

Department of Community Planning and Economic Development – Planning Division**Variance Request
BZZ-2772****Date:** January 5, 2006**Applicant:** Michael and Stacy Sullivan**Address of Property:** 2633 Humboldt Avenue South**Contact Person and Phone:** Michael Sullivan, (612) 282-8428**Planning Staff and Phone:** Paul Mogush, (612) 673-2670**Date Application Deemed Complete:** December 12, 2005**End of 60 Day Decision Period:** February 11, 2006**Appeal Period Expiration:** January 17, 2006**Ward:** 10 **Neighborhood Organization:** East Isles Residents Association**Existing Zoning:** R5 Multiple Family District and SH Shoreland Overlay District**Proposed Use:** A side entrance on an existing multiple family dwelling**Proposed Variance:** A variance to reduce the minimum required interior side yard from 15 feet to 9 feet 6 inches to allow for a side entrance on an existing multiple family dwelling at 2633 Humboldt Avenue South in the R5 Multiple Family District and SH Shoreland Overlay District.**Zoning code section authorizing the requested variance:** 525.520 (1)**Background:** The subject property is approximately 47 feet by 165 feet (6,006 sq. feet) and consists of an existing triplex with an attached garage on an interior lot. The garage was built in 1998 and is attached to the principal structure via a common stairwell. A west-facing door currently serves as a means of egress from the principal structure via the stairwell and through the garage. Upon reviewing plans for conversion of the property to condominiums, Regulatory Services staff determined that an additional door must be installed to allow egress immediately from the stairwell in order to comply with the 2000 International Building Code. This door would be approximately 9 feet 6 inches from the interior side property line. As a result, the applicant is applying for a variance to reduce the minimum required interior side yard from 15 feet to 9 feet 6 inches feet to allow for a side entrance on an existing multiple family dwelling.

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.**

Side yard setback: The applicant is applying for a variance to reduce the minimum required interior side yard from 15 feet to 9 feet 6 inches to allow for a side entrance on an existing multiple family dwelling. The stairwell on the existing dwelling is located approximately 9 feet 6 inches from the interior side property line. Strict adherence to the regulations would not allow for an entrance less than 15 feet from the interior side property line, causing undue hardship by not allowing the property to come into compliance with the International Building Code.

- 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.**

Side yard setback: The existing stairwell is located 10 feet from the interior side property line. While the applicant's 1998 garage addition created the need for a side door exiting from the stairwell, the applicant did not create the circumstance in which the stairwell is located 9 feet 6 inches from the property line. The circumstances are unique to the parcel in that the proposed location of the door is the only possible means of providing necessary egress to all three dwelling units as required by the International Building Code. According to the applicant and Regulatory Services staff, the applicant will not be permitted to sell the individual units as condominiums without bringing the property into compliance with the provision of the International Building Code relating to exit discharge. The hardship is created by the property's lack of compliance with the building code rather than the economic considerations of selling the units.

- 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.**

Side yard setback: Staff believes that a side entrance on a multiple family dwelling will not substantially alter the essential character of the surrounding neighborhood, nor will it be injurious to the use or enjoyment of other property in the vicinity. The adjacent residential structure is approximately 25 feet from the interior side property line, and is at no point directly adjacent to the proposed side entrance. Staff believes that this distance is sufficient to meet the spirit and intent of the ordinance and to ensure that the proposed entrance will not be injurious to the enjoyment of the adjacent residential property.

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.**

Side yard setback: Granting the side yard setback variance would likely have no negative impact on the congestion of area streets or fire safety, nor would the proposed side entrance to the existing multiple-family dwelling be detrimental to the public welfare or endanger the public safety.

Recommendation of the Department of Community Planning and Economic Development - Planning Division:

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 minimum required interior side yard from 15 feet to 9 feet 6 inches to allow for a side entrance on an existing multiple family dwelling at 2633 Humboldt Avenue South in the R5 Multiple Family District and SH Shoreland Overlay District subject to the following conditions:

1. Review and approval of final site and elevation plans by the Planning Department.