

Department of Community Planning and Economic Development – Planning Division

Variance Request
BZZ-3380

Date: January 18, 2007

Applicant: Eric & Leslie Stacey

Address of Property: 5201 Upton Avenue South

Contact Person and Phone: Eric Stacey, (612) 285-5807

Planning Staff and Phone: Brian Schaffer, (612) 673-2670

Date Application Deemed Complete: December 27, 2006

Public Hearing: January 18, 2007

Appeal Period Expiration: January 29, 2007

End of 60 Day Decision Period: February 25, 2007

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

Existing Zoning: R1 Single Family District

Proposed Use: An addition to a single family dwelling

Proposed Variance: A variance to reduce the front yard setback along 52nd Street West from 25 feet to 18 feet to allow for a two-story addition and a one stall attached garage on a reverse corner lot at 5201 Upton Avenue South in the R1 Single Family District.

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

Background: The subject property is a reverse corner lot that is approximately 55 ft. by 142 ft. (8,106 square feet) and consists of an existing two-story single family dwelling with an attached one-story single car garage. The existing dwelling at its closest to the 52nd Street is 20 feet from the property line. The district front yard setback is 25 feet.

The applicant is proposing to remove the one story addition to the east of the dwelling and replace it with a two story addition and an attached one car garage. The proposed two story addition is 14 feet by 24 feet and contains a new family room and mudroom and master bedroom and bath. It will be set in 2 feet from the existing dwelling and be 22 feet from the north property line along 52nd Street. The attached one story single car garage is 14 feet 6 inches by 20 feet and will extend 2 feet closer to 52nd

Street than the existing dwelling and will be located 18 feet from the north property line. In total, the addition and the attached garage will extend eastward five feet further than the existing addition and attached garage and will be 54 feet from the east property line. The proposed two story addition follows the existing south building wall and will be 9 feet from the south interior property line. The proposed attached one stall garage is set an additional 8 feet in from the existing south building wall and is 17 feet from the south interior property line.

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 a variance to reduce the reverse corner front yard setback along 52nd Street West from 25 feet to 18 feet to allow for a two-story addition and a one-story single stall attached garage to the existing single family dwelling. Strict adherence to the Zoning Ordinance prohibits a principle structure to be located less than the 25 feet from the reverse corner front property line and would not allow for the proposed addition to the existing single-family dwelling. The current home is located 20 feet from the north side property line along 52nd Street West. The required setbacks of 25 feet along 52nd Street West and 6 feet along the south interior property line result in 31 feet of required yard setbacks.

The Zoning Ordinance allows for a detached garage to be located at 67 percent of the district setback on reverse corner lots. The district setback in this instance is 25 feet and would allow a detached garage up to 26 feet by 26 feet in size to be built 16 feet 8 inches away from north side property line along 52nd Street West. The proposed attached garage is 20 feet deep by 14 feet wide. Staff believes the addition is a reasonable use of the property and recognizes the hardship on the property created by the lot and the location of the subject dwelling.

- 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 setback variance is requested are unique to the parcel of land due to the location of the existing dwelling. As previously mentioned, the subject dwelling is located 20 feet from the north property line. The lot is a reverse corner lot and has a required setback of 25 feet from 52nd Street West. The additional 6 foot required interior side yard setback results in a total of 31 feet of required yard setbacks. The required setbacks of this lot and the location of the existing dwelling are unique to the parcel of land and not created by the applicant.

- 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.**

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Granting the variance will not negatively alter the essential character of the surrounding neighborhood. The proposed two story addition will add increased bulk to the structure which could affect the neighborhood character by creating a walled affect along 52nd Street. The proposed addition is set in two feet from the existing dwelling and is located 22 feet from the north property line. The impact of the added mass of the addition is reduced by the stepping down from the two story addition to the one-story single stall attached garage. The extent of the addition and the attached garage is 54 feet from the east property line. This large distance will also help reduce the impact of the addition on the neighboring property to the east, 2701 52nd Street West.

The location of the proposed addition is along the existing south building wall of the dwelling, which is 9 feet from the south interior property line, and the proposed garage is 17 feet from the south interior property line. Requiring the garage and the addition to meet the 25 foot front yard setback along 52nd Avenue would likely result in a design that shifts the addition and garage south 3 feet. This design would meet the Zoning Ordinance, but would have a negative impact on the dwelling located at 5205 Upton Avenue South. The proposed location of the addition and garage reduces the impact of the added mass on the dwelling located at 5205 Upton Avenue South.

Constructing an addition to the subject dwelling would not be out of character with the neighboring properties. The immediate two homes to the south and to the east of the subject site have additions to the original dwellings. The home across of 52nd Street West, 5136 Thomas Avenue South also has an addition. Staff believes the proposed addition will not alter the essential character of the neighborhood or be injurious to other property.

- 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.**

Provided the addition complies with applicable provisions of the building code, granting the 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 along 52nd Street West from 25 feet to 18 feet to allow for a two-story addition and a one stall attached garage on a reverse corner lot at 5201 Upton Avenue South in the R1 Single Family District subject to the following condition:

1. CPED-Planning review and approve final site plan, floor plans, and elevations.