure is built in the required front yard setback along Colfax Avenue South. The property is 84 ft. deep which is less than the standard lot depth of 125 ft. The location of the driveway on the east side of lot also prohibits an addition in the area outside of the required front yard setback along Colfax Avenue South limits where an addition can be located.

- 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 setback variance is requested are unique to the parcel of land due to the substandard lot depth and the location of the existing dwelling and driveway limits the location for an addition and garage. Much of the subject structure is built in the required front yard setback along Colfax Avenue South. The property is 84 ft. deep which is less than the standard lot depth of 125 ft. The location of the driveway on the east side of lot also prohibits an addition in the area outside of the required front yard setback along Colfax Avenue South limits where an addition can be located. These circumstances are unique to this parcel and were 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 construction of the addition to the single-family dwelling will not alter the essential character of the surrounding neighborhood or be injurious to the use or enjoyment of other property in the vicinity. The proposed addition will not project past the existing building footprint along Colfax Avenue South. The residential dwellings along Colfax Avenue South have front yard setback at different distances, with the adjacent property having a larger front yard setback. The impact of the addition will also be minimized due to the neighboring 10 ft. wide driveway along the adjacent property line.

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- 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 setback variance would likely not increase the 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 **approve** the variance to reduce the required front yard setback along Colfax Avenue South from the setback established by the adjacent residential use to 20 ft. to allow for a two-story, rear addition at 1000 46th Street West in the R1A Single-family District, subject to the following conditions:

1. That CPED – Planning staff review and approve the final site plan and elevations that measure to an architect or engineering scale.