

Department of Community Planning and Economic Development – Planning Division**Variance Request
BZZ-2047****Date:** November 18, 2004**Applicant:** Noah Marty**Address of Property:** 5037 Bloomington Avenue South**Contact Person and Phone:** Samer Alamy of Faith Construction Company, (763) 639-6666**Planning Staff and Phone:** Tanya Holmgren, (612) 673-5887**Date Application Deemed Complete:** October 19, 2004**End of 60 Day Decision Period:** December 18, 2004**End of 120 Day Decision Period:** February 16, 2004**Ward:** 11 **Neighborhood Organization:** Hale, Page, Diamond Lake Community Association**Existing Zoning:** R2B, Two-family Residential District**Proposed Use:** A rear addition to a single-family dwelling.**Proposed Variance:** A variance to reduce the required front yard setback along Bloomington Avenue South from the setback established by connecting a line between the front two corners of the two adjacent residential structures to 30 ft. to allow for the construction of a new single-family dwelling on an existing foundation.**Zoning code section authorizing the requested variance:** 525.520 (1)**Background:** The subject property is approximately 50 ft. by 123.5 ft. (6,175 sq. ft.) and consists of an existing single-family dwelling and detached garage. The applicant is proposing to demolish the existing dwelling and retain the foundation and basement. The applicant will construct a new single-family dwelling on the existing foundation and basement. The applicant is seeking a variance to reduce the required front yard setback to 30 ft. to allow for the construction of a new two-story single-family dwelling in the location of the existing dwelling. The new single-family dwelling will have a slightly larger footprint than the existing dwelling, however it will be an addition to the rear of the dwelling and will not further decrease the front yard setback.

The applicant is seeking variance to reduce the established front yard setback along Bloomington Avenue South from 73 ft. to 30 ft. to allow for the construction a new single-family dwelling on an existing foundation. The proposed dwelling will be located 30 ft. from the front property line and the

6 ft. open porch will be 24 ft. from the front property line. The adjacent dwelling to the south is setback approximately 28 ft. from the front property line and the adjacent dwelling to the north is setback approximately 80 ft. The majority of other dwellings along the 5000 block of Bloomington Avenue South are located approximately 30 ft. from the front property line.

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 setback: The applicant has requested variance to reduce the established front yard setback along Bloomington Avenue South to 30 ft. to allow for the construction a new single-family dwelling. The applicant is proposing to reuse an existing foundation. The adjacent single-family dwelling to the north is setback 28 ft. and the adjacent single-family dwelling to the south is setback 80 ft. from the front property line, which would require the dwelling to be setback to 73 ft. Strict adherence to the regulations requires that the dwelling be constructed behind the established front yard setback, which would require the demolition of the existing foundation and detached garage. This would continue an inconsistent line along Bloomington Avenue South. The applicant feels that the construction of a new single-family dwelling would allow greater usability of the site. Strict adherence to the regulations would not allow the use of the existing foundation or for the construction of the proposed single-family dwelling, which is a reasonable use of the property.

- 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 setback: The circumstances upon which the setback variance is requested are unique to the parcel of land due to the location of the adjacent dwelling to the north of the proposed dwelling. The location of the existing structure at the rear of the lot on the adjacent property is not a circumstance created by the applicant. The existing foundation and basement are located approximately 30 ft. from the front property line. The existing foundation and basement with their proximity to the front property line was not a circumstance created by the current owner. These are both existing circumstances that are unique to this parcel and not created by the applicant. The alternative to the variance would cause an undue hardship to the property owner, by not allowing the construction of the proposed single-family dwelling.

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 setback: Staff believes the dwelling will not alter the essential character of the surrounding neighborhood, as the applicant will be constructing a single-family dwelling in the location of an existing single-family dwelling. Staff believes that the new single-family dwelling will not be injurious to the use or enjoyment of other property in the vicinity considering the property will be constructed on an existing foundation. The R2B District requires a minimum of a 20 ft. setback. Staff believes that the proposed dwelling meets the intent of the ordinance by constructing a single-family dwelling that is consistent with other properties in the vicinity and by maintaining a similar setback to the neighborhood.

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.**

Front yard setback: Granting the front yard setback variance would likely have no impact on the congestion of area streets or fire safety, nor would the rear addition 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 front yard setback along Bloomington Avenue South from the setback established by connecting a line between the front two corners of the two adjacent residential structures to 30 ft. to allow for the construction of a new single-family dwelling on an existing foundation subject to the following conditions:

1. Review and approval of final site and elevation plans by the Planning Department.
2. That the applicant include at least two windows on the north side of the dwelling to improve the appearance of the elevation.
3. That the applicant include one additional window on the south side of the dwelling or increase the size of the first floor window, to improve the appearance of the elevation.