

Department of Community Planning and Economic Development – Planning Division**Variance Request
BZZ-1942****Date:** October 7 2004**Applicant:** Mario Sosa-Sol**Address of Property:** 5612 Girard Avenue South**Contact Person and Phone:** Mario Sosa-Sol, (612) 25-3432**Planning Staff and Phone:** Tanya Holmgren, (612) 673-5887**Date Application Deemed Complete:** September 8, 2004**End of 60 Day Decision Period:** November 7, 2004**End of 120 Day Decision Period:** January 6, 2004**Ward: 13 Neighborhood Organization:** Kenny Neighborhood Association**Existing Zoning:** R1A, Single-family Residential District**Proposed Use:** A new single-family dwelling.**Proposed Variance:** A variance to reduce the required front yard setback along Girard Avenue South from the setback established by connecting a line between the front two corners of the two adjacent residential structures to 27 ft. to allow for the construction of a new single-family dwelling.**Zoning code section authorizing the requested variance:** 525.520 (1)**Background:** The subject property is approximately 40 ft. by 128 ft. (5,120 sq. ft.) and consists of an existing single-family dwelling, single-car parking pad, and accessory storage shed. The applicant proposes to convert the existing dwelling into a workshop, construct a new single-family dwelling with a 7 ft. open porch, and maintain the existing single-car parking pad. The applicant will be removing the kitchen and bathroom in the existing dwelling to convert the dwelling unit into an accessory use. The new single-family dwelling will be a 24 x 44 two-story structure located 27 ft. from the front property line along Girard Avenue South.

The applicant is seeking variance to reduce the established front yard setback along Girard Avenue South from 44 ft. to 27 ft. to allow for the construction a new single-family dwelling. The proposed

dwelling will be located 34 ft. from the front property line and the open porch will be 27 ft. from the front property line. The other dwellings along the 5600 block of Girard Avenue South are located approximately in line, except for the subject site and the adjacent property to the south. Both of these dwellings are located along the alley on the property and the adjacent structure to the south has a garage constructed on the front of the lot, in front of the established setback of the block face. The garage on the adjacent property to the south is about 25 ft. from the front 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.**

Front yard setback: The applicant has requested variance to reduce the established front yard setback along Girard Avenue South to 27 ft. to allow for the construction a new single-family dwelling. The proposed dwelling will be setback 34 ft. from the front property line and the open porch will maintain a setback to 27 ft. from the front property line. The applicant has indicated that they are attempting to match the front yard setback of the neighborhood. The adjacent single-family dwelling to the north is setback 27 ft. the adjacent single-family dwelling to the south is setback 71 ft. from the front property line. Strict adherence to the regulations requires that the dwelling be constructed behind the established front yard setback, which would require the demolition the existing dwelling. This would continue an inconsistent line along Girard Avenue South. The applicant feels that the construction of a new single-family dwelling would allow greater usability of the site. Strict adherence to the regulations would not allow for the construction of the proposed single-family dwelling.

- 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.**

Front yard setback: The circumstances upon which the setback variance is requested are unique to the parcel of land due to the location of the adjacent dwelling to the south of the proposed dwelling. The location of the existing structures on the adjacent properties is not a circumstance created by the applicant. This is an existing circumstance that is unique to this parcel and not created by the applicant. The alternative to the variance would cause an undue hardship to the property owner, by not allowing the construction of the proposed single-family dwelling.

- 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.**

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Front yard setback: Staff believes that the new single-family dwelling will not be injurious to the use or enjoyment of other property in the vicinity considering the property will maintain a 27 ft. setback. The R1A District requires a minimum of a 20 ft. setback. Staff believes that the construction of the new single-family dwelling will not alter the essential character of the surrounding neighborhood. Staff feels the proposed plan of a new dwelling meeting a consistent setback with the block and not constructing a garage along the street is more consistent with the neighborhood than the adjacent property to the south. Staff believes that the proposed dwelling meets the intent of the ordinance by constructing a dwelling that is consistent with other properties in the vicinity and by maintaining a similar setback to the neighborhood.

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.**

Front yard setback: Granting the front yard setback variance would likely have no impact on the congestion of area streets or fire safety, nor would the new single-family dwelling 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 Girard Avenue South from the setback established by connecting a line between the front two corners of the two adjacent residential structures to 27 ft. to allow for the construction of a new single-family dwelling subject to the following conditions:

1. Review and approval of final site and elevation plans by the Planning Department.
2. The existing dwelling on the property converted to a workshop, removing the kitchen and bathroom portions of the structure, retaining a sink for workshop use.
3. Removal of the existing storage shed on the property.