

**Department of Community Planning and Economic Development – Planning Division****Variance Request  
BZZ-3267**

**Date:** November 2, 2006

**Applicant:** Ed Beardsley

**Address of Property:** 3567 Madison Place Northeast

**Contact Person and Phone:** Ed Beardsley, (612) 781-5884

**Planning Staff and Phone:** Brian Schaffer, (612) 673-2670

**Date Application Deemed Complete:** October 10, 2006

**Public Hearing:** November 2, 2006

**Appeal Period Expiration:** November 13, 2006

**End of 60 Day Decision Period:** December 9, 2006

**Ward: 1      Neighborhood Organization:** Columbia Park Neighborhood Association

**Existing Zoning:** R1, Single Family District

**Proposed Use:** Second story addition to an existing one story single family dwelling.

**Proposed Variance:** A variance to reduce the required reverse corner front yard setback along Madison Place from 25 feet to 21 feet to allow for a second story addition to an existing single family dwelling located at 3567 Madison Place Northeast in the R1, Single Family District.

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

**Background:** The subject property is located on a reverse corner lot that is approximately 50 ft. by 170 ft. (8,500 sq. ft.). The existing one story dwelling is located 37.5 feet from the north property line along 36<sup>th</sup> Avenue Northeast and is 21 feet from the west property along Madison Place Northeast. The district front yard setback is 25 feet.

The front door of the existing dwelling faces and addresses off of Madison Place Northeast. The proposed second story addition includes a deck that faces north towards 36<sup>th</sup> Avenue Northeast and all of the elevations meet the minimum window requirements of 15 percent of each building wall that faces a public street must be window and 5 percent of each building wall facing an interior lot line.

**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 has requested a variance to reduce the reverse corner side yard setback along Madison Place Northeast from 25 feet to 21 feet to allow for a second story addition to an existing one story single family dwelling. Strict adherence to the Zoning Ordinance prohibits a principle structure to be located less than the 25 feet from the reverse corner front property line and would not allow for the proposed addition to the existing single-family dwelling. Staff believes the addition is a reasonable use of the property and recognizes the hardship on the property created by the location of the subject dwelling at 21 feet from the west property line.

- 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 circumstance upon which the setback variance is requested is unique to the parcel of land due to the existing location of the subject dwelling and the adjacent dwelling to the north. The applicant is not changing the location of the existing dwelling and is not creating the circumstance that requires the variance. The location of the subject dwelling is a circumstance that is unique to this parcel and not 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.**

Staff believes the proposed second story addition will not alter the essential character of the surrounding neighborhood. While many of the surrounding dwellings are not two stories; a two story dwelling is permitted by the Zoning Ordinance.

Staff is concerned that the proposed second story deck facing 36<sup>th</sup> Avenue Northeast will alter the essential character of the locality. The subject dwelling does not have a front door and does not address along 36<sup>th</sup> Avenue Northeast, but the adjacent dwellings to the east do address off 36<sup>th</sup> Avenue Northeast. A second story deck facing the front yard such as proposed is not common in Minneapolis and is not found on this or nearby blocks of 36<sup>th</sup> Avenue Northeast. The deck as proposed would disrupt the block face along 36<sup>th</sup> Avenue and alter the essential character of the block.

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 setback variance would likely have no impact on the congestion of area streets or fire safety, nor would it 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 required reverse corner front yard setback along Madison Place from 25 feet to 21 feet to allow for a second story addition to an existing single family dwelling located at 3567 Madison Place Northeast in the R1, Single Family District with the following conditions:

1. The deck, as proposed, shall not be located on the north side of the structure.
2. Review and approval of final site, landscaping and elevation plans by CPED-Planning staff.