

Department of Community Planning and Economic Development - Planning Division Report

Variance Request
BZZ-3567

Date: June 7, 2007

Applicant: Christie Brandt (property owner)

Address of Property: 4040 Washburn Avenue South

Contact Person and Phone: Christie Brandt, (612) 927-8832

Planning Staff and Phone: Aaron Hanauer, (612) 673-2494

Date Application Deemed Complete: May 8, 2007

Public Hearing: June 7, 2007

Appeal Period Expiration: June 18, 2007

End of 60 Day Decision Period: July 10, 2007

Ward: 10 **Neighborhood Organization:** Linden Hills Neighborhood Council

Existing Zoning: R1 Single-Family District

Proposed Use: Construction of a deck.

Proposed Variances: A variance to reduce the south interior yard setback from 6 ft. to 3 ft. 9 in.

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

Background: The subject property, 4040 Washburn Avenue South, is an interior lot. It contains a one-story, residential dwelling that was built in 1953. The subject property measures 56 ft. by 145 ft. (8,120 sq. ft.) which is an above average, R1 Zoning District lot (minimum R1 Zoning District lot is 6,000 sq. ft.).

The applicant is proposing to construct a four-foot-wide walkway along the south side of the home that will allow access to the proposed rear deck (12 ft x 18 ft.) and screened porch (14 ft. x 18 ft.).

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.**

Interior side yard variance: The requested variance is to reduce the side yard variance from 6 ft. to 3 ft. 9 in. to allow for a portion of the deck and deck walkway. Staff believes the proposed project is a reasonable use of the property. Staff also recognizes the lot's 18% slope at the location of the proposed project as a hardship. The Minneapolis Zoning Code considers a steep slope of land having an average slope of 18% or greater measured over a horizontal distance of 50 feet or more, which is the case in this situation.

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.**

Interior side yard variance: The circumstance for which the side yard variance is sought that is unique to the parcel of land and has not been created by the applicant is the property's steep slope (18%) at the location of the proposed project.

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.**

Interior side yard variance: Granting the variance will be keeping with the spirit of the ordinance. Granting of this variance will also not alter the essential the character of the locality since the visibility of the 4-foot-wide walkway will be minimal from the street. Staff also believes that granting that variance will not be injurious to the enjoyment of the property to the south (4050 Washburn Avenue South) for three reasons. First, there will be 18 ft. separating the edge of the proposed walkway from the neighboring house. Second, the walkway will likely not be used as a congregating area, but primarily for access to the rear deck and screened porch. Third, 4050 Washburn Avenue South does not have an entrance along their north property line (the shared property line).

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.**

Interior side yard variance: Granting of the requested variance would not impact the congestion of area streets or fire safety. Granting these variances will also not substantially increase other negative side effects.

Recommendation of the Department of Community Planning and Economic Development:

CPED Planning Division
BZZ-3567

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 side yard setback variance from 6 ft. to 3 ft. 9in. to allow for the construction of a deck at 4040 Washburn Avenue South in the R1, Single-Family Residence District subject to the following conditions:

1. The 3 ft. 9 in setback is allowed only for 4 ft. beyond the southwest corner of the home. This will allow for a 4 foot wide walkway to the deck. The maximum width allowed for a walkway within a setback by the Zoning Code .
2. That the Planning Division-CPED review and approve the final site plan, floor plans, and elevation. All drawings will be measured to an architect or engineer's scale.

Attachments:

- Zoning map (1 page)
- Statement of proposed use and response to findings (2 pages)
- Applicant photos (4 pages)
- Survey, floor plan, and elevation (3 pages)
- Linden Hills Neighborhood Council letter not to oppose (1 page)