

Department of Community Planning and Economic Development – Planning Division**Variance Request
BZZ-2921****Date:** April 20, 2006**Applicant:** Barbour LaDouceur Design Group**Address of Property:** 2502 12th Avenue South**Contact Person and Phone:** Janet Lederle, (612) 339-5093**Planning Staff and Phone:** Shanna Sether, (612) 673-2307**Date Application Deemed Complete:** March 27, 2006**Public Hearing:** April 20, 2006**Appeal Period Expiration:** May 1, 2006.**End of 60 Day Decision Period:** May 26, 2006**Ward:** 9 **Neighborhood Organization:** Midtown Phillips Neighborhood Association**Existing Zoning:** R2B Two-family District**Proposed Use:** New construction of a two-family dwelling.**Proposed Variance:** A variance to reduce the required lot area from 10,000 sq. ft. to 9,278 sq. ft. (7.22%) to allow for the construction of a new two-family dwelling.**Zoning code section authorizing the requested variance:** 525.520 (2)**Background:** The subject property is on an irregularly shaped lot approximately 9,278 sq. ft. The subject site is currently vacant. A single family home was originally constructed on this lot and demolished in 1997. The applicant is proposing to construct a new duplex. The property is located at the corner of 12th Avenue South and 25th Street East and fronts 12th Avenue South. However, the adjacent lot to the east faces 25th Street East and is a reverse corner lot.

The lot area requirement for a two-family dwelling in the R2B District is 10,000 sq. ft. This requirement may be varied up to 30 percent. The applicant is proposing a 7.22 percent variance. The applicant is seeking a variance to reduce the required lot area from 10,000 sq. ft. to 9,278 sq. ft. to allow for the construction of a new two-family dwelling.

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The new two-family dwelling will also be subject to the conditions of the design standards outlined in section 530.280 in the zoning ordinance.

530.280. Design standards. New single and two-family dwellings and multiple-family dwellings having three (3) or four (4) dwelling units shall comply with the applicable regulations of this zoning ordinance, including but not limited to the standards of Chapter 535, Regulations of General Applicability, related to front entrance, window area, and walkway requirements, and limitations on attached garages facing the front lot line. In addition, the zoning administrator shall ensure that such uses obtain a minimum of fifteen (15) points from Table 530-2, Single and two-family dwellings and multiple-family dwellings having three or four dwelling units. Standards used to meet the minimum requirement must remain in place for a period of not less than fifteen (15) years from the date of approval.

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.**

Lot area: The applicant is seeking a variance to reduce the required lot area from 10,000 sq. ft. to 9,278 sqft. (7.22%) to allow for the construction of a new duplex in the R2B District. A duplex is a reasonable use of the property. Strict adherence to the regulations does not allow for a duplex dwelling on a lot zoned R2B, Two-family District with less than 10,000 sq. ft. Strict adherence to the zoning ordinance regulation causes an undue hardship on this property by not allowing duplexes in a Two-family District.

- 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.**

Lot area: 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 9,278 sq. ft. in size and is zoned R2B, Two-family District. The subject property includes approximately 3550 square feet of Lot 1 and the entire 5730 square feet of Lot 2. The adjacent lot located at 1113 25th Street East comprises the remainder of Lot 1. A single family dwelling was constructed on the adjacent lot in 1907.

The applicant would need to acquire an additional 722 sq. ft. of land to construct a new duplex on the subject site without a variance. This would be difficult to obtain because both adjacent properties have existing dwellings on them. Staff does not believe the existing lot size of the property is a circumstance created by the applicant. Staff believes that 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. The area is zoned R2B which allows for predominantly low density, single and two-family dwellings and cluster developments.

- 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: Staff believes that granting the lot area variance will not alter the essential character of the surrounding neighborhood or be injurious to the use or enjoyment of other property in the vicinity as the duplex will be similar to half of the properties in the vicinity. Staff believes that the two family dwelling fits the character of the surrounding area, which is a mixture of single-family dwellings, duplexes, and multi-family housing. Staff believes that the additional unit meets the intent of the ordinance.

- 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.**

Lot area: 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.

Recommendation of the Community Planning and Economic Development Department:

The Department of Community Planning and Economic Development – Planning Division recommends that the Board of Adjustment adopt the finding above and **approve** the variance to reduce the required lot area from 10,000 sq. ft. to 9,278 sq. ft. to allow for the construction of a new two-family dwelling subject to the following conditions:

1. Review and approval of final site and elevation plans by CPED – Planning.
2. That the applicant meets the proposed requirements for new construction required by Chapter 530 of the zoning code.