

**Department of Community Planning and Economic Development – Planning Division**  
Variance  
BZZ-4466

**Date:** July 30, 2009

**Applicant:** Bridget & Sean McGinnis

**Address of Property:** 5341 Humboldt Avenue S

**Project Name:** Addition

**Contact Person and Phone:** Bridget & Sean McGinnis, (612) 822-3586

**Planning Staff and Phone:** Aly Pennucci, (612) 673-5342

**Date Application Deemed Complete:** June 30, 2009

**End of 60-Day Decision Period:** August 28, 2009

**Ward:** 13      **Neighborhood Organization:** Lynnhurst Neighborhood Association

**Existing Zoning:** R1 Single Family Residence District

**Zoning Plate Number:** 36

**Legal Description:** Not applicable for this application

**Proposed Use:** Addition to single family residence

**Variance:** A variance to reduce the south interior side yard setback from the required 6 ft. to 5.7 ft. in order to allow a 6 ft. x 16 ft. addition to the side of a SFD at 5341 Humboldt Ave S in the R1 Single Family Residence District.

**Applicable zoning code provisions:** Chapter 525, Article IX Variances, Specific 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 located on an interior lot that is approximately 50 ft. by 126 ft. (6328 sq. ft.) and contains a single-family home built in 1951. At its closest, the subject dwelling is 5.7 feet from the southern property line. The applicant is proposing to enclose an existing 16 ft. x 6 ft. open porch on the south side of the structure.

In the R1 Single Family Residence District the required side yard is 6 ft. The first 14 ft. of the enclosed portion of the subject dwelling is located 5.7 ft. from the south interior side property line. In addition, the foundation and the roofline for the entire length of the house, including under the existing open porch, are 5.7 feet from the south interior side property line. A variance is required to enclose the open porch because it is an expansion of the enclosed portion of the subject dwelling into the required yard.

The Department of Community Planning and Economic Development – Planning Division received a letter of no objection from the Lynnhurst Neighborhood Board on July 16, 2009 (see attached).

**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 is seeking a variance to reduce the south interior side yard setback from the required 6 ft. to 5.7 ft. in order to allow a 6 ft. x 16 ft. addition to the side of an existing single-family dwelling. A portion of the existing enclosed structure is located 5.7 feet from the interior side property line. Strict adherence to the zoning code prevents the addition in the required side yard. Given that a portion of the house and the foundation and roofline for the existing enclosed porch extends into the side yard of the porch, the addition is a reasonable request for the residential property.

- 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 location of the home on the lot. The entire foundation footprint of the existing home is located within the required side yard. This circumstance was not created by any person having an interest in the property.

- 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 for interior side yard setbacks. Side yard setbacks preserve the typical open spaces found between detached residential structures. The small addition is consistent with the existing dwelling and will not alter the existing foundation or roofline. The home to the south is setback 5 ft. to the shared property line so that there will be a minimum of 10.7 ft. between the homes where the subject site is closest to the property line. In addition, the existing south wall of the single-family homes has minimal windows. The proposed

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addition will bring the south wall into compliance with the window requirement for walls facing an interior side lot line.

- 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.**

The proposed variance would likely have no impact on congestion of area streets or fire safety nor would it be detrimental to the public welfare or public safety.

**Recommendation of the Department of Community Planning and Economic Development - Planning Division:**

**RECOMMENDATIONS**

**Recommendation of the Department of Community Planning and Economic Development – Planning Division for the variance:**

The Department of Community Planning and Economic Development – Planning Division recommends that the Board of Adjustment adopt the above findings and **approve** the variance to reduce the south interior side yard setback from the required 6 ft. to 5.7 ft. in order to allow a 6 ft. x 16 ft. addition to the side of a SFD at 5341 Humboldt Ave S in the R1 Single Family Residence District, subject to the following conditions of approval:

1. Review and approval of final site and elevation plans by the Department of Community Planning and Economic Development – Planning Division.

**Attachments:**

- 1) Written descriptions and findings submitted by the applicant
- 2) Correspondence from neighborhood organization
- 3) Copy of e-mail sent to neighborhood organizations and CM
- 4) Zoning map
- 5) Site plan
- 6) Building elevations
- 7) Floor plans
- 8) Photographs
- 9) Oblique aerial