

LAND USE APPLICATION SUMMARY

Property Location: 4940 Newton Ave S
Project Name: New Home on Existing Foundation
Prepared By: Joseph Giant, City Planner, (612) 673-3489
Applicant: Jessica Zazworsky
Project Contact: Arnie Zachman
Request: To rebuild a fire-damaged home on an existing foundation
Required Applications:

Variance	To reduce the required north interior side yard setback from 5 feet to approximately 3.8 feet, measured to the principal structure.
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SITE DATA

Existing Zoning	RIA Single-Family District SH Shoreland Overlay District
Lot Area	5,189 square feet
Ward(s)	13
Neighborhood(s)	Lynnhurst
Designated Future Land Use	Urban Neighborhood
Land Use Features	NA
Small Area Plan(s)	NA

BACKGROUND

Early in 2015, the single-family home at 4940 Newton Avenue South was damaged by a fire. As long as a building permit is sought within one year of the damage, nonconforming structures may be rebuilt to the dimensions preceding destruction. The applicant sought a building permit to rebuild the house on the existing foundation within one year of the fire. However, the home that was proposed was substantially different than the home that previously existed on the lot. Because the proposed home was substantially different than the existing home, the new home was required to come into full compliance with the zoning ordinance, including compliance with interior side yard setbacks. The foundation of the home is located 3.8 feet from the north interior side property line. In order to construct a new home on the existing foundation, therefore, the applicant would have to be approved for a variance to reduce the required north interior side yard from 5 feet to 3.8 feet.

Date Application Deemed Complete	October 12, 2015	Date Extension Letter Sent	NA
End of 60-Day Decision Period	December 12, 2015	End of 120-Day Decision Period	NA

Based upon direction from the City Council, an existing foundation does not, in itself, meet the finding for a practical difficulty. The fire presents a significant hardship for the applicant, but a new home could still be constructed on the foundation without a variance. Therefore, the planning staff would not recommend approval of the requested variance. Based upon staff feedback and the extra time and risk associated with a variance, the applicant decided to withdraw the application and revise the plans to meet the provisions of the zoning ordinance.

RECOMMENDATIONS

The Department of Community Planning and Economic Development recommends that the Zoning Board of Adjustment accept the withdrawal of the application by Jessica Zazworsky for the property located at 4940 Newton Avenue South:

A. Variance of the north interior side yard setback.

Recommended motion: The variance to reduce the north interior side yard has been **withdrawn**.