

**Department of Community Planning and Economic Development - Planning Division Report**  
Variance  
BZZ-4684

**Date:** February 11, 2010

**Applicant:** Al Theisen

**Address of Property:** 5137 Vincent Avenue South

**Project Name:** 5137 Vincent Avenue South

**Contact Person:** Al Theisen, (612) 616-0198

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

**Date Application Deemed Complete:** January 13, 2010

**End of 60 Day Decision Period:** March 14, 2010

**Ward:** 13      **Neighborhood Organization:** Fulton Neighborhood Association

**Existing Zoning:** R1A Single Family District

**Zoning Plate Number:** 36

**Legal Description:** Not applicable

**Proposed Use:** An addition to an existing single family home

**Variance:** to reduce the front yard setback established by connecting a line between the two adjacent residential structures along Vincent Avenue South from approximately 42 ft. to 39 ft. in order to allow for the construction of a second-story to an existing single-family dwelling

**Zoning code section authorizing the requested variance:** Chapter 525, Article IX Variances, Specifically 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 60 ft. by 128 ft. (7,680 sq. ft.). The property consists of an existing one and a half-story dwelling on an interior lot. The existing dwelling is located approximately 39 ft. to the front property line. The adjacent structure to the north is of similar design and is also located 30 feet to the front property line. The adjacent structure to the south, however, is located approximately 47 ft. to the front property line. The minimum front yard setback in the R1A District is 20 ft. However, the required front yard shall be increased where the established front yard of the closest principal building originally designed for residential purposes located on the same block face on either side of the property exceeds the front yard required by the zoning district. In this case, the front yard setback is increased to approximately 42 ft. based on the location of the adjacent structures.

The applicant is proposing to remove the existing gable roof and add a full second-story above the existing first floor of the existing single family dwelling and add a 4/12 pitch gable roof. The minimum front yard setback along Logan Avenue South is approximately 42 feet and the proposed addition will be located approximately 39 feet to the front property line. Approximately 20 sq. ft. of the proposed second floor addition is located closer than 42 ft. to the front property line. Therefore, the applicant is seeking a variance to reduce the required front yard setback from 42 ft. to approximately 39 ft. to allow for the proposed second-story addition.

As of writing this staff report, staff has not received any correspondence from the Fulton Neighborhood Association. Staff will forward 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 the front yard setback along Vincent Avenue South from 42 ft. to approximately 39 ft. to add a second story above the existing first floor of an existing single-family dwelling. The existing dwelling is currently nonconforming to the front yard setback. The structure to the south appears to have a setback considerably more than the remaining structures on this side of the block. Strict adherence to the regulations requires that the addition be located behind the minimum of 42 ft. front yard setback. Staff believes that the proposed location of the addition would allow for 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.**

The conditions upon which the setback variance is requested are unique to the parcel. The location of the adjacent structures is not a circumstance that has not been created by the applicant. Only a portion of the proposed addition, approximately 20 sq. ft., is located in the required yard. The adjacent structure to the north is also located 30 ft. to the front property line.

- 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 proposed variance will not be injurious to the use of the adjacent property, due to the size and location of the proposed addition. The principal structure is only increasing by approximately 6 ft. in height and on the same footprint as the existing structure. Only a portion of the proposed addition, approximately 20 sq. ft., is located in the required yard. The adjacent structure to the north is also located 30 ft. to the front property line. In addition, the exterior materials of the addition will be consistent with the existing single family dwelling.

**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 the side yard setback variance 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.

**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 front yard setback established by connecting a line between the two adjacent residential structures along Vincent Avenue South from approximately 42 ft. to 39 ft. in order to allow for the construction of a second-story to an existing single-family dwelling located at 5137 Vincent Avenue South 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 shall match the existing dwelling.

**Attachments:**

- 1) Written descriptions and findings submitted by the applicant
- 2) Copy of e-mail sent to Fulton Neighborhood Association and CM Hodges
- 3) Zoning map
- 4) Site plan
- 5) Building elevations
- 6) Floor plans
- 7) Photographs