

Department of Community Planning and Economic Development - Planning Division Report

Variance Request
BZZ-4313

Date: March 26, 2009

Applicant: David J. Kelly, AIA (Architect on behalf of Jeffrey Caron/Bulou Properties)

Address of Property: 409 Cedar Lake Road S

Contact Person and Phone: David J. Kelly, AIA- 952-922-2220

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

Date Application Deemed Complete: February 12, 2009

Publication Date: March 20, 2009

Public Hearing: March 26, 2009

Appeal Period Expiration: April 6, 2009

End of 60 Day Decision Period: April 10, 2009

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

Existing Zoning: OR1

Proposed Use: Construction of a one-story side addition

Proposed Variance: A variance to reduce the interior side yard setback from 7 feet to 0 feet and the front yard setback from 15 feet to 10.1 feet.

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

Background: The subject property, 409 Cedar Lake Road S, is zoned OR1. It measures 42 ft. x 140.23 ft. (5,889 square feet). The property is an interior lot that contains a 1½ story, multi-use building constructed in 1928. The structure is located 11.7 feet from the northeast interior side lot line, and 10.1 feet from the front lot line.

Proposal: The owners are proposing to add a 700 square foot one-story addition on the northeast side that would follow the existing front building wall and be built up to the northeast side property line. The rear 16'-8" of the addition would be set back 3 feet from the property line to allow for the placement of windows in accordance with zoning and building code requirements.

Requested Variance Explanation: The subject property is located 11.7 feet from the east property line. To meet the setback, any building addition in this location would be limited to 4.7 feet in width. Additionally, to meet the front yard setback, the addition would have to be set back 5-feet further than the existing building face.

The structure sits 4.5 feet from the west property line, making an addition on that side impossible without also requiring a variance. The west side also abuts a residential use, while the east side is adjacent to commercial uses, including a structure that is built up to the shared property line.

There is potentially room for an addition on the rear of the site. However, this area is the location of the only on-site parking on the lot. Locating the addition here would likely result in the loss of all on-site parking.

Public Comment: No public comment received to date.

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 lot is relatively narrow, and offers little room for the expansion of the building. The only area where the building could be expanded without requiring a variance is in the rear of the property. Expansion of the building into the rear yard would require the removal of the only on-site parking stalls provided. Because there is technically room in the rear yard of the property for a building addition, and the property already functions in its current state as a commercial property, CPED does not recognize a hardship on the lot for the variance request. However, it recognizes the proposed addition as a reasonable request for the ongoing 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 structure was built in its current location in 1928, prior to the establishment of setback requirements. The existing structure already sits closer to the front property line than the required setback. Additionally, the property acts as a transitional buffer between the commercial properties to the east and the residential properties to the west. These conditions create unique circumstances for the property.

- 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 and will not negatively alter the essential character of the locality.

The spirit and intent of the interior side yard setbacks includes trying to provide adequate privacy and buffering between buildings. In this case, however, the adjoining lot hosts a commercial use and the structure is built up to the property line. Additionally, the property is part of an identified Neighborhood Commercial Node. The commercial sites in the node are built out, leaving on-site expansion as the only way for a business to grow while remaining in the area.

- 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. The rear 16'-8" of the addition would be set back 3 feet from the property line to allow for the placement of windows in compliance with applicable fire and zoning code requirements.

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 interior side yard setback from 7 feet to 0 feet and the front yard setback from 15 feet to 10.1 feet, subject to the following condition: CPED-Planning review and approve the final site plan, floor plans, and elevations.

Attachments:

Appendix A: Zoning map

Appendix B: Statement of proposed use and Description of Project

Appendix C: Survey, site plan, elevations, and floor plans

Appendix D: Applicant photos