

Department of Community Planning and Economic Development – Planning Division Report

Variance Request
BZZ-2156

Date: January 20, 2005

Applicant: State of Minnesota, Hennepin County Auditor as Administrator

Address of Property: 3358 Russell Avenue North

Date Application Deemed Complete: December 22, 2004

End of 60 Day Decision Period: February 20, 2005

End of 120 Day Decision Period: April 21, 2005

Appeal Period Expiration: January 31, 2005

Contact Person and Phone: Robert A. Burck, Asst. Hennepin County Attorney

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

Ward: 4 **Neighborhood Organization:** Cleveland Neighborhood Association

Existing Zoning: R1A, Single-family District

Proposed Use: Construction of a second story addition to an existing single-family dwelling.

Proposed Variance: A variance to reduce the required corner side yard setback from 8 ft. to 2.5 ft. to allow for the construction of a second story addition to an existing single family dwelling on property located at 3358 Russell Avenue North in District R1A Single-family District.

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

Background: The subject site consists of a single story, single family dwelling with a detached garage on a 31.6 ft. x 128.6 ft. (4,059 sq. ft.) lot. The property is located at the southeast corner of Russell Avenue North and 34th Avenue North. The applicant is proposing to remodel the first floor and construct a full second story addition with three bedrooms. The second story addition will add 767 sq. ft. to the existing 806 sq. ft. dwelling. The house does not sit exactly parallel to the property line. The northwest corner of the existing house is located 2.5 feet from the corner side yard property line and the northeast corner of the existing house is located 3.22 feet from the property line. The R1A District requires an 8 ft. corner side yard setback or a 3 ft. minimum for an addition to a dwelling. The second floor addition will maintain the existing setback of the house. As the existing house is 2.5 ft. from the northwest corner side property line a variance is necessary.

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.**

Corner side yard setback: The applicant has requested a variance to reduce the required corner side yard setback from 8 ft. to 2.5 ft. to allow for the construction of a second story addition to the dwelling. The applicant is proposing to remodel the first floor and add three bedrooms to the second floor. The property line is located eight feet from the sidewalk, which appears to be an unusually large distance from the sidewalk. Strict adherence to the regulations would not allow for the applicant to expand to the second floor. Based on the unusually large boulevard of 8 ft. and because the request is a corner side yard variance adjacent to public right of way versus an interior side yard setback adjacent to an existing property line or structure, staff believes that the expansion 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.**

Corner side yard setback: The conditions upon which the setback variance is requested are unique to the parcel of land and were not created by the applicant. The placement of the dwelling on the property and the location of the structure to the property line are existing conditions not created by the applicant. In addition, the boulevard between the sidewalk and property line is 8 ft., which is unusually large. A typical boulevard between the sidewalk and property line is 2-3 ft. and in some instances is 0-1 ft. Staff believes that these circumstances are unique to this parcel.

- 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.**

Corner side yard setback: Staff believes that the second story expansion will not alter the essential character of the surrounding neighborhood or be injurious to the use or enjoyment of other property in the vicinity. The intent of the corner side yard setback is to preserve open space along public sidewalks and to provide additional right of way for infrastructure improvements. Public Works has stated that there are no plans to expand 34th Avenue North in the future. A large boulevard of 8 ft. exists between the sidewalk and the applicant's property line providing open space adjacent to the public sidewalk. The house is located on a block of primarily one and one and a half story dwellings, however the applicant has provided examples of two-story, single-family dwellings in the Cleveland neighborhood. Staff does not believe the addition will alter the essential character of the neighborhood or be injurious to the use or enjoyment of other property in the vicinity.

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.**

Corner side yard setback: Granting the variance would likely have no impact on the congestion of area streets or fire safety, nor would the proposed addition be detrimental to the public welfare or endanger the public safety.

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 reduce the required corner side yard setback from 8 ft. to 2.5 ft. to allow for the construction of a second story addition to an existing single family dwelling on property located at 3358 Russell Avenue North in District R1A Single-family District, subject to the following conditions:

1. That the Planning Division review and approve the final site and elevation plans.