

**Department of Community Planning and Economic Development – Planning Division**  
Variance  
BZZ-5795

**Date:** October 25, 2012

**Applicant:** Orfield Design & Construction, Inc.

**Address of Property:** 4944 Zenith Avenue South

**Contact Person and Phone:** Laura Orfield-Skrivseth, (952) 920-6543

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

**Date Application Deemed Complete:** October 1, 2012

**End of 60 Day Decision Period:** November 30, 2012

**Ward:** 13      **Neighborhood Organization:** Fulton Neighborhood Association

**Existing Zoning:** R2B Two-Family District

**Zoning Plate Number:** 29

**Legal Description:** Not applicable

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

**Variance:** to reduce the required front yard setback along Zenith Avenue South from the setback established by connecting a line between the two adjacent neighbors from approximately 28 feet to approximately 23 feet 10 inches.

**Zoning code section authorizing the requested variance:** Chapter 525, Article IX Variances, Specifically Section 525.520(1) “to vary the yard requirements, including permitted obstructions into required yards not allowed by the applicable regulations”.

**Background:** The subject property is approximately 42 feet by 129.5 feet (5,440 square feet) and consists of an existing one and a half story dwelling and detached garage constructed in 1947 and 1949, respectively. The existing dwelling is located approximately 25 feet from the front property line. The applicant is proposing to remove the existing half-story to add a full second story addition. The proposed dwelling would be increased from a one and a half story dwelling to a two and a half story dwelling. The adjacent structure to the north is located approximately 28.1 feet from the front property line and the adjacent structure to the south is setback 28 feet. The minimum front yard setback in the R2B District is 20 feet. However, the required front yard shall be increased where the established front yard of the closest principal building originally designed for residential purposes located on the same block face on either side of the property exceeds the front yard required by the zoning district. In this

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case, the front yard setback is increased to approximately 28 feet based on the location of the adjacent structures. Approximately 75 square feet of the proposed second floor addition is located closer than 28 feet to the front property line. Therefore, the applicant is seeking a variance to reduce the required front yard setback from 28 feet to approximately 23 feet 10 inches to allow for the proposed addition.

As of writing this staff report, staff has not received any correspondence from the Fulton Neighborhood Association. Staff will forward comments, if any are received, at the Board of Adjustment meeting.

### **Findings Required by the Minneapolis Zoning Code:**

**VARIANCE:** to reduce the required front yard setback along Zenith Avenue South from the setback established by connecting a line between the two adjacent neighbors from approximately 28 feet to approximately 23 feet 10 inches.

- 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 setback variance is requested are unique to the parcel of land due to the location of the adjacent neighbor's house. The applicant is proposing to remove the existing half-story and add a full second-story above the existing first floor of the existing single family dwelling. Approximately 75 square feet of the proposed second floor addition is located closer than 28 feet to the front property line. Staff believes that these circumstances have created practical difficulties in complying with the ordinance.

- 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 front yard setback established by the adjacent residential structures along Zenith Avenue South from approximately 28 feet to 23 feet 10 inches in order to allow for the construction of an additional story to an existing single-family 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. Approximately 75 square feet of the proposed second floor addition is located closer than 28 feet to the front property line. The proposed addition will not be located any closer to the front property line than the existing structure. Staff believes that the applicant is proposing to use the property in a reasonable manner.

- 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.**

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Staff believes that the granting of this variance will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. The applicant is proposing to increase the height of the house from one and a half stories to two and a half stories. Approximately 75 square feet of the proposed second floor addition is located closer than 28 feet to the front property line. The proposed materials of the addition are vinyl lap siding to match the existing dwelling. Further, granting of the variance will not increase the danger of fire safety or 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 required front yard setback along Zenith Avenue South from the setback established by connecting a line between the two adjacent neighbors from approximately 28 feet 6 inches to approximately 23 feet 10 inches to allow for a second story addition to an existing single-family dwelling located at 4944 Zenith Avenue South in the R2B Two-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 October 25, 2014, 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) Copy of letters sent to Fulton Neighborhood Association and Council Member Hodges
- 3) Correspondence
- 4) Zoning map
- 5) Site plans
- 6) Elevations
- 7) Floor plans
- 8) Photographs