

Department of Community Planning and Economic Development – Planning Division**Variance Request
BZZ-2937**

Date: May 4, 2006

Applicant: Lon Oberpriller on behalf of Ronald P. Zelinsky

Address of Property: 5604 James Avenue South

Contact Person and Phone: Lon Oberpriller, (952) 836-2780

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

Date Application Deemed Complete: April 3, 2006

Public Hearing: May 4, 2006

Appeal Period Expiration: May 15, 2006

End of 60 Day Decision Period: June 2, 2006

Ward: 13 **Neighborhood Organization:** Kenny Neighborhood Organization

Existing Zoning: R1A, Single-family Residential District

Proposed Use: Construction of a new single-family dwelling.

Proposed Variance: A variance to reduce the front yard setback established by the front corners of the two adjacent residential structures along James Avenue South to 30 feet to allow for the construction of a single-family dwelling in the R1A District at 5604 James Avenue South.

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

Background: The subject property is located on an interior lot that is approximately 40 ft. by 127 ft. (5,080 sq. ft.). The applicant is proposing to construct a two story single-family dwelling with a detached garage. The proposed location of the new single-family dwelling is 30 feet from the front property line. The front yard setback established by the front corners of the two adjacent residential structures along James Avenue South is approximately 53 ft. The proposed dwelling and garage meet the required side yard and rear yard setbacks of the R1A District.

Staff has reviewed the proposed dwelling for compliance with Section 530.280 of Minneapolis Zoning Code regarding Design Standards for Single Family Dwellings. The proposed home meets the site plan review standards by receiving 19 of 24 available points. The proposed dwelling received points for

including a detached garage, a basement as defined by the Building Code, having windows on twenty (20) percent of the walls facing a public street, having windows on ten (10) percent of the walls facing the rear and the interior side lot, a roof pitch of 8/12, and having a deciduous tree in the front yard.

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 a variance to reduce the required front yard setback along James Avenue South to 30 feet to allow for the construction of a new single-family dwelling on an interior lot. The adjacent single-family dwelling to the south of the subject property is setback approximately 60.5 feet from the front property line and the neighbor to the north is located 30.9 feet from the front property line. Strict adherence to the regulations would require that the entire dwelling is constructed behind the established front yard setback. Staff believes, however, that constructing the new dwelling to match the setback of the adjacent dwelling to the north would be more appropriate and allow reasonable use of the property. The proposed setback is consistent with dwellings along the majority of the block face.

- 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 variances are requested are unique to the parcel of land due to the configuration of the dwelling on the adjacent property to the south. As previously mentioned, the adjacent parcel is setback 60.5 feet from the front yard property line and therefore imposes a greater setback than the district minimum front yard setback of 20 feet. This is a circumstance that is unique to this parcel and not created by the applicant. The alternative to the variance would allow for the construction of the proposed single family dwelling and detached garage; however it would greatly reduce the rear yard and would cause undue hardship to the property owner.

- 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 new single-family dwelling will not alter the essential character of the surrounding neighborhood. The area is zoned R1A and consists primarily of single and two family dwellings. Staff believes that the new single-family dwelling will not be injurious to the use or enjoyment of other property in the vicinity, if it is constructed at 30 feet to the front property line; a location that is consistent not only with the home to the north, but also with many of the homes along the 5600 block of James Avenue South

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 setback variance would likely have no 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 **approve** the variance to reduce the required front yard setback along James Avenue South from to 30 feet to allow for the construction of a new single-family dwelling at 5604 James Avenue South in the R1A, Single Family District to the following conditions:

1. Review and approval of the final site plan and elevations by CPED-Planning.
2. That the project shall comply with site plan review requirements for new construction as required by Chapter 530 of the zoning code.