

**Department of Community Planning and Economic Development – Planning Division****Variance Request  
BZZ 2574**

**Date:** September 15, 2005

**Applicant:** Chris and Paula Vogel

**Address of Property:** 1021 West 60<sup>th</sup> Street

**Contact Person and Phone:** John Finazzo, (612) 729-6653

**Planning Staff and Phone:** Tanya Holmgren, (612) 673-5887

**Date Application Deemed Complete:** August 23, 2005

**End of 60 Day Decision Period:** October 21, 2005

**Appeal Period Expiration:** September 26, 2005

**Ward:** 13      **Neighborhood Organization:** Kenny Neighborhood Association

**Existing Zoning:** R1 Single-family District and SH Shoreland Overlay District

**Proposed Use:** A second story addition to an existing single-family dwelling.

**Proposed Variance:** A variance to reduce the front yard setback from 25 ft. to 23 ft. along 60<sup>th</sup> Street West to allow for the construction of a second story addition to a single-family dwelling on property located at 1021 60<sup>th</sup> Street West in the R1 Single-family District.

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

**Background:** The subject property is an irregular shaped lot and consists of an existing single-family dwelling and a detached garage. The dwelling on the subject lot faces 60<sup>th</sup> Street West. The applicant is requesting a variance to reduce the required front yard setback along 60<sup>th</sup> Street West from 25 ft. to 23 ft. The existing dwelling on the property is located at 23 ft. from the front property line along 60<sup>th</sup> Street West and the proposed second story addition would be located above the existing dwelling at this setback.

**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 60<sup>th</sup> Street West from 25 ft. to 23 ft. to allow for a second story addition to an existing single-family dwelling. The front yard setback imposed on the single-family dwelling prevents the construction of a second story to an existing dwelling. Strict adherence to the regulations would not allow for the proposed addition to the existing single-family dwelling in the required front yard. A second story addition to a single-family dwelling is a reasonable use of the property. The existing dwelling is located in front of the district 25 ft. minimum 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 circumstances upon which the setback variance is requested are unique to the parcel of land due to the configuration of the subject property. This is a circumstance that was not created by the applicant. The alternative to the variance would cause an undue hardship to the property owner, by not allowing the proposed second story addition to a single-family dwelling. The location of the existing structures and the configuration of the lots are not circumstances 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.**

**Front yard setback:** Staff believes the second story addition to the existing single-family dwelling will not substantially alter the essential character of the surrounding neighborhood. The subject property is located on an irregular shaped property that faces 60<sup>th</sup> Street West when the majority of the properties face the north south avenues. The subject property has one adjacent neighbor and backs up to Highway 121. The majority of the dwellings on the block are located less than 25 ft. from the front property line. The applicant is requesting a setback to match the existing setback of the dwelling. Staff believes that the proposed addition will not be injurious to the use or enjoyment of other property in the vicinity because it is located above an existing portion of the dwelling and will be constructed in character with the dwelling. Staff believes the addition meets the intent of the ordinance and is characteristic of the dwelling. Additionally, when the applicant meets the window requirement with 5 percent on the interior side, 5 percent on the rear, and 15 percent along both sides along 60<sup>th</sup> Street West and Dupont Avenue South, the house will meet all other requirements of the code, other than setbacks.

- 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.**

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**Front yard setback:** Granting the front yard setback variance would likely have no impact on the congestion of area streets or fire safety, nor would the proposed addition 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 front yard setback from 25 ft. to 23 ft. along 60<sup>th</sup> Street West to allow for the construction of a second story addition to a single-family dwelling on property located at 1021 60<sup>th</sup> Street West 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.
2. That the exterior materials of the addition match the existing dwelling.
3. That the addition meets section 535.90 of the zoning code requiring at least fifteen percent windows to the sides along 60<sup>th</sup> Street West and Dupont Avenue South.
4. That the addition meets section 535.90 of the zoning code requiring at least five percent windows to the interior side and rear.