

Department of Community Planning and Economic Development – Planning Division**Variance Request
BZZ-3343**

Date: December 21, 2006

Applicant: Kay Myint, on behalf of Daniel Chen and Dan Boler

Address of Property: 501 36½ Avenue Northeast

Contact Person and Phone: Kay Myint, (651) 332-0235

Planning Staff and Phone: Brian Schaffer, (612) 673-2670

Date Application Deemed Complete: November 20, 2006

Public Hearing: December 21, 2006

Appeal Period Expiration: January 2, 2006

End of 60 Day Decision Period: January 19, 2006

Ward: 1 Neighborhood Organization: Columbia Park Neighborhood Association

Existing Zoning: R1A, Single Family District

Proposed Use: A new single family dwelling.

Proposed Variance: A variance to reduce the corner side yard setback from 8 feet to 5 feet to allow for a new single family home at 501 36½ Avenue Northeast in the R1A Single Family District.

Zoning code section authorizing the requested variance: 525.520 (1)

Background: The subject property is located on a corner lot that is approximately 35 ft. by 123 ft. (4,305 sq. ft.). In the R1A District the required interior and corner side yard setbacks are 5 feet and 8 feet respectively. If the Zoning Ordinance was strictly applied the required setbacks would require a 22 foot wide building envelope. Chapter 535.90 of the Zoning Ordinance states that the minimum width for a single family dwelling is 22 feet.

The applicant is proposing to build a nearly 24 foot wide by 35 foot long home on the subject property. The proposed home will be five feet from the west corner side property line along 5th Street Northeast. 5th Street Northeast has quite a large right of way and despite being five feet from the property line the proposed home will be approximately 20 feet from the sidewalk and 28 feet from the roadway.

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.**

The applicant has requested a variance to reduce the corner side yard setback along 5th Street Northeast from 8 feet to 5 feet to allow for the construction of a new single family dwelling. The lot is 35 feet wide, which is 5 feet narrower than the minimum lot width allowed in the district. The location of the subject site on a corner lot adds increased setback requirements. Staff believes that a new 24 foot wide single family home is a reasonable use of the property and that strict adherence to the Zoning Ordinance would cause undue hardship.

- 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 circumstances upon which the setback variance is requested are unique to the parcel of land due the 35 foot width of the lot and 20 feet of right of way between the sidewalk and the corner property line. The 20 feet between the sidewalk and the property line is much wider than most rights of way in the city. The applicant did not plat the 35 foot wide lot or the right of way and did not create the circumstances requiring the 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 the proposed new single family dwelling will not alter the essential character of the surrounding single family home neighborhood in a negative way. If approved, the proposed dwelling will be closer to the corner property line along 5th Street Northeast than allowed by the Zoning Ordinance. The large right of way will negate any negative affects of having the proposed home 3 feet closer to the property line. Staff believes that the construction of the home will enhance the essential character of the neighborhood. It will not be injurious to the use or enjoyment of other property in the vicinity.

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

CPED Planning Division Report
BZZ-3343

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 required corner side yard setback from 8 feet to 5 feet to allow for a new single family home at 501 36½ Avenue Northeast in the R1A Single Family District with the following condition:

1. Review and approval of the final site plan, floor plans and elevations for the proposed single family dwelling by CPED-Planning Staff.