

Department of Community Planning and Economic Development – Planning Division Report**Variance Request
BZZ-2689**

Date: November 17, 2005

Applicant: Ginny Lackovic

Address of Property: 2542 29th Avenue South

Contact Person and Phone: Ginny Lackovic, 612-207-6543

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

Date Application Deemed Complete: October 18, 2005

End of 60 Day Decision Period: December 17, 2005

Appeal Period Expiration: November 28, 2005

Ward: 9 **Neighborhood Organization:** Seward

Existing Zoning: R2B, Two-family District

Proposed Use: Construct an addition to an existing single-family dwelling

Proposed Variance: A variance to reduce the required north interior side yard setback from 5 ft. to 2 ft. to allow for a one story addition for a property located at 2542 29th Avenue South in the R2B Two-family District.

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

Background: The subject site is an interior lot that is approximately 48 ft. by 157 ft. (7,420 sq. ft.) and consists of a single family dwelling, built in the 1880^s, with a detached garage. The dwelling is located 2 ft. from the north property line and the adjacent dwelling to the north is setback 21 ft. from the shared property line. Many dwellings on this block were built in the 1880^s and have small north side yards and large south side yards. The applicant is proposing to construct a rear addition with a screen porch which will follow the line of the house back approximately 13 ft. The addition that is the enclosed portion of the dwelling will follow the line of the house on both the north and south sides of the dwelling and the screen porch will be 2 ft. from the north property line and will wrap around the southern portion of the dwelling. The addition is to relocate the only staircase to the basement from the exterior to the interior of the dwelling. The applicant has also obtained permits to replace the foundation of the structure.

The proposed addition does not have any windows and would not be allowed, per the Building Code, to have openings (windows or doors) on a structure that is closer than 3 ft. to the property line (*Section*

302.1 2000 IBC). The applicant is proposing that the screened porch have a solid wall along the north side to comply with this regulation of the Building Code. If approved, the screen porch proposed at 2 ft. would not be able to have openings because the building is less than 3 ft. from the property line. The house currently meets the minimum window requirement and would not need to include windows on the addition to come into compliance with this requirement.

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 interior side yard setback from 5 ft. to 2 ft. to allow for the construction of a one-story addition to a single-family dwelling. The applicant states that the variance is needed because new interior stairs will be in approximately the same location as the existing exterior stairs and to preserve the historical quality of the dwelling, the addition should extend backward from the existing line of the building. Staff believes that the addition is a reasonable use of the property recognizing the hardship created by the existing location of the dwelling.

- 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 parcel of land and have not been created by the applicant due to the location of the subject dwelling 2 ft. from the property line. Many of the dwellings on this block were built with very small north side yards and larger south side yards. The location of the dwelling on the lot is a unique circumstance not 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.**

Granting the variance will be keeping with the spirit and intent of the ordinance and will not alter the essential character of the locality. Even with a 2 ft. setback, the subject property will be more than 23 ft. from the adjacent property to the north. The subject dwelling meets the minimum requirements for windows on the north elevation of the dwelling and the proposed addition and porch would not have to include windows to comply with this regulation. The addition will follow the line of the house on the north side instead of jaggging in to meet a 5 ft. setback, which will be keeping with the historical nature of this property and other surrounding properties.

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 side yard setback variance for 2 ft. would likely have no impact on the congestion of area streets or fire safety, nor would the proposed addition to the existing 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 5 ft. to 2 ft. to allow for a one story addition for a property located at 2542 29th Avenue South in the R2B Two-family 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; and
2. That the screen porch shall comply with the applicable sections of the building code (*302.1 2000 IBC*) to allow for windows.