

Department of Community Planning and Economic Development – Planning Division Report**Variance Request
BZZ-2180****Date:** February 17, 2005**Applicant:** John and Kim Massey**Address of Property:** 724 East Minnehaha Parkway**Date Application Deemed Complete:** January 24, 2005**End of 60 Day Decision Period:** March 25, 2005**Appeal Period Expiration:** February 28, 2005**Contact Person and Phone:** John Massey, 612-823-5956**Planning Staff and Phone:** Molly McCartney, 612-673-5811**Ward:** 11 **Neighborhood Organization:** Field-Regina-Northup Neighborhood Group**Existing Zoning:** R1 District, Single-family District**Proposed Use:** Construction of an addition to an existing single-family dwelling with an attached garage.**Proposed Variance:** A variance to reduce the required front yard setback along East Minnehaha Parkway from the setback established by the adjacent residential structure to 91 ft.; a variance to reduce the required front yard setback along Columbus Avenue from the R1, Single-family District setback of 25 ft. to 14 ft.; a variance to reduce the required east interior side yard setback from 6 ft. to 4 ft.; and a variance to reduce the required north interior side yard setback from 6 ft. to 1 ft. to allow for the construction of an addition to an existing single family dwelling on property located at 724 East Minnehaha Parkway in the R1, Single-family District.**Zoning code section authorizing the requested variance:** 525.520 (1)**Background:** John and Kim Massey previously applied for four similar variances for this site that was heard by the Board of Adjustment on December 16, 2004. Notwithstanding staff recommendation, the Board of Adjustments denied the variances based on the following findings: the proposed addition does not maintain the character of the surrounding neighborhood and there are no unique circumstances for the parcel that prevent an addition from being added in compliance with the ordinance.

The applicants have proposed a new design for the remodel of the structure that is smaller than the original design. The current proposal does not have a second story above the attached garage, projects

CPED Planning Division Report
BZZ-2180

four feet less into the front yard setback along Columbus Avenue South, and projects three feet less into the front yard setback along Minnehaha Parkway. The applicants have also provided new evidence of two-story single family dwellings in the surrounding area.

The subject site is a reverse corner lot with dimensions of 50 ft. x 170 ft. (8,500 sq. ft.) and consists of a single story, single-family dwelling built in approximately 1923. The applicant has removed the detached garage and will renovate the existing dwelling into a two story single-family dwelling with an attached garage. The existing structure will be removed except for the east and south foundation walls. The building walls on the north, south, and west side will be expanded and a porch will be added on the south of the house. The new structure will project into the required front yards along East Minnehaha Parkway and Columbus Avenue South, and project into the required side yards in the east and north interior yards. The dwelling adjacent to the east of the subject property on East Minnehaha Parkway is set back from the front property line 91 ft. and the dwelling adjacent on the north on Columbus Ave is setback from the front property line 19 ft. The addition includes a second story that encroaches on the required front yard in the east interior side yard and has a setback of 4 ft. On the north side of the property the addition will have a setback of 1 ft. from property line. Because the lot is a reverse corner lot and has two front yard setbacks, there is limited space for the residential structure.

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 (East Minnehaha Parkway): The applicant is seeking a variance to reduce the front yard setback created by the adjacent residential structure along East Minnehaha Parkway to 91 ft. to allow for the construction of an addition. Strict adherence to the regulations requires the addition to be constructed behind the established front yard setback would not allow for the proposed addition to the existing single-family dwelling, which is a reasonable use of the property. Without the requested variance, the zoning code would prevent the applicant from constructing a two story addition that is similar in size to many of the other single family dwellings in the area.

Front yard setback (Columbus Avenue): The applicant is seeking a variance to reduce the required front yard setback along Columbus Avenue from the R1 District setback of 25 ft. to 10 ft. The applicant states that expansion is only feasible on the west side of the property because of the required setback on the east interior side yard. Strict adherence to the regulations requires the addition to be constructed behind the established front yard setback would not allow for the proposed addition to the existing single-family dwelling, which is a reasonable use of the property. Without the requested variance, the zoning code would prevent the applicant from constructing a two story addition that is similar in size to many of the other single family dwellings in the area.

Side yard setback (east interior): The applicant is seeking a variance to reduce the required east interior side yard setback from 6 ft. to 4 ft to allow for a second story addition. The proposed improvements will be no closer to the east interior property line than the existing structure. Strict adherence to the regulations requires the addition to be constructed behind the R1 District side yard setback of 6 ft. and would not allow for the proposed addition to the existing single-family dwelling, which is a reasonable use of the property. Without the requested variance, the zoning code would prevent the applicant from constructing a two story addition that is similar in size to many of the other single family dwellings in the area.

Side yard setback (north interior): The applicant is seeking a variance to reduce the required north interior side yard setback from 6 ft. to 1 ft. all to allow for the construction of an addition. Strict adherence to the regulations requires the addition to be constructed behind the R1 District rear yard setback of 6 ft. and would not allow for the proposed addition to the existing single-family dwelling, which is a reasonable use of the property. Without the requested variance, the zoning code would prevent the applicant from constructing a two story addition that is similar in size to many of the other single family dwellings in the area.

- 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 (East Minnehaha Parkway): The condition upon which the setback variance is requested is unique to the parcel of property due to the setback of the applicant's home and the setback created by the adjacent single family dwelling. The R1 District requires a 25 foot setback or the established setback created by the adjacent residential structure. The proposed addition will be 91 ft from the front property line, the same distance as the adjacent dwelling to the east. However, the front property line curves northeast with Minnehaha Parkway and the adjacent dwelling to the east is located further back in the block even though both dwellings are located the same distance from the property line. The applicant states that the placement of their house on the reverse corner lot requires that a portion of the expansion will occur in the required front yard. The location of the adjacent residence and resulting established setback is not a circumstance created by the applicant.

Front yard setback (Columbus Avenue): The condition upon which the setback variance is requested is unique to the parcel of property due to the setback of the applicant's home as well as the adjacent single family dwelling. The subject property is a reverse corner lot and a front yard setback is required along both E Minnehaha Parkway and Columbus Avenue. A 25 ft front yard setback is required in the R1 District. The existing structure has a 14 ft front yard setback on Columbus Avenue. The adjacent residential structure to the north is located 19 ft from the property line, closer than the minimum 25 ft. The proposed addition along Columbus Ave will have a 10 ft setback. The applicant states that the placement of their house on the reverse corner lot does not allow for the expansion to be located anywhere else on the property. The placement of the dwelling and the classification of the property as a reverse corner lot are circumstances that are unique to the parcel and not created by the applicant.

Side yard setback (east interior): The condition upon which the setback variance is requested is unique to the parcel of property due to the setback of the applicant's home. The proposed second-story addition will maintain the east wall location and will not be any closer to the east interior property line. The location of the existing house 4 ft from the property line is not a circumstance created by the applicant.

Side yard setback (north interior): The condition upon which the setback variance is requested is unique to the parcel of property due to the setback of the applicant's home. The expansion to the north property line will maintain the building wall of the existing detached garage. The applicant states that because of the placement of the house on the lot and required setbacks, this is the only location for the proposed attached garage. The location of the existing structure is not circumstances 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.**

Front yard setback (East Minnehaha Parkway): Staff believes that the addition will not alter the essential character of the surrounding neighborhood. The applicant states that the design of the addition will be consistent with many of the homes in the area and has provided photographs of existing two story dwellings in the surrounding area. Because of the oversized front yards, visibility and site lines will be maintained along the parkway. Staff believes that the proposed addition is in keeping with the neighborhood and design of the house and will not be injurious to the use or enjoyment of other property in the vicinity.

Front yard setback (Columbus Avenue): Staff believes that the addition will not alter the essential character of the surrounding neighborhood. The applicant states that the design of the addition will be consistent with many of the homes in the area and has provided photographs of existing two story dwellings in the surrounding area. The elevation along Columbus has ample transparency and an entrance. The applicant states there is also a significant drop in elevation from the residential structure to the north to the subject property that will help maintain sight lines. Staff believes that the proposed addition is in keeping with the neighborhood and design of the house and will not be injurious to the use or enjoyment of other property in the vicinity.

Side yard setback (east interior): Staff believes that the addition will not alter the essential character of the surrounding neighborhood. The applicant states that the design of the addition will be consistent with many of the homes in the area and has provided photographs of existing two story dwellings in the surrounding area. The second story addition will maintain the existing setback in the east interior side yard. Staff believes that the proposed addition is in keeping with the neighborhood and design of the house and will not be injurious to the use or enjoyment of other property in the vicinity.

Side yard setback (north interior): Staff believes that the addition will not alter the essential character of the surrounding neighborhood. The applicant states that the design of the addition will be consistent with many of the homes in the area and has provided photographs of existing two story dwellings in the surrounding area. The expansion will maintain the setback of the existing detached garage. Staff believes that the proposed addition is in keeping with the neighborhood and design of the house and will not be injurious to the use or enjoyment of other property in the vicinity.

- 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 (East Minnehaha Parkway): Granting the front yard setback variance would likely have no impact on the congestion of area streets or fire safety, nor would the proposed addition to the existing dwelling be detrimental to the public welfare or endanger the public safety. The setback will not impact site lines because of the oversized front yards along Minnehaha.

CPED Planning Division Report
BZZ-2180

Front yard setback (Columbus Avenue): Granting the front yard setback variance would likely have no impact on the congestion of area streets or fire safety, nor would the proposed addition to the existing dwelling be detrimental to the public welfare or endanger the public safety. The elevation along Columbus has ample transparency and an entrance which provides an opportunity for natural surveillance and an active street presence.

Side yard setback (east interior): Granting the front yard setback variance would likely have no impact on the congestion of area streets or fire safety, nor would the proposed addition to the existing dwelling be detrimental to the public welfare or endanger the public safety.

Side yard setback (north interior): Granting the front yard setback variance would likely have no impact on the congestion of area streets or fire safety, nor would the proposed addition to the existing dwelling be detrimental to the public welfare or endanger the public safety. The proposed expansion will replace a one-stall garage with a two-stall garage, reducing demand for on-street parking.

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** a variance to reduce the required front yard setback along Minnehaha Parkway from the setback established by the adjacent residential to 91 ft.; **approve** a variance to reduce the required front yard setback along Columbus Avenue from the R1 Single-family District setback of 25 ft. to 14 ft.; **approve** a variance to reduce the required east interior side yard setback from 6 ft. to 4 ft.; and **approve** a variance to reduce the required north interior side yard setback from 6 ft. to 1 ft. to allow for the construction of an addition to an existing single family dwelling on property located at 724 East Minnehaha Parkway in the R1 District.

1. That the Planning Division review and approve the final site and elevation plans that measure to an architect or engineering scale.