

**Department of Community Planning and Economic Development**  
Variance  
BZZ 6154

**Date:** August 8, 2013

**Applicant:** Jaret Giesbrecht

**Address of Property:** 401 7<sup>th</sup> Avenue SE

**Contact Person and Phone:** Jaret Giesbrecht, (612) 209-0403

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

**Date Application Deemed Complete:** July 15, 2013

**End of 60-Day Decision Period:** September 13, 2013

**Ward:** 3      **Neighborhood Organization:** Marcy-Holmes Neighborhood Association

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

**Existing Overlay District:** UA University Area Overlay District

**Zoning Plate Number:** 15

**Proposed Use:** Two-story addition to an existing two-family dwelling

**Concurrent Review:**

- Variance to reduce the front yard setback along 7<sup>th</sup> Avenue SE from 20 feet to approximately 13 feet 4 inches to allow for a one and a half story addition over the existing first floor.
- Variance to reduce the front yard setback along 4<sup>th</sup> Street SE from approximately 32 feet 5 inches to approximately 14 feet to allow for a one and a half story addition over the existing first floor.

**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 57.5 feet by 66 feet (3,787 square feet) and is on a reverse corner lot, located at the north corner of 7<sup>th</sup> Avenue SE and 4<sup>th</sup> Street SE. The property consists of an existing one-story, two-family dwelling, with a flat roof and basement garage that was constructed in 1941. Its sister building was constructed at 405 7<sup>th</sup> Avenue SE at the same time by the same builder.

The applicant is proposing to construct a one and a half story addition to the existing one-story structure. With the proposed addition, the gross floor area of the site will be approximately 2,478 square feet. The

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maximum gross floor area allowed on the property is 2,500 square feet. The adjacent structure to the northeast has frontage along 7th Avenue SE and is setback approximately 13 feet 6 inches from the front property line. The adjacent property to the northwest has frontage along 4<sup>th</sup> Street SE and is setback approximately 32 feet 5 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 20 feet along 7<sup>th</sup> Avenue SE, the minimum required front yard in the R2B District and 32 feet 5 inches along 4<sup>th</sup> Street SE, the setback established by the adjacent structure. Therefore, the applicant has requested two front yard setback variances to allow for the proposed one and a half story addition over the existing first floor footprint.

Staff has not received correspondence from the Marcy-Holmes Neighborhood Association. Staff will forward comments, if any are received, at the Board of Adjustment public hearing.

**VARIANCES:** (1) to reduce the front yard setback along 7<sup>th</sup> Avenue SE from 20 feet to approximately 13 feet 4 inches and (2) to reduce the front yard setback along 4<sup>th</sup> Street SE from approximately 32 feet 5 inches to approximately 14 feet to allow for a one and a half story addition over the existing first floor for an existing two-family dwelling located 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.**

**Both variances:** 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. The applicant is proposing to construct a one and a half story addition over the first floor of the existing dwelling. The platting of the parcel requires a minimum 20 foot setback along 7<sup>th</sup> Avenue SE and a 32 foot 5 inch setback along 4<sup>th</sup> Street SE due to the location of the adjacent dwelling. Adhering to the minimum front and interior side yard setbacks would reduce the area to build an addition to less than half of the building footprint. Further, the subject property is substandard in size. The minimum lot area for a single-family dwelling in the R2B District is 5,000 square feet. The subject property is 3,787 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 both 7<sup>th</sup> Avenue SE and 4<sup>th</sup> Street NE. Staff finds that these circumstances create a practical difficulty that 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.**

**Both variances:** The applicant is proposing to construct a one and half story addition above the existing first floor of a 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

the northeast was constructed at the same time and in the same manner as the subject property and is located approximately 12 feet 6 inches to the shared property line and over 18 feet away from the existing structure and planned addition. The adjacent structure to the northwest is located approximately 24 feet to the shared property line and approximately 43 feet to the dwelling and planned addition. 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.**

**Both variances:** Staff finds that the granting of these variances would not be injurious to the use or enjoyment of other property in the vicinity. As previously mentioned the subject property is setback a large distance to the two adjacent dwellings and will meet the maximum height, gross floor area and minimum parking requirement. Staff does have concerns that the existing exterior material is in need of repair. Further, staff finds that the proposed addition would not negatively alter the essential character of the area if the proposed addition was of a consistent, durable material as the existing dwelling and the window pattern was consistent with the existing first floor.

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. 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 front yard setback along 7<sup>th</sup> Avenue SE from 20 feet to approximately 13 feet 4 inches to allow for a one and a half story addition over the existing first floor of an existing two-family dwelling on a reverse corner lot located at 401 7<sup>th</sup> Avenue SE in the R2B Two-Family District, subject to the following conditions of approval:

1. The exterior materials used for the addition shall be of a durable material and match the exterior materials of the principal structure on the property.
2. The proposed addition should have a consistent window pattern and window area to match the existing first floor on the front-facing elevations.
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 August 8, 2015, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.

**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 front yard setback along 4<sup>th</sup> Street SE from approximately 32 feet 5 inches to approximately 14 feet to allow for a one and a half story addition over the existing first floor of an existing two-family dwelling on a reverse corner lot located at 401 7<sup>th</sup> Avenue SE in the R2B Two-Family District, subject to the following conditions of approval:

1. The exterior materials used for the addition shall be of a durable material and match the exterior materials of the principal structure on the property.
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**Attachments:**

1. Written descriptions and findings submitted by the applicant
2. E-mails to Council Member Hofstede and Marcy-Holmes Neighborhood Association
3. Zoning map
4. Survey
5. Site plan
6. Building elevations
7. Floor plans
8. Photos