

Department of Community Planning and Economic Development
Variance
BZZ 6353

Date: December 12, 2013

Applicant: Jaret Giesbrecht

Address of Property: 401 7th Avenue SE

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

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

Date Application Deemed Complete: November 18, 2013

End of 60-Day Decision Period: January 17, 2014

End of 120-Day Decision Period: March 18, 2014 (*Staff sent an extension letter to the applicant on December 4, 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: Air conditioning condenser accessory to an existing two-family dwelling

Variance: to reduce the front yard setback along 4th Street SE from approximately 32 feet 5 inches to approximately 14 feet to allow for air conditioning equipment accessory to an existing two-family dwelling located on a reverse corner,

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”.

Continuance: 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 7th Avenue SE and 4th Street SE. The property consists of an existing two and a half-story, two-family dwelling, with a basement garage that was constructed in 1941. The addition to the dwelling was permitted earlier this year after receiving a variance at the August 8, 2013, Board of Adjustment meeting.

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The applicant is now proposing to add air conditioning to the existing building. The condenser unit was installed with a mechanical permit, however, the location is not permitted by the zoning code because the adjacent structure to the northwest has frontage along 4th 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 7th Avenue SE, the minimum required front yard in the R2B District and 32 feet 5 inches along 4th Street SE, the setback established by the adjacent structure. Therefore, the applicant has requested a variance to reduce front yard setback along 4th Street SE from approximately 32 feet 5 inches to approximately 14 feet to allow for air conditioning equipment accessory to an existing two-family dwelling located on a reverse corner.

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.

The applicant did not contact the Marcy-Holmes Neighborhood Association or council member Diane Hofstede ahead of submitting the land use application. Therefore, staff is recommending that the Board of Adjustment continue this application one-cycle to the first meeting in January 2014.

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 **continue** the variance application to reduce the front yard setback along 4th Street SE from approximately 32 feet 5 inches to approximately 14 feet to allow for air conditioning equipment accessory to an existing two-family dwelling located on a reverse corner lot at 401 7th Avenue SE in the R2B Two-Family District and UA University Area Overlay District one-cycle to the first Board of Adjustment meeting of 2014, tentatively scheduled for January 9, 2014.

Attachments:

1. Zoning map