

**Department of Community Planning and Economic Development – Planning Division****Variance Request  
BZZ-1946**

**Date:** October 7 2004

**Applicant:** Joel Hussong

**Address of Property:** 2428 Jackson Street Northeast

**Contact Person and Phone:** Joel Hussong, (612) 325-1283

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

**Date Application Deemed Complete:** August 30, 2004

**End of 60 Day Decision Period:** October 29, 2004

**End of 120 Day Decision Period:** December 28, 2004

Ward: 3      **Neighborhood Organization:** Holland Neighborhood Improvement Association

**Existing Zoning:** R2B, Two-family Residential District

**Proposed Use:** A deck addition to an existing single-family dwelling.

**Proposed Variance:** A variance to reduce the required front yard setback along Lowry Avenue Northeast from 20 ft. to 5 ft. to allow for the construction of a deck addition to an existing single-family dwelling on a reverse corner lot.

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

**Background:** The subject property is approximately 42 ft. by 86 ft. (3,612 sq. ft.) and consists of an existing single-family dwelling and attached garage. The property is located at the corner of Lowry Avenue Northeast and Jackson Street Northeast and fronts Jackson Street Northeast. However, the adjacent property to the north fronts Lowry Avenue Northeast, making the subject site a reverse corner lot. The applicant is requesting a variance to reduce the required front yard setback along Lowry Avenue Northeast from the required 20 ft. setback to 5 ft. to allow for the construction of a deck addition to an existing single-family dwelling. The deck addition will be in line with the existing dwelling, which is located 5 ft. from the north front property line along Lowry Avenue Northeast.

Decks located in required yards are allowed by code to be constructed to 50 sq. ft. and project no more than 4 ft. into the required yard. The proposed deck will be 200 sq. ft. and will project 15 ft. into the required front yard, the same as 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.**

**Front yard setback:** The applicant is seeking a variance to reduce the required front yard setback along Lowry Avenue Northeast from the required 20 ft. setback to 5 ft. to allow for the construction of a deck addition to an existing single-family dwelling on a reverse corner lot. The front yard setbacks imposed on the single-family dwelling provides a limited portion of the property that allows for a deck addition. Strict adherence to the code requires that the subject property construct a deck that is 50 sq. ft. and projects no more than 4 ft. into the front yard. This would require a deck that was 10 ft. deep. Strict adherence to the regulations would not allow for the proposed deck addition to the existing single-family 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.**

**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 existing dwellings. As previously mentioned, the subject property is a reverse corner lot, therefore, a front yard setback is required along both Lowry Avenue Northeast and Jackson Street Northeast. This is a circumstance that is unique to this parcel and not created by the applicant. Additionally, the location of the existing dwelling on the property poses a challenge for the construction of a deck on the property. The alternative to the variance would cause an undue hardship to the property owner, by not allowing the proposed deck addition. The location of the existing structures and the configuration of the lots are not circumstances created by the applicant.

- 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 deck addition will not substantially alter the essential character of the surrounding neighborhood. The proposed deck addition will maintain 20 ft. to the side yard setback from the adjacent property to the west. The variance request is required in order to construct a deck that is greater than 50 sq. ft. in area. Staff believes that the 10 ft. by 20 ft. deck addition will not be injurious to the use or enjoyment of other property in the vicinity because it is located to the rear of the existing dwelling and the fact there is an existing deck in this current location. Additionally, the existing dwellings on the subject property and the adjacent property to the south are located approximately 5 ft. apart. With the deck addition located on the north half of the property, it has less impact on the adjacent dwelling to the south.

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 proposed deck addition to the existing dwelling 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 Lowry Avenue Northeast from 20 ft. to 5 ft. to allow for the construction of a deck addition to an existing single-family dwelling on a reverse corner lot subject to the following conditions:

1. Review and approval of final site and elevation plans by the Planning Department.
2. That the deck would remain open and not enclosed with screens, drywall, or glass windows at any point in the future without obtaining an additional variance.