

## Minneapolis Planning Department

350 South Fifth Street, Room 210

Minneapolis, MN 55415-1385

(612) 673-2597 Phone

(612) 673-2728 Fax

(612) 673-2157 TDD

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### MEMORANDUM

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DATE: April 23, 2002

TO: Council Member Gary Schiff, Chair, Zoning & Planning Committee and  
Members of the Committee

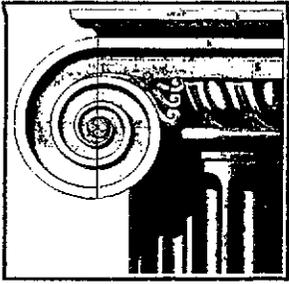
FROM: Hilary Watson, City Planner *HW*

SUBJECT: Appeal of the decision of the Zoning Board of Adjustment for David  
Sabaka

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David Sabaka has filed an appeal of the decision of the Zoning Board of Adjustment. The appeal is associated with the appeal of the Zoning Administrator to not accept the variance application that would allow him to vary the minimum lot area by **more** than twenty percent to allow for the construction of a three-unit townhouse development on a lot that is 3,825 square feet (BZZ-542). The Zoning Board of Adjustment action of March 27, 2002 is attached.

The appeal application would allow the applicant to construct a three-unit townhouse development on a lot that is smaller than the zoning ordinance allows. The appellant is appealing the decision of the Zoning Board of Adjustment to uphold the Zoning Administrator's decision and to deny the appeal. The applicant has indicated that this decision is being appealed based on the support of the Whittier Alliance, the MCDA and Council Member Dean Zimmerman's office and at the encouragement of the Zoning Board of Adjustment.



April 4, 2002

City of Minneapolis  
Inspections Division of Regulatory Services  
Office of Zoning Administration  
250 South 4<sup>th</sup> Street Room 300  
Minneapolis MN 55415

RE: 221 West 28<sup>th</sup> Street

To Whom it may concern,

Based on the support from the Whittier Alliance, MCDA and Council Member Dean Zimmerman (per attached documentation) and at the encouragement of members of the Board of Adjustment themselves, The Poseidon Companies (formerly TRI Development) do hereby file an exception to the Decision of the Board of Adjustment as provided for in Chapter 525.180 to allow the Construction of three Town Homes on the above stated 3,825 sq. ft lot.

Sincerely,

David Sabaka, Sabaka Design, representing the Poseidon Companies

Cc; Zoning & Planning Committee, Minneapolis City Council  
Council Member, Dean Zimmerman  
Hilary Watson, Planner  
Katie Hatt, Housing & Commercial development Manager, Whittier Alliance

435 Ridgewood Avenue ~ Minneapolis MN 55403 ~ 612-879-0556 ~ [sabakadesign@aol.com](mailto:sabakadesign@aol.com)

S A B A K A                      D E S I G N

# HEARING AGENDA

## ACTIONS

### Minneapolis Board of Adjustment:

Ms. Debra Bloom  
Mr. David Fields  
Mr. John Finlayson  
Mr. Paul Gates  
Ms. Marissa Lasky  
Mr. Peter Rand  
Ms. Gail Von Bargen  
Mr. Richard White

The Board of Adjustment of the City of Minneapolis met at **2:00 p.m.**, on **Wednesday, March 27, 2002**, in **Room 220 City Hall**, Minneapolis, Minnesota, to consider requests for the following:

#### 2:00 p.m.

1. 221 28<sup>th</sup> Street West (BZZ-542, 6<sup>th</sup> Ward)  
David Sabaka has appealed the decision of the Zoning Administrator to not accept the variance application that would allow him to vary the minimum lot area by more than twenty percent to allow for the construction of a three-unit townhouse development on a lot that is 3,825 square feet.

#### Action:

The Board of Adjustment adopted the findings and **denied** the appeal of the Zoning Administrator not to accept a variance application to allow David Sabaka to vary the minimum lot area by more than twenty percent to allow for the construction of a three-unit townhouse development on a lot that is 3,825 square feet.

**Minneapolis City Planning Department Report**

Appeal of the Decision of the Zoning Administrator  
BZZ-542

**Date:** March 27, 2002

**Appellant:** David Sabaka

**Address of Property:** 221 West 28<sup>th</sup> Street

**Date Application Deemed Complete:** February 20, 2002

**End of 60 Day Decision Period:** April 21, 2002

**Contact Person and Phone:** David Sabaka, (879-0556)

**Planning Staff and Phone:** Hilary Watson, (612) 673-2639

**Ward:** 6      **Neighborhood Organization:** Whittier Alliance

**Existing Zoning:** R5

**Proposed Use:** Three-unit townhouse development

**Appeal the decision of the Zoning Administrator:** David Sabaka has appealed the decision of the Zoning Administrator to not accept the variance application that would allow him to vary the minimum lot area by **more** than twenty percent to allow for the construction of a three-unit townhouse development on a lot that is 3,825 square feet.

**Background and Analysis:** David Sabaka of Sabaka Design, in conjunction with the Whittier Alliance, is proposing to construct a three-unit townhouse development on the property located at 221 West 28<sup>th</sup> Street. The lot is currently owned by the Minneapolis Community Development Agency (MCDA).

In the R5 zoning district, multiple-family developments require a minimum lot area of 5,000 square feet. The lot in question is approximately 3,825 square feet in size. This would require a lot area variance of 23.5 percent.

As allowed under section 525.520(2)(b) of the zoning code one can reduce the minimum lot size of their property by **not more than** twenty percent.

**525.520. Authorized variances.** Variances from the regulations of this zoning ordinance shall be granted by the board of adjustment only in accordance with

## Minneapolis City Planning Department Report

BZZ-542

the requirements of section 525.500, and may be granted only in the following instances, and in no others:

**(2) To vary the lot area or lot width requirements up to twenty (20) percent, except for the following uses, where the maximum variance of twenty (20) percent shall not apply.**

a. To vary the lot area or lot width requirements up to fifty (50) percent for schools, grades K-12, located in the OR2, OR3 and commercial districts.

b. To vary the lot area or lot width requirements up to fifty-five (55) percent for newly constructed two-family dwellings located in the R2B District, provided the surrounding properties are primarily two-family dwellings developed on lots similar in size to the proposed development.

The appellant attempted to apply for a variance that would reduce the lot area requirement by more than twenty percent (23.5 percent). The Zoning Administrator declined to accept the variance application based on the fact that the lot does not fall into the limitations of the authorized lot size variance. The appellant appeals this decision.

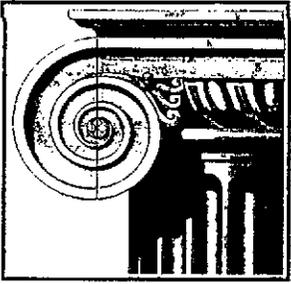
The appellant has filed an appeal pursuant to section 525.170 of the zoning code (see below).

**525.170. Appeals of decisions of the zoning administrator.** All findings and decisions of the zoning administrator, planning director or other official involved in the administration or the enforcement of this zoning ordinance shall be final subject to appeal to the board of adjustment, except as otherwise provided by this zoning ordinance. Appeals may be initiated by any affected person by filing the appeal with the zoning administrator on a form approved by the zoning administrator. All appeals shall be filed within twenty (20) calendar days of the date of the decision. Timely filing of an appeal shall stay all proceedings in the action appealed, unless the zoning administrator certifies to the board of adjustment, with service of a copy to the applicant, that a stay would cause imminent peril to life or property, in which case the proceedings shall not be stayed. The board of adjustment shall hold a public hearing on each complete application for an appeal as provided in section 525.150. All findings and decisions of the board of adjustment concerning appeals shall be final, subject to appeal to the city council as specified in section 525.180.

Based on the plain language of section 525.520(2)(b) of the zoning code, staff believes that the Zoning Administrator's determination is correct.

### **Recommendation of the City Planning Department:**

The City Planning Department recommends that the Board of Adjustment adopt the findings above and **deny** the appeal of the decision of the Zoning Administrator.



February 18, 2002

Nicole Peterson  
Zoning Specialist  
250 South 4<sup>th</sup> Street Room 300  
Minneapolis MN 55415

RE: 221 West 28<sup>th</sup> Street

Dear Nicole,

Pursuant to the neighborhood's objective of developing the vacant lot @ 221 West 28<sup>th</sup> Street, The Poseidon Companies (formerly TRI Development), the designated developer by the Whittier Alliance do hereby appeal the decision of the Zoning Administrator of the Minneapolis Zoning Code Table 546-15 pertaining to R5 lot dimension and building bulk requirements to permit the construction of three town homes on the above stated 3,825 sq. ft. lot in accordance with the directive from the Whittier Alliance and per the attached supporting documents and application.

Also, in conjunction with this appeal we hereby request concurrent review of variance requests per Minneapolis Zoning Code Table 525.20 to allow encroachment to the interior setbacks from  $5' + 2' + 2' = 9'$  per Minneapolis Zoning Code Table 546-14 to 5'-0" (per Article I, attached) and to allow encroachment to the front setback from 15' also per Table 546-14 to 6'-0" excluding permitted obstructions to enable rear access parking to this reverse corner lot (per Article II attached) and per the directive of the Whittier Alliance.

Sincerely,

David P. Sabaka, Architectural Representative, The Poseidon Companies

Attachments: Supporting document Article I & II  
Board of Adjustments Application  
MCDA supporting letter  
Whittier Alliance supporting letters  
Plot Plan, Floor Plans, Elevations, Site Photo

Cc: Dean Zimmerman, 6<sup>th</sup> Ward Council Member  
Ted Redmond, Whittier Alliance Housing Committee Chair  
Katie Hatt, Whittier Alliance Housing & Commercial Development Manager

435 Ridgewood Avenue Minneapolis MN 55403 ~ 612-879-0556 ~ [sabakadesign@AOL.com](mailto:sabakadesign@AOL.com)

S A B A K A                      D E S I G N

## Article I

The Poseidon Companies request a for a variance for encroachment to the interior setbacks on this reverse corner lot per Minneapolis zoning code **Table 546-14** from 5'+2'+2'=9' to 5'-0" based on the following findings.

The unique nature of this lot provides for a distance from the neighboring apartment building to the east of 21'-7" and a distance from the duplex to the east of 37'-0" (see site plan 3/A1) both of which is greater than the 18' that would occur on conventional lot and thereby will not negatively effect light, air and circulation to neighboring properties.

## Article II

The Poseidon Companies request a variance for encroachment to the front setback per Minneapolis Zoning Code **Table 546-14** from 15' to 6'-0": based on the following findings.

The unique nature of this reverse corner lot require rear access for off Street parking so as not to negatively impact parking or be detrimental to the public safety on the front facing one way street. Code requires a minimum 17'-0" turning access from the rear, leaving 22'-0" for "tuck under" garages accounting for the 6'-0" front setback.

Steve Cramer  
Executive Director

February 12, 2002

Minneapolis Zoning Administrator  
331 - 2<sup>nd</sup> Ave. S.  
Minneapolis, MN 55401

To Whom It May Concern:

The MCDA owns the lot at 221 W. 28<sup>th</sup> St. The Whittier Alliance is supporting the development of a three unit townhouse complex on the site. The MCDA supports the developers appeal and application of variances necessary to proceed with the project.

If you have any question or need additional information call Edie Oliveto-Oates at 612-673-5229.

Sincerely,



Jerrold Boardman  
Director, Housing

cc: Edie Oliveto-Oates  
David Sabaka

# WHITTIER

THE INTERNATIONAL NEIGHBORHOOD

December 10, 2001

Eddie Oates  
Minneapolis Community Development Agency  
Crown Roller Mill, Suite 200  
105 5<sup>th</sup> Avenue South  
Minneapolis, MN 55401-2534

Dear Eddie:

Thank you for meeting with me last week to discuss a few of Whittier's development opportunities. I thought I would take a moment to follow up on our meeting. From my perspective, the meeting was quite productive. The following is my understanding of the next steps we'll be taking in regards to potential development of vacant lots in Whittier:

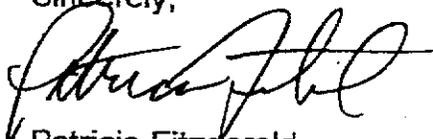
221 West 28<sup>th</sup> Street: The appraisal will be completed this week and a selling price established. I will work with the developers on the required variances for the townhomes. Developing this lot is the highest priority for the Whittier Alliance Housing Committee.

2807-09 Pillsbury: The Housing Committee will host a meeting on Wednesday, January 9, 2002 from 7:00 – 8:30 pm at Whittier School, 26<sup>th</sup> & Grand to discuss the community's vision for this site. Neighbors will be personally invited to attend. The Whittier Alliance has some funds available for gap financing, if the community wishes to see the site developed.

109 & 115 West 28<sup>th</sup> Street, 2800 Blaisdell: MCDA will check into the possibility of acquiring 2800 Blaisdell. If acquisition were possible, the Whittier Alliance would be interested in promoting the site to developers.

I hope the above outline of our current projects will help us continue to keep our lines of communication open. If you have any questions, please call me at 612-871-7756.

Sincerely,



Patricia Fitzgerald  
Housing & Commercial Development Manager

Cc: City Council Member Jim Niland  
Earl Pettiford, MCDA  
Ted Redmond, Whittier Alliance Housing Committee Chair

# WHITTIER

THE INTERNATIONAL NEIGHBORHOOD

September 28, 2001

Edie Oates  
Minneapolis Community Development Agency  
Crown Roller Mill, Suite 200  
105 5<sup>th</sup> Avenue South  
Minneapolis, MN 55401-2534

**RE: 221 West 28<sup>th</sup> Street Lot**

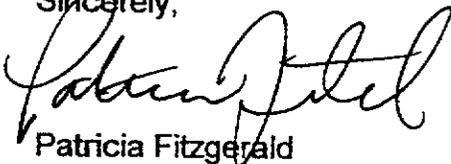
Dear Edie:

The Whittier Alliance Board of Directors passed the following motion at its September 27<sup>th</sup> meeting:

**Motion:** The Whittier Alliance supports the concept of a variance needed to proceed with the compromise for a five foot setback of the body of the townhome building at 221 West 28<sup>th</sup> Street and the new design with separate bays and porches as shown in Concept Six, contingent upon a financial and feasibility review by TRI Development.

I've enclosed the drawing showing Concept Six. I will continue to keep you informed of our planning process for this development. If you have any questions, please call me at 612-871-7756.

Sincerely,



Patricia Fitzgerald  
Housing & Commercial Development Manager

Cc: City Council Member Jim Niland  
Earl Pettiford, MCDA  
Rory Lucas, Hennepin County Tax Forfeiture  
Mike Kohler, TRI Development

August 24, 2001

Edie Oates  
Minneapolis Community Development Agency  
Crown Roller Mill, Suite 200  
105 5<sup>th</sup> Avenue South  
Minneapolis, MN 55401-2534

**RE: 221 West 28<sup>th</sup> Street Lot**

Dear Edie:

The Whittier Alliance Board of Directors passed the following motions at its August 23 meeting:

**Motion:** To approve the exterior design for three town-homes at 221 West 28<sup>th</sup> Street as submitted by TRI Development. (see attached drawings)

**Motion:** The Whittier Alliance requests that the MCDA acquire the vacant lot at 221 West 28<sup>th</sup> Street and make the lot available at a nominal price to TRI Development, the developer selected by the Whittier Alliance, with due haste.

In November 2000, the Whittier Alliance Board directed a letter to the MCDA requesting acquisition of several properties for future development, and 221 West 28<sup>th</sup> Street was listed as the first priority (see attached letter). The lot is undersized and zoned R5, and the Whittier Alliance recognized the need for variances to build on the property. Downzoning to allow a single-family home was considered, but it was decided in the end to proceed with an RFP to build 3 owner occupied town homes (see attached letter). Clearly, development of this lot is a priority for the Whittier Alliance, and we have expended a lot of energy and incurred costs in our efforts thus far.

In short, while this lot is a challenging one to build on, the neighborhood has a strong desire to see the lot developed and, having found a suitable developer, we are ready to move forward. If you have any questions, please call me at 612-871-7756.

Sincerely,

Patricia Fitzgerald  
Housing & Commercial Development Manager

Cc: City Council Member Jim Niland  
Earl Pettiford, MCDA  
Gordy Ramm, Hennepin County Tax Forfeiture  
Rory Lucas, Hennepin County Tax Forfeiture  
Mike Kohler, TRI Development

# WHITTIER

THE INTERNATIONAL NEIGHBORHOOD

February 15, 2002

Ms. Edie Oates  
Minneapolis Community Development Agency  
105 5<sup>th</sup> Avenue South, Suite 200  
Minneapolis, MN 55401

**RE: 221 West 28<sup>th</sup> Street**

Dear Edie:

The Whittier Alliance Housing Committee fully supports the sale of the vacant lot at 221 West 28<sup>th</sup> Street to Poseidon Companies (formerly TRI Development) at their stated price of \$3,000.

**HA2 MOTION:** The Whittier Alliance strongly urges MCDA to accept Poseidon Company's (formerly TRI Development) offer to purchase the vacant undersized lot at 221 West 28<sup>th</sup> Street. Because the Whittier Alliance-designated developer of our most recent housing development on a similarly undersized lot at 200 West 27<sup>th</sup> purchased the lot for \$1,150 in July 2001, we urge MCDA to consider a similar offer acceptable. **MOTION CARRIED.** Unanimous.

The proposed development at 221 West 28<sup>th</sup> Street is a crucial component of the Whittier Alliance's ongoing efforts to promote affordable housing and home ownership opportunities in Whittier. Poseidon Company's proposal meets both of these important objectives. The three townhomes planned for the site each have a target sale price of \$135,000 – 160,000, which will be affordable to prospective buyers at 80% of area median income.

The MCDA has been an important partner in the Whittier Alliance's development efforts over the past decade. Since July 1998, the MCDA has sold fifteen vacant residential lots for Whittier development projects. As the attached spreadsheet of these transactions indicates, Poseidon Company's offer for the lot at 221 West 28<sup>th</sup> Street is competitive with those accepted by the MCDA for lots over the past 4 years.

This vacant lot has long been identified as a top priority for development by the Whittier Alliance. In November of 2000, the Whittier Alliance Board of Directors wrote to Darryl Hall of the MCDA to request that MCDA begin acquisition processes for several sites in the Whittier neighborhood, and the lot at 221 West 28<sup>th</sup> Street was at the top of the list. This site represents an important opportunity to promote residential stability and affordable housing in Whittier. Whittier Alliance volunteers and staff have invested significant time evaluating design possibilities and working to ensure affordability for this project. We look forward to the MCDA's assistance in realizing the community's vision for this site.

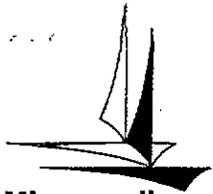
Sincerely,



Ted Redmond  
Chair, Whittier Alliance Housing Committee  
Member, Whittier Alliance Board of Directors

MCDAs Sales of Vacant Residential Lots in Whittier from July 1998 to Present

Address	Dev Type	Total Area	Sales Price	Price Per Sq Ft	Sale Date
2515 1st Ave S	Move & Rehab	5,060	\$0.00	\$0.00	07/21/1998
2021 3rd Ave S	Rehab	8,190	\$1.00	\$0.00	02/03/1999
2523 1st Ave S	Move & Rehab	7,800	\$5,900.00	\$0.76	02/10/1999
311 22nd St E	Sidyard	no data	\$450.00	no data	04/21/1999
2734 Grand Ave S	New Constr	5,786	\$5,800.00	\$1.00	06/22/1999
2733 Harriet Ave S	New Constr	5,876	\$4,500.00	\$0.77	06/22/1999
2737 Harriet Ave S	New Constr	7,132	\$5,200.00	\$0.73	06/22/1999
412 28th St W	Sidyard	no data	\$300.00	no data	10/06/1999
2809 Harriet Ave S	New Constr	5,140	\$7,700.00	\$1.50	02/29/2000
2932 Grand Ave S	New Constr	5,143	\$7,700.00	\$1.50	07/31/2000
2933 Harriet Ave S	New Constr	5,143	\$7,700.00	\$1.50	07/31/2000
2519 1st Ave S	Rehab	2,530	\$7,700.00	\$3.04	08/30/2000
2826 Stevens Ave S	New Constr	5,692	\$1.00	\$0.00	04/17/2001
200 27th St W	New Constr	4,112	\$1,150.00	\$0.28	07/02/2001
120 27th St W	Sidyard	3,592	\$1,100.00	\$0.31	07/24/2001
<b>Average Sale Price</b>			<b>\$3,680.13</b>	<b>\$0.88</b>	



**Minneapolis**  
*City of Lakes*

**City Council**

**Dean Zimmermann**  
Council Member, Sixth Ward

350 South 5th Street - Room 307  
Minneapolis MN 55415-1383

Office 612 673-2206  
Fax 612 673-3940  
TTY 612 673-2157

March 6, 2002

Ms. Edie Oates  
Minneapolis Community Development Agency  
105 5<sup>th</sup> Avenue South, Suite 200  
Minneapolis, MN 55401

**RE: 221 West 28<sup>th</sup> Street Lot Sale**

Dear Edie:

I am writing to express my strong support for the sale of the vacant lot at 221 West 28<sup>th</sup> Street to Poseidon Companies (formerly TRI Development) at their stated price of \$3,000, for the development of three owner-occupied townhomes.

This project is an important example of the Whittier Alliance's continuing efforts to promote affordable housing and owner-occupied housing opportunities in the Whittier neighborhood. Whittier Alliance volunteers and staff have worked in partnership with Poseidon Companies to ensure affordability for this project. The three townhomes planned for the site each have a target sale price of \$135,000 – 160,000, which will be affordable to prospective buyers at 80% of area median income.

Edie Oates  
Page Two  
March 6, 2002

The MCDA and the Whittier Alliance have worked successfully in recent years to process over 15 vacant residential land sales, which have resulted in strong additions to Whittier's diverse housing stock. The stated offer made by Poseidon Companies for this undersized lot is competitive based on these past transactions, and I fully support their efforts to acquire this property from the MCDA.

Sincerely,



Dean Zimmermann  
Minneapolis City Council  
Sixth Ward

cc: Earl Pettiford, MCDA  
Michael Kohler and David Sabaka, Poseidon Companies  
Katie Hatt, Whittier Alliance

# WHITTIER

THE INTERNATIONAL NEIGHBORHOOD

March 27, 2002

Ms. Hilary Watson  
Minneapolis Planning Department  
350 South Fifth Street  
Minneapolis, MN 55415

**RE: Whittier Alliance Board Motion**

Dear Hillary:

The Whittier Alliance Board of Directors passed the following motion at its March 26, 2002 meeting:

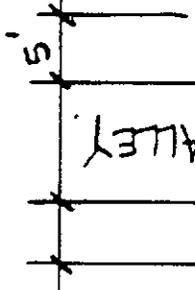
**Motion:** The Whittier Alliance strongly supports The Poseidon Company's zoning appeal for the proposed three-unit town home development at 221 W 28<sup>th</sup> Street. **MOTION CARRIED.**

Sincerely,



Katie Hatt  
Housing & Commercial Development Manager

NEIGHBORING APARTMENT BUILDING

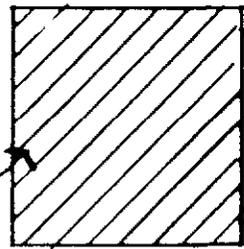


75'-0"

PROPERTY LINE

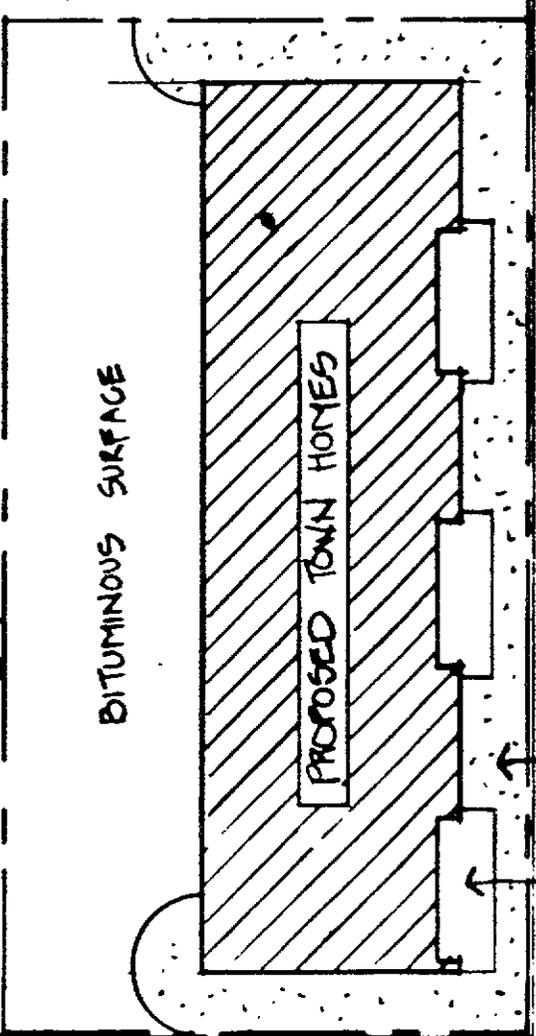
NEIGHBORING GARAGE

NEIGHBORING DUPLEX



BITUMINOUS SURFACE

PROPOSED TOWN HOMES



5' ALLEY 17'-0" 22'-0" 6'

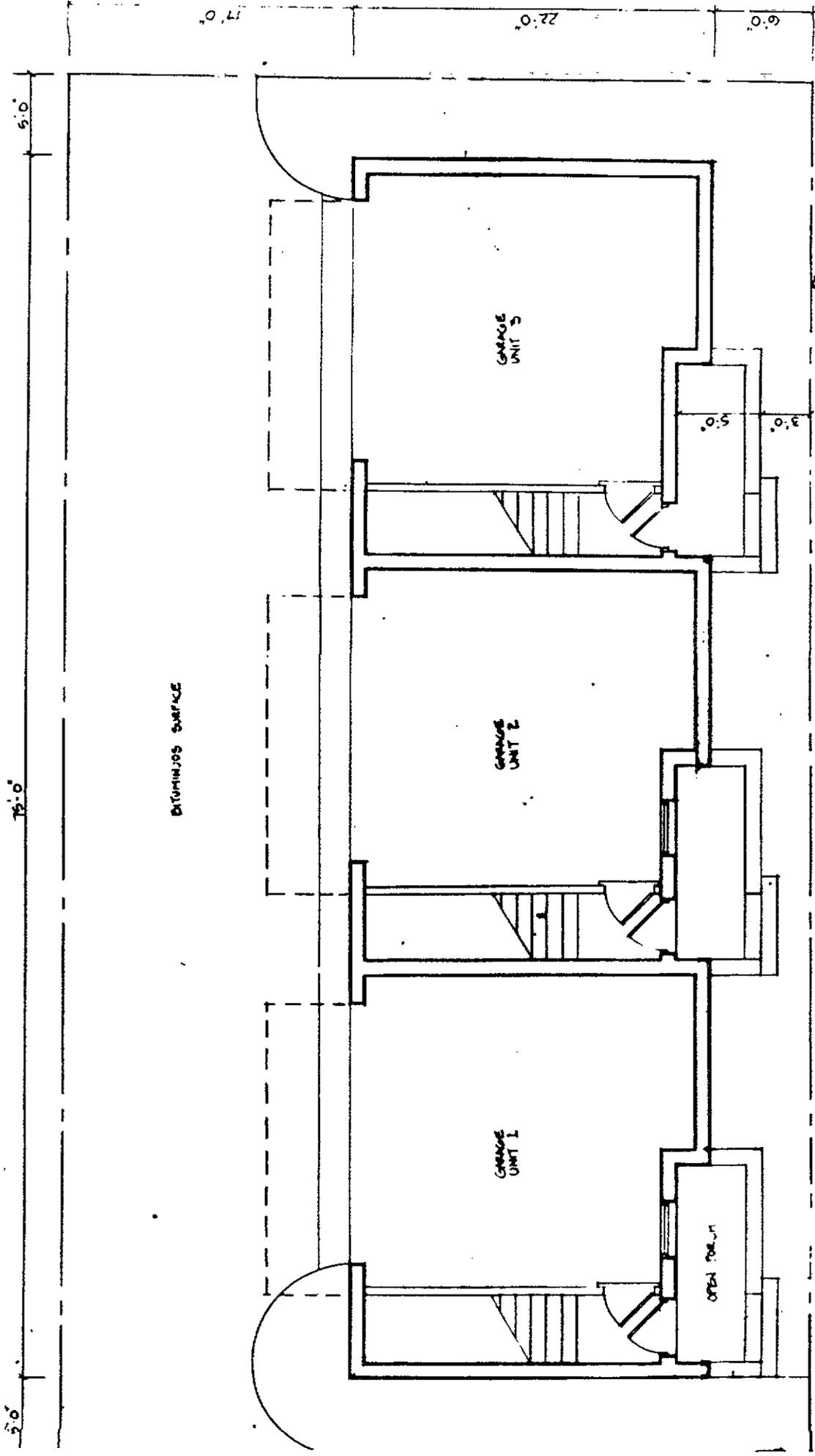
PUBLIC WALK

OPEN PORCHES  
LANDSCAPING

28TH STREET



3/16 SITE PLAN 1/16" = 1'-0"



FOUNDATION FIRST FLOOR PLAN

PUBLIC WALK  
28th STREET

PROPERTY LINE

DISTURBED SURFACE

GARAGE UNIT 1

GARAGE UNIT 2

GARAGE UNIT 3

OPEN POINT

51'0"

75'0"

17'0"

22'0"

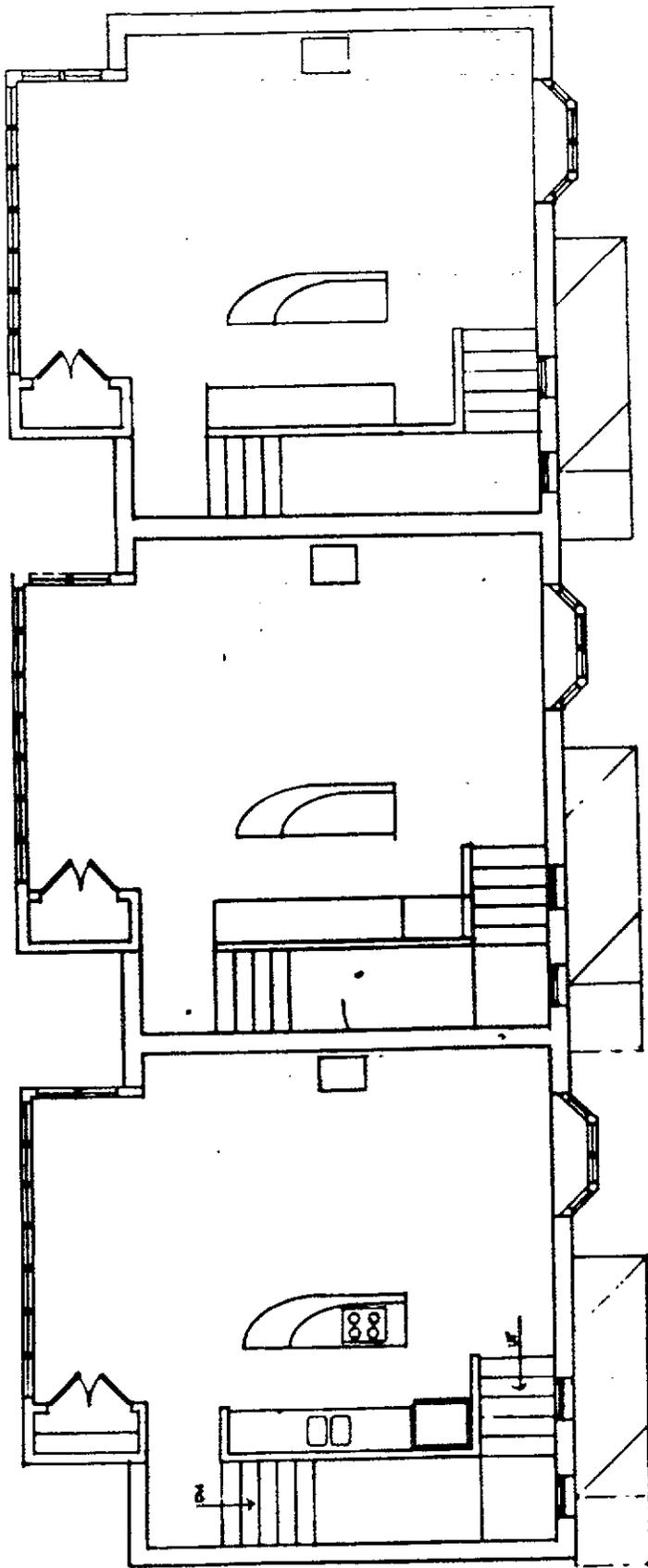
6'0"

5'0"

3'0"

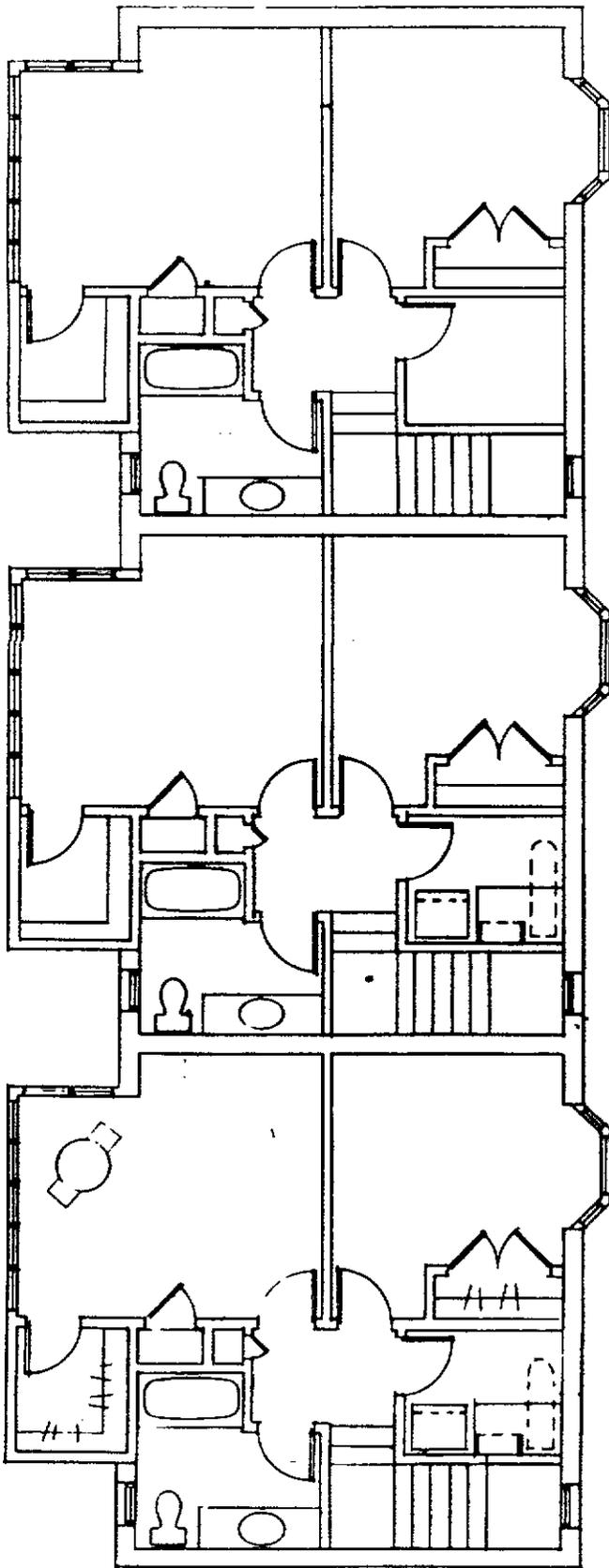
51'0"

75'0"

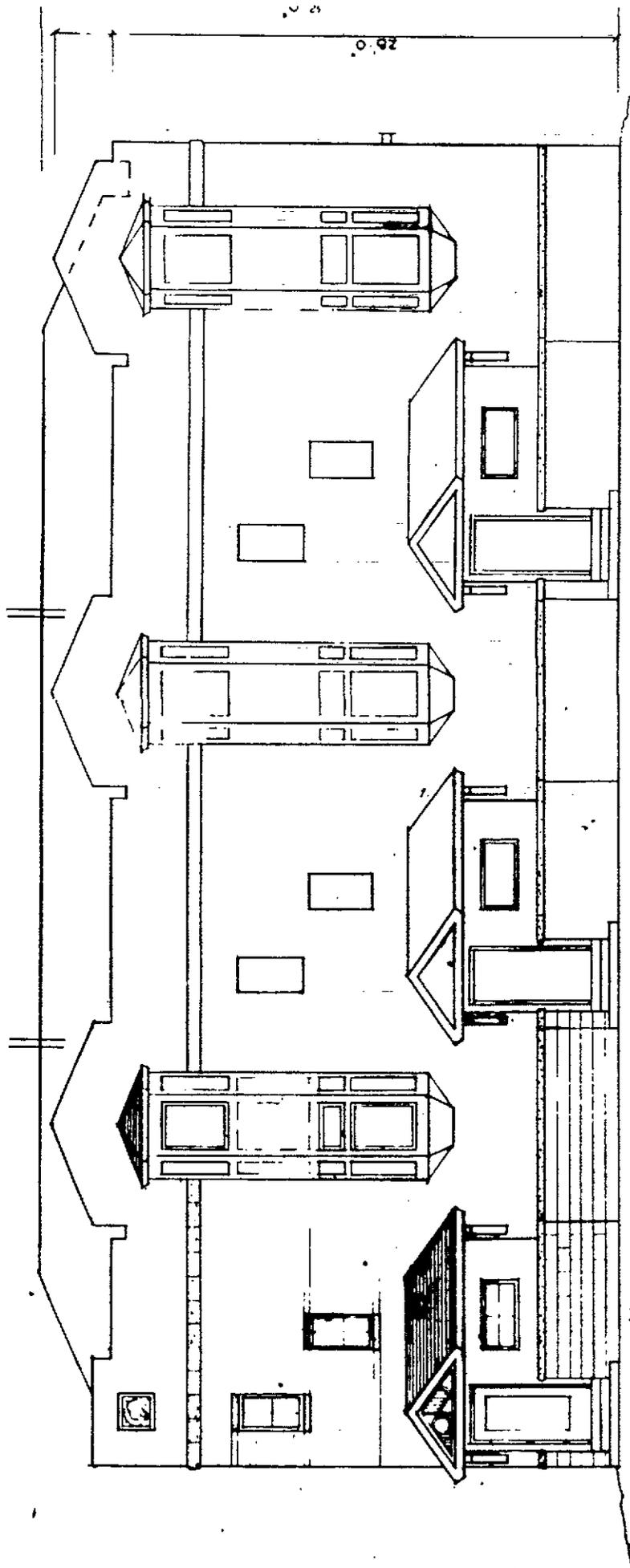


① SECOND FLOOR PLAN

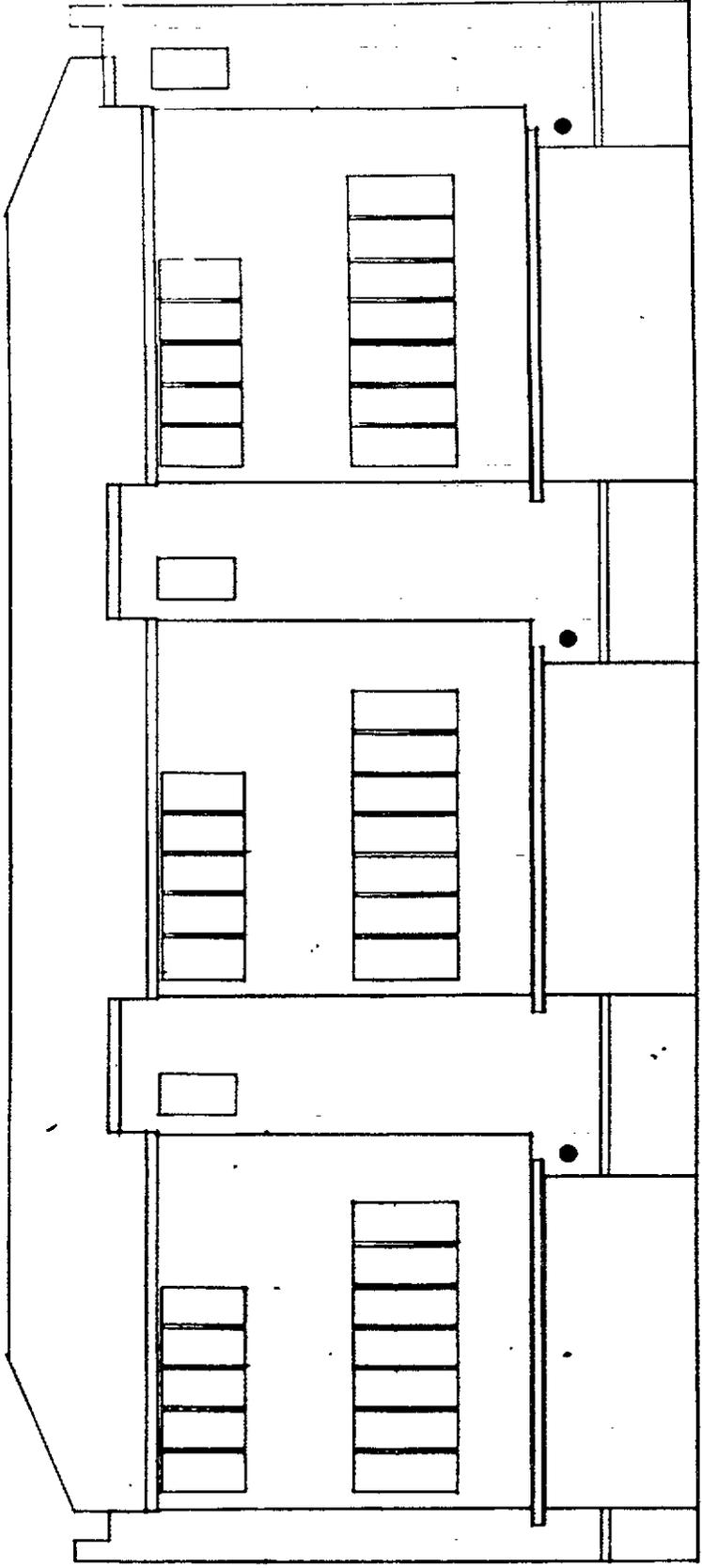
1/2" = 1' 0"



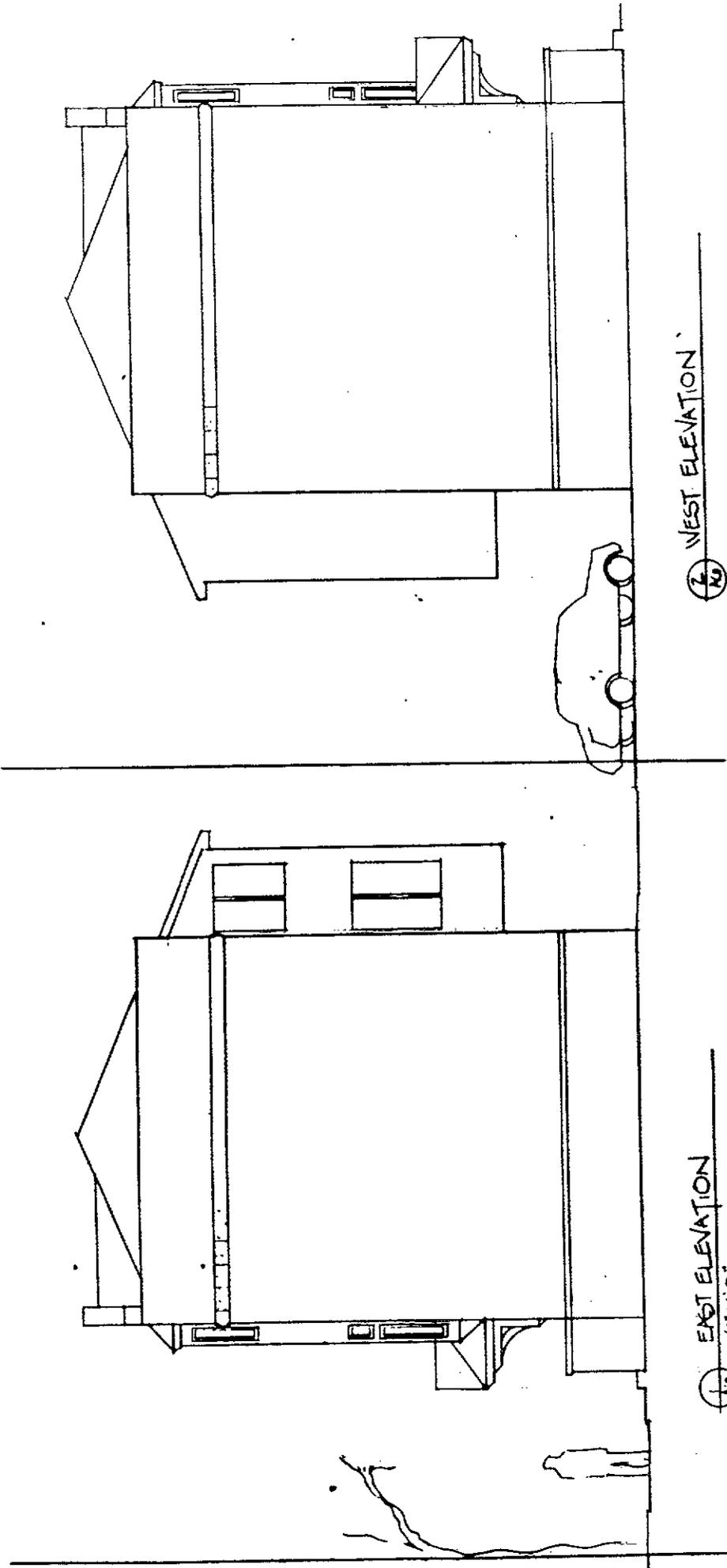
① THIRD FLOOR PLAN  
1/4" = 1'-0"



AS FRONT ELEVATION  
1/4" = 1'-0"



REAR ELEVATION  
1/4" = 1'-0"

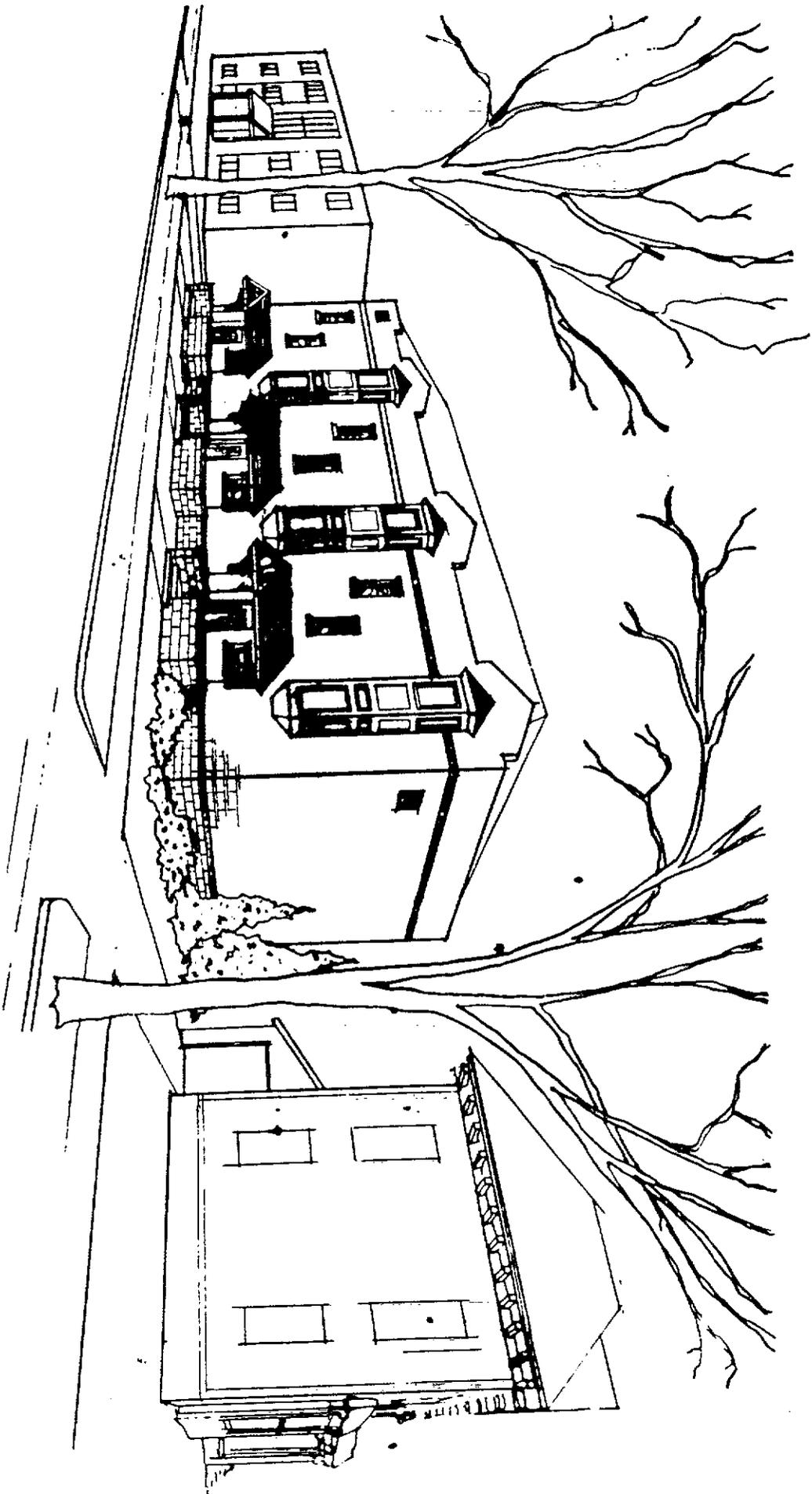


WEST ELEVATION



EAST ELEVATION





Whittier Town Homes

221 west 28<sup>th</sup> Street

**BOARD OF ADJUSTMENT  
MEETING MINUTES  
CITY OF MINNEAPOLIS  
ROOM 220 CITY HALL  
March 27, 2002**

**CALL TO ORDER AND ROLL CALL VOTE**

Present were Debra Bloom, David Fields, Peter Rand, Marissa Lasky, Paul Gates, Gail Von Bargen and John Finlayson. John Finlayson called the meeting to order at 2:00 p.m. Nicole Peterson from the Zoning Office was present, along with Hilary Watson of the Planning Department.

**HEARING**

1. **221 28<sup>th</sup> Street West (BZZ-542, 6<sup>th</sup> Ward)**

David Sabaka has appealed the decision of the Zoning Administrator to not accept the variance application that would allow him to vary the minimum lot area by more than twenty percent to allow for the construction of a three-unit townhouse development on a lot that is 3,825 square feet.

**Planning Department Statement by Ms. Watson:**

I would like to point out that recently this past March an amendment to the zoning code did go through the City Council addressing Chapter 531. Nonconforming Uses and in the R5 and R6 districts if the lot does not meet the minimum requirements it is allowed to build a duplex on the lot, provided the duplex meets the setback requirements.

**Planning Department Recommendation by Ms. Watson:**

Staff recommends **denial** of the appeal of the decision of the Zoning Administrator.

**Applicant's Statement**

David Sabaka, resident at 435 Ridgewood, spoke in support stating that he is the architect representative for the Posiedon Company, and the Posiedon Company responded to requests for proposals from the Whittier Alliance Company in May of last year. The property address is and has been rated the #1 redevelopment priority because it is considered a major gate way site to the neighborhood, the structure which once existed on the site has burned down 2 years ago and the lot has been vacant since. The proposal sought was for a creative design that is sensitive to the single family structures to the north while responsive to the massing of the adjacent apartment buildings and complying with the R5 zoning district. It was stated at that time a variance would be needed for the setbacks in order to accomplish this development. A primary goal of Whittier Alliance has been to increase the home ownership in the neighborhood and this area is 90% rental properties. The lot is an undersized lot and the side yard which faces 28<sup>th</sup> Street is where the variance is needed and however if we were to fall into the 20% the lot would need 2 ft. deeper we would comply with that 20% and but the lot is only 45 x 85 not 47 x 85. We are really 23% percent not the 20% that is required. We feel town homes are appropriate for this site because it is very close to the Greenway and we believe it is consistent with the goals and objectives set forth by the Midtown Greenway corridor framework plan which their objectives are to promote fine grain development that blends well with the community. A neighborhood redevelopment strategy needs to take advantage of the numerous vacant underutilized properties while providing an overall approach that creates strong connections to activities at Lyndale and Lake to the west and Nicollet and Lake to the east. This site is exactly between those two intersections. We feel there is a strong market in looking for life cycle housing in this

neighborhood and again it is high rent area and there are a lot of people looking for ownership opportunities and the neighborhood believes homeownership will help stabilize the neighborhood. Field surveys resulted in the discovery the lot is used for pets. The classic design is in keeping of the historic nature of the neighborhood. The job of the Board of Adjustment is to take a look at cases such as this site and a vacant lot that does no service to the neighborhood is appropriate to allow a variance of 3%.

**Supporting Statement**

Katy Hatt of Whittier Alliance/Housing and Commercial Development Manager and resident at 315 West Franklin spoke in support stated by way of process the Whittier Alliance has been involved for over a year in terms of looking at this site. The site has been a blight to the neighborhood, duplex which had been there had burned down, that is a very vulnerable area of Whittier in terms of crime and gang activity and so we submitted our fee for a three owner occupied duplexes which we felt would both help stabilize the neighborhood and present an opportunity for affordable housing with the town homes. We have been working with the Poseidon Company for over the last year, the developer of choice and the MCDA who owns the lot. Hennepin County owned the lot originally and the deed was transferred and that process has taken many more months more than we anticipated, the MCDA is supportive and we have a letter from Gerald Boardman. The Whittier Alliance has been behind the project from the start. The developers have been very good about working with us to arrange variances and get it all squared away so we are confident that this is the development that we want for this site and we hope this variance is granted.

**Supporting Statement**

Mary Anne Bean, property owner within one block of the proposed development and Chair of Whittier Alliance spoke in support, house address at 2804 Pleasant Av. S. which is a duplex. I heartedly support this development. The neighborhood would benefit from some affordable/market rate housing. The vacant lot is a non revenue producing lot right now. An issue for the Board of Adjustment is the question why should you grant the variance that would allow the lot to vary from what is required and delaying approval will delay the opportunity to build town homes and economically that is what is feasible and anything smaller is not and denial will run the risk of continuing a vacant lot if we are not allowed to build there. As a neighborhood property owner I would highly appreciate the quality, style and bring stability.

**Supporting Statement**

Natalie Collins, Aide to Council Member Dean Zimmerman of the 6<sup>th</sup> Ward spoke in support and we have been contacted by Whittier Alliance and the developer and Council Member Dean Zimmerman is very much in support of the project and see this as a minimal change from the acceptable variance and would like to see this project continue.

**The Board of Adjustment Member (Marissa Lasky)**

Being a property owner in this neighborhood I know how difficult it is and in very much support of the 3% variance and clearly if this went to council it would pass and should be dealt with here.

**The Board of Adjustment Member (David Fields)**

The Zoning Administrator is not wrong, the problem is the ordinance and when it get to this fine cut the code prevents uses. I would like to see more development and it can not be done with restrictions the code currently has. From the design and all else regarding this project I am very much in favor and the hardship is the code prevents reasonable use of the property. We have been up against variances such as this before and it is ridiculous because it will go into onto the council and will be approved.

**The Board of Adjustment Member (Debra Bloom)**

It is my understanding of the Zoning Administrator's interpretation of the zoning code is as the code is to be intended and what we are being asked by the applicant today is 23% and not 20% and there is not a variance allowed for that, I too am in favor of the project but 20% is what the code states.

**The Board of Adjustment Member (Paul Gates)**

I also am in favor of the project and it deserves to prevail but I concur with Ms. Bloom. We do not have the authority to pass this, our legislation of this board allows us to operate within the code and the code states we can only allow variances within certain boundaries and this exceeds that boundary. We cannot ignore those restrictions and if we did we challenge our own authority as a board, so I vote to deny.

**The Board of Adjustment Chair (John Finlayson)**

In a meeting with the Board of Adjustment and the Chair of Zoning and Planning, the Board of Adjustment pretty much universally recommended this change regarding this but this is what we are to deal with for now.

**The Board of Adjustment Member (Gail Von Bargaen)**

I would like to see more green space on this lot if this is approved.

**Staff Response by Mr. Tom Leighton of the Planning Department:**

People may want to be aware that the City Council and the mayor are really interested in looking at and reviewing our ordinances as it relates to housing, density and affordability. Minimum lot size is one the things that they are planning to review, that is not a guarantee changes will happen and the schedule is not set but a review is upcoming.

**Action:**

The Board of Adjustment adopted the findings and **denied** the appeal of the Zoning Administrator not to accept a variance application to allow David Sabaka to vary the minimum lot area by more than twenty percent to allow for the construction of a three-unit townhouse development on a lot that is 3,825 square feet.

**Roll Call Vote To Deny**

**Yeas:** Bloom, Finlayson Gates, Von Bargaen,

**Nays:** Fields, Lasky, Rand

The meeting adjourned at 4:00 p.m.