

**Department of Community Planning and Economic Development – Planning Division Report****Variance Request  
BZZ-2627**

**Date:** October 20, 2005

**Applicant:** Dan Clausen, on behalf of Clausen Group Inc.

**Address of Property:** 4815 Upton Avenue South

**Contact Person and Phone:** Dan Clausen, 612-386-6690

**Planning Staff and Phone:** Molly McCartney, 612-673-5811

**Date Application Deemed Complete:** September 20, 2005

**End of 60 Day Decision Period:** November 19, 2005

**Appeal Period Expiration:** October 31, 2005

**Ward:** 13      **Neighborhood Organization:** Fulton Neighborhood Association

**Existing Zoning:** R1A Single-family District and SH Shoreland Overlay District

**Proposed Use:** Construction of a single-family dwelling and attached garage

**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 31 ft. to allow for the construction of single-family dwelling located at 4815 Upton Avenue South in the R1A Single-family District and SH Shoreland Overlay District.

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

**Background:** The subject property is 5,160 sq. ft. (40 ft. by 129 ft.) and consists of a one-story, single-family dwelling that is setback in the lot 52 ft. from the front property line. The applicant is proposing to demolish the dwelling and build a new single-family dwelling and attached garage that is setback 31 ft. from the property line. The dwelling to the south is setback further on the lot than other dwellings on the block, at 51 ft. This adjacent dwelling and the subject site are the only dwellings on this block to have a setback this great. The applicant is requesting a front yard variance in order to align the proposed dwelling more closely with the front yard setback of the dwellings on the block. The house adjacent to the north is setback 29 ft. and the dwelling two doors south of the subject site is setback 31 ft. to the front property line

The proposed dwelling will have an open front porch that is 6 ft. deep and 25 ft. in wide, almost the width of the proposed dwelling which is 30 ft.

In order to obtain building permits, the proposed dwelling is required to meet the Chapter 530 Site Plan Review requirements for a new single family dwelling. The proposed dwelling currently does not meet the minimum 15 points for Zoning Approval. The proposed house will have a basement (5 points), hardy plank lap siding (4), a roof pitch of 8/12 (2 points), and an open front porch of more than 50 sq. ft. (1 point) for a total of 12 points. The applicant can either increase the number or size of windows or replace the proposed attached garage with a detached garage to meet the minimum 15 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 31 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 at approximately 30 ft. from the front property lines, with the exception of the property to the south. This dwelling is setback 51 ft. from the front property line. 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. This dwelling is setback 51 ft. from the front property line. 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 a 30 ft. setback, which is similar to the setback requested by the applicant. 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

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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. With the exception of the property to the south, the block consists of single-family dwellings with detached garages that have a front yard setback of approximately 30 ft.

- 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 31 ft. to allow for the construction of single-family dwelling located at 4815 Upton Avenue South in the R1A Single-family District and SH Shoreland Overlay 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.