

**Department of Community Planning and Economic Development**  
Variance  
BZZ 5998

**Date:** May 2, 2013

**Applicant:** Terri and Daniel Burks

**Address of Property:** 2115 Aldrich Avenue South

**Contact Person and Phone:** Terri and Daniel Burks, (612) 581-1164

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

**Date Application Deemed Complete:** April 10, 2013

**End of 60-Day Decision Period:** June 9, 2013

**Ward:** 10      **Neighborhood Organization:** Lowry Hill East Neighborhood Association

**Existing Zoning:** R6 Multiple-Family District

**Existing Overlay District:** Not applicable

**Zoning Plate Number:** 18

**Proposed Use:** First floor addition and two-story rear addition to an existing single-family dwelling

**Variance:** to reduce the minimum north interior side yard setback from 5 feet to approximately 1 foot 9 inches measured to the exterior wall to allow the construction of a first floor addition and two-story rear addition to an existing single-family dwelling to an existing single-family dwelling.

**Applicable zoning code provisions:** Chapter 525, Article IX Variances, Specifically Section 525.520(1) “to vary the minimum yard requirements” and Chapter 546 Residence Districts

**Background:** The subject property is approximately 41.5 feet by 124 feet (5,146 square feet). The site has an existing single-family dwelling with a driveway and parking pad accessed via Aldrich Avenue South. There is an existing block wall with a privacy fence 55 feet to the rear property line. The block wall is approximately 10 feet in height and the rear 55 feet of the lot is used for off-street parking for the mixed-use building at 2116 Lyndale Avenue South. The first building permits on the property were to allow for a 28 foot by 40 foot single-family dwelling in 1896.

The majority of the existing single-family dwelling is located approximately 3 feet 9 inches to the north property line. The existing structure also has cantilevers on the second floor on the north and south sides of the structure. The cantilever on the north side of the dwelling is located approximately 1 foot 9 inches to the property line. The applicant is proposing to construct an addition on the first floor, under the

existing cantilever and a full two-story addition, approximately 16 feet deep and 19 feet 7 inches wide, to the rear of the existing dwelling. The proposed first floor addition and two-story rear addition would be located approximately 1 foot 9 inches to the north property line. The minimum interior side yard setback for a single-family dwelling in the R6 Multiple-Family District is 5 feet. Section 531.30(2)a of the zoning code allows single-family dwellings nonconforming to side yards to have all the rights of a conforming structure, provided the structure is located not closer than three (3) feet from the side lot line and provided the portion of the structure within the required side yard comprises at least sixty (60) percent of the length of the entire structure. This provision is not applicable to the existing dwelling, due to the location of the existing cantilever on the north side of the dwelling and the applicant is proposing to construct the additions less than 3 feet 9 inches to the north property line. Therefore, the applicants have requested a variance to reduce minimum north interior side yard setback from 5 feet to approximately 1 foot 9 inches to allow for the proposed additions to the existing single-family dwelling.

Staff has received minutes from the March 20, 2013, Lowry Hill East Neighborhood Association Board Meeting. Copies of the minutes are attached to the staff report. Staff will forward additional comments, if any are received, at the Board of Adjustment public hearing.

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

**VARIANCE:** to reduce the minimum north interior side yard setback from 5 feet to approximately 1 foot 9 inches measured to the exterior wall to allow the construction of a first floor addition and two-story rear addition to an existing single-family dwelling.

- 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.**

Staff finds that there are unique circumstances of the property, including the existing location of the dwelling and the grade change and land use of the rear of the property. However, staff finds that these circumstances do not cause practical difficulties that would justify increasing the degree of nonconformity with the minimum required side yard. The dwelling was constructed in its present location, approximately 1 foot 9 inches to the north property line in 1896. The applicant is proposing to construct an addition to the existing first floor, under the existing cantilever and constructing a 16 foot by 19 foot 7 inch, two-story addition to the rear of the dwelling. Both additions would be located 1 foot 9 inches to the north property line. Staff finds that the applicant has alternatives to allow for an addition to the rear of the single-family dwelling, 3 feet 9 inches to the north interior side property line, which would be consistent with section 531.30(2)a of the zoning code.

- 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 north interior side yard setback from 5 feet to approximately 1 foot 9 inches to allow for a one-story addition to the first floor and a two-story addition to the rear of the existing single-family dwelling. The dwelling was built in 1896 in its

present location, with 2 foot cantilevers on the north and south sides of the 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 proposed remodel would increase from a second floor cantilever 1 foot 9 inches to the property line, to a two-story cantilever, 29 feet in length 1 foot 9 inches to the property line. The minimum interior side yard setback for a single-family dwelling in the R6 Multiple-Family District is 5 feet. Staff has concerns that authorizing the remodel and additions to this dwelling 1 foot 9 inches to the north property line would not allow for the maintenance of the structure and not allow for sufficient separation of uses where the character of the area includes predominantly detached, single-family homes. While, the adjacent structure to the north is presently located approximately 10 feet from the shared property line, the minimum interior side yard requirement for an addition or new construction would be 5 feet and the zoning code authorizes permitted obstructions closer than 5 feet, including privacy fences which can be located on the property line. Staff finds that the applicant is not proposing to use the property in a reasonable manner consistent with the zoning code. However, staff does find that a reasonable alternative would be to allow for a two-story rear addition, 3 feet 9 inches from the north property line, consistent with the majority of the existing dwelling.

- 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 this variance to allow a first floor addition and a two-story rear addition approximately 1 foot 9 inches to the north property line will alter the essential character of the locality and may be injurious to the use or enjoyment of other property in the vicinity. Staff has concerns that authorizing the construction of the additions less than 2 feet to the north property line would not allow for the maintenance of the structure and not allow for sufficient separation of uses. However, staff finds that allowing a two-story rear addition, 3 feet 9 inches to the north property line would not alter the essential character of the area or be injurious to the use or enjoyment of other property in the vicinity.

Finally, granting of the variance will not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties, as long as it is constructed to current building codes.

### **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 minimum north interior side yard setback from 5 feet to **3 feet 9 inches to allow for a rear addition** to an existing single-family dwelling located at 2115 Aldrich Avenue South in the R6 Multiple-Family District., subject to the following conditions of approval:

1. The exterior materials of the addition shall match the existing dwelling.

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2. The north elevation shall comply with the minimum window requirements per 535.90(c) of the zoning code.
3. Approval of the final site, elevation and floor plans by the Department of Community Planning and Economic Development.
4. All site improvements shall be completed by May 2, 2015, 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. E-mails to Council Member Tuthill and Lowry Hill East Neighborhood Association
3. Correspondence
4. Zoning map
5. Existing survey
6. Site plan
7. Floor plans
8. Building elevations
9. Photos