

Department of Community Planning and Economic Development – Planning Division
Variance
BZZ-4473

Date: August 13, 2009

Applicant: Christian Dean

Address of Property: 3925 Washburn Avenue South

Project Name: Addition

Contact Person and Phone: Christian Dean, (612) 872-2398

Planning Staff and Phone: Aly Pennucci, (612) 673-5342

Date Application Deemed Complete: July 2, 2009

End of 60-Day Decision Period: August 30, 2009

Ward: 13 **Neighborhood Organization:** Linden Hills

Existing Zoning: R1 Single Family Residence District

Zoning Plate Number: 29

Legal Description: Not applicable for this application

Proposed Use: Addition to single family residence

Variance:

- Variance to reduce the required front yard setback along Washburn Ave. S from the setback established by connecting a line between the two adjacent neighbors to 33 ft.
- Variance to reduce the north interior side yard setback from the required 6 ft. to 4.4 ft.

Applicable zoning code provisions: Chapter 525, Article IX Variances, Specific Section 525.520(1) “to vary the yard requirements, including permitted obstructions into required yards not allowed by the applicable regulations.”

Background: The subject property is approximately 50 ft. by 115 ft. (5,750 sq. ft.) and consists of an existing one-story dwelling with an attached tuck under garage. The applicant is proposing a second story addition to the existing dwelling. The existing dwelling is located approximately 38.7 ft. from the front property line and 4.5 ft from the north interior side property line.

Front Yard Variance: In the R1 district the minimum front yard setback is 25 ft. The existing dwelling meets the required minimum setback but is located within the setback established by connecting a line between two adjacent neighbors. The proposed second floor addition extends 5.7 ft. further than the existing dwelling into the established front yard setback.

Side yard variance: The minimum interior side yard setback in the R1 District is 6 ft. The proposed second story addition is 4.4 ft. from the north interior side yard setback. Therefore, the applicant is seeking a variance to reduce the required north interior side yard setback from 6 ft. to 4.4 ft. to allow for the addition. The existing dwelling is located approximately 4.6 ft from the north interior side property line. There is a provision in the non-conforming use chapter (§531.30(2)(a)) in the zoning code that allows for single- and two-family dwellings that are nonconforming to the interior side yard to expand in that side yard, provided that more than 60 percent of the building is in the setback and that the structure is a minimum 3 ft. to the property line. Because the proposed addition will extend 2 in. further into the required side yard a variance is required.

As of writing this staff report, staff has not received any correspondence from the Linden Hills Neighborhood Association. Staff will forward comments, if any are received, at the Board of Adjustment meeting.

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 Variance: The applicant is seeking a variance to reduce the required front yard setback along Washburn Ave. S from the setback established by connecting a line between the two adjacent neighbors to 33 ft. The existing dwelling is located within the established front yard setback and any second story addition would require a variance. The Department of Community Planning and Economic Development – Planning Division staff recognizes a hardship created by the location of the adjacent single-family home to the north that is setback 60 ft. in the front yard, however staff does not believe that it would be reasonable to expand this projection into the required front yard beyond the wall of the existing dwelling.

Side yard variance: The applicant is seeking a variance to reduce the north interior side yard setback from the required 6 ft. to 4.4 ft. The existing dwelling is already located within the required side yard. The proposed addition extends 2 in. further into the required yard than the existing dwelling. Due to the provision in the nonconforming use chapter (§531.30(2)(a)) a second story addition would be allowed if the wall extends straight up from the existing north wall. The Department of Community Planning and Economic Development – Planning Division believes that this is a reasonable use under the conditions allowed by the zoning ordinance and does not recognize a hardship to the side yard variance.

- 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 Variance: The circumstances upon which the front yard setback variance is requested are unique to the parcel of land due to the location of the adjacent home to the north that establishes a deep front yard setback. The applicant could construct the second story addition without extending further into the required front yard. While the location of other structures in relation to the front property line along the east side of Washburn Ave S varies, the majority of homes are setback further or are in line with the dwelling on the subject site and staff does not see a reason to expand further into the established front yard.

Side yard variance: The circumstances upon which the side yard setback variance is requested are not unique to the parcel of land and have been created by the applicant. The zoning code would allow for a second story addition without extending further into the required side yard.

- 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 Variance: The granting of the requested front yard variance will not likely alter the essential character of the locality but is not in keeping with the spirit and intent of the ordinance. The intent of the required and established front yard setback is to create a consistent building wall and to protect viewsheds in the front of dwellings. Expanding this projection would create greater inconsistency in the building wall along the east side of Washburn Ave S. The applicant has stated that the primary purpose of the extension into the established front yard is to break up the massing and create a visual break to the front façade. The Department of Community Planning and Economic Development – Planning Division staff believes that design alternatives exist to achieve the same goals without extending further into the established front yard. A variance to allow for a second story addition that does not extend further into the required front yard is in keeping with the spirit and intent of the ordinance and would not be injurious to the use or enjoyment of other property in the vicinity.

Side yard variance: The granting of the requested side yard variance will not likely alter the essential character of the locality as it is adjacent to the driveway that serves the home on the neighboring lot, but is not in keeping with the spirit and intent of the ordinance. As mentioned previously, the proposed second story addition can be achieved without seeking a variance by keeping the wall in line with the existing first story.

- 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.**

Both variances: Granting the setback variances would likely have no impact on the congestion of area streets or fire safety, nor would the proposed addition to the existing single-family dwelling be detrimental to the public welfare or endanger the public safety.

RECOMMENDATIONS

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 above findings and **approve** the variance to reduce the required front yard setback along Washburn Ave. from the setback established by connecting a line between the two adjacent neighbors to 38.7 ft. to allow a second story addition to an existing single-family dwelling at 3925 Washburn Ave S in the R1 Single Family Residence District subject to the following conditions:

1. Review and approval of final site and elevation plans by the Department of Community Planning and Economic Development – Planning Division.

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 north interior side yard setback from the required 6 ft. to 4.4 ft. to allow a second story addition to an existing single-family dwelling at 3925 Washburn Ave S in the R1 Single Family Residence District.

Attachments:

- 1) Written descriptions and findings submitted by the applicant
- 2) Copy of e-mail sent to neighborhood organizations and CM
- 3) Zoning map
- 4) Site plan
- 5) Floor plans
- 6) Building elevations
- 7) Photographs and aerials submitted by applicant
- 8) Oblique aerials