

Department of Community Planning and Economic Development - Planning Division Report

Variance Request
BZZ-4382

Date: June 11, 2009

Applicant: Charles and Meleah Follen

Address of Property: 3504 St. Paul Avenue

Contact Person and Phone: Meleah Follen, 612-827-5815

Planning Staff and Phone: Chris Vrchota, (612) 673-5467

Date Application Deemed Complete: May 1, 2009

Publication Date: June 5, 2009

Public Hearing: June 11, 2009

Appeal Period Expiration: June 22, 2009

End of 60 Day Decision Period: June 19, 2009

Ward: 7 **Neighborhood:** Cedar- Isles- Dean

Existing Zoning: R1- Single Family Residential; SH- Shoreland Overlay

Proposed Use: Construction of new egress window for the creation of a new bedroom.

Proposed Variances: A variance to reduce the required west interior side yard setback from 6 feet to 1 foot- 2 inches.

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

Background: The subject property, 3504 St. Paul Avenue is zoned R1 and is located in the shoreland overlay district. The lot measures 46x160'-8", totaling 7,390.6 square feet. The property contains a 1.7 story house constructed in 1922. The existing house sits 4'-2" from the west property line.

Proposal: The applicants are proposing to construct an egress window on the west side of the property. The window would provide the required egress point for a new bedroom the property owners would like to create in the basement as part of a remodeling project.

Egress windows are a permitted encroachment in all yards, provided that they are not located closer than 2 feet from the property line. In order to construct an egress window that meets building and fire code requirements, the applicants would need to place it 1'-2" from the property line.

Public Comment: No public comments have been received.

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 variance to reduce the west side yard setback to allow for the construction of an egress window to allow for the creation of a new bedroom. The existing house was built 4'-2" from the west property line prior to the creation of the side yard setback requirement. Additionally, the property is only 46 feet wide, creating narrow side yards on both sides. The pre-existing location of the house coupled with the narrowness of the lot creates a hardship in this case.

- 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 subject property was built in its current location in 1922, prior to the creation of the side yard setback requirement. The lot is also narrower than would be permitted under current zoning requirements. These conditions are unique and were not created by the applicants.

- 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.**

Granting of the variance will be keeping with the spirit and intent of the ordinance and will not alter the essential character of the locality. The ordinance was created to ensure that safe egress is possible from the basement of dwellings without encroaching onto neighboring properties. There is sufficient space for egress in this location. The egress window would replace an existing window to the basement, causing little overall change to the property. An egress window could theoretically have been placed on the front wall of the house. However, this would have had a negative impact on the essential character of the locality.

- 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 of the variances would have no impact on the congestion of area streets or fire safety, nor would the variance be detrimental to the public welfare or endanger the public safety. The area where the proposed egress window would be located is fenced, providing access only to the property owner. The proposed window would provide a safe and required exit from the new bedroom in the basement of the property.

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 **approve** the variance to reduce the required west interior side yard setback from 6 feet to 1 foot- 2 inches to allow for the installation of an egress window, subject to the following conditions:

1. CPED-Planning review and approve final site plan, floor plans, and elevations.
2. The work is subject to review and approval by City of Minneapolis Regulatory Services.

Attachments:

Appendix A: Zoning map

Appendix B: Statement of proposed use and request of variance statements

Appendix C: Site Plan, Building Plans and Elevations

Appendix D: Photographs