

Department of Community Planning and Economic Development – Planning Division Report**Variance Request
BZZ-2489****Date:** August 4, 2005**Applicant:** Ben Akhigbe, on behalf of Ulric Scott and Kelli Klein**Address of Property:** 4536 45th Avenue South**Date Application Deemed Complete:** July 11, 2005**End of 60 Day Decision Period:** September 9, 2005**Appeal Period Expiration:** August 15, 2005**Contact Person and Phone:** Ben Akhigbe, 612-508-7927**Planning Staff and Phone:** Molly McCartney, 612-673-5811**Ward:** 12 **Neighborhood Organization:** Longfellow Community Council**Existing Zoning:** R1A, Single-family District**Proposed Use:** Construction of a single-family dwelling.

Proposed Variance: A variance to reduce the required front yard from the setback established by connecting a line between the front corners of the two adjacent residential structures to 18 ft. to allow for the construction of single-family dwelling for property located at 4536 45th Avenue South in the R1A Single-family District.

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

Background: The subject property is 5,120 sq. ft. (40 ft. by 128 ft.) and consists of a one-story, single-family dwelling that is setback in the lot 86 ft. from the front property line. The applicant is proposed to demolish the dwelling and build a new single-family dwelling and detached garage that is setback 19 ft. from the property line. The proposed dwelling will have a 10 ft. deep open front porch. The applicant is requesting a front yard variance in order to align the proposed dwelling more closely with the front yard setback of the adjacent dwellings to the north at 4532 45th Avenue South that has a front yard setback of 24 ft. The property to the south at 4540 45th Avenue South is setback 86 ft. from the property line. The majority of dwellings (11 out of 15 dwellings) on the block are setback within 25 ft. to 20 ft. from the front property line, however, the three dwellings to the south have the larger setback.

The proposed dwelling will meet the Chapter 530 Site Plan Review requirements for a new single family dwelling. The proposed dwelling will have a detached garage (5 points), a basement (5 points),

have 20 percent windows on each floor facing 45th Avenue South (3 points), have 10 percent windows on each floor of the dwelling that face the interior and rear lot lines (3 points), have a roof pitch of 8/12 (2 points), and a open front porch of more than 50 sq. ft. (1 point) for a total of 19 points.

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.**

The applicant has requested a variance to reduce the required front yard setback from the setback established by connecting a line between the front corners of the two adjacent residential structures to 18 ft. to allow for the construction of a single-family dwelling in the R1A District. The R1A District requires a 20 ft. front yard setback or an established front yard setback created by a line joining the nearest front corners of the adjacent residential structures. In this case, most of the dwellings on the block are located between 20 ft. and 25 ft. from the front property lines. Without the requested variance, the zoning code would prevent the applicant from constructing a single-family dwelling that meets a similar setback established by the other dwellings on the block. Staff believes the single-family dwelling with a setback similar to other dwellings on the block is 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 conditions upon which the setback variance is requested are unique to the property due to the location of adjacent dwelling to the south and increased setback created by this adjacent dwelling. The R1A District requires a 20 ft. setback or an established setback created by the adjacent residential structures. In this case, many of the dwellings on the block meet the 20 ft. setback. The location of the adjacent dwelling to the south and increased setback is not a circumstance created by the applicant.

- 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.**

Staff believes that the proposed dwelling will be keeping with the spirit and intent of the ordinance and will not alter the essential character of the surrounding neighborhood if the dwelling meets a setback similar to the majority of dwellings on the blocks. The applicant states the proposed dwelling with the setback variance will be consistent with many other dwellings in the area and allow for the residents to utilize the backyard. However, the proposed location of the dwelling is not totally consistent with the setback of the majority of dwellings on the block, which is between 25 ft. and 20 ft. from the front property line. Staff recommends that the front of the porch be set back to at least 20 ft. from the front property line.

- 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.**

Granting the front yard setback variance would likely have no impact on the congestion of area streets or fire safety, nor would the proposed 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 to reduce the required front yard from the setback established by connecting a line between the front corners of the two adjacent residential structures to **20 ft.** to allow for the construction of single-family dwelling for property located at 4536 45th Avenue South in the R1A Single-family District, subject to the following conditions:

1. That the Planning Division review and approve the final site and elevation plans that measure to an architectural or engineering scale.