

Department of Community Planning and Economic Development – Planning Division**Variance Request
BZZ-2504****Date:** August 18, 2005**Applicant:** Dave and Sally Thompson**Address of Property:** 2415 Bryant Avenue South**Contact Person and Phone:** Cory Leinwander, (763) 434-3634**Planning Staff and Phone:** Tanya Holmgren, (612) 673-5887**Date Application Deemed Complete:** July 19, 2005**End of 60 Day Decision Period:** September 17, 2005**Appeal Period Expiration:** August 29, 2005**Ward:** 10 **Neighborhood Organization:** Lowry Hill East Neighborhood Association**Existing Zoning:** R1A Single-family Residential District**Proposed Use:** A rear addition to an existing single-family dwelling.**Proposed Variance:** A variance to reduce the required north side yard setback from 5 ft. to 2 ft. to allow for the construction of a rear kitchen addition to an existing single-family dwelling at 2415 Bryant Avenue South in the R1A Single-family Residential District.**Zoning code section authorizing the requested variance:** 525.520 (1)**Background:** The subject property is approximately 45.2 ft. by 128.7 ft. (5,817 sq. ft.) and consists of an existing single-family dwelling and a detached garage. The property is an interior lot. The applicant is requesting a variance to reduce the required north side yard setback from 5 ft. to 2 ft. to allow for the construction of a rear kitchen addition to an existing single-family dwelling. The proposed rear addition would be located 2 ft. from the north property line to match the existing dwelling. The applicant is proposing to match the existing wood siding of the dwelling. The proposed addition would be a kitchen and second story deck addition to the rear of the dwelling. The applicant has obtained a building permit, because they originally believed the house was set 3 ft. from the north interior side property line.

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.**

Side yard setback: The applicant is seeking a variance to the north interior side yard setback from 5 ft. to 2 ft. to allow for the construction of a rear addition to a single-family dwelling. The existing dwelling on the subject property is located 2 ft. from the interior side property line. Strict adherence to the regulations would not allow for the proposed rear addition to the existing single-family dwelling that will maintain the same setback as the existing dwelling. Although another alternative exists to the property, the addition could be built to meet the district setback of 5 ft., this would not be practical given the existing floor plan of the dwelling.

- 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.**

Side yard setback: The circumstances upon which the setback variance is requested are unique to the parcel of land due to the location of the existing dwelling. As previously mentioned, the subject dwelling is located 2 ft. from the interior side property line. This is unique to this parcel and not created by the applicant, because the setback is an existing circumstance. The alternative to the variance would cause a hardship to the property owner, by not allowing the proposed rear addition in the proposed location and match the setback of the existing dwelling. Staff generally recommends a minimum of 3 ft. from the property line to allow windows, but the small size of the addition does not present the same concern for this addition. The applicant has stated that would not allow for a useable space. The location of the existing structures and the configuration of the lots are not circumstances created by the applicant. Additionally, the addition would be possible if the dwelling was not located within the front yard setback.

- 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.**

Side yard setbacks: Staff believes the rear addition to the existing single-family dwelling will not substantially alter the essential character of the surrounding neighborhood. There are a number of properties in the neighborhood that are similarly located close to the north side property line. Staff believes that the rear addition will not be injurious to the use or enjoyment of other property in the vicinity because it is located to the rear of the existing dwelling and will be constructed in character with the existing dwelling. The applicant is proying to install wood siding on the addition. Although the addition will continue a line that is less than 5 ft. to the property line, the size is small in comparison to the existing structure already located 2 ft.

from the property line and will likely not negatively impact the adjacent structure. Staff believes the addition meets the intent of the ordinance, by allowing an addition that meets the other requirements of the district and that is characteristic of the dwelling. The addition will need to meet the requirement of the zoning code requiring a minimum of 5 percent windows along the rear of the addition. The side of the addition will not require these windows because the overall side of the dwelling contains a minimum of 5 percent windows and window openings are not allowed within 3 ft. from the side property lines

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.**

Side yard setbacks: Granting the side yard setback variance would likely have no impact on the congestion of area streets or fire safety, nor would the proposed addition to the existing single-family 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 north side yard setback from 5 ft. to 2 ft. to allow for the construction of a rear kitchen addition to an existing single-family dwelling at 2415 Bryant Avenue South in the R1A Single-family Residential District subject to the following conditions:

1. Review and approval of final site and elevation plans by the Planning Department.
2. That the exterior materials of the addition match the existing dwelling.
3. That the addition meets the requirement of at least five percent windows to the rear as required by section 535.90(c) of the zoning code.