

**Department of Community Planning and Economic Development – Planning Division****Variance Request  
BZZ-3361****Date:** January 4, 2007**Applicant:** Scot Collman**Address of Property:** 1539 Washington Street Northeast**Contact Person and Phone:** Scot Collman, 612-202-0429**Planning Staff and Phone:** Molly McCartney, 612-673-5811**Date Application Deemed Complete:** December 6, 2006**Public Hearing:** January 4, 2007**Appeal Period Expiration:** January 15, 2007**End of 60 Day Decision Period:** February 4, 2007**Ward:** 1      **Neighborhood Organization:** Logan Park**Existing Zoning:** R2B Two-family District**Proposed Use:** A second story addition to an existing single-family dwelling.**Proposed Variance:** A variance to reduce the established front yard setback to allow for a staircase, landing, and deck at 1539 Washington Street Northeast in the R2B Two-family District.**Zoning code section authorizing the requested variance:** 525.520 (1)

**Background:** The subject property is a duplex on an interior lot. The applicant received a building permit in October 2006, to build a staircase and landing to the 2 ½ floor in order to create a second means of egress for bedrooms. The building permit records indicate that the staircase was to be built on the side of house. Due to structural issues with dormers, the applicant changed the plans and moved the staircase closer to the front of the house, but did not receive City approvals. Due to a complaint to the City and subsequent zoning inspection orders, the applicant is now applying for a variance. The staircase and landing are in line with the subject house, but the property to the north is setback further, thus creating a larger front yard setback. The property to the south is in line with the subject house.

**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.**

The applicant is seeking a variance to reduce the required front yard setback along Washington Street Northeast to allow for a staircase, landing and deck. The front yard setback imposed on the single-family dwelling prevents the construction of this structure, which is in line with the façade of the house. Strict adherence to the regulations would not allow for the proposed construction.

- 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.**

While the circumstance of the enlarged front yard setback is unique, the applicant has created the situation by choosing to locate the structure toward the front of the house. The applicant states in the application that a side or rear staircase are not feasible due to the construction of the roof. While the condition of the roof is not something created by the applicant, the addition of the bedroom on the 2 ½ floor has been created by the applicant and staff feels that economic considerations due to increased construction costs, while valid, are a main concern in located a staircase in the side or rear.

- 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.**

Staff believes that the granting the variance will not be in keeping with the intent of the ordinance, which in this case, limits building additions in the front yard in order to preserve the character of the surrounding residential areas. The addition of the staircase, landing, and deck area in the front yard, in the front yard setback affects the residential nature of the subject house as well as the surrounding area. This configuration of the stairs is not typical for the surrounding area, nor is it a traditional staircase addition for duplexes, which usually in a rear, enclosed staircase.

- 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.**

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 be detrimental to the public welfare or endanger the public safety.

**CPED Planning Division Report**  
BZZ-3367

**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 **deny** the variance to reduce the established front yard setback to allow for a staircase, landing, and deck at 1539 Washington Street Northeast in the R2B Two-family District.