

**Department of Community Planning and Economic Development – Planning Division****Variance Request  
BZZ-4150**

**Applicant:** Bob Lemoine, on behalf of Jeremy and Bonnie Cram

**Address of Property:** 2925 West 47<sup>th</sup> Street

**Contact Person and Phone:** Bob Lemoine, (612) 692-8850

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

**Date Application Deemed Complete:** July 25, 2008

**Publication of Staff Report:** August 22, 2008

**Public Hearing:** August 28, 2008

**Appeal Period Expiration:** September 8, 2008

**End of 60 Day Decision Period:** September 24, 2008

**Ward:** 13      **Neighborhood Organization:** Linden Hills Neighborhood Council

**Existing Zoning:** R1A Single Family District & SH Shoreland Overlay District

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

**Proposed Variance:** A variance to reduce the established front yard setback along Washburn Avenue South from 22 feet 6 inches to 15 feet to allow for a rear two-story addition along the existing building wall of a single family dwelling on a reverse corner lot located at 2925 West 47<sup>th</sup> Street.

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

**Background:** The subject site is a reverse corner lot that is 67 feet wide and 81 feet deep (5,427 square feet). The property consists of a two-story Dutch Colonial single family dwelling with an existing detached garage.

The applicant is proposing to remove the existing detached garage and construct a two-story rear addition that includes a detached garage. A one-story, four foot long, portion of the addition will follow the existing west building wall of the home, which is 15 feet from the property line along Washburn Avenue South. The two-story portion of the addition is stepped back 15 feet 6 inches from the building wall along Washburn and will be 30 feet 6 inches from the property line along Washburn Avenue and 5 feet from the south property line. The two story portion of the addition will contain an attached garage

and a master bedroom. The existing structure with the proposed addition will have an FAR of 48.7 percent and is well below the impervious surface and building coverage maximums.

The subject property is a reverse corner lot and it is subject to front yard setbacks along both the West 47<sup>th</sup> Street and Washburn Avenue South frontages of the property. In the R1A Single Family District the required front yard setback is 20 feet, however that can be increased depending on the established setback created by the adjacent structures. The front yard setback established by the property at 4709 Washburn Avenue South is 22 feet 6 inches. The subject property is located 15 feet from the Washburn Avenue South property line. A variance is required for the four feet wide, one-story portion of the proposed addition that follows the setback of the existing dwelling.

**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 the established front yard setback along Washburn Avenue from 22 feet 6 inches to 15 feet to allow for a one-story addition that follows the existing building wall for four feet. The stepped back design of the proposed addition is respectful of the setback of the adjacent dwelling at 4709 Washburn Avenue South, by locating very little new mass in the established front yard setback. Staff does not believe the Zoning Ordinance causes undue hardship, however staff believes the four foot wide one story addition along the existing building wall 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.**

The conditions upon which the variance is requested are unique to the parcel. The subject lot is a reverse corner lot and is subject to two front yard setbacks. The applicant is proposing a 28 square foot, one-story addition that follows the existing building wall of the structure which is located 15 feet from east property line. The applicant did not plat the subject and adjacent lots. Nor did the applicant construct the structure at 4700 Washburn Avenue South that is creating the increased front yard setback or the subject dwelling at 2925 West 47<sup>th</sup> Street which is located in established front yard setback along Washburn Avenue South.

- 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.**

Due to the design of the proposed addition the proposed setback variance will not be injurious to the property owner to south, 4709 Washburn Avenue South, which will be most affected by the proposed addition. The structure at 4612 Vincent is located 52 feet from the front property line.

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The building mass of the southern portion of the proposed addition is setback an additional 15 feet 6 inch from front building wall of the existing structure and is over 30 feet from the property line along Washburn Avenue South.

In their statement, the applicants ask for variance to reduce the minimum requirement of windows along the Washburn Avenue South. Section 535.90(c) of the Zoning Ordinance requires that 15 percent of walls on each floor that face a public street be windows. This portion of the Ordinance cannot be varied and must be followed. Staff has worked diligently to enforce this requirement on all new construction and additions since it was adopted in 2005. Staff believes that this request is could alter the essential character of the locality and is not keeping with the spirit and intent of the ordinance.

- 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 variance would not likely increase congestion in the area or increase the danger of fire safety, nor would the variance be detrimental to welfare or 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** variance to reduce the established front yard setback along Washburn Avenue South from 22 feet 6 inches to 15 feet to allow for a rear two-story addition along the existing building wall of a single family dwelling on a reverse corner lot located at 2925 West 47<sup>th</sup> Street in the R1A Single Family District and SH Shoreland Overlay District with the following condition:

1. The proposed addition shall comply with the requirements of the Zoning Ordinance, including Section 535.90(c) regarding window coverage.
2. CPED-Planning review and approve final site plan, floor plans, and elevations.

**Attachments:**

1. Applicant's Statement and Letter to Neighborhood Group and Council Member
2. Map of Area
3. Site Plan and Plans for the Proposed Addition and Photographs