

Department of Community Planning and Economic Development – Planning Division
Variance
BZZ-5518

Date: May 24, 2012

Applicant: Karen Mayer and Joe Yuhas

Address of Property: 3940 Washburn Avenue South

Contact Person and Phone: Karen Mayer, (612) 927-9191

Planning Staff and Phone: Janelle Widmeier, (612) 673-3156

Date Application Deemed Complete: May 1, 2012

End of 60-Day Decision Period: June 30, 2012

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

Existing Zoning: R1 Single-family District

Proposed Use: Single-family dwelling

Concurrent Review: Variance to reduce the established front yard setback requirement to 14 feet adjacent to Washburn Avenue South to allow a new roof gable.

Applicable zoning code provisions: Chapter 525, Article IX Variances, Section 525.520 (1) “To vary the yard requirements, including permitted obstructions into required yards not allowed by the applicable regulations.”

Background: A one-story single-family dwelling exists at the property of 3940 Washburn Avenue South. The applicant is proposing to update and enhance the exterior of the dwelling including adding a new roof gable over the front entrance and porch. The property is a reverse corner lot.¹ For a reverse corner lot, both lot lines that abut a street are considered front lot lines and a required front yard needs to be provided and maintained along each of the lot lines. In the R1 district, the minimum front yard requirement is 25 feet or the established setback of the adjacent residential structure, whichever is greater. The dwelling located to the west is set back less than 25 feet from the lot line adjacent to 40th Street West; therefore, the minimum front yard required for the subject property is the district requirement of 25 feet. The dwelling located to the north is set back approximately 27 feet from the lot line adjacent to Washburn Avenue; therefore, the minimum front yard required for the subject property is the established setback of 27 feet. The proposed new gable would extend into the required front yard adjacent to Washburn Avenue South. Because it would be increasing the bulk of the building, a variance to reduce the front yard setback requirement is required.

¹ The zoning code defines a reverse corner lot as “A corner lot that includes more than one (1) lot line adjacent to streets of which one (1) lot line is substantially a continuation of the front lot line of the adjacent property to the rear.”

The original application submittal also included other exterior modifications, such as a larger porch, a bay window, and a new door and landing facing 40th Street. They are still referenced in the applicant's project description and on the site plan; however, the applicant has decided to scale back the scope of the project and those changes are no longer proposed.

Correspondence from the neighborhood group was received and is attached to this report. They support the variance request. Staff will forward comments, if any are received, at the Board of Adjustment meeting.

VARIANCE

Findings as Required by the Minneapolis Zoning Code:

- 1. Practical difficulties exist in complying with the ordinance because of circumstances unique to the property. The unique circumstances were not created by persons presently having an interest in the property and are not based on economic considerations alone.**

Practical difficulties exist in complying with the ordinance due to circumstances unique to the property. The property is a reverse corner lot with two required front yards. The property is 48 feet wide by 125 feet deep. The required yards, including side and rear yards, cover over 75 percent of the subject property. The resulting east to west buildable area is only 15 feet wide. For new construction, the zoning code requires a minimum dwelling width of 22 feet. The existing dwelling extends into the required front yard adjacent to Washburn Avenue by approximately 12 feet.

- 2. The property owner or authorized applicant proposes to use the property in a reasonable manner that will be in keeping with the spirit and intent of the ordinance and the comprehensive plan.**

In general, yard controls are established to provide for the orderly development and use of land and to minimize conflicts among land uses by regulating the dimension and use of yards in order to provide adequate light, air, open space and separation of uses. Policies of the comprehensive plan also support the purpose of the yard ordinances. The project would comply with all other yard requirements and with all other district regulations, including maximum height, lot coverage and impervious surface. The existing dwelling extends into the required front yard adjacent to Washburn Avenue by 12 feet. The new gable will extend only 6 inches beyond the existing eave edge and 2.5 feet above the existing ridgeline of the roof. It would not have any effect on adjacent property's access to light and air. The request is reasonable and consistent with the intent of the ordinance and the comprehensive plan.

- 3. The proposed variance will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. If granted, the proposed variance will not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties.**

Granting the variance would not likely affect the character of the area and should have little effect on adjacent properties. The proposed variance would not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties.

RECOMMENDATION

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 above findings and **approve** the variance to reduce the established front yard setback requirement to 14 feet adjacent to Washburn Avenue South to allow a new roof gable located at the property of 3940 Washburn Avenue South.

Attachments:

1. Applicant statement of proposed use and findings
2. Correspondence
3. Zoning map
4. Plans
5. Photos