

**Department of Community Planning and Economic Development - Planning Division Report**

Variance Request  
BZZ-4377

**Date:** June 11, 2009

**Applicant:** Patti Jo Erickson

**Address of Property:** 1120 E 36<sup>th</sup> Street

**Contact Person and Phone:** Patti Jo Erickson, 612-729-5708

**Planning Staff and Phone:** Chris Vrchota, (612) 673-5467

**Date Application Deemed Complete:** May 1, 2009

**Publication Date:** June 5, 2009

**Public Hearing:** June 11, 2009

**Appeal Period Expiration:** June 22, 2009

**End of 60 Day Decision Period:** June 16, 2009

**Ward:** 8      **Neighborhood:** Powderhorn Park

**Existing Zoning:** R2B- Two-Family Residential; SH- Shoreland Overlay

**Proposed Use:** Construction of handicapped accessibility entryway and 2<sup>nd</sup> floor balcony.

**Proposed Variances:** A variance to reduce the established front yard setback along 12<sup>th</sup> Avenue South from approximately 31.5 feet to feet to 13 feet.

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

**Background:** The subject property, 1120 E 36<sup>th</sup> St. is zoned R2B and is located in the shoreland overlay district. The lot measures 47x124, totaling 5,828 square feet. The property is a reverse corner lot featuring a 2.5 story duplex constructed in 1924. A detached garage, also built in 1924, sits at the rear of the lot adjacent to the alley.

**Proposal:** The applicant is proposing to construct a wheelchair lift at the rear entrance to the property. She is also proposing to expand the 2<sup>nd</sup> floor balcony to provide required cover for the wheelchair lift. The new entry landing/wheel chair lift would be 8x10; the 2<sup>nd</sup> floor balcony above would be 8x12. A 8x6 concrete slab would be installed at the base of the ramp. (See Appendix C-2.)

**Public Comment:** No public comments have been received.

**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 variance to reduce the established front yard setback to allow for the construction of a wheelchair lift on the rear of the house. The property is a reverse corner lot, with an increased setback requirement due to the placement of the property to the north. The existing house was built in the current location prior to the creation of the established front yard setback requirement. The proposed entryway with lift and 2<sup>nd</sup> floor balcony/shelter would not sit any closer to the property line than the existing house already does. The new elements would be replacing existing porches and minimally increasing the footprint of the property. The existing rear entrance is connected by a sidewalk to the detached garage, making it the logical location for a handicapped accessible entrance. The fact that the property is a reverse corner lot and the pre-existing location of the house and rear entrance within the setback area creates a hardship in this case.

- 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 subject property was built in its current location in 1924, prior to the creation of the established front yard setback requirement. The rear entrance, the most logical location for an accessible entrance, was built at the northeast corner of the house. These conditions are unique and were not created by the applicants.

- 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.**

Granting of the variance will be keeping with the spirit and intent of the ordinance. It could negatively alter the essential character of the locality. The ordinance was created to keep houses from being built or expanded significantly closer to the property line than the neighboring properties, harming the established character of the neighborhood. The existing footprint of the property would be minimally increased and the structure would not be set substantially closer to the property lines than the existing garage does.

- 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 of the variances would have no impact on the congestion of area streets or fire safety, nor would the variance be detrimental to the public welfare or endanger the public safety.

**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 established front yard setback along 12<sup>th</sup> Avenue South from approximately 31.5 feet to feet to 13 feet, subject to the following conditions:

1. CPED-Planning review and approve final site plan, floor plans, and elevations.
2. New trim will be painted to match existing trim on house.

**Attachments:**

Appendix A: Zoning map

Appendix B: Statement of proposed use and request of variance statements

Appendix C: Site Plan, Building Plans and Elevations

Appendix D: Photographs