

**Department of Community Planning and Economic Development – Planning Division****Variance Request  
BZZ-2471****Date:** August 4, 2005**Applicant:** Stuart Fritz**Address of Property:** 4201 Vincent Avenue South**Contact Person and Phone:** Paul Larson, (612) 821-1100 ext. 16**Planning Staff and Phone:** Tanya Holmgren, (612) 673-5887**Date Application Deemed Complete:** July 7, 2005**End of 60 Day Decision Period:** September 5, 2005**Ward:** 13      **Neighborhood Organization:** Linden Hills Neighborhood Association**Existing Zoning:** R1 Single-family Residential District**Proposed Use:** A rear addition to an existing single-family dwelling.**Proposed Variance:** A variance application to reduce the required front yard setback along 42<sup>nd</sup> Street West from 25 ft. to 14 ft. and a variance to reduce the required east side yard setback from 6 ft. to 3 ft. both to allow for the construction of a rear addition and an attached garage on a reverse corner lot at 4201 Vincent Avenue South in the R1 Single-family district.**Zoning code section authorizing the requested variance:** 525.520 (1)**Background:** The subject property is approximately 4,872 sq. ft. and consists of an existing single-family dwelling and a detached garage. The property is located at the corner of Vincent Avenue South and 42nd Street West. The adjacent property to the east fronts 42nd Street West, making the subject site a reverse corner lot. The applicant is planning to add onto the existing single-family dwelling and reconfigure the interior floor plan. Due to this addition, the applicant is requesting a variance to reduce the required front yard setback along 42nd Street West from 25 ft. to 14 ft. to allow for the construction of a one-story addition to the rear of an existing dwelling. The proposed rear addition would be approximately 23 ft. wide and 36 ft. long and consists of an attached garage, kitchen addition, entryway, and laundry room.

**Findings Required by the Minneapolis Zoning Code:**

- 1. The property cannot be put to a reasonable use under the conditions allowed by the official controls and strict adherence to the regulations of this zoning ordinance would cause undue hardship.**

**Front yard setback:** The applicant is seeking a variance to reduce the required front yard setback along 42<sup>nd</sup> Street West from 25 ft. to 14 ft. to allow for the construction of a one-story addition at the rear of an existing dwelling. The two 25 ft. front yard setbacks imposed on the single-family dwelling proves to be difficult for the property to provide. Strict adherence to the regulations regarding the required front yard setback would not allow for the proposed addition to the existing single-family dwelling. An attached garage and an addition to a single-family dwelling are reasonable requests in the R1 district. Additionally, the applicant is proposing to match the setback of the adjacent dwelling of 14 ft. and will not project closer to the street than the existing setback on the adjacent property. If the property were a typical corner lot, the applicant would be able to construct an addition up to 10 ft. from the property line along 42<sup>nd</sup> Street West.

**Side yard setback:** The applicant is seeking a variance to reduce the required east side yard setback from 6 ft. to 3 ft. to allow for the construction of a one-story addition at the rear of an existing dwelling. Strict adherence to the regulations would not allow for the proposed addition to the existing single-family dwelling. An attached garage and an addition to a single-family dwelling are reasonable requests in the R1 district. Staff does recognize a hardship on reverse corner lots, but does also recognize the hardship the proposed addition will have on the adjacent property to the east. The applicant would still be able to construct an attached garage and an addition to the rear of the house, if the property maintained the 6 ft. district required setback.

- 2. The circumstances are unique to the parcel of land for which the variance is sought and have not been created by any persons presently having an interest in the property. Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of the ordinance.**

**Front yard setback:** The circumstance upon which the setback variance is requested is unique to the parcel of land due to the configuration of the properties in this area. As previously mentioned, the subject property is a reverse corner lot; therefore, a front yard setback is required along both Vincent Avenue South and 42nd Street West. This is a circumstance that is unique to this parcel and not created by the applicant. The alternative to the variance would cause an undue hardship to the property owner, by not allowing the proposed rear addition. The location of the existing structures and the configuration of the lots are not circumstances created by the applicant.

**Side yard setback:** The circumstance upon which the setback variance is requested is unique to the parcel of land due to the configuration of the properties in this area. As previously mentioned, the subject property is a reverse corner lot. However, staff does not believe this setback is required in order to accomplish an addition to the dwelling that would serve the

property owner and not negatively impact the adjacent property owner. This is a circumstance that is created by the applicant. The alternative to the variance would not cause an undue hardship to the property owner.

- 3. The granting of the variance will be in keeping with the spirit and intent of the ordinance and will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity.**

**Front yard setback:** Staff believes the rear addition will not substantially alter the essential character of the surrounding neighborhood, because other properties in the immediate area have attached garages. The rear addition could have some impact on the character of the adjacent properties because the majority of the properties consist of single-family dwellings with detached garages. Staff does recognize the small lot and the difficulty this poses for the property owner. Staff believes that maintaining the setback of the adjacent dwelling to the east is appropriate for this site due to the configuration of the lot. The proposed addition will maintain the required 6 ft. to the side yard to the south and staff is recommending they maintain a 6 ft. setback from the adjacent property to the east. Staff believes that the rear addition will likely not be injurious to the use or enjoyment of other property in the vicinity. Staff believes landscaping should be installed between the proposed garage and the adjacent properties in order to reduce the amount of runoff and impact on the adjacent properties.

**Side yard setback:** Staff believes the rear addition will not substantially alter the essential character of the surrounding neighborhood, because other properties in the immediate area have attached garages. The rear addition could have some impact on the character of the adjacent properties because the majority of the properties consist of single-family dwellings with detached garages. Staff does recognize the small lot and the difficulty this poses for the property owner, however does not believe that a 3 ft. side yard setback is appropriate for the addition, due to the addition being the entire length of the adjacent dwelling. Staff does recognize the applicant is moving the garage addition further from the property line than the existing detached garage, however they are also increasing the length of the structure by approximately 16 ft. Staff believes that the rear addition will likely not be injurious to the use or enjoyment of other property in the vicinity, if the setback is modified to the required 6 ft. Staff is concerned about the proximity and the length of a structure immediately adjacent to a dwelling.

- 4. The proposed variance will not substantially increase the congestion of the public streets, or increase the danger of fire, or be detrimental to the public welfare or endanger the public safety.**

**Front yard setback:** Granting the front setback variance would likely have no impact on the congestion of area streets or fire safety, nor would the proposed addition to the existing dwelling be detrimental to the public welfare or endanger the public safety, because it is matching the setback of the adjacent dwelling.

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**Side yard setback:** Granting the side setback variance would likely have no impact on the congestion of area streets or fire safety, nor would the proposed addition to the existing dwelling be detrimental to the public welfare or endanger the public safety.

**Recommendation of the Department of Community Planning and Economic Development - Planning Division:**

The Department of Community Planning and Economic Development – Planning Division recommends that the Board of Adjustment adopt the findings above and **approve** the variance application to reduce the required front yard setback along 42<sup>nd</sup> Street West from 25 ft. to 14 ft. and **deny** the variance to reduce the required side yard setback from 6 ft. to 3 ft. both to allow for the construction of a rear addition and an attached garage on a reverse corner lot at 4201 Vincent Avenue South in the R1 Single-family district subject to the following conditions:

1. Review and approval of final site and elevation plans by the Planning Department.