

Department of Community Planning and Economic Development – Planning Division Report

Variance Request
BZZ-3504

Date: May 3, 2007

Applicant: Chad Lati, on behalf of Scott and Tracee Anderson

Address of Property: 4700 Clinton Avenue

Contact Person and Phone: Chad Lati, 612-810-3195

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

Date Application Deemed Complete: April 3, 2007

End of 60 Day Decision Period: June 2, 2007

Appeal Period Expiration: May 14, 2007

Ward: 8 **Neighborhood Organization:** Field, Regina, Northrup Neighborhood Group

Existing Zoning: R1A Single-family Residential District

Proposed Use: Construction of a second story addition to an existing attached garage to an existing single family dwelling

Proposed Variance: A variance to reduce the minimum corner side yard setback from 8 ft. to 4 ft. to allow for a second story addition to an existing attached garage at 4700 Clinton Avenue South in the R1A Single-family District.

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

Background: The subject property is an existing single family dwelling on a corner lot at the intersection of Clinton Avenue South and East 47th Street. The applicant is proposing to rebuild an existing two-stall attached garage and add a second story above. The garage footprint is approximately 20 ft. by 20 ft. and the second story addition will also be 20 ft. by 20 ft. The proposed second story addition is for a bedroom which includes windows on four side of the addition and meets the zoning requirement for minimum windows. The existing attached garage is 4 ft. from the property line along East 47th Street and does not meet the minimum corner side yard setback of 8 ft. The single-family dwelling to the west across the shared alley is also located closer than the required corner side yard setback to the property line along East 47th Street.

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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.**

Strict adherence to the zoning code prevents the proposed addition which will add a small second story addition to the property. The addition is not possible under the zoning code due to the required corner side yard setback. A small second story addition over an attached garage to a single family house is a reasonable use for residential districts.

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 parcel of land due to the building layout, including the attached garage. The home and attached garage were built in 1927, prior to ownership by the current homeowners. The location of the home and attached garage is not a circumstance 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.**

Granting the variance will be in keeping with the spirit and intent of the ordinance. The increased setback for corner lots prevents buildings from encroaching into the corner side yard setback. In this case, the addition will not expand the footprint of the structure, but merely add a second story to the garage. The home to the west across the shared alley also projects closer to the property line along East 47th Street. The addition will not expand the footprint closer to East 47th Street and will not adversely impact the surrounding area.

Staff does have a concern that the west elevation of the addition creates a large blank wall that may have impacts on the surrounding area. While the addition does meet the minimum window requirement of five percent (8 sq. ft.), the location of the window on the west elevation is very high on the wall, leaving a large blank wall that would be very visible from the street, sidewalk and adjacent homes. Windows placed lower on the second story may help break up visible impact of the wall. In addition, because of the proximity of the garage and the addition to the sidewalk, the west elevation may be a target for graffiti. Moving the windows lower will break up the blank wall, a potential graffiti target.

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.**

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The proposed variance would likely have no impact on congestion of area streets or fire safety, nor would the proposed addition 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 minimum corner side yard setback from 8 ft. to 4 ft. to allow for a second story addition to an existing attached garage at 4700 Clinton Avenue South in the R1A Single-family District, subject to the following conditions:

1. The windows on the west elevation shall be lowered and more centered on the wall.
2. 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.