

Department of Community Planning and Economic Development
Variance
BZZ 6135

Date: July 25, 2013

Applicant: Benjamin Lockhart

Address of Property: 2514 Thomas Avenue South

Contact Person and Phone: Benjamin Lockhart, (612) 229-7109

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

Date Application Deemed Complete: July 1, 2013

End of 60-Day Decision Period: August 30, 2013

Ward: 7 **Neighborhood Organization:** Kenwood Isles Area Association

Existing Zoning: R1A Single-Family District

Existing Overlay District: SH Shoreland Overlay District

Zoning Plate Number: 17

Proposed Use: Two-story rear addition to an existing single-family dwelling

Variance: to reduce the minimum south interior side yard setback from 5 feet to approximately 1 foot 2 inches to allow for a rear two and a half story addition to an existing 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 a wedge shape, with 48 feet of frontage along Thomas Avenue South and 25 feet in width along the alley. The subject property is 4,965 square feet in area. The site has an existing single-family dwelling and detached garage at the rear. The dwelling was constructed in 1923 and an addition was later added to the rear of the structure in 1930. The existing dwelling is located 3 feet 10 inches at the closest point of the structure from the south property line. The south property line is askew and the lot narrows towards the rear. The applicant is proposing to construct a rear addition in place of an existing brick patio in order to square off the structure. The existing location of the brick patio is nonconforming to the interior side yard setback. The addition will allow for the remodel of the first floor and an additional bedroom on the second level. The applicants have stated that adding a bedroom to the dwelling in any other configuration would be prohibited based on the existing layout of the structure; otherwise the additional bedroom would have to be accessed through the master bedroom. Due to the tangential property line to the south, the southwest corner of the proposed addition

would be located approximately 1 foot 2 inches to the south property line. The minimum interior side yard setback in the R1A District is 5 feet. Therefore, the applicant is requesting a variance to reduce the minimum south interior side yard setback from 5 feet to approximately 1 foot 2 inches to allow for the two and half story addition to the existing dwelling.

Staff has not received correspondence from the Kenwood Isles Area Association. Staff will forward comments, if any are received, at the Board of Adjustment public hearing.

Findings Required by the Minneapolis Zoning Code:

VARIANCE: to reduce the minimum south interior side yard setback from 5 feet to approximately 1 foot 2 inches to allow for a rear two and a half story addition to an existing 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 shape of the property, the existing location of the dwelling and patio and the internal layout of the dwelling that create a practical difficulty in complying with the ordinance. The dwelling was constructed in its present location, approximately 3 feet 10 inches to the north property line in 1923. The applicant is proposing to construct a two-story addition to the rear of the dwelling that would square off the structure and increase the footprint by 175 square feet. Due to the tangential property line to the south, the proposed addition would be located approximately 1 foot 2 inches to the south property line. The minimum interior side yard setback in the R1A District is 5 feet. Approximately 42 square feet of the footprint and 84 square feet of gross floor area will be located within the 5 foot setback.

- 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 south interior side yard setback from 5 feet to approximately 1 foot 2 inches to allow for a two-story addition to the rear of the existing single-family dwelling. The dwelling was built in 1923 in its present location, approximately 3 feet 10 inches to the south property line, at the closest corner. 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 addition would add 175 square feet of building footprint and 350 square feet of gross floor area. The minimum interior side yard setback for a single-family dwelling in the R1A Single-Family District is 5 feet. Approximately 42 square feet of the footprint and 84 square feet of gross floor area will be located within the 5 foot setback. The adjacent structure to the south is presently located approximately 4 feet 10 inches from the shared property line. Staff would typically have concerns about locating an addition 1 foot 2 inches from a property line; however, the majority of the structure will be located between 3 feet and 7 feet from the south property line, which will allow for future maintenance of the structure. Therefore, staff finds that the applicant is proposing to utilize 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.**

Staff finds that the granting of this variance to allow for a two-story rear addition approximately 1 foot 2 inches to the north property line will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. Staff would typically have concerns about locating an addition 1 foot 2 inches from a property line; however, the majority of the structure will be located between 3 feet and 7 feet from the south property line, which will allow for future maintenance of the structure. 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.

Findings required by the Minneapolis Zoning Code for development in the Shoreland Overlay District:

- 1. The prevention of soil erosion or other possible pollution of public waters, both during and after construction.**

Staff finds that the proposed project will prevent soil erosion and other possible pollution during and after construction. The applicant has demonstrated that the necessary precautions will be taken during construction. Therefore, the subject site will not be significantly altered to adversely affect the water quality of Cedar Lake and the Lake of the Isles.

- 2. Limiting the visibility of structures and other development from protected waters.**
The proposed addition will be at the rear of the structure and would be consistent with the appearance of the existing structure.
- 3. The suitability of the protected water to safely accommodate types, uses and numbers of watercraft that the development may generate.**

The subject property does not have direct access to the Cedar-Isles Channel or either lake. Therefore, the proposed additions will not impact watercraft usage on the lakes.

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 south interior side yard setback from 5 feet to approximately 1 foot 2 inches to allow for a rear two and a half story addition to an existing dwelling located at 2514 Thomas Avenue South in the R1A Single-Family District and SH Shoreland Overlay 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. Approval of the final site, elevation and floor plans by the Department of Community Planning and Economic Development.
3. All site improvements shall be completed by July 25, 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 Goodman and Kenwood Isles Area Association
3. Correspondence
4. Zoning map
5. Existing survey
6. Site plan
7. Floor plans
8. Building elevations
9. Photos