

Department of Community Planning and Economic Development – Planning Division
Variance
BZZ-5615

Date: July 12, 2012

Applicant: Renalie Bailey

Addresses of Property: 3115 46th Street West

Contact Person and Phone: Renalie Bailey, (612) 750-8624

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

Date Application Deemed Complete: June 15, 2012

End of 60-Day Decision Period: August 14, 2012

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

Existing Zoning: R1A Multiple Family District

Zoning Plate Number: 27

Legal Description: Not applicable for this application

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

Variance: To reduce the minimum front yard setback along 46th Street West from 20 feet to approximately 0 feet to allow for a half-story addition to an existing single-family dwelling.

Applicable zoning code provisions: Chapter 525, Article IX Variances, Section 525.520(2) “To vary the minimum lot width or lot area requirements up to thirty (30) percent...”, Section 525.520(1)(1)(1) “To vary the yard requirements, including permitted obstructions into required yards not allowed by the applicable regulations” and Section 525.520(3) “To vary the gross floor area...requirements of a structure...”

Background: The subject property is approximately 27 feet 6 inches by 39 feet 3 inches (1,079 square feet). The 18 foot by 24 foot, 432 square foot, one and a half-story dwelling was permitted for construction in 1920 by F. S. Atwood, who also owned 4601 York Avenue South, the adjacent property. Since the dwelling was constructed, no additions to the building walls or footprints have been constructed. The existing dwelling has a partially finished basement of 250 square feet, where the bedroom is located. The ceiling height in the basement is 6 feet 8 inches and does not comply with the minimum height required for a sleeping room in the basement. The main floor includes the existing kitchen, living room and bathroom and is approximately 413 square feet in area. The loft in the half-story has an existing ceiling height of 4 feet 6 inches. The applicant is proposing to remove the existing

roof and construct a half-story addition with two dormers above the existing first floor that would allow for the bedroom to be relocated to the upper floor from the basement. The existing dwelling is located 0 feet to the front property line. The minimum front yard setback requirement in the R1A Single-Family District is 20 feet. Therefore, the applicant has applied for a variance to reduce the minimum front yard setback along 46th Street West from 20 feet to approximately 0 feet to allow for a half-story addition to an existing single-family dwelling located at 3115 46th Street West in the R1A Single-Family District.

Staff has received a letter from the Linden Hills Neighborhood Council; a copy is attached to the staff report. Staff will forward additional comments, if any are received, to the Board of Adjustment at the public hearing.

Findings Required by the Minneapolis Zoning Code:

VARIANCE: to reduce the minimum front yard setback along 46th Street West from 20 feet to approximately 0 feet to allow for a half-story addition to an existing single-family dwelling located at 3115 46th Street West in the R1A Single-Family District.

- 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.**

The circumstances upon which the variance is requested are unique to the parcel of land due to the size of the existing lot and the location of the dwelling. These circumstances have not been created by the applicant. The minimum required front yard setback in the R1A District is 20 feet and the existing house is located on the front property line. The applicant is proposing to add approximately 5 feet in height, directly above the existing footprint to the structure to accommodate a legal bedroom within the existing dwelling.

- 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.**

The applicant is seeking a variance to reduce the required front yard setback from 20 feet to 0 feet for the construction of a half-story addition with two dormers to an existing dwelling. The purpose of yard requirements is to provide for orderly development and use of land and to minimize conflicts among land uses by governing the location of accessory uses and structures. The adjacent structures on the east and west sides of the property are detached garages belonging to the adjacent property owners. Staff believes that the proposed addition, which will increase the height of the existing roofline by approximately 5 feet, would allow for reasonable use of the property that would be keeping with the spirit and 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.

Staff believes that the granting of this variance would not negatively alter the essential character of the area or be injurious to the use or enjoyment of other property in the vicinity. The proposed addition will be directly above the existing footprint. In addition, the adjacent structures are both detached garages. The existing dwelling is located up to the front property line and has been located here since it was constructed over 90 years ago. The proposed addition and dormers would have new cedar shingles to complement the existing stucco façade. If granted, the proposed variance would not be detrimental to the health, safety or welfare of the public or those utilizing the property as long as it is constructed to current building 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 approve the variance to reduce the minimum front yard setback along 46th Street West from 20 feet to approximately 0 feet to allow for a half-story addition to an existing single-family dwelling located at 3115 46th Street West in the R1A Single-Family District, subject to the following conditions of approval:

1. Approval of the final site and elevation plans by the Department of Community Planning and Economic Development – Planning Division.
2. All site improvements shall be completed by July 12, 2013, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.

Attachments:

1. Written descriptions and findings submitted by the applicant
2. June 12, 2012, e-mail to Council Member Hodges
3. June 6, 2012, e-mail to Linden Hills Neighborhood Council
4. June 21, 2012, letter from Linden Hills Neighborhood Council
5. Zoning map
6. Survey
7. Site plan
8. Floor plans
9. Elevations
10. Photos of the site and surrounding area