

Department of Community Planning and Economic Development – Planning Division**Variance Request
BZZ-2570****Date:** September 15, 2005**Applicant:** Selcuk Adabag**Address of Property:** 2320 Lake Place**Contact Person and Phone:** Don Wagner, (952) 652-2215**Planning Staff and Phone:** Tanya Holmgren, (612) 673-5887**Date Application Deemed Complete:** August 19, 2005**End of 60 Day Decision Period:** October 17, 2005**Appeal Period Expiration:** September 26, 2005**Ward:** 7 **Neighborhood Organization:** East Isles Residents Association**Existing Zoning:** R1 Single-family Residential District and SH Shoreland Overlay District**Proposed Use:** A rear addition to an existing single-family dwelling.**Proposed Variance:** A variance to reduce the required north interior side yard setback from 6 ft. to 4.5 ft. to allow for a rear enclosed porch addition to an existing single-family dwelling at 2320 Lake Place in the R1 Single-family Residential District.**Zoning code section authorizing the requested variance:** 525.520 (1)**Background:** The subject property is approximately 50 ft. by 150 ft. (7,500 sq. ft.) and consists of an existing single-family dwelling and a detached garage. The property is an interior lot. The existing dwelling is angled on the lot and the north side of the dwelling is located close to the north side property line. The rear corner on the north side of the dwelling is located 4 ft. 10 in. from the side property line. The applicant is requesting a variance to reduce the required north side yard setback from 6 ft. to 4.5 ft. to allow for the construction of a rear enclosed porch addition to an existing single-family dwelling. The proposed rear addition would be located 4.5 ft. from the north property line to match the same angle as the existing wall of the dwelling. The proposed rear enclosed porch will extend 6 ft. toward the rear of the property. The back corner of the porch would be 4 ft. 7 in. from the property line when constructed. The porch is increasing in non-conformity by decreasing the distance to the property line and must seek a variance, because of the angle of the dwelling on the property.

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 reduce the required north interior side yard setback from 6 ft. to 4.5 ft. to allow for a rear enclosed porch addition to an existing single-family dwelling. The existing dwelling on the subject property is located 4 ft. 10 in. from the interior side property line and is angled on the property. Strict adherence to the regulations would not allow for the proposed rear addition to the existing single-family dwelling that will maintain the same line as the existing dwelling. Although another alternative exists to the property, the addition could be built to meet the district setback of 6 ft., this would not be practical because it would decrease the addition by 1.5 ft. The porch is a reasonable request a 4.5 ft. from the north interior side property line. If the dwelling was not angled on the property a porch could be constructed in the same location without a variance, because it would not be increasing the non-conformity.

- 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 on the property. As previously mentioned, is angled on the lot and the north side of the dwelling is located close to the north side property line. This is unique to this parcel and not created by the applicant, because the dwelling was constructed in 1908. 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 angle of the existing dwelling. 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 angled on the lot and increasing in non-conformity by decreasing the distance to the property line

- 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. Although the addition will continue

CPED Planning Division Report
BZZ-2570

a line that is less than 6 ft. to the property line, the size is small 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 side and rear of the addition.

- 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 interior side yard setback from 6 ft. to 4.5 ft. to allow for a rear enclosed porch addition to an existing single-family dwelling at 2320 Lake Place in the R1 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 side and rear as required by section 535.90(c) of the zoning code.