

Department of Community Planning and Economic Development – Planning Division**Variance Request
BZZ-3117****Date:** August 3, 2006**Applicant:** Kevin Eisen**Address of Property:** 4203 1st Avenue South**Contact Person and Phone:** Kevin Eisen, (612) 827-2030**Planning Staff and Phone:** Shanna Sether, (612) 673-2307**Date Application Deemed Complete:** July 7, 2006**Public Hearing:** August 3, 2006**Appeal Period Expiration:** August 14, 2006**End of 60 Day Decision Period:** September 5, 2006**Ward:** 8 **Neighborhood Organization:** Kingfield Neighborhood Association**Existing Zoning:** R1A Single-family Residential District**Proposed Use:** A dormer addition to the front of an existing single-family dwelling.**Proposed Variance:** A variance to reduce the front yard setback established by connecting the two corners of the adjacent properties along 1st Avenue South from 36 ft. to 26 ft. to allow for two dormer additions to the front of an existing single family home located at 4203 1st Avenue South in the R1A Single Family District.**Zoning code section authorizing the requested variance:** 525.520 (1)**Background:** The subject property is approximately 40 ft. by 132 ft. (5,291 sq. ft.) and consists of an existing single-family dwelling with a detached garage. The adjacent dwelling to the north is located on the corner of 1st Avenue South and 42nd Street East and is setback approximately 21 ft. from the front property line along 1st Avenue South. The adjacent dwelling to the south has a front setback of 40 ft. from 1st Avenue South.

The applicant is proposing to remodel the existing structure and construct two dormer additions to the front of the existing single-family dwelling. The additions will allow two smaller bedrooms to replace the

one bedroom, which is under the gable roof. The structure will increase in height from a one and a half story to a two story. The applicant is seeking a variance to reduce the required front yard setback from 36 ft to 26 ft. to allow for the allow for two dormer additions to the front of an existing single family home in the R1A Single Family District.

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 variance to reduce the front yard setback established by connecting a line between the front two corners of the two adjacent residential structures along 1st Avenue South from 36 ft. to 26 ft. to allow for two dormer additions on an existing single-family dwelling. The applicant is proposing to remodel the existing half story to allow for additional headroom and another bedroom on the second floor by continuing the existing exterior wall above the first story. The adjacent single-family dwelling to the north is setback 21 ft. and the adjacent single-family dwelling to the south is setback 40 ft. from the front property line, which would require the dwelling to be setback to 36 ft. Strict adherence to the regulations requires that the proposed dormer additions to the dwelling be constructed behind the established front yard setback. This provision would require that the dormer additions be stepped back 10 ft. to meet the established front yard setback, which would be impossible due to the existing floor and roof plan. Strict adherence to the regulations would not allow the addition to the existing single-family dwelling, which 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 circumstances upon which the setback variance is requested are unique to the parcel of land due to the location of the adjacent dwelling to the south of the subject property. The location of the existing structures is not a circumstance created by the applicant. The alternative to the variance would cause an undue hardship to the property owner, by not allowing the dormer additions to the existing single-family dwelling.

- 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 the dormer additions to the dwelling will not alter the essential character of the surrounding neighborhood, because there are a mix of one and two story single-family dwellings in the area. Staff believes that the addition to the existing single-family dwelling will not be injurious to the use or enjoyment of other property in the vicinity because the dormer

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additions will be constructed above an existing portion of the dwelling. The R1A District requires a minimum of a 20 ft. setback; the applicant is proposing to maintain an existing 26 ft. setback. Staff believes that the proposed addition meets the intent of the ordinance by maintaining a similar setback to the neighborhood.

- 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.**

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 rear addition 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 front yard setback established by connecting the two corners of the adjacent properties along 1st Avenue South from 36 ft. to 26 ft. to allow for two dormer additions to the front of an existing single family home located at 4203 1st Avenue South in the R1A Single Family District subject to the following conditions:

1. Review and approval of final site and elevation plans by the Planning Department
2. That the exterior materials of the addition match the existing dwelling
3. That the addition meets the requirement of at least fifteen percent windows on the second floor facing 1st Avenue South, as required by section 535.90(c) of the zoning code.