

Department of Community Planning and Economic Development – Planning Division Report

Variance Request
BZZ-2279

Date: April 21, 2005

Applicant: James Roesner

Address of Property: 3208 44th Avenue South

Date Application Deemed Complete: March 28, 2005

End of 60 Day Decision Period: May 27, 2005

Appeal Period Expiration: May 2, 2005

Contact Person and Phone: James Roesner, 612-729-3643

Planning Staff and Phone: Molly McCartney, 612-673-5811

Ward: 12 **Neighborhood Organization:** Longfellow Community Council

Existing Zoning: R1A, Single-family District

Proposed Use: Construction of a single-family dwelling.

Proposed Variance: A variance to reduce the required front yard from 25 ft. to 18 ft. to allow for a single family dwelling with an 8 ft. open porch on a property located at 3208 44th Avenue South in the R1, Single-Family District

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

Background: The subject property is 6,750 sq. ft. (50 ft. by 135 ft.) and consists of a one-and-a-half story, single-family dwelling and a detached garage. The applicant is proposed to demolish the dwelling and build a new single-family dwelling. The applicant is requesting a front yard variance in order to align the proposed dwelling with the front yard setbacks of the adjacent dwellings on the block, which range from 19 ft to 17 ft. 6 in., as well as to preserve backyard space. The existing dwelling, built in 1911, is approximately 20 ft from the front property line. The design of the proposed dwelling will match the character of the surrounding area, which is comprised of single story and one-and-a-half story bungalows. The primary roof pitch of the proposed dwelling is 7/12 and the exterior materials will be stucco and cedar shingles.

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 has requested a variance to reduce the required front yard setback from 25 ft. to 18 ft. to allow for the construction of a single-family dwelling in the R1, Single-family District. The R1 District requires a 25 ft. front yard setback or an established front yard setback created by a line joining the nearest front corners of the adjacent residential structures. In this case, none of the dwellings on the block meet the 25 ft. setback. Without the requested variance, the zoning code would prevent the applicant from constructing a single-family dwelling that meets a similar setback established by the other dwellings on the block. Staff believes the single-family dwelling with a setback similar to other dwellings on the block is 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 conditions upon which the setback variance is requested are unique to the property due to the location of adjacent dwellings and reduced setback created by the adjacent dwellings. The R1 District requires a 25 ft. setback or an established setback created by the adjacent residential structures. In this case, none of the dwellings on the block meet the 25 ft. setback. The locations of the adjacent dwellings and resulting reduced setback is not a circumstance 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 that the addition will be keeping with the spirit and intent of the ordinance and will not alter the essential character of the surrounding neighborhood. The applicant states the proposed dwelling with the setback variance will create a more uniform look for the block and be consistent with many other dwellings in the area. The adjacent dwellings, as well as many other dwellings on the block, do not meet the R1 District front yard setback of 25 ft. The front yard setback requirement is used to create a uniform building wall along the street and the requested variance will be keeping with the spirit of and intent of the ordinance. The proposed design of the dwelling is a one-and-a-half story, single-family dwelling with a 7/12 pitch, stucco and cedar shingle siding with an 8 ft. open porch. This design is in character of the surround area that includes many bungalows and other single- and two-family dwellings.

- 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.**

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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 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 from 25 ft. to 18 ft. to allow for a single family dwelling with an 8 ft. open porch on a property located at 3208 44th Avenue South in the R1, Single-Family District, subject to the following conditions:

1. That the Planning Division review and approve the final site and elevation plans that measure to an architectural or engineering scale.