

Department of Community Planning and Economic Development - Planning Division Report
Variance
BZZ-4449

Date: July 16, 2009

Applicant: Mark Currie

Address of Property: 3505 Snelling Avenue

Project Name: 3505 Snelling Avenue

Contact Person: Mark Currie, (612) 721-9250

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

Date Application Deemed Complete: June 15, 2009

End of 60-Day Decision Period: August 14, 2009

Ward: 9 **Neighborhood Organization:** Longfellow Community Council

Existing Zoning: R1A Single Family District

Zoning Plate Number: 27

Legal Description: Not applicable

Proposed Use: A front and rear addition to an existing single-family dwelling.

Concurrent Review:

- Variance to reduce the front yard setback along Snelling Avenue from 20 feet to 15 feet 3 inches to allow for an addition to the front of the existing structure
- Variance to reduce the front yard setback along 35th Street East from 20 feet to approximately 15 feet to allow for an addition to the rear of the existing structure

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

Background: The subject property is an irregular through lot, approximately 40 ft. by 117 ft., on average, (4,663 sq. ft.). The property consists of an existing one and a half story dwelling. The applicant is proposing to remove the existing addition on the front of the structure, construct an 8 ft. by 24 ft. addition to the front of the structure and an 8 ft. by 24 ft. addition to the rear of the structure and increase the height of the building to two and a half stories.

The subject property is a through lot with frontages along both Snelling Avenue and 35th Street East. Therefore, this lot is subject to two front yard requirements, one along Snelling Avenue and the other along 35th Street East. The proposed two and a half story addition on the front of the building will be located approximately 15 feet 3 inches to the front property line along Snelling Avenue. The minimum front yard setback is 20 feet. Therefore, the applicant is applying for a variance to allow for the proposed addition.

The addition on the rear of the structure will be located approximately 15 feet, at the closest point, to the front property line along 35th Street East. Again, the minimum front yard setback along 35th Street East is 20 feet. Therefore the applicant is applying for a variance reduce the front yard setback along 35th Street East from 20 feet to approximately 15 feet to allow for the proposed two and a half story addition on the rear of the structure.

As of writing this staff report, staff has not received any correspondence from the Longfellow Community Council. Staff will forward comments, if any are received, at the Board of Adjustment meeting.

Findings Required by the Minneapolis Zoning Code - Variances:

- 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 variance along Snelling Avenue: Staff believes that the subject property can be put to a reasonable use under the conditions allowed by the official code without causing undue hardship. Although the residence already extends into the required front yard, the Zoning Code permits the continued use of nonconforming structures provided they are not enlarged, altered, or relocated. Staff sees no reason to expand this encroachment into the required front yard.

Front yard variance along 35th Street East: The applicant is seeking a variance to the required front yard setback from 20 ft. to 15 ft. at the closest corner to allow for the construction of a new rear addition to an existing single-family dwelling. The existing dwelling on the subject property is located 25 ft. from the north front property line at the closest point. The minimum front yard setback in the R1A District is 20 ft. The single-family home located adjacent to the property, along 35th Street East has established of approximately 5 ft., which is less than the district setback of 25 ft. Strict adherence to the regulations would not allow for the proposed addition to the existing single-family dwelling that will have a greater setback as a result of the parcel located on a through lot. Based on the submitted information staff believes that the proposed rear addition to the existing single family home 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 variance along Snelling Avenue: The circumstances requiring the variance have been created by the applicant. The applicant would be able to construct an addition to the existing structure and still maintain the minimum required front yard setback. The applicant is proposing to almost double the existing square footage of the structure with the proposed additions and the

increase in height. While the subject parcel is unique as a through lot, the platted and existing front should still comply with the front yard setbacks.

Front yard variance along 35th Street East: The circumstances upon which the setback variance is requested are unique to the parcel of land due to the type of lot and the required district front yard setback. As previously mentioned, the subject site is on a through lot, which puts an undue hardship on the applicants, because strict adherence to the code would not allow for the rear addition to the existing home. The home is located 25 ft. from the property line and the addition would be located 8 ft. further than the home currently exists. The adjacent structure along 35th Street East is located approximately 5 feet to the front property line. These circumstances are unique to this parcel and not created by the applicant, because the required setback is greater than the established and because the lot is on a through lot.

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 variance along Snelling Avenue: The granting of the variance will not be in keeping with the spirit and intent of the ordinance. The purpose of required yards is to provide for orderly development and use of land and to minimize conflicts among land uses by providing adequate light, air, open space and separation of uses. The scale of the addition intruding approximately five feet into the required yard would be intrusive and out of scale with the block.

Front yard variance along 35th Street East: Staff believes the rear addition to the existing single-family dwelling will not substantially alter the essential character of the surrounding neighborhood. There are a number of properties in the neighborhood that are similarly located close to the property line, including the adjacent property along 35th Street East. Staff believes that the addition will not be injurious to the use or enjoyment of other property in the vicinity because it will not be located any closer to the property line than the location of the existing dwelling to the north and will be constructed in character and building material with the existing dwelling. Staff believes the addition meets the intent of the ordinance, by allowing an addition that meets the other requirements of the district and that is characteristic of the dwelling. The proposed addition also meets the requirement of the zoning code requiring a minimum of 15 percent windows of the portion of the new addition facing 35th Street East per 535.90 (c):

535.90. Minimum size and width, principal entrance and windows, and location of attached garage requirements for residential uses.

(c) *Windows* . Not less than fifteen (15) percent of the walls on each floor of single and two-family dwellings and multiple-family dwellings of three (3) and four (4) units that face a public street shall be windows. Not less than five (5) percent of the walls on each floor of single and two-family dwellings and multiple-family dwellings of three (3) and four (4) units that face a rear or interior side lot line shall be windows. Half stories shall not be subject to the minimum window requirement.

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.**

Both variances: 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 building will not result in the creation of increased parking, second dwelling units or new construction exempt from safety provisions in adopted Building and Fire codes.

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 **deny** the variance to reduce the front yard setback along Snelling Avenue from 20 feet to 15 feet 3 inches to allow for an addition to the front of the existing structure

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 along 35th Street East from 20 feet to approximately 15 feet to allow for an addition to the rear of the existing structure, subject to the following conditions:

1. Community Planning and Economic Development Department – Planning Division staff review and approval of the site and elevation plans.
2. The exterior materials of the addition shall match the existing dwelling.

Attachments:

- 1) Written descriptions and findings submitted by the applicant
- 2) Copy of e-mail sent to Longfellow Community Council and CM Schiff
- 3) Zoning map
- 4) Site plan
- 5) Building elevations
- 6) Floor plans
- 7) Photographs