

**Department of Community Planning and Economic Development - Planning Division Report**  
Variance  
BZZ-4547

**Date:** October 1, 2009

**Applicant:** Tom and Sarah VanDeWalker

**Address of Property:** 4705 Drew Avenue South

**Project Name:** 4705 Drew Avenue South

**Contact Person:** Tom and Sara VanDeWalker, (612) 924-0432

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

**Date Application Deemed Complete:** September 4, 2009

**End of 60-Day Decision Period:** November 3, 2009

**Ward:** 13      **Neighborhood Organization:** Fulton Neighborhood Association

**Existing Zoning:** R1A Single Family District

**Zoning Plate Number:** 29

**Legal Description:** Not applicable

**Proposed Use:** 2 ft. by 9.5 ft. cantilever addition to the first floor of an existing single-family dwelling

**Variance:** to reduce the north interior side yard setback from 5 ft. to approximately 3 ft. in order to allow for the construction of a 2-foot cantilever on the first floor of an existing single-family dwelling

**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 site is an interior lot, approximately 42 ft. x 125 ft. (5,250 sq.ft.) and the use is an existing single-family dwelling. The location of the kitchen within the existing structure is approximately 5 ft. to the north interior side property line. The required side yard setback in the R1A district is 5 ft. from the interior side property line. There is an existing cantilever along the north wall, approximately 4 ft. to the north property line. The applicant is proposing to construct a 1-story cantilevered addition onto the north side of the dwelling to allow for additional area in the kitchen. The cantilevered addition will be approximately 2 ft. x 9.5 ft.

As of writing this staff report, staff has not received any correspondence from the Fulton Neighborhood Association. Staff will forward 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.**

The applicant has requested a variance to reduce the required north interior side yard setback from 5 ft. to 3 ft. to allow for a 2 ft. by 9.5 ft. cantilevered addition to an existing single-family dwelling. The applicant is proposing to expand the existing kitchen of the dwelling on the north side of the dwelling. The applicant states that this cantilevered addition is necessary to accommodate space lost through the remodeling of the kitchen. Further, that there is an inability to expand towards the rear or center of the structure, due to existing stair cases and structural load bearing walls. Strict adherence to the regulations would not allow for the cantilevered addition to the existing single-family dwelling. Staff believes that the proposed 19 sq. ft. addition will allow for 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.**

The existing location and configuration of the structure are circumstances that have created the need for the variance. The applicant has requested a variance to reduce the required north interior side yard setback from 5 ft. to 3 ft. to allow for a cantilevered addition to an existing single-family dwelling. The applicant states that this addition is needed due largely to allow for more usable space in the kitchen. Strict adherence to the regulations would not allow for the cantilevered addition to the existing 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.**

The addition would not likely alter the essential character of the surrounding neighborhood or be injurious to the use or enjoyment of adjacent property. The adjacent property is located 10 ft. 6 in. from the property line and approximately 14 ft. from the proposed location of the cantilever.

- 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 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.

**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 north interior side yard setback from 5 ft. to approximately 3 ft. in order to allow for the construction of a 2-foot cantilever on the first floor of an existing single-family dwelling located at 4705 Drew Avenue South in the R1A Single-Family District and SH Shoreland Overlay District.

**Attachments:**

- 1) Written descriptions and findings submitted by the applicant
- 2) Copy of e-mail sent to Fulton Neighborhood Association and CM Hodges
- 3) Zoning map
- 4) Site plan
- 5) Floor plan
- 6) Photographs