

Department of Community Planning and Economic Development – Planning Division
Variance
BZZ-4820

Date: July 15, 2010

Applicant: Pamellia Dahlke

Address of Property: 1827 Colfax Avenue South

Project Name: 1827 Colfax Avenue South Deck

Contact Person and Phone: Pamellia Dahlke, (612) 616-0902

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

Date Application Deemed Complete: June 22, 2010

End of 60-Day Decision Period: August 21, 2010

Ward: 7 **Neighborhood Organization:** Lowry Hill Neighborhood Association

Existing Zoning: R2B Two-Family District

Proposed Zoning: Not applicable for this application.

Zoning Plate Number: 18

Legal Description: Not applicable for this application

Proposed Use: New refuse storage area

Concurrent Review:

- Variance to reduce the required front yard along Colfax Avenue South from approximately 24 ft. to 14 ft.
- Variance to reduce the required corner side yard along Lincoln Avenue from 10 ft. to approximately 5 ft.

Applicable Code Provisions: Chapter 525, Article IX, Variances, Specifically Section 525.520(1)(1) “to vary the yard requirements...”

Background: The subject property is approximately 135 ft. by 135 ft. (18,225 sq. ft.) townhouse structure on a corner lot, located at the southwest corner of Colfax Avenue South and Lincoln Avenue. The adjacent structure to the north has frontage along Colfax Avenue South and is located approximately 24 feet to the front property line. The minimum required front yard in the R2B District is

20 feet, except when the established setback created by the adjacent property is greater. Due to the platting of the land and the location of the adjacent structure, all of the land in front of the existing townhouse is located within the required front yard setback established by the property to the north. The applicant is proposing to add a 13 ft. by 15 ft. deck to the front and corner side yards of the existing single-family dwelling, facing Colfax Avenue South and Lincoln Avenue. Due to the established setback created by the property to the north, a variance is required to reduce the front yard setback along both Colfax Avenue South. In addition, the applicant is proposing to encroach into the required corner side yard setback from 10 ft. to 5 ft.

Staff has not received any correspondence from the Lowry Hill Neighborhood Association and it is attached to the staff report. Staff will forward additional comments, if any are received, at the Board of Adjustment meeting.

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.**

Front yard: The applicant is seeking a variance to reduce the front yard setbacks along Colfax Avenue South to allow for a deck to an existing dwelling unit in a townhouse. The adjacent structure to the north has created a setback that includes all of the property forward of the existing dwelling. There are existing patios accessory to each of the other townhouse units on the parcel with the exception of the applicant's property. Staff believes there is no reasonable alternative to the variance and that strict adherence to the regulations requires would not allow for any deck, greater than 50 square feet, accessory to the existing townhouse unit. The adjacent structure to the north is located approximately 150 ft. from the proposed deck.

Corner side yard: The applicant is seeking a variance to reduce the corner side yard setback along Lincoln Avenue to allow for a deck to an existing dwelling unit in a townhouse. The applicant is proposing to construct the deck only 5 ft. to the corner side yard, where 10 ft. is the required minimum. Staff believes that a reasonable alternative to the variance exists by locating the proposed deck outside of the required corner side yard that would not create undue hardship.

- 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.**

Front yard: The circumstances upon which the variance is sought are unique to the parcel of land and have not been created by the applicant. The applicant is seeking a variance to reduce the front yard setback along Colfax Avenue South to allow for a deck to an existing dwelling unit in a townhouse. The adjacent structure to the north has created a setback that includes all of the property forward of the existing dwelling. There are existing patios accessory to each of the other townhouse units on the parcel with the exception of the applicant's property. Staff believes there is no reasonable alternative to the variance and that strict adherence to the regulations requires would not allow for any deck, greater than 50 square feet, accessory to the existing single family dwelling. The adjacent structure to the north is located approximately 150 ft. from the proposed deck.

Corner side yard: The conditions upon which the setback variances are requested are not unique to the property and have been created by the applicant. Staff believes that a reasonable alternative to the variance exists by locating the proposed deck outside of the required corner side yard that would not create undue hardship.

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.**

Front yard: Staff believes the deck addition to the dwelling will not alter the essential character of the surrounding neighborhood and it will be visually and architecturally consistent with the existing townhouse unit. The applicant is proposing to use a composite decking material with railings constructed of aluminum and painted brown to match the existing steel used on the facade of the existing townhouse. Further, staff believes that the deck addition to the existing single-family dwelling will not be injurious to the use or enjoyment of other property in the vicinity because the deck addition will be constructed at a great distance, over 150 ft. to the adjacent structure. The purpose of required yards is to provide for orderly development and use of land and to minimize conflicts among land uses by providing adequate light, air, open space and separation of uses.

Corner side yard: Staff believes that granting the variance will not keep within the spirit and intent of the ordinance. The purpose of required yards is to provide for orderly development and use of land and to minimize conflicts among land uses by providing adequate light, air, open space and separation of uses. Staff is concerned that a deck, less than 10 ft. to the corner side yard may be a potential nuisance in the future.

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.**

Both variances: Granting of the variance would likely have no impact on the congestion of area streets or fire safety, nor would the proposed accessory deck be detrimental to the public welfare or endanger the public safety.

RECOMMENDATION:

Recommendation of the Community Planning and Economic Development Department – Planning Division:

The Community Planning and Economic Development Department – Planning Division recommends that the Board of Adjustment adopt the above findings and **approve** the variance to reduce the required front yard along Colfax Avenue South from approximately 24 ft. to 14 ft. to allow for a deck located at 1827 Colfax Avenue South in the R2B Two-Family District.

Recommendation of the Community Planning and Economic Development Department – Planning Division:

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The Community Planning and Economic Development Department – Planning Division recommends that the Board of Adjustment adopt the above findings and **deny** the variance to reduce the required corner side yard along Lincoln Avenue from 10 ft. to approximately 5 ft. to allow for a deck located at 1827 Colfax Avenue South in the R2B Two-Family District.

Attachments:

- 1) Statement and findings from applicant
- 2) Copies of letters sent to Seward Neighborhood Group and CM Gordon
- 3) Correspondence from the neighborhood association
- 4) Zoning map
- 5) Site plans
- 6) Photos