



CPED STAFF REPORT
Prepared for the Board of Adjustment

BOA Agenda Item #5
March 20, 2014
BZZ-6453

LAND USE APPLICATION SUMMARY

Property Location: 4533 Abbott Avenue South
Project Name: Second story addition
Prepared By: [Shanna Sether](#), City Planner, (612) 673-2307
Applicant: The Haymakers
Project Contact: Craig Haymaker
Request: To construct an addition to an existing single-family dwelling.
Required Applications:

Variance	To reduce the north interior side yard setback from 5 feet to approximately 3 feet to allow for a second story addition to an existing single-family dwelling.
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SITE DATA

Existing Zoning	RIA Single-Family District
Lot Area	5,670 square feet / .13 acres
Ward(s)	13
Neighborhood(s)	Linden Hills Neighborhood Council
Designated Future Land Use	Urban Neighborhood
Land Use Features	Not applicable
Small Area Plan(s)	Not applicable

Date Application Deemed Complete	February 25, 2014	Date Extension Letter Sent	
End of 60-Day Decision Period	April 26, 2014	End of 120-Day Decision Period	

BACKGROUND

SITE DESCRIPTION AND PRESENT USE. The subject property is an existing single-family dwelling. The existing dwelling was permitted for construction in 1911. In 1958 a shed dormer was added to the south side of the existing half-story.

SURROUNDING PROPERTIES AND NEIGHBORHOOD. The surrounding properties predominately low-density, residential uses, with detached accessory garages at the rear of the property.

PROJECT DESCRIPTION. The applicant is proposing to extend the existing dormer on the north side of the dwelling to match the existing 31 foot long dormer addition on the south side of the roof. The existing dwelling maintains a three-foot setback for the majority of the structure; however, the northwest corner is located 2.82 feet from the north property line. The zoning code authorizes additions to existing dwellings, matching the existing setback, as long as the structure is not located closer than 3 feet from the interior property at any point. Therefore, the applicant is required to seek a variance to reduce the north interior side yard setback from 5 feet to 3 feet to allow for the proposed dormer addition.

PUBLIC COMMENTS. Staff has not received any comments from the Linden Hills Neighborhood Council. Any correspondence received prior to the public meeting will be forwarded on to the Board of Adjustment for consideration.

ANALYSIS

VARIANCE

The Department of Community Planning and Economic Development has analyzed the application for a variance to reduce the north interior side yard setback from 5 feet to approximately 3 feet to allow for a second story addition to an existing single-family dwelling based on the following [findings](#):

- I. *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 the existing location of the dwelling is a unique circumstance of the property that creates a practical difficulty in complying with the ordinance. The dwelling was constructed in its present location, between 3.09 feet and 2.82 feet the north property line in 1911. The applicant is proposing to extend the existing dormer on the north side of the dwelling to match the existing 31 foot long dormer addition on the south side. If the structure were parallel to the north property line, the existing dwelling would have all of the rights as a conforming structure per section 531.30 of the zoning code and the variance would not be required. Because the existing structure is located less than 3 feet at any point, the minimum interior side yard setback is 5 feet. Staff finds that the applicant did not create this circumstance.

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 north interior side yard setback from 5 feet to approximately 3 feet to allow for a second-story dormer addition to an existing single-family dwelling. The dwelling was built in 1911 in its present location, between 3.09 and 2.82 feet from the north property line. 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 be located 3 feet from the north property line. The minimum interior side yard setback for a single-family dwelling in the RIA Single-Family District is 5 feet, except where the entire structure maintains a minimum 3 foot-setback along the interior side. The adjacent structure to the north is presently located approximately 12 feet from the shared property line. 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 the variance to allow for a second-story dormer addition approximately 3 feet from 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. The dwelling was constructed in its present location, between 3.09 feet and 2.82 feet the north property line in 1911. The adjacent structure to the south is presently located approximately 12 feet from the shared property line. The proposed addition will have cedar shake to match cedar shake on the front of the structure an on the existing dormer on the south side of the roof. 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.

RECOMMENDATIONS

Recommendation of the Department of Community Planning and Economic Development for the Variance:

The Department of Community Planning and Economic Development recommends that the Board of Adjustment adopt the above findings and **approve** the application for a variance to reduce the north interior side yard setback from 5 feet to approximately 3 feet to allow for a second story addition to an existing single-family dwelling located at 4533 Abbott Avenue South in the RIA Single-Family District, subject to the following conditions:

1. The exterior materials of the addition shall match the existing dormer on the dwelling.
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 March 20, 2016, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.

ATTACHMENTS

1. Written description and findings submitted by applicant
2. Zoning map
3. Site survey
4. Plans
5. Building elevations
6. Photos