

Department of Community Planning and Economic Development – Planning Division

Variance Request
BZZ-2278

Applicant: David Eenigenburg and Dianne Bell

Address of Property: 2430 Cedar Lane

Contact Person and Phone: Lee Meyer, (651) 774-7801

Planning Staff and Phone: Tanya Holmgren, (612) 673-5887

Date Application Deemed Complete: March 25, 2005

End of 60 Day Decision Period: May 24, 2005

Ward: 7 **Neighborhood Organization:** Cedar Isle Dean Neighborhood Association

Existing Zoning: R1, Single-family Residential District

Proposed Use: A second-story addition to an existing single-family dwelling.

Proposed Variance: A variance to reduce the front yard setback established by connecting a line between the front two corners of the two adjacent residential structures along Cedar Lane from 34 ft. to 27 ft. to allow for a second story addition and new 11 ft. wide covered front stairs to an existing single-family dwelling.

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

Background: The subject property is approximately 100 ft. by 120 ft. (12,000 sq. ft.) and consists of an existing single-family dwelling with an attached garage. The adjacent dwelling to the north is located on the corner of Basswood Road and Cedar Lane, the dwelling fronts onto the corner and is setback 36 ft. from the front property line along Cedar Lane. The adjacent dwelling to the south has a front setback of 27 ft.

The applicant is proposing to remodel the existing structure and construct an 11 ft. wide by 5 ft deep covered front stairs and a second story addition to an existing single-family dwelling. The remodel of the first story will be internal reconfiguration of the space and new shingles and clapboard siding external materials. The project will replace all of the windows, the front door, and the garage door. The addition will allow two of the bedrooms to move upstairs and will allow for a new master suite. The addition is located in the center of the dwelling and will not alter the footprint of the dwelling. The applicant is seeking a variance to reduce the required front yard setback from 34 ft to 27 ft. to allow for the construction of an 11 ft. wide covered front stairs and a second story addition to an existing single-family dwelling.

The remodel of the dwelling removes the existing windows and replaces them with new windows, this change requires them to meet the existing 15 percent window requirement for the first floor of the dwelling, facing the public street. The proposed change includes 71 sq. ft. of windows and is required by code to provide 93.6 sq. ft. of windows. If the window area is currently less than the 15 percent required by the zoning code, the proposed alterations may not reduce the window area in a manner that would make the structure further nonconforming.

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 front yard setback established by connecting a line between the front two corners of the two adjacent residential structures along Cedar Lane from 34 ft. to 27 ft. to allow for a second story addition and new 11 ft. wide covered front stairs to an existing single-family dwelling. The applicant is proposing to remodel an existing first story and add a second story addition above a portion of the first story. The adjacent single-family dwelling to the north is setback 36 ft. and the adjacent single-family dwelling to the south is setback 27 ft. from the front property line, which would require the dwelling to be setback to 34 ft. Strict adherence to the regulations requires that the dwelling be constructed behind the established front yard setback, which would require the second story addition stepped back 7 ft. to meet the established front yard setback. Strict adherence to the regulations would not allow the addition to the existing single-family dwelling, which is a reasonable use of the 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.**

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 north of the subject property. The location of the existing structures is not a circumstance created by the applicant. The alternative to the variance would cause an undue hardship to the property owner, by not allowing the second-story addition to the existing 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.**

Front yard setback: Staff believes the second-story addition to the dwelling will not alter the essential character of the surrounding neighborhood, because there are a mix of one and two story single-family dwellings in the area. Staff believes that the second story addition to the existing

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single-family dwelling will not be injurious to the use or enjoyment of other property in the vicinity because the second story addition will be constructed above an existing portion of the dwelling. The R1 District requires a minimum of a 25 ft. setback, the applicant is proposing to maintain an existing 27 ft. setback. Staff believes that the proposed addition meets the intent of the ordinance by maintaining a similar setback to the neighborhood. Staff is concerned that by not meeting the window requirement the dwelling is not meeting the intent of the ordinance and would recommend that additional window area would be added to meet this code requirement.

- 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 rear addition 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 front yard setback established by connecting a line between the front two corners of the two adjacent residential structures along Cedar Lane from 34 ft. to 27 ft. to allow for a second story addition and new 11 ft. wide covered front stairs to an existing single-family dwelling subject to the following conditions:

1. Review and approval of final site and elevation plans by the Planning Division.
2. That not less than fifteen (15) percent of the first floor façade that faces the street shall be windows as required by section 535.90(b) of the zoning code. If the existing first floor façade has less than fifteen (15) percent window area, the window area shall not be made further nonconforming.