

Department of Community Planning and Economic Development – Planning Division**Variance Request
BZZ-1992**

Date: October 21 2004

Applicant: Louise and Mary Beth Barry

Address of Property: 3501 11th Avenue South

Contact Person and Phone: Bob Fifield, (612) 899-9712

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

Date Application Deemed Complete: September 24, 2004

End of 60 Day Decision Period: November 23, 2004

End of 120 Day Decision Period: January 22, 2005

Ward: 9 **Neighborhood Organization:** Powderhorn Park Neighborhood Association

Existing Zoning: R2B, Two-family Residential District

Proposed Use: An addition to an existing single-family dwelling.

Proposed Variance: A variance to reduce the north corner side yard setback from 8 ft. to 1 ft. to allow for the construction of a 1.5 x 5.5 ft. cantilever addition to the side of an existing single-family dwelling on a corner lot.

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

Background: The subject site consists of an existing single-family dwelling with a detached garage on a 43 ft. x 122 ft. (5,246 sq. ft.) lot. The property is a typical corner lot located at the southeast corner of 35th Street East and 11th Avenue South. The existing dwelling is located approximately 2 ft. from the north corner side property line. The applicant is proposing to construct a cantilever addition onto the north side of the dwelling to allow for the construction of a half bathroom on the first floor. The addition will be 1.5 ft. x 5.5 ft. and will be located on the side of the dwelling adjacent to the rear entrance. On the north side of the dwelling is an existing bump out on the second story that maintains a 6 in. setback from the side property line. The R2B district requires an 8 ft. corner side yard setback. The applicant is proposing a 1 ft. corner side yard setback. Thus, a variance is necessary.

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.**

Corner side yard setback: The applicant has requested a variance to reduce the required corner side yard setback from 8 ft. to 1 ft. to allow for a 1.5 ft. x 5.5 ft. cantilever addition onto single-family dwelling. The applicant is proposing to expand the existing rear entryway to allow for the construction of a half bathroom, on the north side of the dwelling. The applicant states that this location is the most logically placement within the structure due to the configuration of the dwelling. Strict adherence to the regulations would not allow the addition to the existing single-family dwelling which is a reasonable request because a portion of the existing structure is 6 in. from the property line. Based on the 6 ft. boulevard and because the request is a corner side yard variance adjacent to public right-of-way, versus an interior side yard setback adjacent to an existing dwelling or other structure, staff believes that the addition 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.**

Corner side yard setback: The circumstances upon which the setback variance is requested are unique to the parcel of land and were not created by the applicant. The applicant is proposing to expand the existing dwelling in order to add a half bath to the north side of the dwelling. As previously mentioned, the existing dwelling is located 2 ft. from the property line and has an existing cantilever addition that is 6 in. from the property line. In addition, the boulevard between the sidewalk and property line is 6 ft., a typical boulevard between the sidewalk and property line is 2 to 3 ft. and in some instances is 0 ft. The placement of the structure on the property and the configuration of the existing dwelling are existing conditions not created by the applicant. Staff believes that these circumstances are unique to this parcel.

- 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.**

Corner side yard setback: Staff believes that the addition will not alter the essential character of the surrounding neighborhood or be injurious to the use or enjoyment of other property in the vicinity a portion of the existing structure is 6 in. from the property line. The intent of the corner side yard setback is to preserve open space along public sidewalks and to provide additional right of way for infrastructure improvements. As previously mentioned, a large boulevard of 6 ft. exists between the sidewalk and the applicant's property line, providing open space adjacent to the public sidewalk. Staff does not believe the addition will negatively impact the area since the addition is not immediately adjacent to a neighboring structure and has an existing cantilever

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addition. The applicant's property backs up to another corner lot to the east. Both lots are 122 ft. deep with a 14 ft. alley between them. Due to the presence of the existing second story cantilever addition, staff does not believe the addition will block any site lines or views along 35th Street East.

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.**

Corner side yard setback: Front yard setback: Granting the corner side 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 since the addition will not interfere with any site lines.

Recommendation of the Department of Community Planning and Economic Development:

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 north corner side yard setback from 8 ft. to 1 ft. to allow for the construction of a 1.5 x 5.5 ft. cantilever addition to the side of an existing single-family dwelling on a corner lot subject to the following conditions:

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