

Department of Community Planning and Economic Development – Planning Division Report

Variance Request
BZZ-2166

Date: February 3, 2005

Applicant: Nicholas and Lori Johnson

Address of Property: 1818 Kenwood Parkway

Date Application Deemed Complete: January 4, 2005

End of 60 Day Decision Period: February 27, 2005

End of 120 Day Decision Period: NA

Appeal Period Expiration: February 14, 2005

Contact Person and Phone: Karen Gjerstad, 612-724-7258

Planning Staff and Phone: Carrie Flack, 612-673-3239

Ward: 7 **Neighborhood Organization:** Kenwood

Existing Zoning: R1 District, Single-family District

Proposed Use: Construction of an addition to a single family dwelling

Proposed Variance: A variance to reduce the required side yard setback from 6 ft. to 3 ft. to allow for the construction of a first story addition to an existing single family dwelling.

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

Background: The subject site is an irregular shaped triangle lot that is approximately 8,400 sq. ft. in size and consists of a 2-story single family dwelling with a detached garage. The applicant is proposing to construct a 6 ft. x 8.5 ft. (50 sq. ft.) addition onto the west side of the dwelling. The addition is located on the rear of the dwelling adjacent to an existing alley. The addition would allow for an expansion to the existing kitchen, expansion to an existing half bath, and provide a rear entry for the home. The dwelling received a rear addition previously in the past and the new addition would fill in space to be adjacent with that original addition. A portion of an existing deck would be removed to allow for the new addition. The addition would consist of a stucco material to match the 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.**

Side yard setback: The applicant's are seeking a variance to reduce the required side yard setback from the required 6 ft. to 3 ft. The applicant's state that the new addition will allow for an expansion to the existing kitchen, expansion to an existing half bath, and provide a rear entry for the home. These expansions are not possible anywhere else on the property. Strict adherence to the regulations would not allow for the addition. Based on the submitted information, the request seems reasonable given that the addition would be in line with the north and west side walls of the existing dwelling.

- 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.**

Side yard setback: The conditions upon which the setback variance is requested are unique to the parcel due to the configuration of the property and the orientation of the dwelling on the property. The property is an irregularly shaped triangle lot with an alley located along the northwest side of the property and Kenwood Parkway along the northeast side of the property. The alley exists to the rear of the dwelling and was apparently installed after the placement and construction of the dwelling on the property. The existing kitchen is located on the northwest side of the house. There is no other possible location to add to the dwelling to allow for an expansion to the kitchen. The new addition will not encroach any closer to the northwest property line than the existing deck.

- 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.**

Side yard setback: Staff believes that the new addition will not alter the essential character of the surrounding neighborhood and will not be injurious to the use or enjoyment of other property in the vicinity provided the materials used on the addition are compatible with the materials used on the rest of the dwelling. Staff believes that the design of the new addition is in keeping with the design of the dwelling and provides for a more usable kitchen. Furthermore, the new addition is located to the rear of the dwelling adjacent to an alley and will not impact adjacent residential structures.

- 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.**

CPED Planning Division Report
BZZ-2166

Side yard setback: Granting the variance would likely have no impact on congestion of area streets or fire safety, nor would the proposed 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 variance to reduce the required side yard setback from 6 ft. to 3 ft. to allow for the construction of a first story addition to an existing single family dwelling subject to the following conditions:

1. That the Planning Department review and approve the final site and elevation plans.
2. That the exterior building materials used for the addition shall be compatible to the exterior building materials of the house.