

Department of Community Planning and Economic Development – Planning Division Report**Variance Request
BZZ-2133****Date:** January 6, 2004**Applicant:** Vic Harvath, on behalf of Donald Weld**Address of Property:** 5247 Girard Avenue South**Date Application Deemed Complete:** December 8, 2004**End of 60 Day Decision Period:** February 6, 2005**End of 120 Day Decision Period:** April 7, 2005**Appeal Period Expiration:** January 18, 2005**Contact Person and Phone:** Vic Harvath, 612-827-2041**Planning Staff and Phone:** Molly McCartney, 612-673-5811**Ward:** 13 **Neighborhood Organization:** Lynnhurst**Existing Zoning:** R1 District, Single-family District**Proposed Use:** Construction of an addition to an existing single-family dwelling with an attached garage on a reverse corner lot.**Proposed Variance:** A variance to reduce the required front yard setback along 53rd Street West from the setback established by the adjacent residential structure of 35 feet, 10 inches to 12 feet, 2 inches to allow for the construction of an addition, including attached garage, onto an existing single family dwelling.**Zoning code section authorizing the requested variance:** 525.520 (1)**Background:** The subject site is a reverse corner lot with dimensions of 50 ft. x 125.5 ft. (6,275 sq. ft.) and consists of a two story, single-family dwelling built in approximately 1927. The applicant is proposing to remove a detached garage and construct a two story addition and a single story attached garage. The addition will add a significant amount of living space, approximately 600 sq. ft. to each floor, including a kitchen expansion on the 1st floor and 2 bedrooms and a bath on the 2nd floor. The attached garage will be 670 sq. ft. and meets the ordinance requirements for maximum size. The property is a reverse corner lot and has a setback established by the adjacent dwelling along 53rd Street West of 35 ft. 10 in. The proposed addition will have a setback of 12 ft.2 in. along 53rd Street West and will encroach into the required front yard. The dwelling currently has a 9 ft., 2 in. setback along 53rd

Street West and the proposed addition will not extend in front of any portion of the existing dwelling. The addition on the north side of the property will be 3 inches and will extend along the line of the building.

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 is seeking a variance to reduce the front yard setback created by the adjacent residential structure along 53rd Street West from 35 ft. 10 in. to 12 ft. 2 in. to allow for the construction of an addition. The property is a reverse corner lot and thus has two front yard setback requirements to comply with. Strict adherence to the regulations requires the addition to be constructed behind the established front yard setback which would not allow for the proposed addition to the existing single-family dwelling. Based on the submitted information the addition appears to be 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 conditions upon which the setback variance is requested are unique to the parcel of property because the lot is a reverse corner lot and subject to two front yard setback requirements. The subject property requires a front yard setback along both Girard Avenue South and 53rd Street West. A major portion of the existing dwelling is already located in front of the established setback along 53rd Street West. The dwelling currently has a 9 ft. 2 in. setback along 53rd Street West. The proposed addition will have a 12 ft. 2 in. setback and will not extend in front of any portion of the existing dwelling. The placement of the dwelling and the classification of the property as a reverse corner lot are circumstances that are unique to the parcel and 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.**

Front yard setback: Staff believes that the addition will not alter the essential character of the surrounding neighborhood. The applicant states that the design of the addition will be consistent with many of the homes in the area. The proposed addition will result in a structure consistent with the scale and footprint of other homes surrounding area. Along 53rd Street West, the dwelling meets the transparency requirements for the front façade of a single family dwelling and has an entrance. The existing detached garage will be removed and the addition will not interfere with sight lines to and from the alley. Staff believes that the proposed addition is in

keeping with the neighborhood and design of the house and will not 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.**

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 proposed addition to the existing dwelling be detrimental to the public welfare or endanger the public safety. The façade along 53rd Street West has ample transparency and an entrance which provides an opportunity for natural surveillance and an active street presence. The proposed addition will not obstruct sight lines to and from the alley.

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** a variance to reduce the required front yard setback along 53rd Street West from the setback established by the adjacent residential structure of 35 feet, 10 inches to 12 feet, 2 inches to allow for the construction of an addition, including attached garage, onto an existing single family dwelling subject to the following conditions:

1. That the Planning Division review and approve the final site and elevation plans that measure to an architect or engineering scale.
2. That the primary exterior materials of the addition be stucco to match the primary materials of the existing structure.