

Department of Community Planning and Economic Development – Planning Division**Variance Request
BZZ-2859**

Date: April 6, 2006

Applicant: Jeffrey and Amy Roe

Address of Property: 5101 Dupont Avenue South

Contact Person and Phone: Jeffrey and Amy Roe, (612) 824-7041

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

Date Application Deemed Complete: February 28, 2006

End of 60 Day Decision Period: April 29, 2006

Appeal Period Expiration: April 17, 2006

Ward: 13 **Neighborhood Organization:** Lynnhurst Neighborhood Association

Existing Zoning: R1, Single-family Residential District

Proposed Use: An addition to an existing single-family dwelling.

Proposed Variance: A variance to reduce the south interior side yard setback from 6 ft. to 4 ft. 10 1/8 in. to allow for the construction of a 2-foot cantilever on the first floor of an existing single-family dwelling located at 5101 Dupont Avenue South in the R1 Single-Family District.

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

Background: The subject property is approximately 50 ft. x 128.4 ft. (6,400sq. ft.). The location of the kitchen within the existing structure is approximately 6 ft. 10 1/8 in. from the south interior side property line. The required side yard setback in the R1 district is 6 ft. from the interior side property line. The existing structure is currently non-conforming to the interior side yard setback, 5 ft. 5 1/2 in. to the south property line. The applicant is proposing to construct a 1-story cantilevered addition onto the south side of the dwelling to allow for additional area in the kitchen. The cantilevered addition will be approximately 2 ft. x 15 ft. 2 5/8 in.

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.**

Interior side yard setback: The applicant has requested a variance to reduce the required south interior side yard setback from 6 ft. to 4 ft. 10 1/8 in. to allow for a 2 ft. by 15 ft. 2 5/8 in. cantilevered addition to an existing single-family dwelling. The applicant is proposing to expand the existing kitchen of the dwelling on the south side of the dwelling. The applicant states that this location is the most logical placement due to the configuration of the lot. Strict adherence to the regulations would not allow for the cantilevered addition to the existing single-family dwelling. Staff believes that alternatives for reasonable use exist for the applicant to construct an addition, in such a way, that a variance will not be required.

- 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.**

Interior side yard setback: The applicant has requested a variance to reduce the required south interior side yard setback from 6 ft. to 4 ft. 10 1/8 in. to allow for a cantilevered addition to an existing single-family dwelling. The applicant states that this addition is needed due largely to structural issues created by the applicant's remodeling of the existing single family home. Strict adherence to the regulations would not allow for the cantilevered addition to the existing single family dwelling. Instead, the applicant has reasonable alternatives for an addition to the existing single family dwelling in a location where the variance would not be required.

- 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.**

Interior side yard setback: The addition would not likely alter the essential character of the surrounding neighborhood or be injurious to the use or enjoyment of adjacent property. The adjacent property is located 6 ft. from the property line and would be located approximately 10 ft. from the proposed cantilever. However, staff believes that the proposed addition would be even less likely to be injurious to the use or enjoyment of other property in the vicinity, if the addition were constructed within the existing line of the 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.**

Interior side yard setback: Granting the interior side yard setback variance would likely have no impact on the congestion of area streets or fire safety, nor would the proposed addition be

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detrimental to the public welfare or endanger the public safety provided the addition would comply with applicable regulations of the building code.

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 **deny** the variance to reduce the south interior side yard setback from 6 ft. to 4 ft. 10 1/8 in. to allow for the construction of a 2-foot cantilever on the first floor of an existing single-family dwelling located at 5101 Dupont Avenue South in the R1 Single-Family District.