

**Department of Community Planning and Economic Development**  
Variance  
BZZ 5971

**Date:** April 4, 2013

**Applicant:** MN Renovations

**Address of Property:** 4151 Vincent Avenue South

**Contact Person and Phone:** Glenn Campbell, (952) 807-2847

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

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

**End of 60-Day Decision Period:** May 12, 2013

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

**Existing Zoning:** R1 Single-Family District

**Existing Overlay District:** Not applicable

**Zoning Plate Number:** 29

**Proposed Use:** Two-story addition with attached garage to an existing single-family dwelling

**Variance:** to reduce the required front yard setback along 42<sup>nd</sup> Street West from 25 feet to approximately 13 feet 7 inches to allow for a rear two and a half story addition with an attached garage to an existing single-family dwelling on a reverse corner lot

**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 53 feet by 76 feet (4,028 square feet) and is a reverse corner lot, located at the northeast corner of Vincent Avenue South and 42<sup>nd</sup> Street West. The property consists of an existing two- story dwelling that was constructed in 1907. A detached garage was constructed in 1921 and the existing detached garage replaced the original garage in 1988.

The applicant is proposing to remove an existing rear porch located approximately 12 feet 3 inches from the south property and an existing 14 foot by 22 foot detached garage in order to construct a new, 2-story rear addition with an attached garaged. The proposed addition would be located 13 feet 7 inches from the south property line, adjacent to 42<sup>nd</sup> Street West. With the proposed addition, the gross floor area of the site will be approximately 2,395 square feet, which includes all but 250 square feet of the

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proposed attached garage. The maximum gross floor area allowed on the property is 2,500 square feet. The adjacent structure to the north has frontage along Vincent Avenue South and is setback approximately 15 feet 6 inches from the front property line. The adjacent property to the east has frontage along 42<sup>nd</sup> Street West and is setback approximately 15 feet 6 inches from the front property line. Due to the platting of the land, the subject parcel is required to meet a minimum required front yard of 25 feet along 42<sup>nd</sup> Street West, the minimum required front yard in the R1 District. Therefore, the applicant has requested a variance to reduce the required front yard setback along 42<sup>nd</sup> Street West from 25 feet to 13 feet 7 inches to allow for the proposed two-story rear addition.

Staff has received a letter stating that the Linden Hills Neighborhood Council Zoning Committee voted 5-0 not to oppose the variance. A copy of the letter is attached to the report. Staff will forward additional comments, if any are received, at the Board of Adjustment public hearing.

**VARIANCE:** to reduce the required front yard setback along 42<sup>nd</sup> Street West from 25 feet to approximately 13 feet 7 inches to allow for a rear two and a half story addition with an attached garage to an existing single-family dwelling on a reverse corner lot

**Findings as Required by the Minneapolis Zoning Code for a Variance:**

- 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 variances are requested are unique to the parcel of land due to the platting of the land, the size of the lot and the location of the existing dwelling. These circumstances have not been created by the applicant. The applicant is proposing to construct an addition, including an attached garage, to the rear of the existing dwelling. The platting of the parcel requires a minimum 25 foot setback along 42<sup>nd</sup> Street West, which would not allow for the rear addition. Further, the subject property is substandard in size. The minimum lot area for a single-family dwelling in the R1 District is 6,000 square feet. The subject property is 4,028 square feet in area, which further reduces the area on the site to allow for the proposed project. Finally, the existing dwelling is currently nonconforming to the front yard setback along 42<sup>nd</sup> Street West. The rear addition is located approximately 12 feet 3 inches from the south property line. The applicant is proposing to remove the rear addition and detached garage to construct a new two-story rear addition with an attached garage approximately 13 feet 7 inches to the south property line.

- 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 proposing to construct a two-story addition, including an attached garage to the rear of the existing dwelling on a reverse corner lot. The purpose of required yards is to provide for orderly development and use of land and to minimize conflicts among land uses by providing adequate light, air, open space and separation of uses. The adjacent home on the neighboring lot to

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the east is located approximately 5 feet to the shared property line and over 11 feet away from the proposed addition, whereas the detached garage was located only 7 feet to the adjacent dwelling. In addition, the adjacent property to the west is elevated approximately 2-3 feet from the subject property and has an existing retaining wall plus a 6-foot high fence along the shared property line. Staff finds that the applicant is proposing to use the property in a reasonable manner consistent 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 finds that the granting of these variances would not negatively alter the essential character of the area. There are two other properties located at 4200 and 4201 Vincent Avenue South that are both corner and reverse corner lots with attached garages and greater lot area than the subject property. The proposed addition will have lap siding on the first floor and stucco on the second floor to match the existing dwelling.

The existing driveway accesses the detached garage along the east property line. The applicant is proposing to adjust the curb cut and allow for a new driveway with a 90 degree approach from 42<sup>nd</sup> Street West. The proposed attached garage will be located 13 feet 7 inches from the south property line and will not allow for sufficient area to park a vehicle in the driveway without encroaching onto the public right-of-way or public sidewalk. If granted, the proposed variances will 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 and the driveway is not utilized for the parking of vehicles. In addition, the proposed additions will be required to receive a building permit prior to construction.

**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 staff findings and **approve** the variance to reduce the required front yard setback along 42<sup>nd</sup> Street West from 25 feet to approximately 13 feet 7 inches to allow for a rear two and a half story addition with an attached garage to an existing single-family dwelling on a reverse corner lot located at 4151 Vincent Avenue South in the R1 Single-Family District, subject to the following conditions of approval:

1. Approval of the final site, elevation and floor plans by the Department of Community Planning and Economic Development.
2. All site improvements shall be completed by April 4, 2015, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.

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**Attachments:**

1. Written descriptions and findings submitted by the applicant
2. E-mails to Council Member Hodges and Linden Hills Neighborhood Council
3. Correspondence
4. Zoning map
5. Survey
6. Site plan
7. Building elevations
8. Floor plans
9. Photos