

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

Variance Request  
BZZ-3112

**Date:** August 3, 2006

**Applicant:** Cory Zanin

**Address of Property:** 3900 Chowen Avenue South

**Contact Person and Phone:** Cory Zanin, (612) 929-3743

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

**Date Application Deemed Complete:** July 12, 2006

**Public Hearing:** August 3, 2006

**Appeal Period Expiration:** August 14, 2006

**End of 60 Day Decision Period:** September 10, 2006

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

**Existing Zoning:** R1A, Single-family Residential District

**Proposed Use:** A 20 ft. by 22 ft. one story rear addition to a single family home.

**Proposed Variance:** A variance to reduce the corner side yard setback from 8 feet to 9.6 inches to allow for a one story addition to the rear of the dwelling along the existing building wall in the R1A District at 3900 Chowen Avenue South.

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

**Background:** The subject property is located on a corner side lot that is approximately 28 ft. by 128 ft. (3,617 sq. ft.). The property currently contains a one and half story single family dwelling with a detached garage. The existing dwelling is located 9.6 inches from the north corner side property line. The standard corner side yard setback is eight feet. The dwelling is located 5.2 feet from the south side interior side property line and meets to the district side yard setback of five feet on south side.

The applicant is proposing to construct a one story rear addition to the existing dwelling. The addition will be approximately 22 ft. wide and will extend along the existing north and south building walls to the rear approximately 20 feet. The north side of the addition will be 9.6 inches from the property line, which does not meet corner side yard setback of eight feet. The south side of the addition will be 5.2

feet from the south property line and will adhere to required five foot interior side yard setback. The proposed addition will increase the lot coverage to 58 percent which is below the maximum allowed lot coverage of 60 percent.

**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 required corner side yard setback along 39<sup>th</sup> Street West to 9.6 inches to allow for a one story addition to a single family dwelling following the existing building wall. Strict adherence to the Zoning Ordinance prohibits a structure to be located less than the eight feet from the corner side property line and would not allow for the proposed addition to the existing single-family dwelling. Staff believes the addition is a reasonable use of the property and recognizes the hardship on the property created by the location of the subject dwelling.

- 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 location of the existing dwelling. As previously mentioned, the subject dwelling is located 9.6 inches from the north corner side property line. The width of the lot is 28 feet, which is 12 feet less than minimum lot width for the R1A District. The width of the dwelling is 22 feet, leaving six feet to meet the eight foot corner side yard setback and five foot interior side yard setback. These circumstances are unique to this parcel and were not 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 that the construction of the single-family dwelling will not alter the essential character of the surrounding neighborhood or be injurious to the use or enjoyment of other property in the vicinity. The corner side yard setback of the proposed dwelling is substantially less than the surrounding properties. However, the length of the dwelling with the proposed addition will be in character to the property across 39<sup>th</sup> Street. The impact of the additional mass along 39<sup>th</sup> Street from the proposed addition will be lessened due the step down from the one and half story existing dwelling to the one story addition. Staff does not believe the construction of the addition as proposed will alter the essential character of the neighborhood or be injurious to the use or enjoyment of other property in the vicinity.

- 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 setback variance would likely not increase the 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 corner side yard setback along 39<sup>th</sup> Street West from eight feet to 9.6 inches to allow for the construction of a one story addition to the rear of the existing dwelling at 3900 Chowen Avenue South in the R1A, Single Family District.