

Department of Community Planning and Economic Development – Planning Division**Variance Request
BZZ-3154**

Date: August 17, 2006

Applicant: Jason Kourkoules on behalf of Dr. William Lundberg

Address of Property: 2223 49th Street West

Contact Person and Phone: Jason Kourkoules, (952) 925-9455

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

Date Application Deemed Complete: July 25, 2006

Public Hearing: August 17, 2006

Appeal Period Expiration: August 28, 2006

End of 60 Day Decision Period: September 23, 2006

Ward: 13 **Neighborhood Organization:** Lynnhurst Neighborhood Association

Existing Zoning: R1A, Single-family Residential District & SH, Shoreland Overlay District

Proposed Use: A two-story addition to the rear addition of a single family home to accommodate living space, an attached tuck-under garage, and a deck.

Proposed Variance: A variance to reduce the required front yard setback along Penn Avenue South from 25 ft. to 13 ft. to allow for a two-story addition that includes an attached, tuck-under garage and a rear deck at 2223 West 49th Street in the R1A Single-family District.

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

Background: The subject property is located on a reverse corner lot that is approximately 45 ft. by 150 ft. (6,750sq. ft.). The property currently contains a two story single family dwelling with an attached two car garage with a roof top deck. The existing dwelling, at its closest to the Penn Avenue South, is located 9 feet from the west side property line. The existing attached garage is 9 feet 6 inches from the west side property and extends 19 feet south from the existing dwelling. The existing roof top deck extends 22 feet south from the existing dwelling and is the width of the dwelling. The existing dwelling is located approximately 3.5 feet from the east interior side property line.

The applicant is proposing to construct a two-story rear addition to the existing dwelling with a two car tuck-under garage. The addition will be approximately 24 feet wide and will be stepped in from the existing west building wall along Penn Avenue and will be 13 feet from the west property line. The addition will extend 31 feet south from the existing dwelling, approximately 8 feet further south than the existing deck. The addition will also be stepped in from the existing east building wall and will be located 5 feet 11 inches from the east interior side property line. The district interior side yard setback is five feet.

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 reverse corner side yard setback along Penn Avenue South from 20 feet to 13 feet to allow for a two story addition to a single family dwelling. The foot print of the addition will be approximately 24 x 31 feet. Strict adherence to the Zoning Ordinance prohibits a principle structure to be located less than the 20 feet from the reverse corner side property line and would not allow for the proposed addition to the existing single-family dwelling. The current home is located 9 feet from the west side property line. The Zoning Ordinance allows for a detached garage to be located at 60 percent of district setback on reverse corner lots. The district setback in this instance is 20 feet and would allow a detached garage up to 26 feet by 26 feet in size to be built 12 feet away from west side property line along Penn Avenue. 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 feet from the north corner side property line. The width of the lot is 45 feet, which is five feet greater than minimum lot width for the R1A District. However, the east interior lot line jogs in two feet at approximately one hundred feet into the lot; resulting in a lot width of 43 where the addition is proposed. The width of the proposed addition is 24 feet wide, leaving 19 feet to meet the twenty foot reverse 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 addition to 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 southern building wall of the addition will be 46 feet from the south property line, which will minimize the impact of the addition to the adjacent properties to the south. The impact of the added bulk from the addition will be lessened by stepping in from the existing building wall of the garage, which is setback approximately 9 feet 6 inches from the property line, to the proposed addition which is setback 13 feet from the west property line.

The proposed two story addition will appear to be three stories from Penn Avenue South due to the tuck under garage. The proposed addition steps down in the rear from two stories to one story, which will also lessen the visual impact of the added bulk. The tuck under garage will extend 31 feet in length from the existing dwelling. The main floor will extend out 28 feet with a deck extending out another 5 feet. The second story will extend 23 feet south from the existing dwelling. This results in the appearance of a five foot setback per story.

The added bulk from the proposed addition will likely have the greatest impact to the adjacent property to the east, 2219 49th Street West. The adjacent dwelling, at 2219 49th Street W, has a two story addition that extends roughly 8 to 10 feet beyond the existing subject dwelling at 2223 49th Street West. The proposed two-story addition would likely result in shadowing on the adjacent dwelling to the east. However, the proposed addition adheres to the permitted height and lot coverage requirements in the Zoning Ordinance and is setback 11 inches further from the east interior lot line than is required. Forty-six feet of open space between the rear of the addition and the rear property line still remain after the proposed 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 reverse corner side yard setback along Penn Avenue South from 20 feet to 13 feet to allow for the construction of a two story addition to the rear of the existing dwelling at 2223 West 46th Street in the R1A, Single Family District subject