

Department of Community Planning and Economic Development – Planning Division

Variance Request
BZZ-2316

Date: May 19, 2005

Applicant: Harrison and Marissa Grodnick

Address of Property: 441 Oliver Avenue South

Contact Person and Phone: Mike Burgoyne, (612) 371-9195

Planning Staff and Phone: Tanya Holmgren, (612) 673-5887

Date Application Deemed Complete: April 19, 2005

End of 60 Day Decision Period: June 18, 2005

Appeal Period Expiration: May 31, 2005

Ward: 7 Neighborhood Organization: Bryn Mawr Neighborhood Association

Existing Zoning: R1, Single-family Residential District

Proposed Use: An addition to an existing single-family dwelling.

Proposed Variance: A variance to reduce the required north interior sideyard setback from 6 ft. to 6 in. to allow for an addition to an existing single-family dwelling.

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

Background: The subject site is an interior lot that consists of an existing single-family dwelling with a single-stall attached garage and a shared driveway with the property to the north. The subject property is approximately 50 ft. x 120.8 ft. (6,040 sq. ft.) and has no alley access. The existing attached garage is located approximately 6 in. from the north interior side property line. The applicant is proposing to construct a 1.5-story addition onto the north side of the dwelling to allow for a two-stall tandem garage and second story bedroom. The addition will be approximately 13 ft. x 39.5 ft. and will be located to the side and rear of the dwelling adjacent to the dwelling.

The required side yard setback in the R1 district is 6 ft. from the interior side property line. The applicant is proposing to reduce this requirement to 6 in. allow for a two-story addition to an existing single-family dwelling.

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.**

Interior side yard setback: The applicant has requested a variance to reduce the required north interior sideyard setback from 6 ft. to 6 in. to allow for an addition to an existing single-family dwelling. The applicant is proposing to expand the existing footprint of the dwelling to allow for a two-stall garage and a second-story bedroom addition, on the north side of the dwelling. The applicant states that this location is the most logical placement due to the configuration of the lot. The applicant is trying to preserve a magnolia tree in the center of the back yard. Strict adherence to the regulations would not allow for the two-story addition to the existing single-family dwelling. Staff does not believe the proposed construction is a reasonable request because the applicant is proposing to a second story addition 6 in. from the property line. The property owner could construct a two-stall detached garage at the rear of the property in compliance with the code. The applicant states this would result in 7% additional impervious surface than their proposed construction.

- 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.**

Interior side yard setback: The circumstances upon which the setback variance is requested are unique to the parcel of land, because the property has an existing attached garage located 6 in. from the side property line. The circumstance is created by the applicant, because they are proposing to expand the existing garage in order to add a second parking stall and a second story bedroom addition to the north side of the dwelling. The placement of the dwelling on the property is an existing condition that is not created by the applicant. Staff believes that the hardship is created by the applicant and inconsistent with the area.

- 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.**

Interior side yard setback: The addition would alter the essential character of the surrounding neighborhood and would be injurious to the use or enjoyment of adjacent property as a two-story wall will be constructed 6 in. from the property line for approximately 40 ft. The addition will negatively impact the area since the addition is immediately adjacent to a neighboring structure. This would be the only dwelling in the area that would have liveable space 6 in. from the side property line. Although an attached garage is currently located 6 in. from the property, the applicant is proposing a second story addition.

- 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.**

Interior side yard setback: Granting the interior side yard setback variance would likely have no impact on the congestion of area streets or fire safety, nor would the proposed addition be detrimental to the public welfare or endanger the public safety provided the addition would comply with applicable regulations of the building code. The variance, if granted, could negatively impact the adjacent property owner, due to the length and height of the proposed addition 6 in. from the property line.

Recommendation of the Department of Community Planning and Economic Development:

The Department of Community Planning and Economic Development Planning Division recommends that the Board of Adjustment adopt the findings above and **deny** the variance to reduce the required north interior sideyard setback from 6 ft. to 6 in. to allow for an addition to an existing single-family dwelling.