

Department of Community Planning and Economic Development – Planning Division Report

Variance Request
BZZ-4068

Date: June 26, 2008

Applicant: Ben Awes, on behalf of Steve Suckow and Holly Ziemer

Address of Property: 5144 Vincent Avenue South

Contact Person and Phone: Ben Awes, 612-872-2398

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

Date Application Deemed Complete: May 21, 2008

Publication Date: June 20, 2008

Hearing Date: June 26, 2008

Appeal Period Expiration: July 7, 2008

End of 60 Day Decision Period: July 20, 2008

Ward: 13 **Neighborhood Organization:** Fulton Neighborhood Association

Existing Zoning: R1A Single-family District

Proposed Use: Side yard, single story addition

Proposed Variance: A variance to reduce the minimum sideyard setback from 5 ft. to 3 ft. to allow for an addition to a single-family dwelling at 5144 Vincent Avenue South in the R1A Single-family District.

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

Background: The subject property is a one-and-a-half, single-family home with a detached garage on an interior at 5144 Vincent Avenue South that measures 40 ft. by 128 ft. (5,149 sq. ft.). The applicant is proposing to construct a small single story addition to the north side of the existing home. There is also interior and exterior remodeling work that is taking place that does not require a variance, including front porch improvements, sun porch improvements on the south side and window replacements.

Much of the existing home footprint meets the 5 ft. side yard setback on the north side. However, a small portion of the home is currently 3 ft. from the property line (approximately 6 ft. in length). This existing bump out contains a portion of the kitchen. It appears that this bump out was part of the original

CPED Planning Division Report

BZZ-4068

construction of the home. The applicant is proposing to expand that bump out by 8 ft., for a total wall plane of 14 ft. that would be 3 ft. to the property line. The bump out would allow for an existing stairwell to have a larger landing. The side entrance is the only entrance to the backyard because of two existing bedrooms located in the rear of the home that do not have doors to the rear.

There is a provision in the non-conforming use chapter in the zoning code that allows for single- and two-family dwellings that are nonconforming to the interior side yard to expand in that side yard, provided that more than 60 percent of the building is in the setback and that the structure is a minimum 3 ft. to the property line. In this situation, the existing bump out and proposed addition meets the 3 ft. minimum, however, the bump out is less than 60 percent of the building.

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 setback of the zoning code prevents the addition in the required side yard. Given that a small portion of the house extends into the side yard and the addition will meet a 3 ft. setback, 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 and the interior configuration. The existing home had a bump out that extends into the side yard, while most of the house does meet a 5 ft. setback. Also, due to the configuration of the bedrooms in the rear of the interior, there are limited areas for expanding the main rear entrance to the house.

- 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 bump out, and the proposed bump out is a small amount of the entire north building wall. The home to the north is setback almost 8 ft. to the shared property line, so that there will be a minimum of 12 ft. between the homes where the subject site is closest to the property 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.**

CPED Planning Division Report

BZZ-4068

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:

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 side yard setback from 5 ft. to 3 ft. to allow for an addition to a single-family dwelling at 5144 Vincent Avenue South in the R1A Single-family District, subject to the following conditions:

1. CPED–Planning Division review and approve the final site plan, floor plans, and elevation.