

# Minneapolis City Planning Department Report

## Zoning Amendment (Rezoning), Variances

BZZ – 1346

**Date:** October 7, 2003

**Date Application Deemed Complete:** September 9, 2003

**End of 60 Day Decision Period:** November 8, 2003

**Applicant:** John & Suzanne Simerson

**Address of Property:** 2972 W. River Parkway

**Contact Person and Phone:** John Simerson, 308-9150

**Planning Staff and Phone:** Jason Wittenberg, 673-2297

**Ward:** 9      **Neighborhood Organization:** Longfellow Community Council

**Existing Zoning:** R1

**Proposed Zoning:** R2B

**Zoning Plate Number:** 28

**Legal Description of Property Proposed for Rezoning:** Lot 14 and that part of Lot 13 lying Southerly of a line running from a point in an Easterly line thereof a distance of 1-1/2 feet Northerly from the most Easterly corner thereof to a point in the Westerly line thereof a distance of 9 feet Northerly from most Southerly corner thereof, Dormans Addition to Minneapolis

**Proposed Use:** Two-family dwelling and detached garage

**Project Name:** N/A

### Proposed Variances:

- Variance of the north side yard from 15 feet-required where a principal entrance faces the interior side lot line-to 8 feet.
- Variance to allow a detached garage between the principal structure and a front lot line (in this case, the west lot line) along Dorman Avenue.
- Variance of the north side yard from 5 feet to 4 feet 2 inches for the proposed detached garage.
- Variance of the front yard setback (the west lot line) along Dorman Avenue from 20 feet to approximately 19 feet for the proposed detached garage.

**Zoning Code Section Authorizing Proposed Variances:** 525.520 (1), (8)

**Previous Actions:** N/A

**Concurrent Review:** Rezoning and variances as noted above.

**Background:** In June of this year, the applicant’s nonconforming two-family dwelling was destroyed by a fire that had spread from a mixed use building that was under construction nearby. Since the two-family dwelling was nonconforming in the R1 District, the applicant requests to rezone the property to the R2B District to allow for reconstruction of a similar duplex on the same footprint. Since the property is a through lot—with front yards along both Dorman and West River Parkway—the location of the detached garage was nonconforming and also requires variances in order to allow for reconstruction.

**Findings As Required By The Minneapolis Zoning Code for the Rezoning Application:**

**1. Whether the amendment is consistent with the applicable policies of the comprehensive plan.**

The site is adjacent to a property located on a Community Corridor and Major Housing Site.

*Relevant policy:* **9.5** Minneapolis will support the development of residential dwellings of appropriate form and density.

*Relevant Implementation Steps:*

- Promote the development of well designed moderate density residential dwellings adjacent to one or more of the following land use features: Growth Centers, Commercial Corridors, Community Corridors and Activity Centers.

*Staff comment:* While the project is not within these designated land use features, the proposed R2B District would be located on a corner and would act as a transition between the higher density development along Lake Street and the primarily single-family development to the north. The comprehensive plan would perhaps not support rezoning a property in the middle of the block to a higher density district.

**2. Whether the amendment is in the public interest and is not solely for the interest of a single property owner.**

The rezoning appears to be largely in the interest of a single property owner.

**3. Whether the existing uses of property and the zoning classification of property within the general area of the property in question are compatible with the proposed zoning classification, where the amendment is to change the zoning classification of particular property.**

Existing uses and zoning classifications are compatible with the proposed R2B District. To the south of the property, a new mixed use building will be reconstructed and a two-family dwelling is located on the abutting property to the north.

- 4. Whether there are reasonable uses of the property in question permitted under the existing zoning classification, where the amendment is to change the zoning classification of particular property.**

Although the parcel could be developed with a single-family residential dwelling, the rezoning request would allow the applicant to replace the same type of dwelling that was destroyed by fire and would also result in construction of a single-family dwelling between an existing two-family dwelling and a new mixed use development.

- 5. Whether there has been a change in the character or trend of development in the general area of the property in question, which has taken place since such property was placed in its present zoning classification, where the amendment is to change the zoning classification of particular property.**

The mixed use project that was destroyed by fire immediately to the south of the property in question may represent a trend toward higher density development on East Lake Street. The R2B District would be an appropriate transition between higher density zoning and single-family zoning.

**Findings Required by the Minneapolis Zoning Code for the Proposed Variances:**

- 1. The property cannot be put to a reasonable use under the conditions allowed and strict adherence to the regulations of this zoning ordinance would cause undue hardship.**

*Variance of the north side yard for the dwelling:* The applicant proposes to reconstruct the building essentially as it had existed, which includes replicating the location of a principal entrance facing the interior lot line. Note that there are existing walkways on the property that lead from the off-street parking to the sides of the dwelling.

*Variance to allow a garage between the dwelling and a front lot line:* The property is a through lot with two front lot lines. The zoning code would essentially prohibit construction of a detached garage on the property and would prohibit matching the pattern of detached garages that is found on the entire block.

*Variance of the north side yard for the garage:* The zoning code allows detached garages to be located one foot from interior side lot lines when located in the rear 40 feet of a property. Since the property is a through lot and has two front yards, there is no rear 40 feet of the property, causing hardship for the applicant.

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*Variance of the front yard (west yard) along Dorman Ave. for the garage:* The property is a through lot with two front lot lines and two front yards. The zoning code would prohibit construction of a garage on the existing slab and in a manner that would be consistent with the pattern of garages on the block.

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.**

*Variance of the north side yard for the dwelling:* The fact that a side entrance previously existed and the fact that there are walkways already leading to side entrances is unique and not generally applicable.

*Variance to allow a garage between the dwelling and a front lot line:* The fact that the property is a through lot and the destruction of the nonconforming location of the garage are not factors that were created by the applicant.

*Variance of the north side yard for the garage:* The lack of a rear yard and the location of the existing garage foundation are unique factors that are not generally applicable to other properties in the R2B District.

*Variance of the front yard (west yard) along Dorman Ave. for the garage:* The lack of a rear yard and the location of the existing garage foundation are unique factors that are not generally applicable to other properties in the R2B District.

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.**

*Variance of the north side yard for the dwelling:* The proposed eight-foot setback is a significant setback, replicating the previously existing situation and would also face vegetation and a privacy fence. Staff's understanding is that the dwelling to the north also has a side entrance, all of which reduce the privacy concern that the ordinance is intended to address. The applicant should be aware that the walkway in the required side yard may not exceed four feet in width as indicated in Table 535-1 of the zoning code.

*Variance to allow a garage between the dwelling and a front lot line:* Granting the variance would be in keeping with the spirit of the ordinance and would be consistent with the existing pattern of detached garages on the block.

*Variance of the north side yard for the garage:* The garage would maintain an adequate distance from the interior side lot line and would not be contrary to the intent of the ordinance given that the neighboring property also has a garage that is similarly positioned.

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*Variance of the front yard (west yard) along Dorman Ave. for the garage:* The variance is minor and would not result in a setback that is inconsistent with other garages on the block.

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.**

*Variance of the north side yard for the dwelling:* Granting the variance would allow the applicant to place a principal entrance on the north side of the dwelling, which would meet the building code and would not 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.

*Variance to allow a garage between the dwelling and a front lot line:* The placement of the garage would not affect sightlines and would not be detrimental to public safety or welfare in any way.

*Variance of the north side yard for the garage:* Granting the variance would allow the applicant to reconstruct the detached garage on the same footprint and would not 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.

*Variance of the front yard (west yard) along Dorman Ave. for the garage:* Granting the variance would allow the applicant to reconstruct the detached garage on the same footprint and would not 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.

**Recommendation Of The City Planning Department for the Rezoning Application:**

The City Planning Department recommends that the City Planning Commission and City Council adopt the above findings and **approve** the application to rezone the property at 2972 West River Parkway from the R1 District to the R2B District.

**Recommendation of the City Planning Department for the Variance Application to Reduce the North Side Yard for the Dwelling:**

The City Planning Department recommends that the City Planning Commission adopt the findings above and **approve** the variance of the north side yard from 15 feet to 8 feet to allow a new two-family dwelling with a principal entrance facing the interior side lot line.

**Recommendation of the City Planning Department for the Variance Application to Allow the Garage Between the Principal Structure and a Front Lot Line:**

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The City Planning Department recommends that the City Planning Commission adopt the findings above and **approve** the variance to allow a detached garage between the principal structure and a front lot line (in this case, the west lot line) along Dorman Avenue.

**Recommendation of the City Planning Department for the Variance Application to Reduce the North Side Yard for the Detached Garage:**

The City Planning Department recommends that the City Planning Commission adopt the findings above and **approve** the variance of the north side yard from 5 feet to 4 feet 2 inches for the proposed detached garage.

**Recommendation of the City Planning Department for the Variance Application to Reduce the Front Yard Along Dorman Avenue for the Detached Garage:**

The City Planning Department recommends that the City Planning Commission adopt the findings above and **approve** the variance of the front yard setback (the west lot line) along Dorman Avenue from 20 feet to approximately 19 feet for the proposed detached garage.