

Department of Community Planning and Economic Development – Planning Division**Variance Request
BZZ-3158**

Date: August 17, 2006

Applicant: William Elwood

Address of Property: 2847 East Lake of the Isles Parkway

Contact Person and Phone: William Elwood, (612) 871-6946

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

Date Application Deemed Complete: July 26, 2006

Public Hearing: August 17, 2006

Appeal Period Expiration: August 28, 2006

End of 60 Day Decision Period: September 25, 2006

Ward: 10 **Neighborhood Organization:** East Isles Residents Association

Existing Zoning: R1, Single-family Residential District & SH, Shoreland Overlay District

Proposed Use: An egress window on the south side of a single family dwelling.

Proposed Variance: William Elwood has applied for a variance is to reduce the south side yard setback from 6 feet to 0 feet to allow for an egress window at 2847 East Lake of the Isles in the R1 and SH Districts.

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

Background: The subject property is located on an interior lot that is approximately 53 ft. by 117 ft. (6,100sq. ft.). The property currently contains a single family dwelling that is oriented askew to the lot. At its closest the subject dwelling is 0.8 feet from the south property line and at its farthest it is four feet. The dwelling is approximately eight feet from the north property line

The applicant is proposing to add a bedroom to the existing single family dwelling. In order to allow for a legal bedroom in the basement an egress window will be required by the Building Code. A legal egress window well is required to be 3 feet in depth, with a minimum opening of 9 square feet. The dwelling is setback 3 feet from the south property line at the location of the proposed egress window. An egress window is a permitted obstruction in the required interior side yard. However, the Zoning Ordinance

states that the egress window opening shall not be closer than 2 feet to the property line. The intent of this ordinance is to allow for a walkway between the egress window and the property line. The proposed egress window well opening will be located along the property line and therefore will need a variance reduce the required side yard setback from five feet to zero feet.

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 south interior side yard setback from 6 feet to 0 feet to allow for an egress window on a single family dwelling. Strict adherence to the Zoning Ordinance prohibits an egress window opening within two feet of the property line and would not allow for an egress window in the proposed location. The applicant states that the proposed location “is the only window that can be enlarged to an egress window as all others are obstructed by overhangs, counters, sinks, and utilities.” Staff believes there are alternative locations for an egress window along the north building wall that do not require a variance. Staff believes that the property can be put to reasonable use and does not believe there is undue hardship caused by strict adherence to the Zoning Ordinance.

- 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 side yard setback variance is requested are unique to the parcel of land due to the location of the dwelling on the lot and skewed orientation of the existing dwelling relative to the property. The front south corner of the dwelling is located 0.8 feet from the property line the rear west corner is four feet from the property line. This is a circumstance that is unique to this parcel 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.**

Staff believes that the construction of the addition of an egress window to the single-family dwelling will not alter the essential character of the surrounding neighborhood. The addition of a basement bedroom to a single family dwelling will not change the character of the single family homes of the area.

The egress window opening at the proposed location may be injurious to the use or enjoyment of other property in the vicinity. The neighbor immediately to the south of 2847 East Lake of the Isles Parkway, Constance Baillie at 2851 East Lake of the Isles Parkway, has written a letter of

support for the project. The impacts of the proposed egress window will likely be most experienced at this adjacent 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.**

Granting the setback variance would likely not increase the impact on the congestion of area streets or fire safety, nor would it 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 **deny** the variance to reduce the required south interior side yard setback from 6 feet to 0 feet to allow for the installation of an egress window on the single family dwelling at of 2847 East Lake of the Isles Parkway in the R1A, Single Family District.