

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

Variance Request
BZZ-3474

Date: April 19, 2007

Applicant: David Storvick

Address of Property: 4812 12th Avenue South

Contact Person and Phone: Peter Hagen, (651) 646-3996

Planning Staff and Phone: Erik Carlson, (612) 673-5348

Date Application Deemed Complete: March 19, 2007

Hearing Date: April 19, 2007

Appeal Period Expiration: April 30, 2007

End of 60 Day Decision Period: July 18, 2007

Ward: 11 **Neighborhood Organization:** Field-Regina-Northrop Neighborhood Group

Existing Zoning: R1 Single Family District

Proposed Use: Single Family Home

Proposed Variance: To decrease the side yard setback from 6 feet to 2 feet 6 inches to allow for a first floor bathroom on the north side of a single family home.

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

Background: The applicant proposes to add a bathroom to the north side of the two story home at 4812 12th Avenue South to allow easy access to bathroom facilities by an elderly couple which own and occupy the home. The residence does not currently have a bathroom on the first floor. The bathroom would contain a sink and toilet. No windows would face north toward the adjacent property, but there would be a window to the west.

The addition would also function as a side entrance to the home. There is a side entrance at this location now. The existing entrance has a cement stoop and is covered by an overhang that extends 3 feet from the house. The proposed entrance like the existing entrance connects to the front entrance walkway with a concrete walkway.

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.**

An easily accessible bathroom is an important element to the reasonable use of a home. The current homeowners cannot easily access the upstairs bathroom. The applicant maintains that there is no reasonable place to construct a bathroom on the first floor other than the proposed location. Staff believe there are other options for a bathroom on the south side of the home which meet the regulations of the zoning code. Barriers to this alternative which have been described by applicant can be overcome such as the possibility of frozen water pipes.

- 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 that have created the need for the variance have not been created by the applicant. The lot is 50 feet (the minimum allowed in the zoning district) by 123 feet 9 inches. The size of the home and its position on the lot are not unique.

- 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.**

If the variance were to be approved, the distance between 4812 12th Avenue South and the home to the north would be 14 feet. The ordinance, if strictly enforced would keep the distance of two homes at a minimum 12 feet apart. In this sense the alteration meets the intent of the ordinance. The proposed addition would cover an existing window on the north façade. However, the home would still meet the required 5 percent window coverage code requirement.

- 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.**

The proposed variance would 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.

Recommendation of the Department of Community Planning and Economic Development

The Department of Community Planning and Economic Development recommends the Board of Adjustment adopt the findings above and **deny** the variance application to decrease the side yard setback from 6 feet to 2 feet 6 inches to allow for a first floor bathroom on the north façade of the home.