

Department of Community Planning and Economic Development – Planning Division**Variance Request
BZZ-2716****Date:** December 1, 2005**Applicant:** David Masters and Linda Hansen**Address of Property:** 5344 Penn Avenue South**Contact Person and Phone:** David Masters and Linda Hansen**Planning Staff and Phone:** Shanna Sether, (612) 673-2307**Date Application Deemed Complete:** November 2, 2005**End of 60 Day Decision Period:** January 1, 2006**Appeal Period Expiration:** December 12, 2005**Ward:** 13 **Neighborhood Organization:** Fulton Neighborhood Association (adjacent to Lynnhurst Neighborhood Association)**Existing Zoning:** R1 Single Family Residence District**Proposed Use:** An addition to an existing single-family dwelling.**Proposed Variance:** A variance to reduce the required north interior side yard setback from 6 ft. to 3ft. to allow for a 7 ft. by 47 ft., 1-story addition to an existing single-family dwelling.**Zoning code section authorizing the requested variance:** 525.520 (1)**Background:** The subject site is on a lot approximately 60 ft. x 185 ft. (11,100 sq. ft.) that consists of an existing single-family dwelling and detached garage in the front yard. The applicant is proposing to construct a 7 ft. by 47 ft., 1-story addition, expanding the footprint on the north side of the dwelling to 3 ft. from the property line.

The previous owner of the subject property received a variance, in 1998, to reduce the front and side yard setbacks to allow a 22 ft. by 22 ft. detached garage to be located between the front of the dwelling and the front lot line. A condition was required that the existing driveway was to be removed alongside the main house to the rear of the front porch in accordance with the finds of fact on file with the Office of the City Clerk. The driveway still exists in this location today.

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.**

Interior side yard setback: The applicant has requested a variance to reduce the required north interior side yard setback from 6 ft. to 3ft. to allow for an addition to an existing single-family dwelling. The applicant is proposing to expand the existing footprint of the dwelling to allow for a 7ft. by 47ft., 1-story addition to the north side of the existing dwelling. The applicant states that this addition is needed to “allow for a mudroom and front entrance [that] contains an unused and unsightly concrete slab, previously used as a driveway.” In addition, the applicant has stated that due to the location of this cement slab, there have been problems with drainage into the basement. The driveway that she mentions was required to be removed as a condition of the previously granted variance for the detached garage. Further, the applicant has stated that the addition is required in order to allow for a more serviceable front entrance with improved curb appeal due to the location of the existing detached garage. Strict adherence to the regulations would not allow for the 1-story addition to the existing single-family dwelling. Staff does not believe the proposed construction is a reasonable request because of the size of the lot and the ability to locate the addition in a more suitable location on the south side of the house where a variance would not longer be required.

- 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.**

Interior side yard setback: The applicant has requested a variance to reduce the required north interior side yard setback from 6 ft. to 3 ft. to allow for an addition to an existing single-family dwelling. The applicant states that this addition is needed due largely to the alterations made by the previous owners who moved the garage from the rear of the lot to the front of the lot, leaving an unused concrete slab on the north side of the property. Strict adherence to the regulations would not allow for the 1-story addition to the existing single family dwelling. Instead, the applicant has reasonable alternatives for an addition to the existing single family dwelling in a location where the variance would not be required.

- 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.**

Interior side yard setback: The addition would alter the essential character of the surrounding neighborhood and would be injurious to the use or enjoyment of adjacent property as a 1-story wall will be constructed 3 ft. from the property line for approximately 47 ft. That would be a substantial encroachment into the required side yard. The addition would prevent the

CPED Planning Division Report
BZZ-2716

possibility of reconfiguring the location of the existing detached garage to a more appropriate location in the future. Staff believes that the proposed addition would not likely be injurious to the use or enjoyment of other property in the vicinity, if the addition were proposed at another location on the lot that meets the setback requirements.

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.**

Interior side yard setback: Granting the interior side 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 provided the addition would comply with applicable regulations of the building code. The variance, if granted, could negatively impact the adjacent property owner, due to the length and proximity of the proposed addition 3ft. from the property line.

Recommendation of the Department of Community Planning and Economic Development:

The Department of Community Planning and Economic Development Planning Division recommends that the Board of Adjustment adopt the findings above and **deny** the variance to reduce the required north interior side yard setback from 6 ft. to 3ft. to allow for a 7 ft. by 47 ft., one-story addition to an existing single-family dwelling.