

Department of Community Planning and Economic Development – Planning Division**Variance Request
BZZ-2013**

Date: November 4, 2004

Applicant: Andrew Allgood

Address of Property: 2416 43rd Street East

Contact Person and Phone: Andrew Allgood, (612) 724-1153

Planning Staff and Phone: Tanya Holmgren, (612) 673-5887

Date Application Deemed Complete: October 1, 2004

End of 60 Day Decision Period: November 30, 2004

End of 120 Day Decision Period: January 29, 2005

Ward: 12 **Neighborhood Organization:** Standish Ericsson Neighborhood Association

Existing Zoning: R1A, Single-family Residential District

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

Proposed Variance: A variance to reduce the established front yard setback along 25th Avenue South from 28 ft. to 13 ft. to allow for the construction of a 1.5 story addition to the rear of an existing single-family dwelling.

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

Background: The subject property is approximately 57 ft. by 90 ft. (5,130 sq. ft.) and consists of an existing single-family dwelling and attached garage. The property is located at the corner of 25th Avenue South and 43rd Street East and fronts 43rd Street East. However, the adjacent property to the north fronts 25th Avenue South, making the subject site a reverse corner lot.

The applicant is requesting a variance to reduce the required front yard setback along 25th Avenue South from the established 28 ft. setback to 13 ft. to allow for the construction of a two-story addition to the rear of an existing single-family dwelling. The addition will be located 6 ft. behind the existing attached garage along 25th Avenue South and will be located 10 ft. 9 in. from the north property line. Currently, the area above the garage is used as a patio.

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 required front yard setback along 25th Avenue South from the required 28 ft. setback to 13 ft. to allow for a two-story addition to the rear of an existing single-family dwelling on a reverse corner lot. The front yard setbacks imposed on the single-family dwelling provides a limited portion of the property that allows for an addition. Due to the configuration of the dwelling, topography of the property, and the fact that the dwellings along 43rd Street East are all equally setback limit the possibility of an addition to the rear of the dwelling. Strict adherence to the regulations would not allow for the proposed rear addition to the existing single-family dwelling.

- 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 existing dwellings. As previously mentioned, the subject property is a reverse corner lot, therefore, a front yard setback is required along both 25th Avenue South and 43rd Street East. This is a circumstance that is unique to this parcel and not created by the applicant. The subject property was originally platted to front 43rd Street East and the adjacent property to the north was originally platted to front 25th Avenue South. Additionally, the location of the existing dwelling on the property poses a challenge for the construction of any addition on the dwelling. The alternative to the variance would cause an undue hardship to the property owner, by not allowing the proposed addition. The location of the existing structures and the configuration of the lots are not circumstances 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 the rear addition will not substantially alter the essential character of the surrounding neighborhood. The proposed rear addition will maintain 13 ft. to the front yard along 25th Avenue South and will maintain 10 ft. 9 in. to the side yard setback from the adjacent property to the north. The variance request is required in order to construct an addition. Staff believes that the rear addition will not be injurious to the use or enjoyment of other property in the vicinity because it is located to the rear of the existing dwelling and the existing attached garage that projects 6 ft. closer to the property line than the proposed addition. Additionally, other properties along 43rd Street East are located within the required front yard

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setback, making the proposed variance consistent with the area, due to the original platting of the lots to front on 43rd Street East.

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.

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 established front yard setback along 25th Avenue South to 13 ft. to allow for the construction of a 1.5 story addition to the rear of an existing single-family dwelling subject to the following conditions:

1. Review and approval of final site and elevation plans by the Planning Department.