

**Department of Community Planning and Economic Development - Planning Division Report**  
Variance  
BZZ-4408

**Date:** June 11, 2009

**Applicant:** Eve White

**Address of Property:** 3111 12<sup>th</sup> Avenue South

**Project Name:** 3111 12<sup>th</sup> Avenue South

**Contact Person:** Eve White, (612) 275-1040

**Planning Staff:** Shanna Sether, (612) 673-2307

**Date Application Deemed Complete:** May 18, 2009

**End of 60-Day Decision Period:** July 17, 2009

**Ward:** 8      **Neighborhood Organization:** Powderhorn Park Neighborhood Association

**Existing Zoning:** R6 Multiple Family District

**Zoning Plate Number:** 26

**Legal Description:** Not applicable

**Proposed Use:** An increase in height for an existing triplex from 2.5 to 3 stories

**Variance:** to reduce the north and south interior side yard setbacks from 9 feet to approximately 4 feet to allow for an existing triplex to be increased from 2.5 stories to 3 stories

**Zoning code section authorizing the requested variance:** Chapter 525, Article IX Variances, Specifically Section 525.520(1)(1) “to vary the yard requirements, including permitted obstructions into required yards not allowed by the applicable regulations.”

**Background:** The subject property is on an interior lot, approximately 35 ft. by 116 ft. (4,060 sq. ft.). The property consists of an existing two and a half story triplex with a parking pad in the rear yard. The adjacent structures are 2-4 story multiple family structures. The building was constructed in 1912. The applicant is proposing to remove the existing 6/12 gable roof, with dormers and constructing a new flat roof over the existing 3<sup>rd</sup> floor. The change in roof type will increase the height of the structure from 2.5 stories to 3 stories and from 27 feet to 33 feet. The maximum height of multiple family dwellings in the R6 District is 6 stories, not to exceed 84 feet. However, the increase in height requires greater interior and rear yard setbacks. The existing triplex is nonconforming to the required interior side yard setbacks, which requires 7 feet for a 2.5 story building. The proposed height increase will increase the

nonconformity, because a 3 story structure requires a 9 foot setback along the interior property lines. Therefore, the applicant has applied for a variance to decrease the interior side yard setback from 9 feet to approximately 4 feet along the north and south property lines.

As of writing this staff report, staff has not received any correspondence from the Powderhorn Park Neighborhood Association. Staff will forward comments, if any are received, at the Board of Adjustment meeting.

**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 is seeking a variance to reduce the north and south interior side yard setbacks from 9 ft. to approximately 4 ft. to allow for the increase in height of an existing triplex from 2.5 stories to 3. The lot is 35 ft. wide and the area is approximately 4,060 square feet; both measurements are deficient from the minimum of 40 ft. wide and 5,000 sq. ft. in area. The existing dwelling on the subject property is located approximately 4 ft. to the north and south interior side property lines. Strict adherence to the regulations requires a minimum of 9 ft. interior side setbacks and would not allow for the increase in height of the building from 2.5 to 3 stories. The structure is currently nonconforming to the interior side setbacks. Staff believes that the increase in height of the structure would allow for reasonable use and would otherwise cause undue hardship due to the constraints of the substandard lot.

- 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 circumstances upon which the setback variance is requested are unique to the parcel of land due to the substandard lot width and the existing location of the structure. There are currently windows on the north side of the structure, which shares a property line with a two-story multiple family structure. The applicant did not create these circumstances and the alternative to the variance would cause a hardship to the property owner by not allowing for adequate use.

- 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.**

Staff believes that granting the variance will keep within the spirit and intent of the ordinance. The purpose of required yards is to provide for orderly development and use of land and to minimize conflicts among land uses by providing adequate light, air, open space and separation of uses. The existing structure is 2.5 stories with two dormers, one on the north and one on the south side of the structure and both contain windows. The adjacent structure to the south is located approximately 45 feet away from the existing triplex on the subject property. Further, staff believes the proposal of the increased height and further reduction of the interior side setbacks will not alter the essential character of the surrounding neighborhood or be injurious to the surrounding property. Similarly,

many of the structures in the vicinity are located within the required interior side yards and range between 2-4 stories with flat roofs. The proposed design and location will be consistent with the existing character of the area.

**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 variances would likely have no impact on the congestion of area streets or fire safety, nor would the proposed height increase of the existing triplex be detrimental to the public welfare or endanger the public safety.

**Recommendation of the Department of Community Planning and Economic Development - Variance:**

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 north and south interior side yard setbacks from 9 feet to approximately 4 feet to allow for an existing triplex to be increased from 2.5 stories to 3 stories for the property located at 3111 12<sup>th</sup> Avenue South in the R6 Multiple Family Residence District subject to the following condition:

1. Community Planning and Economic Development Department – Planning Division staff review and approval of the site, floor and elevation plans.

**Attachments:**

- 1) Written descriptions and findings submitted by the applicant
- 2) Correspondence from neighbors, neighborhood associations, etc.
- 3) Copy of e-mail sent to Powderhorn Park Neighborhood Association and CM Glidden
- 4) Zoning map
- 5) Site plan
- 6) Building elevations
- 7) Floor plans
- 8) Photographs
- 9) Oblique aerials