

Department of Community Planning and Economic Development - Planning Division
Variance Application
BZZ - 2427

Date: July 7, 2005

Applicant: Ryan Hoffman

Address Of Property: 2416 22nd Avenue NE

Contact Person And Phone: Ryan Hoffman 612-803-3526

Planning Staff And Phone: Jim Voll 612-673-3887

Date Application Deemed Complete: June 14, 2005

Appeal Period Expiration: July 18, 2005

End of 60 Day Decision Period: August 14, 2005

Ward: 1 **Neighborhood Organization:** Windom Park

Existing Zoning: R1 Single-Family Residential District

Proposed Use: Single-family home

Proposed Variances: A variance to reduce the required front yard setback from 25 feet to 15 feet and a variance to reduce the required east interior side yard setback from six feet to one foot for an architectural feature.

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

Background: The subject property contains a vacant and boarded single-family home. The applicant proposes to demolish this structure and to build a single-family home in its place. The required setback in the R1 District is 25 feet and the required side yard setback is six feet. The applicant proposes to build the home inline with the other house on the street that for the most part are 15 feet back from the property line. He also proposes to have an architectural feature or arch on the east side of the house that will encroach into the side yard to one foot from the property line. The feature is only one foot wide. The rest of the east side of the house will meet the six foot setback. The new home is required to meet the design review requirements of chapter 530 of the Zoning Code.

Findings Required by the Minneapolis Zoning Code:

- 1. The property cannot be put to a reasonable use under the conditions allowed and strict adherence to the regulations of this zoning ordinance would cause undue hardship.**

Front yard setback: The applicant proposes to build the house approximately in line with the structures to the east and west that are setback 15 feet and 20 feet respectively. While the lot has a fairly large area it is only 90 feet deep, which is shallower than most lots in the city and the majority of the lots on the same side of the block. Requiring the applicant to meet the requirements would be a hardship because it would not allow him to build a similar structure to those on the surrounding properties. The requested variances will allow a reasonable use of the property.

Side yard setback: While the lot has a fairly large area it is only 90 feet deep, which is shallower than most lots in the city and the majority of the lots on the same side of the block. In addition there is no alley access so a drive has to run along side the house to the street. These factors have influenced the design of the to be wider and shifted to the east. This pushes the architectural detail into the east setback. Requiring the applicant to meet the requirements could be a hardship because it would make it more difficult to build a reasonably sized home with a design that might otherwise be possible with a deeper lot with alley access. In addition, the majority of the structure will be setback six feet and it is only a one foot wide part of the house that will encroach into the setback. The requested variances will allow 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 lot is only 90 feet deep, while the majority of the lots on the block are 190 feet deep. The house to the west of the site is setback 20 feet and the house to the east is setback 15 feet, so a 25 foot setback is less necessary. These are conditions that are not generally applicable to other properties in the area.

Side yard setback: The lot is only 90 feet deep, while the majority of the lots on the block are 190 feet deep. The lot does not have alley access. This makes it more difficult to build a reasonably sized home on the lot with out encroaching into the setbacks. These are conditions that are not generally applicable to other properties in the area.

CPED Planning Division Report
BZZ-2427

- 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: The intent of setbacks is to provide a uniform building line down a block face, to preserve views up and down the street, and to ensure access to light and air. Since the applicant proposes a house that will be approximately inline with the homes to the east and west of the site, the proposed variance does not circumvent the intent of the ordinance.

Side yard setback: The intent of setbacks is to provide a uniform building line down a block face, to preserve views up and down the street, and to ensure access to light and air. Since the majority of the house will meet the six foot setback and only a one foot wide part of the structure will encroach into the setback, the variance should not circumvent the intent of the ordinance.

- 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.**

The variance should have no effect on congestion as it will not increase traffic demand at the site. The variance should not be detrimental to the public welfare or safety and will not increase the danger of fire.

Recommendation of the Community Planning and Economic Development Department - Planning Division:

The Community Planning and Economic Development Department - Planning Division recommends that the Board of Adjustment adopt the above findings and **approve** the variance application to reduce the required front yard setback from 25 feet to 15 feet and to **approve** the required east interior side yard setback from six feet to one foot for an architectural feature for property located at 2416 22nd Avenue NE.