

Department of Community Planning and Economic Development – Planning Division**Variance Request
BZZ-2056****Date:** December 2, 2004**Applicant:** Patrick Fahey**Address of Property:** 2515 52nd Street West**Contact Person and Phone:** Jim Scott of Choice Wood Company, (952) 924-0043**Planning Staff and Phone:** Tanya Holmgren, (612) 673-5887**Date Application Deemed Complete:** October 26, 2004**End of 60 Day Decision Period:** December 25, 2004**End of 120 Day Decision Period:** February 23, 2005**Ward:** 13 **Neighborhood Organization:** Fulton Neighborhood Association**Existing Zoning:** R1, Single-family Residential District**Proposed Use:** A front addition to a single-family dwelling.

Proposed Variance: A variance to reduce the required front yard setback along 52nd Street West from the setback established by connecting a line between the front two corners of the two adjacent residential structures to 25.5 ft. to allow for the construction of a front entry addition and a two-car attached garage to an existing single-family dwelling.

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

Background: The subject property is approximately 70 ft. by 130 ft. (12,090 sq. ft.) with a portion of the adjacent property added to allow for street access and a driveway and consists of an existing single-family dwelling and attached garage that are angled on the lot. The applicant is proposing to remodel and update the existing dwelling. A portion of this remodel is the addition of a new vestibule that fronts onto 52nd Street West. The applicant has obtained permits for two rear additions and for a new two-car attached garage. The attached car portion of the permit was issued in error, because the garage does not meet the front setback requirement and does not meet the 15 percent window requirement fronting a public street. The applicant is seeking a variance to reduce the required front yard setback along 52nd Street West to 25.5 ft. to allow for the construction of a front entry addition and a two-car attached garage to an existing single-family dwelling. The new vestibule will maintain a 27.5 ft. setback from 52nd Street West and the new attached garage will

maintain a 25.5 ft. setback. The existing one-car attached garage maintains a 25.5 ft. setback from 52nd Street West, however the existing garage will be removed, and the majority of the two-car garage is located in front of the established setback. The adjacent dwelling to the west is setback approximately 30 ft. from the front property line and the adjacent dwelling to the east is setback approximately 50 ft. The existing dwelling on the subject site maintains a 30 ft. setback from 52nd Street West.

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.**

Front yard setback: The applicant has requested variance to reduce the established front yard setback along 52nd Street West to 25.5 ft. to allow for the construction of a front entry addition and a two-car attached garage addition to an existing single-family dwelling. The adjacent single-family dwelling to the north is setback 30 ft. and the adjacent single-family dwelling to the south is setback 50 ft. from the front property line. Strict adherence to the regulations requires that the entire dwelling be constructed behind the established front yard setback, despite the location of the existing structure. The nearest corner of the existing dwelling on the subject site is 31 ft. from the front property line and the existing attached garage is 25.5 ft. Strict adherence to the regulations would not allow the front vestibule or the two-car attached garage additions to the existing single-family dwelling, which is a 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.**

Front yard setback: The circumstances upon which the setback variance is requested are unique to the parcel of land due to the location of the existing dwellings on the adjacent properties and on the subject property. The location of the existing structures is not a circumstance created by the applicant. The existing dwelling on the subject site is angled on the lot and has its front corner 31 ft. from the front property line and the existing attached garage is 25.5 ft. The alternative to the variance would cause an undue hardship to the property owner, by not allowing the construction of the proposed front entry addition and attached garage to the existing single-family dwelling. Additionally, the applicant has already received a permit to construct the two-car attached garage.

- 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.**

Front yard setback: Staff believes the additions will not alter the essential character of the surrounding neighborhood. The existing dwelling has an attached garage in approximately the same location as the proposed addition and maintains an identical setback as the existing garage. The front entrance will be located 2 ft. behind the existing 25.5 ft. setback. Staff believes that the new additions to the single-family dwelling will not be injurious to the use or enjoyment of other property in the vicinity. Staff believes that the proposed additions to the existing dwelling meet the intent of the ordinance by remodeling a single-family dwelling to be more consistent with other properties in the vicinity and by maintaining a similar setback to the neighborhood. The two proposed additions are consistent with the existing dwelling and will not be out of scale or character.

- 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.**

Front yard setback: Granting the front yard setback variance would likely have no impact on the congestion of area streets or fire safety, nor would the rear addition 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 required front yard setback along 52nd Street West from the setback established by connecting a line between the front two corners of the two adjacent residential structures to 25.5 ft. to allow for the construction of a front entry addition and a two-car attached garage to an existing single-family dwelling subject to the following conditions:

1. Review and approval of final site and elevation plans by the Planning Department.
2. That the applicant include one additional window on the front façade of the new addition of the vestibule and attached garage to meet the 15 percent window requirement for street facing facades.