

Department of Community Planning and Economic Development – Planning Division

Variance Request
BZZ-3445

Date: March 22, 2007

Applicant: Ryan Stegora on behalf of Thomas Dulka

Address of Property: 5629 13th Avenue South

Contact Person and Phone: Ryan Stegora (612) 889-8277

Planning Staff and Phone: Brian Schaffer, (612) 673-2670

Date Application Deemed Complete: February 27, 2007

Public Hearing: March 22, 2007

Appeal Period Expiration: April 2, 2007

End of 60 Day Decision Period: April 28, 2007

Ward: 11 **Neighborhood Organization:** Hale, Page, and Diamond Lake Community Association

Existing Zoning: R1 Single Family District

Proposed Use: A second story addition to an existing one and half story single family dwelling

Proposed Variance: A variance to reduce the established front yard setback to 37 feet 10 inches to allow for a second story addition to a single family dwelling located at 5629 13th Avenue South in the R1 Single Family District.

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

Background: The subject property is located on an interior lot that is approximately 50 ft. by 128 ft. (6,410 sq. ft.). The applicant is proposing to construct a second story addition on an existing one and a half story single family dwelling. The proposed second story addition will be along the existing building wall and will not increase the footprint of the structure. The existing dwelling is located 37 feet 10 inches from the west property line. The front yard setback established by the front corners of the two adjacent residential structures along 13th Avenue South is approximately 70 feet.

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 a variance to reduce the established front yard setback along 13th Avenue South to 37 feet 10 inches to allow for the construction of a second story addition on an existing one and a half story single family dwelling. The adjacent single-family dwelling to the south of the subject property is setback approximately 93 feet from the front property line and the neighbor to the north is located roughly 39 feet from the front property line. Strict adherence to the regulations would require that the entire dwelling is constructed behind the established front yard setback which is approximately 70 feet. Staff believes that constructing the proposed second story addition along the existing front building wall of the subject dwelling would be a reasonable use of the property and be consistent with the setback of the homes along the 13th Avenue South.

- 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 variances are requested are unique to the parcel of land due to the configuration of the dwelling on the adjacent property to the south. As previously mentioned, the adjacent parcel is setback 93 feet from the front property line and therefore imposes a greater setback than the district minimum front yard setback of 25 feet. This is a circumstance that is unique to this 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 the second story addition to the single-family dwelling will not alter the essential character of the surrounding neighborhood. The area is zoned R1A and consists primarily of single and two family dwellings. Staff believes that the proposed addition 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.**

CPED Planning Division Report
BZZ-3445

Front yard setback: Granting the setback variance would likely have no impact on the congestion of area streets or fire safety, nor would it 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 to 37 feet 10 inches to allow for a second story addition to a single family dwelling located at 5629 13th Avenue South in the R1 Single Family District with the following conditions

1. CPED-Planning review and approve final site plan, floor plans, and elevations.