

Department of Community Planning and Economic Development – Planning Division

Variance Request
BZZ-4353

Applicants: Rana Panzino and Jeremy Sinn

Address of Property: 453 Thomas Avenue S

Contact Person and Phone: Jeremy Sinn, 612-269-3649

Planning Staff and Phone: Chris Vrchota, (612) 673-25467

Date Application Deemed Complete: April 17, 2009

Publication Date: May 17, 2009

Public Hearing: May 21, 2009

Appeal Period Expiration: June 1, 2009

End of 60 Day Decision Period: May 29, 2009

Ward: 7 **Neighborhood Organization:** Bryn-Mawr Neighborhood Association

Existing Zoning: R1A Single Family District

Proposed Use: 13.5'x8' kitchen addition.

Proposed Variance: To reduce the required side yard setback from 5 feet to 3 feet 11 inches.

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

Background: The subject site is an irregular, triangular shaped totaling 5,194 square feet. The property is adjacent to Thomas Avenue S on the west side and an alley on the southeast side. The existing house is pushed to the northeast portion of the lot. The house, built in 1912, has a footprint of 867 square feet and a total gross floor area of 1410s square feet.

Proposal: The applicants are proposing to demolish a small entry bump out (approx. 6'x3.5') and replace it with a new 13.5'x8' addition. As shown in the attached floor plan (Appendix C-2), the addition would be to the existing kitchen.

Requested Variance Explanation: The existing portion of the house containing the kitchen is setback 3'-11" from the north property line. The applicants wish to extend this existing building wall for the kitchen addition, avoiding an asymmetrical bump out on the north wall.

Public Comment: No public comment received to date.

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.**

The applicant has requested a variance to reduce side yard setbacks to allow for an addition to the existing kitchen. This is the only logical place for an addition to the kitchen. Building the addition at the required setback would create a 6.5 foot long bump out in the wall, with the walls on either side being set back 5 feet. The triangular shape of the lot and required setbacks leave a limited amount of buildable space on the lot. The location of the kitchen, the shape of the lot combined with the required setbacks and the pre-existing non-conforming building wall create a hardship in this case.

- 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.**

The conditions upon which the variance is requested are unique to the parcel. The subject lot triangular, creating a limited and unusually shaped buildable area on the lot. The house was built in its current location in 1912. A portion of the north wall of the house was built 3'-11" from the property line, before the required 5 foot setback was established. This area is where the kitchen is located, leaving few options for the expansion of the kitchen without a variance.

- 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.**

Granting of the variance will be keeping with the spirit and intent of the ordinance and will not negatively alter the essential character of the locality. The proposed additions would not extend the structure any closer to the property line than it already does. The intent of the side yard setback requirement is to ensure that there's sufficient separation between structures. The house on the property to the north sits 12'-1" from the property line, meaning there would be over 15 feet between the structures after the addition was built.

- 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.**

Granting the variance would not likely increase congestion in the area or increase the danger of fire safety, nor would the variance be detrimental to welfare or public safety. The house will meet building code setbacks for windows and will remain over 15 feet from the adjacent house.

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Recommendation of the Department of Community Planning and Economic Development:

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 north side yard setback from 5 feet to 3 feet 11 inches for a building addition in the R1A, Single-Family District subject to the following conditions:

- CPED-Planning review and approve final site plan, floor plans, and elevations.
- The addition shall be finished in stucco to match the existing house.

Attachments:

Appendix A: Zoning Map

Appendix B: Applicant's Statement and Project Description

Appendix C: Site Plan and Plans for the Proposed Addition

Appendix D: Photographs Submitted by Applicants