

Department of Community Planning and Economic Development - Planning Division Report**Variance Request
BZZ-3855**

Date: November 29, 2007

Applicant: Brett Ulen (contractor on behalf of property owner)

Address of Property: 2838 Garfield Street NE

Contact Person and Phone: Brett Ulen, (612) 685-5518

Planning Staff and Phone: Aaron Hanauer, (612) 673-2494

Date Application Deemed Complete: October 30, 2007

Public Hearing: November 29, 2007

Appeal Period Expiration: December 10, 2007

End of 60 Day Decision Period: December 31, 2007

Ward: 1 **Neighborhood Organization:** Audubon Neighborhood Association

Existing Zoning: R1A, Single-Family District

Proposed Use: Construction of a second story addition.

Proposed Variances:

- A variance to reduce the established front yard setback to 30 feet;
- A variance to reduce the interior side yard setback from 5 feet to 4 feet.

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

Background: The subject property, 2838 Garfield Street NE, is a standard, R1A Zoning District lot that measures 40 feet x 127.5 feet (5,080 square feet). The subject property contains a 1½ story, single-family bungalow constructed in 1923. The footprint of the house has not changed since the original construction (24 feet x 40 feet). The house is located 4 feet from the northern interior property line.

The applicant is proposing a remodeling project that would replace the top ½ story with a full story, therefore, creating a two-story home. The second story would consist of a master bedroom, bathroom, and closet.

The primary reasons this project needs the variances is the deep front yard setback of the property to the south, 2834 Garfield Street NE, 83 feet. The front yard setback of the subject property is created by

drawing a line from the closest front building corner to the street of 2834 Garfield Street NE to the closest front building corner to the street of the property to the immediate north of the subject property, 2842 Garfield Street NE (see Appendix C: site plan).

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 variance: The applicant has requested a variance to reduce the established front yard setback to 30 to allow for the construction of a 2nd floor addition. Staff believes the addition is a reasonable use of the property and recognizes the deep, established front yard setback as a hardship.

Note about the front yard setback: The R1A Zoning District front yard setback is 20 feet. Since the subject property's established front yard setback is 30 feet, it requires the variance.

Interior side yard variance: The applicant has requested a variance to reduce the north side yard setback from 5 feet to 4 feet to allow for a 2nd floor addition. Staff believes the 2nd floor addition is a reasonable use of the property. In this case, staff also recognizes the original placement of the house as a hardship. The principal structure was built 4 feet from the property line in 1923. This building date precedes the date the Minneapolis Zoning Code established side yard setbacks.

- 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 variance: The circumstance upon which this front yard variance is requested that is unique to this parcel of land and was not created by the applicant is the subject property's deep, established front yard setback. Since the property to the south of the subject property is setback 83 feet from the front property line it creates a deep front yard setback for the subject property.

Interior side yard variance: The circumstance upon which the interior side yard variance is requested that is unique to this parcel of land and was not created by the applicant is the original placement of the home. The subject property is 4 feet from the property line. This was the distance the house was built from the north interior property line in 1923. The construction date of this house precedes the Minneapolis Zoning Code provision for side yard setback requirements.

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.**

Both variance: Staff believes that granting of the front yard and interior side yard variances to allow for the construction of a second floor addition will not alter the essential character of the area for two reasons. First, there are two-story homes on this block including the neighboring property to the north. Second, the proposed addition will not increase the distance of the front yard setback nor interior side yard setback of the existing home.

Staff also believes that granting of these variances will not be injurious to the use or enjoyment of the adjacent properties. There are three reasons in the case of 2842 Garfield Street NE. First, the height of the proposed second story addition will be comparable to the structure height of 2842 Garfield Street NE. Second, the front yard setbacks of 2842 Garfield and the subject property are identical, and third, there is 20.8 feet that separate the two properties.

In the case of 2834 Garfield Street Northeast, staff does recognize that the second floor addition may increase shadows during the day, however, not likely to a level that will be injurious to the use and enjoyment of the property owner and/or tenants.

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.**

Both variances: Granting of the variances would have no impact on the congestion of area streets or fire safety, nor would the variances be detrimental to the public welfare or endanger the public safety.

Recommendation of the Department of Community Planning and Economic Development:

The Department of Community Planning and Economic Development (CPED)–Planning Division recommends that the Board of Adjustment adopt the findings above and

- **Approve** the variance to reduce the established front yard setback to 30 feet.
- **Approve** the variance to reduce the north interior side yard setback from 5 feet to 4 feet.

to allow for the construction of a second floor and rear addition at 2838 Garfield Street NE in the R1A, Single-Family District subject to the following conditions:

1. CPED–Planning Division review and approve the final site plan, floor plans, and elevation. All drawings will be measured to an architect or engineer’s scale.
2. The home addition meets the administrative site plan review regulations for single and two-family dwellings.

Appendices

CPED Planning Division
BZZ-3855

Appendix A. Zoning Map

Appendix B. Statement of Proposed Use and Letter to the Zoning Administrator

Appendix C. Site plan, Elevations, Floor Plans, and Cross Sections

Appendix D. Applicant photos

Appendix E. Aerials