

Department of Community Planning and Economic Development – Planning Division
Variance
BZZ-2008

Date: October 25, 2004

Applicant: Heggem & Associates, LLC

Address of Property: 2850 Cedar Avenue South

Project Name: Greenway Terrace

Contact Person and Phone: Dustin Heggem, (612) 338-0055

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

Date Application Deemed Complete: September 30, 2004

End of 60-Day Decision Period: November 29, 2004

End of 120-Day Decision Period: Not applicable

Ward: 6 **Neighborhood Organization:** East Phillips Improvement Coalition

Existing Zoning: R6

Proposed Zoning: Not applicable for this application

Zoning Plate Number: 26

Legal Description: Not applicable for this application

Proposed Use: 26 for-sale condominium units

Concurrent Review:

Variance: to reduce the corner side yard setback along East 29th Street from the required 14 feet to 5 feet for the building, to 2 feet for three bay windows and to 1-foot for ten balconies.

Applicable zoning code provisions: Chapter 525, Article IX Variances, specifically Section 525.520(1) “to vary the yard requirements, including permitted obstructions into required yards not allowed by the applicable regulations.”

Background: This item was discussed at the August 23, 2004 City Planning Commission meeting. At that meeting the Planning Commission approved a variance to reduce the corner side yard setback along East 29th Street from the required 14 feet to 7 feet for the building, to 4 feet for three bay windows and to 3 feet for ten balconies. After the Planning Commission meeting the applicant met with Council

Member Schiff and Public Works staff and came to an agreement to move the south curb line two feet south in order to create room on the south side of the building for a sidewalk. In addition to moving the curb line to the south, East 29th Street between Cedar Avenue South and 18th Avenue South will be turned into a one-way heading west and bump-outs will be created along the north side of the street. The attached plans reflect these changes.

In order to maintain the width of the proposed building the applicant is once again applying for a setback variance off of East 29th Street.

The East Phillips Improvement Coalition reviewed the revised development proposal by Heggem & Associates, LLC at the Housing Committee meeting on September 27, 2004. At the meeting the Committee voted to support the development as proposed.

VARIANCE – to reduce the corner side yard setback along East 29th Street from the from the required 14 feet to 5 feet for the building, to 2 feet for three bay windows and to 1-foot for ten balconies

Findings as Required by the Minneapolis Zoning Code for the Variance:

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.

Corner side yard setback along East 29th Street: The applicant is seeking a variance to reduce the corner side yard setback along East 29th Street from the required 14 feet to 5 feet for the building, to 2 feet for three bay windows and to 1-foot for ten balconies. The applicant has indicated that the site is triangular in shape and because of that it decreases the area on which to build upon compared to a regular shaped site.

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.

Corner side yard setback along East 29th Street: The fact that the site is shaped like a triangle is a unique circumstance of this parcel of land.

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.

Corner side yard setback along East 29th Street: The granting of the setback variance would not significantly affect the essential character of the area given that the site is truly an island upon itself as it is surrounded on three sides by public streets and on the fourth side by the Midtown Greenway. Since there are no other parcels of land adjacent to the site the proposed five-foot setback from East 29th Street would not impact any other properties.

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.

Corner side yard setback along East 29th Street: Staff believes that the granting of the variance would have little impact on fire safety, nor would the proposed setback be detrimental to welfare or public safety.

RECOMMENDATIONS

Recommendation of the Department of Community Planning and Economic Development – Planning Division for the variance:

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the findings above and **approve** the variance application to reduce the corner side yard setback along East 29th Street from the required 14 feet to 5 feet for the building, to 2 feet for three bay windows and to 1-foot for ten balconies for the property located at 2850 Cedar Avenue South.

Attachments:

1. Statement of proposed use
2. Variance findings
3. September 27, 2004 minutes from the East Phillips Improvement Coalition - Housing Committee
4. Zoning Map
5. Site plan, floor plans and elevations