

**Department of Community Planning and Economic Development - Planning Division Report****Variance Request  
BZZ-3843****Date:** November 29, 2007**Applicant:** Kathie Wetzel-Mastel (architect on behalf of Powderhorn Residents Group)**Address of Property:** 2603 James Avenue South**Contact Person and Phone:** Kathie Wetzel-Mastel, (612) 721-7556**Planning Staff and Phone:** Aaron Hanauer, (612) 673-2494**Date Application Deemed Complete:** October 20, 2007**Public Hearing:** November 29, 2007**Appeal Period Expiration:** December 9, 2007**End of 60 Day Decision Period:** December 19, 2007**Ward: 5      Neighborhood Organization:** Jordan Area Community Council**Existing Zoning:** R1A Single-Family District**Proposed Use:** Construction of a new residential dwelling**Proposed Variances:** A variance to reduce the front yard side setback along 26<sup>th</sup> Avenue North from 20 feet to 17 feet and 6 inches to allow for the construction of a new house.**Zoning code section authorizing the requested variance:** 525.520 (1)

**Background:** The subject property at the northwest corner of James Avenue North and 26<sup>th</sup> Avenue North is a reverse corner lot<sup>1</sup>. The lot currently measures 46.5 feet by 86.4 feet (4,080 square feet), which is a substandard R1A zoning lot<sup>2</sup>. The subject property, which is currently vacant, is in the City of Minneapolis James Avenue Cluster project area. The goal of the cluster program is to redevelop vacant and boarded homes in a concentrated area.

There are two parts to this proposed project. The first is a proposed lot combination. The City of Minneapolis owns the subject property and the vacant lot to the west of the subject property, 1708 26<sup>th</sup> Avenue North. The City of Minneapolis intends to divide the lot at 1708 26<sup>th</sup> Avenue North amongst the subject property (2603 James Avenue North), 2607 James Avenue North, and 2611 James Avenue

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<sup>1</sup> A reverse corner lot is a corner lot where the continuation of the corner side yard is the front yard setback for an adjacent property.

<sup>2</sup> A standard R1A lot measures 5,000 square feet.

North. This will increase the subject property's lot depth by 43.2 feet, and create a 46.5 foot x 129.5 foot lot (6,052 square feet). This lot combination will also make 2601-2611 James Avenue North consistent with the rest of the lots on the block. This lot combination is expected to be finalized in December 2007 or January 2008. It will likely be completed administratively per Minneapolis Zoning Code provision 598.140.

The second part of the proposed project is to build a new, two-story home with approximately 1,728 finished square feet. The front yard setback of the proposed house along 26<sup>th</sup> Avenue North would be 17.5 feet; the required front yard setback for an R1A lot is 20 feet. The proposed house would meet all other setback regulations and be required to comply with the zoning regulations and meet the minimum design standards.

**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.**

**Front yard setback:** The applicant has requested a variance to reduce the required front yard setback along 26<sup>th</sup> Avenue North from 20 feet to 17.5 feet to allow for the construction of a new, single-family dwelling. Even though design alternative exists which would allow a new house to be constructed on this property without a variance, staff recognizes the combination of two front yard setbacks as a hardship. Strict interpretation of the Zoning Code would only allow a 21 foot wide house, which is one foot wider than the minimum allowed by the Zoning Code. Therefore, a 24 foot wide house is a reasonable use of the property.

- 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 subject property is reverse corner lot, which is a unique circumstance and a condition not created by the applicant. If the subject property was a typical corner lot, the proposed new construction would not require a variance.

- 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 of the front yard setback variance to allow for the construction of the proposed, new single-family dwelling will not alter the essential character of the area or be injurious to the enjoyment of other property in the vicinity. The intent of the setback requirements addressing reverse corner lots is to promote good urban design by enforcing consistent setbacks of buildings and suitable green space around buildings. The proposed home's 17.5 foot front yard setback along 26<sup>th</sup> Avenue North is greater than the neighboring property to

the west, 1712 26<sup>th</sup> Avenue North. In addition, the distance between the proposed house and the house on the neighboring property to the west is approximately 90 feet.

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 of the variances would have no impact on the congestion of area streets or fire safety, nor would the variance be detrimental to the public welfare or endanger the public safety.

**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 **approve** the variance to reduce the front yard side setback along 26<sup>th</sup> Avenue North from 20 feet to 17 feet and 6 inches to allow for the construction of a new house subject to the following condition:

1. The lot at 1708 26<sup>th</sup> Avenue North shall be split amongst all three lots 2603, 2607, and 2611 James Avenue North, or attached to 2603 James Avenue North to prevent the creation of a land-locked parcel.

**Appendices**

Appendix A. Zoning Map

Appendix B. Statement of Proposed Use and Findings Statement

Appendix C. Survey, elevations, and floor plans of proposed house