

Department of Community Planning and Economic Development - Planning Division
Variance Application
BZZ - 2488

Date: August 4, 2005

Applicant: Dan Debe

Address Of Property: 2817 42nd Avenue South

Contact Person And Phone: Dan Debe 612-729-1935

Planning Staff And Phone: Jim Voll 612-673-3887

Date Application Deemed Complete: July 5, 2005

Appeal Period Expiration: August 15, 2005

End of 60 Day Decision Period: September 3, 2005

Ward: 9 **Neighborhood Organization:** Longfellow

Existing Zoning: R1A Single-Family Residential District

Proposed Use: Single-family home

Proposed Variances: A variance to reduce the required front yard setback established by connecting a line between the two front corners of the two adjacent structures from 22 feet to 17.5 feet.

Zoning code section authorizing the requested variance: 525.520(1)

Background: The subject property contains a new single family home under construction that was approved under the City's new single-family design guidelines (BZZ-2378) in Chapter 530 of the zoning code. This permit was approved with the condition that the structure not be built within the front yard setback unless a variance is obtained. The applicant is requesting that the new structure be built on the foundation of the previous home that was demolished (although it will be bigger than the previous home). The setback is established by the district minimum of 20 feet and also by the established setback of 22 feet determined by drawing a line from the two front corners of the two adjacent structures on either side of the house. The proposed house is 17.5 feet from the property line.

Findings Required by the Minneapolis Zoning Code:

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

The applicant proposes to build the house in line with where the previous house on the site was located and setback further than the house to the south, but closer to the property line than the home to the north. The houses along the street to the south of the property are basically in line. However, starting with the home to immediately the south of the subject property moving north the setbacks vary. Requiring the applicant to meet the requirements would be a hardship because it would not allow him to build a similar structure to those on the surrounding properties. The requested variances will allow a reasonable use of the property.

- 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.**

The house to the south of the site is setback 10 feet and the house to the north is setback 26 feet, creating an established setback of 22 feet for the subject property. These are conditions that are not generally applicable to other properties in the area.

- 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.**

The intent of setbacks is to provide a uniform building line down a block face, to preserve views up and down the street, and to ensure access to light and air. Since the applicant proposes a house that will be setback further than the house to the south, the proposed variance should not circumvent the intent of the ordinance. Allowing the new home to be built up to the setback of the previous structure on the site should not be out of character with the area.

- 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.**

The variance should have no effect on congestion as it will not increase traffic demand at the site. The variance should not be detrimental to the public welfare or safety and will not increase the danger of fire.

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

The Community Planning and Economic Development Department - Planning Division recommends that the Board of Adjustment adopt the above findings and **approve** the variance application to reduce the required front yard setback from 22 feet to 17.5 feet for property located at 2817 42nd Avenue South in the R1A Single-family District.