

**Department of Community Planning and Economic Development - Planning Division Report**  
Variance  
BZZ-4427

**Date:** June 25, 2009

**Applicant:** Brad and Cindy Eggen

**Address of Property:** 4152 Lyndale Avenue South

**Project Name:** 4152 Lyndale Avenue South

**Contact Person:** Brad and Cindy Eggen, (612) 630-3227

**Planning Staff:** Shanna Sether, (612) 673-2307

**Date Application Deemed Complete:** June 1, 2009

**End of 60-Day Decision Period:** July 31, 2009

**Ward:** 10      **Neighborhood Organization:** East Harriet Neighborhood Association

**Existing Zoning:** R1A Single Family District

**Zoning Plate Number:** 30

**Legal Description:** Not applicable

**Proposed Use:** An air conditioning condenser unit to an existing single family home

**Variance:** to reduce the north interior side yard setback from 5 feet to approximately 1 foot to allow for an air conditioning unit to an existing single family home

**Zoning code section authorizing the requested variance:** Chapter 525, Article IX Variances, Specifically Section 525.520(1) “to vary the yard requirements, including permitted obstructions into required yards not allowed by the applicable regulations.”

**Background:** The subject property is approximately 42 ft. by 124.5 ft. (5,229 sq. ft.). The property consists of an existing two-story dwelling located on a corner lot. The existing dwelling is located approximately 3 ft. from the north interior property line. The applicant is proposing to add a central air conditioning system to their home and locate the exterior condenser unit approximately 1 ft. to the property line. The minimum interior side yard setback in the R1A District is 5 ft. Air conditioning systems are permitted obstructions in the interior side yard; however, the adjacent use must be equipped with central air or have no windows or doors in the wall immediately abutting the yard. The adjacent property does have windows on their south façade and they do not have central air conditioning.

Therefore, the applicant is seeking a variance to reduce the required north interior side yard setback from 5 ft. to approximately 1 ft. to allow for an air conditioning condenser unit.

As of writing this staff report, staff has not received any correspondence from the East Harriet Neighborhood Association. Staff will forward comments, if any are received, at the Board of Adjustment meeting.

**Findings Required by the Minneapolis Zoning Code - Variance:**

- 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 is seeking a variance to the north interior side yard setback from 5 ft. to approximately 1 ft. to allow for an air conditioning condenser unit to an existing single-family dwelling. The existing dwelling on the subject property is located approximately 3 ft. to the north interior side property line. Strict adherence to the regulations requires a minimum of a 5 ft. interior side setback. The applicant has stated that the proposed location of the condenser unit will preserve the natural landscaping of the rear yard, prevent unsightliness of the condenser unit in the corner side yard and reduce the length of pipeline required to access the attic air handler. Staff believes that the proposed location for the central air condenser would allow for 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.**

The existing location of the structure and the lack of central air in the adjacent structure are circumstances that have not been created by the applicant. The adjacent property is located approximately 16 feet to the proposed condenser unit, with a driveway between the two properties. Further, the applicant has stated that the proposed location of the condenser unit will preserve the natural landscaping of the rear yard, prevent unsightliness of the condenser unit in the corner side yard and reduce the length of pipeline required to access the attic air handler.

- 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.**

Staff believes the proposed variance will not be injurious to the use of the adjacent property, because the adjacent structure is located approximately 16 feet away from the condenser unit. Condenser units are permitted obstructions in the required interior side yard only when the adjacent property has central air or no openings adjacent to the unit. The purpose of this ordinance is to prevent noise transfer from the condenser unit into potentially open windows next door during the warmer months of the year. The adjacent structure to the north has windows on the south side of their building that would face the new condenser; however, the applicant has stated that previous tenants use window-unit air conditioners on the south elevation of the adjacent structure.

**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 side yard setback variance would likely have no impact on the congestion of area streets or fire safety, nor would the proposed condenser to the existing single-family dwelling be detrimental to the public welfare or endanger the public safety.

**Recommendation of the Department of Community Planning and Economic Development - Variance:**

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 interior side yard setback from 5 feet to approximately 1 foot to allow for an air conditioning unit to an existing single family home located at 4152 Lyndale Avenue South in the R1A Single Family Residence District.

**Attachments:**

- 1) Written descriptions and findings submitted by the applicant
- 2) Copy of e-mail sent to East Harriet Neighborhood Association and CM Remington
- 3) Zoning map
- 4) Site plan
- 5) Photographs