

Department of Community Planning and Economic Development – Planning Division
Variance
BZZ – 4465

Date: July 30, 2009

Applicant: Thomas & Murphy Properties

Address of Property: 3133 Central Avenue

Contact Person and Phone: Troy DeCorsey, (651) 470-0252

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

Date Application Deemed Complete: July 2, 2009

End of 60-Day Decision Period: August 31, 2009

Ward: 1 **Neighborhood Organization:** Audubon Park Neighborhood Association

Existing Zoning: OR1 Neighborhood Office Residence District

Zoning Plate Number: 6

Proposed Use: Three dwelling units

Variance to reduce the minimum lot size from 5,000 square feet to 4,640 square feet.

Applicable zoning code provisions: Chapter 525.520 (2), Article IX, Variances

Background: The subject site is approximately 40 ft. by 116 ft. (4,640 sqft.) and contains a two-family dwelling. The applicant is proposing to construct an additional dwelling unit on the basement level within the existing building. The OR1 District requires 1,500 square feet of lot area per dwelling unit or 5,000 square feet, whichever is greater. The site does not meet the 5,000 square feet lot area minimum, thus requiring a variance. However, the site does have 1,500 square feet of lot area per dwelling unit. Therefore, the applicant is applying for a variance to reduce the minimum lot area dwelling from 5,000 sqft. to 4,640 sqft. to allow for a three-unit multiple family use within the existing building.

VARIANCE: to reduce the minimum lot size requirement from 5,000 square feet to 4,640 square feet (7.2 percent).

Findings as required by the Minneapolis Zoning Code:

- 1. The property can not be put to a reasonable use under the conditions allowed and strict adherence to the regulations of this zoning ordinance would cause undue hardship.**

CPED Planning Division Report
BZZ – 4465

In the OR1 District, the minimum lot area requirement is 5,000 square feet or 1,500 square feet of lot area per dwelling unit, whichever is greater. The applicant is requesting to reduce the minimum lot size requirement from 5,000 square feet to 4,640 square feet in order to add one dwelling unit within the existing building. The development would be medium density, which is appropriate on Central Avenue, a community corridor. The proposed lot area would be reasonable, as the lesser requirement of 1,500 square feet of lot area per unit is satisfied.

- 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 conditions upon which the variance is requested are unique to the parcel of land and were not created by the applicant. The lot is 4,640 sq. ft. in size and is zoned OR1 Neighborhood Office District, which allows for low to medium density. The applicant would need to acquire an additional 360 sq. ft. of land to add the proposed dwelling unit within the existing building on the subject site without a variance. This would be difficult to obtain because the adjacent properties are developed. In addition, Central Avenue is designated as a community corridor, which supports medium density. Staff does not believe the existing lot size of the property is a circumstance created by the applicant. The overall surrounding area consists of a significant number of duplexes and multiple family units. Many of which are located on nonconforming lots as well.

- 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.**

Lot area requirements are established to ensure compatibility with surrounding uses. Establishing medium density on a community corridor meets the intent of the ordinance. The surrounding area contains a mix of land uses, including commercial and medium and high density residential. The development would be medium density, which is appropriate on Central Avenue, a community corridor. The proposed lot area would be reasonable, as the lesser requirement of 1,500 square feet of lot area per unit is satisfied.

- 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 lot area variance would likely have no impact on the congestion of area streets or fire safety, nor would the proposed duplex dwelling be detrimental to the public welfare or endanger the public safety since the applicant is providing on-site parking spaces.

RECOMMENDATIONS

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

CPED Planning Division Report
BZZ – 4465

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for a variance to reduce the minimum lot size requirement from 5,000 square feet to 4,640 square feet (7.2 percent) for a three-unit residential building located at 3133 Central Ave. NE. .

Attachments:

- 1) Written descriptions and findings submitted by the applicant
- 2) Copy of e-mail sent to neighborhood organization and CM Ostrow
- 3) Zoning map
- 4) Site survey
- 5) Floor plans
- 6) Photographs