

Department of Community Planning and Economic Development – Planning Division Report

Variance Request
BZZ-4626

Date: December 3, 2009

Applicant: Eric Hansen

Address of Property: 4401 Washburn Ave S

Contact Person and Phone: Eric Hansen, 612-328-0881

Planning Staff and Phone: Aly Pennucci, 612-673-5342

Date Application Deemed Complete: November 11, 2009

End of 60 Day Decision Period: January 8, 2010

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

Existing Zoning: R1A Single-family District

Lot Area: 4,092 sq. ft

Zoning Plate Number: 29

Legal Description: Not applicable

Proposed Use: Addition to single family residence

Proposed Variance:

- A variance to reduce the required front yard setback along 44th Street West from 20 ft. to 6.2 ft.

Applicable zoning code provisions: 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 44 ft. 6 in. by 93 ft. (4092 sq. ft.) and consists of an existing single family dwelling, built in 1914. The property is located at the corner of Washburn Avenue South and 44th Street West. The adjacent property to the east fronts 44th Street West, making the subject site a reverse corner lot. The property line along 44th Street West is 22 ft. from the curb with 8 ft. of public right of way between the curb and the sidewalk, a 6 ft. sidewalk, and 8 ft. of public right

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of way inside of the sidewalk on 44th Street W. There is a curb cut and parking area for one vehicle in the required front yard along Washburn Avenue S.

The applicant is proposing to construct an addition on the north side of the house for an attached garage with a roof top deck. The proposed addition to accommodate the attached garage is approximately 19 ft. x 9.2 (175 square ft.) and is proposed to be located 6.2 ft. from the front property. Because of the reverse corner lot configuration this, this lot is subject to two front yard requirements, one along Washburn Ave South and one along 44th Street W. The required setback along 44th Street West is 20 ft. and thus a variance is required to allow for the proposed addition. This proposal also requires a new curb cut on 44th Street West. The new curb cut will require review and approval by the Department of Public Works and the necessary approvals from the Minneapolis Park and Recreation Board to remove and relocate one boulevard tree. The applicants propose closing the existing curb cut and removing the driveway and parking area along Washburn Avenue S.

The applicants will also construct a 10 ft. x 8 ft. two story addition to the rear of the existing home and a new entryway and steps to the side. This portion of the proposal meets the requirements of the zoning code and does not require any additional variances.

The Linden Hills Neighborhood Council submitted a letter of no objection for the variance application. (see attached).

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.**

Strict adherence to the regulations would not allow for the addition to the side of the existing single-family dwelling and does cause undue hardship. The applicant is seeking a variance to reduce the required front yard along 44th Street West from 20 ft. to 6.2 ft. A portion of the existing dwelling along the north elevation is in the required front yard setback along 44th Street West; the proposed addition is setback 2 ft. further from this projection. Due to the reverse corner lot configuration, the size of the lot, lack of an alley and the location of the dwelling on the lot, the zoning code limits the area where an attached or detached garage can be located on this lot without seeking a variance. A garage is a reasonable use for residential districts.

- 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 circumstances are unique to this parcel of land due to the reverse corner lot configuration, the size of the lot, lack of an alley and the location of the dwelling on the lot. The existing single

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family home is positioned towards the back of the lot (14 ft. from the rear property line) which makes it unworkable to locate an attached or detached garage on this site while still maintaining the required yards and the required distance from the dwelling. The home was built in 1914, prior to ownership by the current homeowner. The above circumstances have not been 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.**

Granting the variance will be in keeping with the spirit and intent of the ordinance. The variance request is required in order to allow for an attached garage to the side of a single family dwelling. The applicants will close the existing curb cut along Washburn Avenue Sand will remove the parking area to the front of the residence that is currently nonconforming. In addition, the applicants will remove a significant amount of the impervious surfaces. With the proposed additions and removing the existing driveway and parking area along Washburn Avenue S the amount of impervious cover will change from approximately 59 percent to 40 percent. Vehicles cannot be parked in the proposed driveway in a manner that would result in a vehicle extending into the public right of way

- 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.**

The proposed variance would likely have no impact on congestion of area streets or fire safety, nor 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 request to reduce the required front yard setback along 44th Street West from 20 ft. to 6.2 ft to allow for an attached garage with a patio above to an existing single family dwelling on a reverse corner lot for the property located at 4401 Washburn Avenue South in the R1A Single-Family District, subject to the following conditions:

1. CPED–Planning Division review and approve the final site plan.

Attachments:

- 1) Written descriptions and findings submitted by the applicant
- 2) Correspondence from neighborhood associations
- 3) Copy of e-mail sent to neighborhood organizations and CM
- 4) Zoning map
- 5) Survey

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- 6) Floor plans
- 7) Building elevations
- 8) Photographs
- 9) Oblique aerials