

**Department of Community Planning and Economic Development – Planning Division**

Variance Request  
BZZ-3185

**Date:** September 7, 2006

**Applicant:** Dawn Van Ryn-Olson

**Address of Property:** 3448 Wilshire Place Northeast

**Contact Person and Phone:** Dawn Van Ryn-Olson, 612-789-6505

**Planning Staff and Phone:** Molly McCartney, 612-673-5811

**Date Application Deemed Complete:** August 15, 2006

**Public Hearing:** September 7, 2006

**Appeal Period Expiration:** September 18, 2006

**End of 60 Day Decision Period:** October 14, 2006

**Ward: 1      Neighborhood Organization:** Waite Park Community Council

**Existing Zoning:** R1 Single-family District

**Proposed Use:** A second story addition to an existing single-family dwelling.

**Proposed Variance:** A variance to reduce the required front yard setback from the setback established by the adjacent residential structures to 39 ft. to allow for a second story addition at 3448 Wilshire Place Northeast in the R1 Single-family District.

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

**Background:** The subject property measures 61 ft. by 175 ft. (10,675 sq. ft.) and consists of an existing single-story, single-family dwelling and a detached garage. The applicant is proposing to construct a second story addition to the dwelling. The section of the street the property is located on, Wilshire Place Northeast, curves slightly so that the dwellings to the north of the subject property are set back further from the front lot lines than the subject property. The existing dwelling on the property is located at 23 ft. from the front property line along 60<sup>th</sup> Street West, which is in front of the established setback created by the adjacent structures.

**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 is seeking a variance to reduce the required front yard setback along 60<sup>th</sup> Street West to allow for a second story addition to an existing single-family dwelling. The front yard setback imposed on the single-family dwelling prevents the construction of a second story to an existing dwelling. Strict adherence to the regulations would not allow for the proposed addition to the existing single-family dwelling in the required front yard. A second story addition to a single-family dwelling 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 circumstances upon which the setback variance is requested are unique to the parcel of land due to the configuration of the street the subject property is located on and the location of the adjacent residential structures. The applicant did not create this circumstance. The alternative to the variance would cause an undue hardship to the property owner, by not allowing the proposed second story addition to a single-family dwelling. The location of the existing structures and the configuration of the lots are not circumstances created by the applicant.

- 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.**

Staff believes the second story addition to the existing single-family dwelling will not substantially alter the essential character of the surrounding neighborhood. The addition to the structure is to add a second story and includes an open front porch. Staff believes that the proposed addition will not be injurious to the use or enjoyment of other property in the vicinity because it is located above an existing portion of the dwelling and will be constructed in character with the 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.**

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 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 from the setback established by the adjacent residential structures to 39 ft. to allow for a second story addition at 3448 Wilshire Place Northeast in the R1 Single-family District.