

City of Bloomington, Minnesota
DEPARTMENT OF COMMUNITY DEVELOPMENT

**APPEAL TO THE HEARING EXAMINER FOR A VARIANCE TO THE CITY
ORDINANCE**

CASE:	10937A-14
APPLICANT:	John Heutmaker
LOCATION:	10608 Alabama Circle
REQUEST:	Variance to reduce the required prevailing front yard setback from 35 feet to 30 feet for a living area addition.

**FINDINGS OF THE HEARING EXAMINER:
Section 2.98.01(b)(2) Variances**

A) That the variance is in harmony with the general purposes and intent of the ordinance;

- The granting of the requested variance to allow for a living space addition is consistent with the general purpose and intent of the City Code. Given the limited midpoint lot depth of less than 100 feet and configuration of the lot, the proposed 30 foot setback for a small portion of the home along the cul-de-sac curve would not physically detract from the overall appearance of the neighborhood. The requested variance is minor and will not be detrimental to abutting properties.

B) That the variance is consistent with the comprehensive plan;

- The Comprehensive Plan guides this property for Low Density Residential. The proposed variances are consistent with this designation.

C) When the applicant for the variance establishes that there are practical difficulties in complying with the zoning ordinance.

- The unique lot configuration, which is a narrow along the public right-of-way compared to the rear area width and had a midpoint lot depth of less than 100 feet, creates a practical difficulty in complying with the zoning ordinance and makes it difficult to construct a code-compliant living space addition. The construction of the house addition is in harmony with the surrounding neighborhood.

Practical difficulties as used in connection with the granting of the variance, means that:

- (i) **The property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance;**

- Constructing a home addition at a 30 foot front yard setback is a reasonable request and would not be permitted without the granting of the variances.
- (ii) The plight of the landowner is due to circumstances unique to the property not created by the landowner; and**
- The lot configuration restricts options for a living area expansion. The lot configuration and layout of the existing dwelling were not created by the property owner.
- (iii) The variance if granted will not alter the essential character of the locality.**
- The variances are in harmony with the general purposes and intent of the ordinance. The neighborhood is comprised of homes primarily constructed in the 1960s and 1970s and many homes have been expanded since originally constructed. The proposed living space addition's design is compatible with the existing home and will not alter the overall character of the neighborhood.

DECISION OF THE HEARING EXAMINER:

In Case 10937A-14, the Hearing Examiner recommends approval of a variance to reduce the required prevailing front yard setback from 35 feet to 30 feet for a living space addition at 10608 Alabama Circle subject to the following conditions of approval:

1. Prior to the issuance of a building permit, building plans and elevations must be approved by the Planning and Building and Inspections Divisions;
2. The variance is limited to the encroachment as shown on plans in Case File 10935A-14; and
3. Building materials for the existing house exterior and expansion must be consistent in material and compatible in color.



Hearing Examiner
August 5, 2014