

Department of Community Planning and Economic Development - Planning Division Report
Variance
BZZ-4847

Date: July 15, 2010

Applicant: Daniel Berks

Address of Property: 628 Cedar Lake Road

Project Name: 628 Cedar Lake Road

Contact Person and Phone: Daniel Berks, (612) 377-4190

Planning Staff and Phone: Shanna Sether, (612) 673-2307

Date Application Deemed Complete: June 22, 2010

End of 60-Day Decision Period: August 21, 2010

Ward: 7 **Neighborhood Organization:** Bryn Mawr Neighborhood Association

Existing Zoning: R1A Single Family District

Zoning Plate Number: 7

Legal Description: Not applicable for this application

Proposed Use: Terrace addition to an existing single-family home

Variance: to reduce the required front yards along Cedar Lake Road and Thomas Avenue South to allow for an 8ft. by 15 ft. terrace to the front of an existing single-family dwelling on a reverse corner lot

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

Background: The subject property is an triangular-shaped, reverse corner lot, located at the southwest corner of Cedar Lake Road and Thomas Avenue South. The lot is approximately 112 ft. wide at the front and 162 ft. long (6,608 sq. ft.). The property consists of an existing two-story dwelling constructed in 1924. The adjacent property to the northeast has frontage along Cedar Lake Road and is located approximately 22 feet 6 inches to the front property line. The adjacent structure to the north has frontage along Thomas Avenue South and is located approximately 27 feet to the front property line. Due to the platting of the land and the location of the adjacent structure, the subject parcel is almost entirely located within the required front yard setback established by the property to the south. The applicant is proposing

to add an 8 ft. by 15 ft. terrace to the front of the existing single-family dwelling, facing Cedar Lake Avenue South. There had previously been a smaller terrace in this location that was removed by the property owner. Due to the established setback created by the property to the north, a variance is required to reduce the front yard setback along both Thomas Avenue South and Cedar Lake Road.

Staff has received a letter of support from the Bryn Mawr Neighborhood Association and it is attached to the staff report. Staff will forward additional comments, if any are received, at the Board of Adjustment meeting.

Findings Required by the Minneapolis Zoning Code - Variance:

- 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 front yard setbacks along both Thomas Avenue South and Cedar Lake Road to allow for a terrace to an existing single-family dwelling. The adjacent structure to the north has created a setback that almost includes the entire parcel; therefore almost no development of the parcel can occur without a variance. Staff believes there is no reasonable alternative to the variance and that strict adherence to the regulations requires would not allow for any terrace or patio, greater than 50 square feet, accessory to the existing single family dwelling. The adjacent structure to the north is located approximately 200 ft. from the proposed terrace and the adjacent structure to the north east is located over 60 ft. away.

- 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 circumstances upon which the variance is sought are unique to the parcel of land and have not been created by the applicant. The applicant is seeking a variance to reduce the front yard setbacks along both Thomas Avenue South and Cedar Lake Road to allow for a terrace to an existing single-family dwelling. The adjacent structure to the north has created a setback that almost includes the entire parcel; therefore almost no development of the parcel can occur without a variance. Staff believes there is no reasonable alternative to the variance and that strict adherence to the regulations requires would not allow for any terrace or patio, greater than 50 square feet, accessory to the existing single family dwelling. The adjacent structure to the north is located approximately 200 ft. from the proposed terrace and the adjacent structure to the north east is located over 60 ft. away.

- 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 terrace addition to the dwelling will not alter the essential character of the surrounding neighborhood and it will be visually and architecturally consistent with the existing single-family dwelling. The applicant is proposing to use either stucco or stone to match complement the exterior materials of the dwelling. Further, staff believes that the terrace addition

to the existing single-family dwelling will not be injurious to the use or enjoyment of other property in the vicinity because the terrace addition will be constructed at a great distance, 200 ft. and 60 ft. to the adjacent structures. The purpose of required yards is to provide for orderly development and use of land and to minimize conflicts among land uses by providing adequate light, air, open space and separation of uses. The subject property is on a reverse corner – triangular-shaped lot, with frontage on both Cedar Lake Road and Thomas Avenue South. Staff believes that the proposed addition meets the intent of the ordinance.

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.

The proposed terrace to the existing single-family dwelling will not increase street congestion or be detrimental to public safety. The materials and design are durable and are in keeping with the architectural character of the property.

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 front yards along Cedar Lake Road and Thomas Avenue South to allow for an 8ft. by 15 ft. terrace to the front of an existing single-family dwelling on a reverse corner lot located at 628 Cedar Lake Road in the R1A Single-Family District, subject to the following conditions:

1. Community Planning and Economic Development Department – Planning Division staff review and approval of the site and elevation plans.
2. The exterior materials complement the existing dwelling.

Attachments:

- 1) Written descriptions and findings submitted by the applicant
- 2) Copy of e-mail sent to Bryn Mawr and CM Goodman
- 3) Correspondence from the neighborhood organization
- 4) Zoning map
- 5) Site plan
- 6) Elevations
- 7) Photographs