

Department of Community Planning and Economic Development
Variance
BZZ 6341

Date: December 12, 2013

Applicant: Tim Smith and Toni Hansen

Address of Property: 2622 49th Street West

Contact Person and Phone: Tim Smith and Toni Hansen, (612) 927-6737

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

Date Application Deemed Complete: November 7, 2013

End of 60-Day Decision Period: January 6, 2014

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

Existing Zoning: R1 Single-Family District

Existing Overlay District: SH Shoreland Overlay District

Zoning Plate Number: 29

Proposed Use: Remodel and two-story addition to the rear of an existing single-family dwelling

Variance: reduce the required front yard setback along Thomas Avenue South from approximately 28 feet to approximately 19 feet to allow for a remodel and addition to the rear of 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 43.9 feet by 119.9 feet (5261.5 square feet) and is on a reverse corner lot, located at the northeast corner of Thomas Avenue South and 49th Street West. The property consists of an existing two-story, single-family dwelling with an attached garage, constructed in 1923. An enclosed porch was constructed over the attached garage in 1955.

The applicant is proposing to remove the existing attached garage and 2nd floor enclosed porch and construct a new two-story addition with an attached garage. The proposed addition will expand the existing footprint by 8 feet to the west and 6 feet to the north and will be sufficient to allow for a second stall within the new garage. The adjacent property to the east has frontage along 49th Street West and is setback approximately 23 feet from the front property line. The adjacent property to the north has

frontage along Thomas Avenue South and is setback approximately 28 feet 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 49th Street West, the minimum required front yard in the R1 District and 28 feet along Thomas Avenue South, the setback established by the adjacent structure. The proposed addition will be located behind the front yard setback along 49th Street West, but will be located 19 feet to the front yard property line along Thomas Avenue South. Therefore, the applicant has requested a variance to reduce the required front yard setback along Thomas Avenue South from approximately 28 feet to approximately 19 feet to allow for a remodel and addition to the rear of 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: reduce the required front yard setback along Thomas Avenue South from approximately 28 feet to approximately 19 feet to allow for a remodel and addition to the rear of 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 two-story addition to replace the existing rear addition on the existing dwelling. The increase in the building footprint is 490 square feet and 824 square feet of gross floor area. The addition will also allow for a second stall in the new attached garage. The platting of the parcel requires a minimum 25 foot setback along 49th Street West and a 28 foot setback along Thomas Avenue South. Adhering to the minimum front, interior side and rear yard setbacks would reduce the area to build an addition to approximately 17% of the lot. If the property were not a reverse corner lot, the minimum setback from the west property line would be reduced from 28 feet to 10 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 an expanded two-story addition 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. Adjacent to the subject property to the north is a 14-foot wide alley and the neighboring dwelling, is located approximately 12 feet to their south property line. The proposed addition will be located approximately 56 feet away from the neighboring structure to the north. 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 this variance 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 56 feet away from the 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, rear 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.

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 will provide an erosion control plan to be reviewed which will show the existing vegetation which will remain and silt fences. These erosion control measures will be in place prior to and during construction and after determination that the site has been permanently stabilized. After construction, the area adjacent to the addition will be fully landscaped. Therefore, the subject site will not be significantly altered to adversely affect the water quality of Lake Harriet.

- 2. Limiting the visibility of structures and other development from protected waters.**

The project area is not located on or near the top of a steep slope, but is located within the SH Shoreland Overlay District. The proposed addition is at the rear of the site where the grade is two feet higher than the curb level along Thomas Avenue South. Lake Harriet is located approximately 940 feet northeasterly of the property. Any views of the property from Lake Harriet will be consistent with what has existed on this property for many years. Staff finds that the visibility of the addition will be limited due to the existing topography and natural vegetation and will appear as it has for many years.

- 3. The suitability of the protected water to safely accommodate types, uses and numbers of watercraft that the development may generate.**

The subject property is located approximately 940 feet from Lake Harriet and does not have access to the lake directly.

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 Thomas Avenue South from approximately 28 feet to approximately 19 feet to allow for a remodel and addition to the rear of an existing single-family dwelling on a reverse corner lot located at 2622 49th Street West in the R1 Single-Family District and SH Shoreland Overlay 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 December 12, 2015, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.
3. 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.
4. Windows shall comply with section 535.80(c) of the zoning code.

Attachments:

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