

**Department of Community Planning and Economic Development – Planning Division****Variance Request  
BZZ-2637**

**Applicant:** Jeff Merle, on behalf of Simone Rendon

**Address of Property:** 4548 – 45<sup>th</sup> Avenue South

**Contact Person and Phone:** Jeff Merle, (612) 578-7052

**Planning Staff and Phone:** Shanna Sether, (612) 673-2307

**Date Application Deemed Complete:** September 26<sup>th</sup>, 2005

**End of 60 Day Decision Period:** November 25<sup>th</sup>, 2005

**Ward:** 12      **Neighborhood Organization:** Longfellow Community Council

**Existing Zoning:** R1A, Single-family Residential District

**Proposed Use:** Construction of a new single-family dwelling.

**Proposed Variance:** A variance to reduce the front yard setback established by the front corners of the two adjacent residential structures along 45<sup>th</sup> Avenue South from 53 ft. to 25.5 ft. to allow for a newly constructed single-family dwelling in the R1A District at 4548-45<sup>th</sup> Avenue South.

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

**Background:** The subject property is located on an interior lot that is approximately 40 ft. by 128 ft. (5,120 sq. ft.). The property consists of an existing single-family dwelling and shed located near the alley. The applicant is proposing to demolish the existing dwelling and shed in order to construct a new single-family dwelling on the subject property. The applicants are proposing to construct a one and one-half story single-family dwelling with a detached garage.

The existing dwelling has a 100 ft. front yard setback along 45<sup>th</sup> Avenue South. The new single-family dwelling has been proposed to be located 25.5 ft. from the front property line. The front yard setback established by the front corners of the two adjacent residential structures along 45<sup>th</sup> Avenue South is 53 ft. The proposed dwelling meets the required side yard and rear yard setbacks of the district.

Staff has reviewed the proposed dwelling for compliance with the changes to the ordinance in regard to single to four dwelling units. The applicant has not yet provided the application for the site plan review for the new single family dwelling, however the current proposal would exceed the site plan review

standards by including a detached garage, basement, cedar siding, a steep roof pitch of 14/12 and a number of deciduous trees in the front yard.

**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 has requested a variance to reduce the required front yard setback along 48<sup>th</sup> Avenue South from 53 ft. to 25.5 ft. to allow for the construction of a new single-family dwelling on an interior lot. The adjacent single-family dwelling to the north of the subject property is setback 58ft. from the front property line and the neighbor to the south is located 27 ft. from the front property line. Strict adherence to the regulations requires that the entire dwelling is constructed behind the established front yard setback, which is inconsistent with the adjacent dwellings. Staff believes, however, that constructing the new dwelling to match the setback of the adjacent dwelling to the south would more appropriate and allow 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.**

**Front yard setback:** The circumstances upon which the setback variances are requested are unique to the parcel of land due to the configuration of the dwelling on the adjacent property to the north. As previously mentioned, the adjacent parcel is setback 58 ft. from the front yard property line and therefore imposes a greater setback than the district minimum front yard setback of 20 ft. This is a circumstance that is unique to this parcel and not created by the applicant. The alternative to the variance would cause an undue hardship to the property owner, by not allowing the proposed construction of a single-family dwelling and detached garage. The house as proposed as 45 ft. in length and the garage at 22 ft. would not be buildable within the setback requirements for the front and rear. The location of the existing structures and the configuration of the lots are not circumstances created by the applicant, however, granting the variance to 25.5 ft instead of 27 ft. may cause hardship to the adjacent properties, which would be a situation 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 new single-family dwelling will not alter the essential character of the surrounding neighborhood. The area is zoned R1A and consists primarily of

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single and two family dwellings. Staff believes that the new single-family dwelling will not be injurious to the use or enjoyment of other property in the vicinity, if it is constructed at 27 ft. to the front property line.

- 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.**

**Front yard setbacks:** Granting the setback variances would likely have no impact on the congestion of area streets or fire safety, nor would the rear 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 required front yard setback along 25<sup>th</sup> Avenue South from 53 ft. to **27 ft.** to allow for the construction of a new single-family dwelling to the following conditions:

1. Review and approval of final site and elevation plans by the Planning Department.
2. That the project shall comply with site plan review requirements for new construction as required by Chapter 530 of the zoning code.