

**Department of Community Planning and Economic Development – Planning Division**  
Variance Request  
BZZ-4738

**Date:** April 8, 2010

**Applicant:** Scot Waggoner

**Address of Property:** 5334 Pleasant Avenue South

**Contact Person and Phone:** Scot Waggoner, (612) 965-2655

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

**Date Application Deemed Complete:** March 15, 2010

**End of 60 Day Decision Period:** May 14, 2010

**Ward:** 11      **Neighborhood Organization:** Tangletown Neighborhood Association

**Existing Zoning:** R1 Single-Family Residential District

**Zoning Plate Number:** 36

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

**Variance:** to reduce the minimum south interior side yard setback from 6 feet to approximately 4 feet 4 inches to allow for an addition to an existing single-family dwelling

**Zoning code section authorizing the requested variance:** Chapter 525, Article IX Variances, Specifically Section 525.520(1) “to vary the yard requirements, including permitted obstructions into required yards not allowed by the applicable regulations.”

**Background:** The subject property is approximately 56 ft. by 129 ft. (7,580 sq. ft.) and consists of an existing single-family dwelling and a detached garage on an interior lot. The lot itself is parallelogram, with the north and south interior lot lines askew from Pleasant Avenue South. In addition, the south interior property line abuts the rear property lines of the two parcels to the south. The applicant is proposing to construct a 2-story, rear addition to the existing single-family dwelling. The existing single-family home is located approximately 7 feet to the south interior side property and conforms to the required yard. The applicant is proposing to expand the existing kitchen 2 feet to the south and construct a rear addition, approximately 12 ft. by 15 ft. The proposed construction will be located 4.41 feet, at the closest point, to the south interior side property line. The minimum required interior side yard in the R1 District is 6 feet. Therefore, the applicant is requesting a variance to reduce the minimum south interior side yard setback from 6 feet to approximately 4 feet 4 inches to allow for an addition to an existing single-family dwelling.

## CPED Planning Division Report

BZZ-4738

### Findings Required by the Minneapolis Zoning Code:

**VARIANCES:** to reduce the minimum south interior side yard setback from 6 feet to approximately 4.5 feet to allow for an addition to an existing single-family dwelling

- 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 requesting a variance to reduce the minimum south interior side yard setback from 6 feet to approximately 4.5 feet to allow for an addition to an existing single-family dwelling. Section 531.30(2)a of the zoning code allows for a single-family dwelling, which is nonconforming to the side yard, to be extended through an addition along the wall, provided the structure is located not closer than three (3) feet from the side lot line. The applicant is proposing to extend the existing wall of the single-family dwelling directly towards the rear. However, the existing structure is conforming to the interior side yard, therefore, the applicant is not able to take advantage of the provision in 531.30(2)a. Strict adherence to the regulations of the required 6 ft. interior side setbacks would not allow for the proposed addition. The configuration and shape of the lot have created the conditions upon which the variance is requested. Staff believes that the proposed addition, constructed along the same south wall of 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.**

The circumstances upon which the setback variance is requested are unique to the parcel of land due to the shape and configuration of the lot and have not been created by the applicant. The applicant is requesting a variance to reduce the minimum south interior side yard setback from 6 feet to approximately 4.5 feet to allow for an addition to an existing single-family dwelling. Section 531.30(2)a of the zoning code allows for a single-family dwelling, which is nonconforming to the side yard, to be extended through an addition along the wall, provided the structure is located not closer than three (3) feet from the side lot line. The applicant is proposing to extend the existing wall of the single-family dwelling directly towards the rear. However, the existing structure is conforming to the interior side yard, therefore, the applicant is not able to take advantage of the provision in 531.30(2)a. Strict adherence to the regulations of the required 6 ft. interior side setbacks would not allow for the proposed addition. The configuration and shape of the lot have created the conditions upon which the variance is requested. Staff believes that the proposed addition, constructed along the same south wall of the existing single-family home is a reasonable use of the property.

## CPED Planning Division Report

BZZ-4738

- 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 proposed addition to the existing single-family dwelling will not substantially alter the essential character of the surrounding neighborhood. The exterior materials of the addition will be consistent with the existing single family dwelling. In addition, staff believes that the proposal will not be injurious to the use or enjoyment of other property in the vicinity. The proposed addition will be to the rear of the existing single-family dwelling and within 4.5 feet of the south interior side property line. The south interior property line abuts the rear property lines of the two parcels to the south. The adjacent structures are located in excess of 75 feet to the proposed addition.

- 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 side 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 minimum south interior side yard from 6 ft. to approximately 4 ft. 4 in. in order to allow for the construction of an addition to an existing single-family dwelling located at 5334 Pleasant Avenue in the R1 Single-Family District.

### **Attachments:**

- 1) Written descriptions and findings submitted by the applicant
- 2) Copy of e-mail sent to Tangletown Neighborhood Association and CM Quincy
- 3) Zoning map
- 4) Survey
- 5) Building elevations
- 6) Floor plans
- 7) Photographs