

Department of Community Planning and Economic Development – Planning Division Report

Variance Request
BZZ-3836

Date: November 8, 2007

Applicant: Cynthia Wilson, on behalf of Andrea Wilson

Address of Property: 4340 Vincent Avenue North

Contact Person and Phone: Cynthia Wilson, 763-315-7394

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

Date Application Deemed Complete: September 26, 2007

Publication Date: November 1, 2007

Hearing Date: November 8, 2007

Appeal Period Expiration: November 19, 2007

End of 60 Day Decision Period: November 26, 2007

Ward: 4 **Neighborhood Organization:** Victory Neighborhood Association

Existing Zoning: R1 Single-family District

Proposed Use: Construction of an egress window well.

Proposed Variance: A variance to reduce the north side yard setback from 6 ft. to 1 ft. to allow for an egress window well at 4340 Vincent Avenue North in the R1 Single-family District.

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

Background: The subject property is an existing single family dwelling on an interior lot along the 4300 block of Vincent Avenue North that measures 50 ft. by 128 ft. The applicant is proposing to construct an egress window and window well. The house currently is setback 4 ft. from the north property line. To meet the building code requirements for safe escape, an egress window well needs to project 3 ft. from the house. In this case, that would leave a one foot setback. Egress window wells are allowed as permitted obstruction up to a two foot setback. The house is 28 ft. wide and plans submitted show that a bedroom is in place in the basement.

Findings Required by the Minneapolis Zoning Code:

CPED Planning Division Report

BZZ-3836

- 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 egress window well in the desired location along the side of the house. Adding bedrooms and their required means of escape is a reasonable use of single family homes. Due to the location of the house set back 4 ft. off the property line, the code prevents the window well from being located closer than 2 ft. from the side property line.

- 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 house on the property. The property is 50 ft. and there is a 28 ft. south side yard setback to south. However, the property has a bedroom with only one means of egress in the current location in the basement. While the applicant could relocate the bedroom to the south side of the basement, the location of the egress window well 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 setback for egress window wells in the side yard setback limits adverse affects of an open, 3 ft. by 3 ft. hole in the ground close to adjacent properties. The property to the north has a larger adjacent side yard setback, so the window well will not be in close proximity to that home. While fencing around the egress window well may help prevent injuries caused by a larger excavation in the ground, fencing also hampers the ability to get out of the house in case of an emergency. A low fence, window well cover or plantings could clearly identify that a window well is close to the adjacent property.

- 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. Because of the large excavation of the window well, the location of the window well may have an affect on the safety on the property. While fencing around the egress window well may help prevent injuries caused by a larger excavation in the ground, fencing also hampers the ability to get out of the house in case of an emergency. A low fence, window well cover or plantings could clearly identify that a window well is close to the adjacent property.

CPED Planning Division Report

BZZ-3836

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 north side yard setback from 6 ft. to 1 ft. to allow for an egress window well at 4340 Vincent Avenue North in the R1 Single-family District, subject to the following conditions:

1. A low fence, window well cover, or plantings are installed to clearly identify that a window well is close to the adjacent property.
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.