

Department of Community Planning and Economic Development – Planning Division Report

Variance Request
BZZ-2380

Date: June 16, 2005

Applicant: Jonah Ritter

Address of Property: 2915 West 40th Street

Date Application Deemed Complete: May 23, 2005

End of 60 Day Decision Period: July 22, 2005

Appeal Period Expiration: June 27, 2005

Contact Person and Phone: Jonah Ritter, 612-929-3433

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

Ward: 13 **Neighborhood Organization:** Linden Hills Neighborhood Council

Existing Zoning: R1, Single-family District

Proposed Use: Construction of a second story addition.

Proposed Variance: A variance to reduce the required front yard setback along West 40th Street from the setback established by connecting a line between the front corners of the two adjacent residential structures to 26 ft. to allow for second story addition property located at 2915 West 40th Street in the R1, Single-Family District

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

Background: The subject property is 5,917 sq. ft. (48.5 ft. by 122 ft.) and consists of a single-story, single-family dwelling and an attached garage. The applicant is proposing to add a second story. The existing dwelling is setback 26 ft. from the property line, but is in the established setback created by the adjacent two dwellings. The proposed second story will follow the face of the structure, and will not project closer into the front yard than the existing façade. The applicant has pulled a building permit to begin interior and exterior work on the first story and a second story that does not include the portion of the building that is in the established setback.

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 the required front yard setback from established setback created by the adjacent uses to 26 ft. to allow for the construction of second story in the R1, Single-family District. In this case, the dwelling to the west has a greater setback than the subject site and the property to the east. Without the requested variance, the zoning code would prevent the applicant from constructing a second story that follows the line of the first floor up. Second stories are permitted in all residential districts and staff believes the proposed addition 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.**

The conditions upon which the setback variance is requested are unique to the property due to the location of subject and adjacent dwellings and the increased setback created by the adjacent dwellings. The subject dwelling was built in 1909 and the two adjacent dwelling were built in 1906 and 1910. The location of the adjacent structures and the subsequent increased established setback is a circumstance not 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.**

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 proposed addition will maintain the existing setback as well as the scale of dwellings in the surrounding area. The surrounding properties are comprised of one-and-a-half and two stories dwellings, mainly bungalows and four squares. The design of the proposed second story addition and remodel of the first floor is a modern design with a flat roof, which is a unique design in the immediate surrounding area. While the proposed addition to the dwelling would not be subject to the Design Standards for Site Plan Review, the proposed addition and first floor remodel would exceed the minimum points for approval.

- 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 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

CPED Planning Division Report
BZZ-2380

the public welfare or endanger the public safety. The existing tuck-under garage will continue to be used for parking.

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 setback along West 40th Street from the setback established by connecting a line between the front corners of the two adjacent residential structures to 26 ft. to allow for second story addition property located at 2915 West 40th Street in the R1, Single-Family District

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