

**Department of Community Planning and Economic Development - Planning Division Report**

Variance Request  
BZZ-3205

**Date:** September 21, 2006

**Applicant:** William Garner

**Address of Property:** 5920 Diamond Lake Lane

**Contact Person and Phone:** William Garner, (612) 822-3230

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

**Date Application Deemed Complete:** August 28, 2006

**Public Hearing:** September 21, 2006

**Appeal Period Expiration:** October 2, 2006

**End of 60 Day Decision Period:** October 27, 2006

**Ward:** 11      **Neighborhood Organization:** Hale, Page and Diamond Lake Community Association

**Existing Zoning:** R1 Single Family District and SH Shoreland Overlay District

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

**Proposed Variance:** A variance to reduce the required front yard setback along Diamond Lake Lane from 25 ft. to 19 ft. to allow for the construction of a new front vestibule addition of approximately 210 square feet to an existing single family dwelling located on reverse corner lot at 5920 Diamond Lake Lane in the R1 Single Family District and SH Shoreland Overlay District.

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

**Background:** The subject site is on a reverse corner lot that consists of an existing single-family dwelling on a lot measuring approximately 60 ft. x 170 ft. (10,200sq. ft.). The applicant is proposing to construct a new front vestibule addition onto the east side of the dwelling. The addition will project approximately 8 ft. from the existing front wall of the house on the east side, which will be located 19 ft. from the property line. The Zoning Ordinance allows vestibules as permitted obstructions in the required front yard if they are no larger than 50 sqft and project no more than 5 ft. into the required yard. Due to the square footage of the proposed vestibule addition, it does not qualify to be a permitted obstruction and instead a variance is required. The adjacent house to the north is located approximately 17 ft. to the east property line, along Diamond Lake Lane.

In addition to the proposed vestibule addition, the applicant proposes to add a new second story over the existing first floor. This part of the project will not require a variance.

**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 is seeking a variance to the required front yard setback from 25 ft. to 19 ft. to allow for the construction of a new vestibule addition of approximately 210 sqft to an existing single-family dwelling. The existing dwelling on the subject property is located 27 ft. from the east front property line at the closest point. The minimum front yard setback in the R1 District is 25 ft. The single-family home located adjacent to the property has established a 17 ft. setback, which is less than the district setback of 25 ft. In addition, vestibules are a permitted obstruction in the required front yard if they are no larger than 50 sqft. The applicant has stated that the vestibule addition is to allow for an appropriate transition area between the front door and living room and to allow for a new closet and stair to the proposed second floor addition. Strict adherence to the regulations would not allow for the proposed addition to the existing single-family dwelling that will have a greater setback as a result of the parcel located on a reverse corner lot. Based on the submitted information staff believes that the proposed vestibule addition to the existing single family home 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 type of lot and the required district front yard setback. As previously mentioned, the subject site is on a reverse corner lot, which puts an undue hardship on the applicants, because strict adherence to the code would not allow for this addition. The home is located 27 ft. from the property line and the addition would be located 8 ft. further than the home currently exists to allow for a vestibule and a new staircase. This is unique to this parcel and not created by the applicant, because the required setback is greater than the established and because the lot is on a reverse corner. The alternative to the variance would cause a hardship to the property owner, by not allowing the proposed vestibule addition.

- 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 setbacks:** Staff believes the addition to the existing single-family dwelling will not substantially alter the essential character of the surrounding neighborhood. There are a number of properties in the neighborhood that are similarly located close to the property lines, including the property to the north that is located 17 ft. to the east property line. Staff believes that the addition will not be injurious to the use or enjoyment of other property in the vicinity because it will not be located any closer to the property line than the location of the existing dwelling to the north and will be constructed in character and building material with the existing dwelling. Staff believes the addition meets the intent of the ordinance, by allowing an addition that meets the other requirements of the district and that is characteristic of the dwelling. The proposed addition also meets the requirement of the zoning code requiring a minimum of 15 percent windows of the portion of the new addition facing Diamond Lake Lane per 535.90 (c).

**535.90. Minimum size and width, principal entrance and windows, and location of attached garage requirements for residential uses.**

(c) *Windows* . Not less than fifteen (15) percent of the walls on each floor of single and two-family dwellings and multiple-family dwellings of three (3) and four (4) units that face a public street shall be windows. Not less than five (5) percent of the walls on each floor of single and two-family dwellings and multiple-family dwellings of three (3) and four (4) units that face a rear or interior side lot line shall be windows. Half stories shall not be subject to the minimum window requirement.

- 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 setbacks:** Provided the project complies with the building code, granting the front yard setback 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 Diamond Lake Lane from 25 ft. to 19 ft. to allow for the construction of a new front vestibule addition of approximately 210 square feet to an existing single family dwelling located on reverse corner lot at 5920 Diamond Lake Lane in the R1 Single Family District and SH Shoreland Overlay District subject to the following conditions:

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1. Review and approval of final site and elevation plans by the CPED Planning staff.
2. That the addition meets the requirement of at least fifteen percent glazing on each floor facing the public street as required by section 535.90(c) of the zoning code.