

Department of Community Planning and Economic Development – Planning Division Report**Variance Request
BZZ-2111**

Date: December 16, 2004

Applicant: Shane Walgamuth

Address of Property: 3815 Washburn Avenue South

Date Application Deemed Complete: November 19, 2004

End of 60 Day Decision Period: January 18, 2005

End of 120 Day Decision Period: March 19, 2005

Appeal Period Expiration: December 27, 2004

Contact Person and Phone: Shane Walgamuth, 612-578-0900

Planning Staff and Phone: Carrie Flack, 612-673-3239

Ward: 13 **Neighborhood Organization:** Linden Hills

Existing Zoning: R1, Single-family District

Proposed Use: Construction of a new single family dwelling with attached garage.

Proposed Variance: A variance to reduce the required north interior side yard setback from 6 ft. to 3 ft. and a variance to reduce the required south interior side yard setback from 6 ft. to 4 ft. to allow for two cantilevers on a new single family dwelling.

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

Background: The subject site is currently 40 ft. x 115 ft. (4,600 sq. ft.). The applicant has obtained a building permit to construct a new single family with an attached garage that will be accessed from the existing alley. The new dwelling is approximately 28 ft. in width which complies with the required 6 ft. side yard setbacks. However, the plans consist of two cantilevers: one cantilever is 2 ft. 3 inches for a mudroom and one is 1 ft. 6 inches for a stairway landing, both of which do not meet the required 6 ft. side yard setbacks. The applicant submitted plans without the two cantilevers in order to obtain the permit and begin foundation work.

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.**

North interior side yard setback: The applicant has requested a variance to reduce the required north interior side yard setback from 6 ft. to 3 ft. to allow for the construction of a new single family dwelling with an attached garage. The lot is 40 feet wide which is 10 ft. less in width than the majority of lots on the block and in the area. Many lots on the block and in the area are greater than 50 ft. in width as well. The proposed dwelling is 28 ft. in width which complies with the R1 District 6 ft. side yard setback requirement. The portion of the dwelling that triggers the variance is the mud room on the north side of the dwelling. The applicant states that the dwelling has been designed to maintain architectural characteristics found within the neighborhood. All other lots on the block are 50 ft. or greater in width. Strict adherence to the regulations would not allow for the proposed new single family dwelling. Based on the submitted information this request seems reasonable.

South interior side yard setback: The applicant has requested a variance to reduce the required south interior side yard setback from 6 ft. to 4 ft. to allow for the construction of a new single family dwelling with an attached garage. The lot is 40 feet wide which is 10 ft. less in width than the majority of lots on the block and in the area. Many lots on the block and in the area are greater than 50 ft. in width as well. The proposed dwelling is 28 ft. in width which complies with the R1 District 6 ft. side yard setback requirement. The portion of the dwelling that triggers the variance is the stairway landing on the south side of the dwelling. The applicant states that the dwelling has been designed to maintain architectural characteristics found within the neighborhood. All other lots on the block are 50 ft. or greater in width. Strict adherence to the regulations would not allow for the proposed new single family dwelling. Based on the submitted information this request seems reasonable.

- 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.**

North interior side yard setback: The conditions upon which the setback variance is requested are unique to the parcel and have not been created by the applicant. As previously mentioned, the variance is to allow for a cantilever of 2 ft. 3 inches for a mud room bench. The lot is 40 feet wide which is 10 ft. less in width than the majority of lots on the block and in the area. All other lots on the block are 50 ft. or greater in width. The proposed dwelling is 28 ft. in width which complies with the R1 District 6 ft. side yard setback requirement. While the dwelling could have been designed to comply with the side yard setbacks, the applicant stated that they are proposing a dwelling that is architecturally similar to dwellings on the block which are all located on larger

lots. The uniquely narrow width of the subject lot in an area with larger established neighborhood lots and dwellings are not circumstances created by the applicant.

South interior side yard setback: The conditions upon which the setback variance is requested are unique to the parcel and have not been created by the applicant. As previously mentioned, the variance is to allow for a cantilever of 1 ft. 6 inch stairway landing. The lot is 40 feet wide which is 10 ft. less in width than the majority of lots on the block and in the area. All other lots on the block are 50 ft. or greater in width. The proposed dwelling is 28 ft. in width which complies with the R1 District 6 ft. side yard setback requirement. While the dwelling could have been designed to comply with the side yard setbacks, the applicant stated that they are proposing a dwelling that is architecturally similar to dwellings on the block which are all located on larger lots. The uniquely narrow width of the subject lot in an area with larger established neighborhood lots and dwellings are 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.**

North and south interior side yard setbacks: Granting the variance will be in keeping with the spirit and intent of the ordinance and will not alter the essential character of the surrounding area or be injurious to the use or enjoyment of property in the vicinity. The dwelling has been designed to compliment existing dwellings on the block which are located on 50 ft. wide lots or greater. Staff believes the size of the dwelling is appropriate for the neighborhood and that the 40 ft. wide lot prohibits the construction of a dwelling consistent with that of the neighborhood. Staff believes the setback variances are appropriate to allow for the proposed dwelling design.

In addition, staff does not believe that the two cantilevers will negatively impact the adjacent properties. The dwelling to the north will be located 18 ft. from the new cantilever and the cantilever is actually located 10 ft. to the rear of the north adjacent dwelling. Therefore, the cantilever is not actually located adjacent to a structure on the northern property. Furthermore, the cantilever on the south side of the dwelling will be located 24 ft. from the adjacent dwelling to the south due to an existing driveway on the southern 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.**

North and south interior side yard setbacks: Granting the variances would likely have no impact on the congestion of area streets or fire safety, nor would the variances be detrimental to the public welfare or endanger the public safety.

Recommendation of the Department of Community Planning and Economic Development:

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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 north interior side yard setback from 6 ft. to 3 ft. and a variance to reduce the required south interior side yard setback from 6 ft. to 4 ft. to allow for two cantilevers on a new single family dwelling subject to the following conditions:

1. That the Planning Department review and approve the final site and elevation plans.