

**Department of Community Planning and Economic Development - Planning Division Report**  
Variance  
BZZ-4500

**Date:** August 13, 2009

**Applicant:** Jon and Jane Hopeman

**Address of Property:** 2738 West River Parkway

**Project Name:** 2738 West River Parkway

**Contact Person:** Jon and Jane Hopeman, (612) 345-7248

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

**Date Application Deemed Complete:** July 20, 2009

**End of 60 Day Decision Period:** September 18, 2009

**Ward:** 2      **Neighborhood Organization:** Longfellow Community Council

**Existing Zoning:** R1 Single Family District

**Zoning Plate Number:** 28

**Legal Description:** Not applicable

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

**Variance:** to reduce the north interior side yard setback from 6 feet to approximately 4 feet to allow for a one-story addition to an existing single family home

**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 75 ft. by 232 ft. (17,400 sq. ft.). The property consists of an existing two-story dwelling, with a side entrance located on an interior lot. The existing dwelling is located approximately 9.5 ft. from the north interior property line. The location of the interior side entrance is nonconforming to the north interior side yard setback, which requires a minimum of 15 feet to the property line. The applicant is proposing to remove the existing side entrance and add a one-story, 5.5 ft. by 11.5 ft. mudroom entry, approximately 4 ft. to the property line. The minimum interior side yard setback in the R1 District is 6 ft. Therefore, the applicant is seeking a variance to reduce the required north interior side yard setback from 6 ft. to approximately 4 ft. to allow for the proposed addition.

As of writing this staff report, staff has not received any correspondence from the Longfellow Community Council. Staff will forward comments, if any are received, at the Board of Adjustment meeting.

**Findings Required by the Minneapolis Zoning Code - Variance:**

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 seeking a variance to the north interior side yard setback from 6 ft. to approximately 4 ft. to allow for a one-story addition to an existing single-family dwelling. The existing dwelling is currently nonconforming to the north interior side yard setback due to an existing side entrance that is located less than 15 feet to the property line. Strict adherence to the regulations requires a minimum of a 6 ft. interior side setback. The applicant has stated that the proposed addition will serve as a buffer between their home and the neighboring driveway, air conditioning unit and storage area; along with providing a more secure entrance, facing the rear of the property and added insulation to the structure. Staff believes that the proposed location for the addition would allow for reasonable use of the property, because it reduces the nonconformity by relocating the side entrance to the rear.

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 locations of the structure and nonconforming setbacks created by the side entrance are circumstances that have not been created by the applicant. The dwelling on the adjacent property is located approximately 20 feet to the proposed addition, with a driveway between the two properties. Further, the proposed location for the addition reduces the nonconformity of the north interior side yard setbacks by relocating the side entrance to the rear.

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 variance will not be injurious to the use of the adjacent property, because the adjacent structure is located approximately 20 feet away from the proposed addition and there is an existing driveway between the two properties. Staff identified other one-story additions to other single-family homes along the same block of West River Parkway, similarly located within 6 ft. to the interior side property line.

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.

**ADDITIONAL FINDINGS FOR THE VARIANCE PER THE SHORELAND OVERLAY DISTRICT:**

**1. The prevention of soil erosion or other possible pollution of public waters, both during and after construction.**

The applicants will be required to prevent soil erosion and possible pollution of public waters, both during and after construction of the proposed addition. The applicants will be required to install a silt fence during construction and will be required to follow all applicable City requirements to prevent any type of water pollution.

**2. Limiting the visibility of structures and other development from the protected waters.**

The surrounding properties consist of single-family dwellings with similar height and detached garages in the rear of the property. Staff believes the proposed project will be no more visible than the adjacent dwellings. The view of the Mississippi River will not be further limited with the proposed addition.

**3. The suitability of the protected water to safely accommodate the types, uses and numbers of watercraft that the development may generate.**

The proposed variance should have no impact on the types, uses, and numbers of watercraft that occupy the Mississippi River.

**Recommendation of the Department of Community Planning and Economic Development - Variance:**

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 north interior side yard setback from 6 feet to approximately 4 feet to allow for a one-story addition to an existing single family home for the property located at 2738 West River Parkway in the R1 Single Family Residence District.

**Attachments:**

- 1) Written descriptions and findings submitted by the applicant
- 2) Copy of e-mail sent to Longfellow Community Council and CM Gordon
- 3) Correspondence from neighbors
- 4) Zoning map
- 5) Survey/Site plan
- 6) Building elevations
- 7) Floor plans
- 8) Photographs