

**Department of Community Planning and Economic Development**  
Variance Request  
BZZ-5921

**Date:** February 28, 2013

**Applicant:** Andrea Corbin

**Address of Property:** 5137 Chowen Avenue South

**Contact Person and Phone:** Andrea Corbin, 612-267-5404

**CPED Staff and Phone:** Chris Vrchota, (612) 673-5467

**Date Application Deemed Complete:** February 13, 2013

**End of 60 Day Decision Period:** April 13, 2013

**Ward:** 13      **Neighborhood:** Fulton

**Existing Zoning:** R1A/Single-Family Residential

**Proposed Use:** New Single-Family Dwelling with Detached Garage

**Proposed Variances:** Reduce the required front yard setback along Chowen Avenue South from the setback established by connecting a line between the two adjacent dwellings to 29 feet to allow for the construction of a new two-story, single-family dwelling

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

**Background:** The subject property measures 47.47' x 125.97, totaling 5,979 square feet. The property currently contains a 3 bedroom, single story house that is setback 31.91 feet from the west property line. The Applicant is proposing to construct a full 2<sup>nd</sup> story and large rear addition to the house. The scope of the work meets the City's definition of demolition, meaning the project is considered new construction. The end result will be a new, two-story single-family dwelling, totaling approximately 2977.3 square feet and having a floor area ratio (FAR) of .49. As designed, the proposed house would achieve 17 points through the City's administrative site plan review process, exceeding the required 15 points.

The Applicant is proposing to locate the primary wall of the new second floor 31.93 feet from the front property line, going straight up from the existing first floor wall. They are proposing cantilevered areas on both the first and second floor, with the largest overhang projecting 2 feet from the building wall, putting the setback at approximately 29 feet. This encroaches approximately 9.5 feet into the established front yard setback created by drawing a line between the corners of the houses on the neighboring properties. It would comply with the minimum required front yard setback for the district, which is 20 feet. The property to the south is setback 31.93 feet from the property line along Chowen Avenue. The property to the north is setback 42.79 feet from the property line, creating the larger established front yard setback.

**Findings 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.**

The Applicant is requesting a variance to reduce the established front yard setback along Chowen Avenue South from approximately 39 feet (at the greatest point) feet to 29 feet to allow for allow for the construction of a new single-family dwelling, utilizing the existing foundation and first floor footprint. The larger setback is created by the placement of the house on the adjacent lot to the north, which has an unusually large front yard compared to the typical pattern on the block. Any 2<sup>nd</sup> story addition to the house utilizing the existing footprint would require a variance to the established front yard setback. The larger than normal setback of the house on the lot to the north creates a unique circumstance for the subject property which was not created by the Applicant.

- 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 ordinance was created to keep houses from being built or expanded significantly closer to the property line than the neighboring properties, harming the established character of the neighborhood. In this case, it is the property to the north, which is setback further than most other houses on the block. The proposed “new” house would maintain the setback of the existing structure, with the exception of the two cantilevered sections, which range from 1 to 2 feet. Staff finds that extending the building wall straight up from the existing building wall and foundation is a reasonable proposal. Staff is recommending that the cantilevered sections, which would increase the encroachment into the established front yard, be eliminated and that the porch be moved back and limited to 6 feet in depth, in conformance with Table 535-1 Permitted Encroachments into Required Yards. As conditioned, the proposed house would be in keeping with the spirit and intent of the ordinance and 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 finds that, in general, the granting of this variance would not negatively alter the essential character or be injurious to the use or enjoyment of other property in the area. While the proposed final structure will be larger than many houses on the block, which includes 1, 1.5 and 2 story structures, it is below the maximum .5 FAR allowed by the zoning ordinance. The proposed variance to the established front yard to allow a 2<sup>nd</sup> story addition will not have a negative impact on the essential character of the area. The proposed cantilevered sections would increase the encroachment into the setback, as well as push the proposed porch closer to the front

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lot line. Staff is recommending that the cantilevered sections be removed and the variance granted for a setback of 31.91', allowing the second story addition to be constructed. Granting the setback variance will not be detrimental to the health, safety or welfare of the general public or of those utilizing the property or nearby properties.

**Recommendation of the Department of Community Planning and Economic Development:**

The Department of Community Planning and Economic Development recommends that the Board of Adjustment adopt the findings above and **approve** a variance to reduce the established front yard setback along Chowen Avenue South to **31.91 feet** to allow for the construction of a new two-story single-family dwelling, subject to the following conditions:

1. The cantilevered sections proposed at the front of the house are not approved.
2. The porch shall be positioned and designed to be in compliance with Table 535-1 Permitted Encroachments into Required Yards.
3. The applicant shall apply to obtain necessary approvals for administrative site plan review.
4. CPED staff review and approve the final site plan, building plans, and elevations.

**Attachments**

1. Statement of proposed use and variance findings- Submitted by Applicant
2. Letters to neighborhood organization and Council member- Submitted by Applicant
3. Zoning map
4. Survey, Site Plan, Building Plans and Elevations- Submitted by Applicant
5. Photographs- Submitted by Applicant