

Department of Community Planning and Economic Development - Planning Division
Variance Application
BZZ - 2597

Date: October 6, 2005

Applicant: Joseph and Tracy Wetternach

Address Of Property: 5344 Emerson Avenue South

Contact Person And Phone: Joseph Wetternach 612-825-4671

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

Date Application Deemed Complete: August 30, 2005

End of 60 Day Decision Period: October 29, 2005

Appeal Period Expiration: October 17, 2005

Ward: 13 **Neighborhood Organization:** Lynnhurst

Existing Zoning: R1A Single-family Residence District

Existing/Proposed Use: A single-family home exists on one lot.

Proposed Variance: A variance to reduce the required minimum north side interior yard setback from 5 feet to 3 feet to allow the extension of an existing cantilevered bump-out.

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

Background: The subject property is a single-family home located at 5344 Emerson Avenue South. As part of a remodeling project the applicant proposes to remove a door and stairs at the north side of the house and extend a cantilevered bump-out approximately five feet westerly in line with the existing wall of the bump-out, which is approximately three feet from the north property line. The foundation wall of the house will remain at five 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 addition will allow proper clearance around a new interior stairway and will be built in line with the wall of the existing bump-out. This is a reasonable use of the property. If the wall were required to meet the setback it would make it more difficult to allow the stairway remodel and this is a hardship.

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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 existing location of the house and interior layout dictate the need to locate the expansion of the bump-out in this area. This is not a circumstance generally found throughout the City.

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. Because the majority of the house will be 5 feet from the property line and the addition will extend an existing condition, there should still be an adequate buffer for the adjacent property ensuring access to light and air. In addition the applicant will remove a door and stairs from the north side of the house. The variance should not circumvent the intent of the ordinance.

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.

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

The Department of Community Planning and Economic Development Planning Division recommends that the Board of Adjustment adopt the above findings and **approve** the variance application to reduce the required minimum north side yard setback from 5 feet to 3 feet for property located at 5344 Emerson Avenue South in the R1A Single-family District.