

Department of Community Planning and Economic Development
Variance
BZZ 6235

Date: September 26, 2013

Applicant: Sylvestre Construction, Inc.

Address of Property: 4952 York Avenue South

Contact Person and Phone: Gregg Hanson, (612) 861-0188

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

Date Application Deemed Complete: August 30, 2013

End of 60-Day Decision Period: October 29, 2013

Ward: 13 **Neighborhood Organization:** Fulton Neighborhood Association

Existing Zoning: R2B Two-Family District

Existing Overlay District: Not applicable

Zoning Plate Number: 29

Proposed Use: Second story and a new one-story addition to an existing single-family dwelling

Variance: to reduce the required front yard setback along 50th Street West from 20 feet to approximately 9 feet to allow for a second story addition and a new one-story rear addition 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 42 feet by 120.5 feet (5,439 square feet) and is on a reverse corner lot, located at the northwest corner of York Avenue South and 50th Street West. The property consists of an existing one and a half-story, single-family dwelling with a detached garage, constructed in 1920 and 2009, respectively.

The applicant is proposing to construct a second story addition over the existing first floor, allowing a two and a half-story dwelling. In addition, the applicant is proposing to construct a one-story rear addition. The adjacent property to the north has frontage along York Avenue South and is setback approximately 29 feet 6 inches from the front property line. The adjacent property to the west has frontage along 50th Street West and is setback approximately 13 feet 7 inches to 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 50th Street West, the minimum required front yard in the R2B District and 29 feet 6 inches along York Avenue South, the setback established by the adjacent structure. The proposed addition will be located behind the front yard setback along York Avenue South, but will be located 9 feet to the front yard property line along 50th Street West. Therefore, the applicant has requested a variance to reduce the required front yard setback along 50th Street West from 20 feet to approximately 9 feet to allow for a second story addition and a new one-story rear addition to an existing single-family dwelling on a reverse corner lot.

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

VARIANCE: to reduce the required front yard setback along 50th Street West from 20 feet to approximately 9 feet to allow for a second story addition and a new one-story rear addition 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 and the location of the existing dwelling. The applicant is proposing to construct a full second story addition above the existing first floor and adding a one-story addition to the rear of the existing dwelling. The platting of the parcel requires a minimum 20 foot setback along 50th Street West. 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. The existing dwelling exceeds the minimum front yard setback along York Avenue South and is located 9 feet to the front property line along 50th Street West. If the property were not a reverse corner lot, the minimum setback from the south property line would be reduced from 20 feet to 8 feet. 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.**

The applicant is proposing to construct a second story 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 west was constructed 1922 and is located approximately 13 feet 7 inches from the front property line and over 80 feet away from the existing structure 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.

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 adjacent home on the neighboring lot to the west is located approximately 13 feet 7 inches from the front property line and over 80 feet away from the existing structure and planned addition. The applicant is proposing to use stucco for the exterior material, which is consistent with the existing dwelling. In addition, the applicant will be providing the minimum required windows facing public streets and interior side property lines for the proposed addition, as required by section 535.90(c) of the zoning code.

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 reduce the required front yard setback along 50th Street West from 20 feet to approximately 9 feet to allow for a second story addition and a new one-story rear addition to an existing single-family dwelling on a reverse corner lot located at 4952 York Avenue South 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 shall complement the exterior materials of the principal structure on the property.
2. Windows shall comply with section 535.80(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 September 26, 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 Hodges and Fulton Neighborhood Association
3. Correspondence
4. Zoning map
5. Survey
6. Site plan
7. Building elevations
8. Floor plans
9. Photos