

Department of Community Planning and Economic Development - Planning Division Report
Variance Request
BZZ-4667

Date: March 11, 2010

Applicant: Daniel T. Carlson

Address of Property: 3701 East 47th Street

Contact Person and Phone: Daniel Carlson, (612) 414-1195

Planning Staff and Phone: Aaron Hanauer, (612) 673-2494

Date Application Deemed Complete: February 2, 2010

End of 60 Day Decision Period: April 3, 2010

Ward: 12 **Neighborhood Organization:** Ericsson

Existing Zoning: R1A/Single-Family District
 FP/Floodplain Overlay District
 SH/Shoreland Overlay District

Proposed Use: Construction of a Single-Family Dwelling

Concurrent Review:

- A variance to reduce the front yard setback along East 47th Street from 38 feet to 19 feet, 6 inches to allow for the construction of a new single-family dwelling;
- A variance to reduce the front yard setback along 37th Avenue South from 20 feet to 5 feet to allow for the construction of a new single-family dwelling.

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

Background: The subject property is a 4,501 square foot, triangularly shaped, reverse corner lot. The applicant is proposing to tear down the existing house and construct a two-story home with attached garage. Except for the two front yard setback variances, the proposed house would meet all other zoning regulations. In addition, the proposed house meets the minimum design standards. The City of Minneapolis zoning code requires new one to four unit housing developments to receive at least 15 points by providing a combination of items/features (see Table 1). The proposed house received 15 points (the shaded cells in the table below are the items/features the proposed single-family house will have).

Table 1. Administrative Site Plan Review Design Standards

<i>Points</i>	<i>Design Standard</i>
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5	Not less than one (1) off-street parking space per dwelling unit is provided in an enclosed structure that is detached from the principal structure
5	The structure includes a basement as defined by the building code
4	The primary exterior building materials are masonry, brick, stone, stucco, wood, cement-based siding, and/or glass
3	Not less than twenty (20) percent of the walls on each floor that face a public street, not including walls on half stories, are windows
3	Not less than ten (10) percent of the walls on each floor that face a rear or interior side lot line, not including walls on half stories, are windows
2	The pitch of the primary roof line is 6/12 or steeper. However, the point shall be awarded for a building with a flat roof where there is at least one existing building with a flat roof within one hundred (100) feet of the site
1	The structure includes an open front porch of at least fifty (50) square feet where there is at least one existing open front porch within one hundred (100) feet of the site
1	The development includes at least one (1) deciduous tree in the front yard

Public Comment: CPED notified property owners within 350 feet of the variance request on February 18, 2010. As of March 1, 2010, one letter was submitted in support of the variance application (Appendix A4). The letter was submitted by the Standish-Ericsson Neighborhood Association.

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.**

A variance to reduce the front yard setback along East 47th Street from 38 feet to 19 feet, 6 inches to allow for the construction of a new single-family dwelling. Staff recognizes the combination of the triangular shape of the subject, the substandard lot size (4,501 square feet), and the deep front yard setback along East 47th Street (38 feet) established by the neighboring property to the west as a hardship. Without the granting of a front yard setback variance along East 47th Street, the site would be substantially limited on what could be built at this location. However, even though a hardship exists for this front yard setback variance, there is an opportunity for the proposed plans to respect the R1A district setback of 20 feet. With the exception of a 13.5 foot cantilevered portion of the kitchen that is 19.5 feet from the front yard property line, the proposed house is setback 20 feet from East 47th Street (Appendix A8 and A9). The applicant has the ability to have the entire house setback a minimum of 20 feet from the property line along East 47th Street.

A variance to reduce the front yard setback along 37th Avenue South from 20 feet to 5 feet to allow for the construction of a new single-family dwelling. Staff recognizes the combination of the triangular shape of the subject property, the substandard lot size (4,501

square feet), and having two front yard setback requirements as the hardship. Without the granting of a front yard setback variance along 37th Avenue South, the applicant would be substantially limited in what could be built on this lot (Appendix A27).

- 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.**

A variance to reduce the front yard setback along East 47th Street from 38 feet to 19 feet, 6 inches to allow for the construction of a new single-family dwelling. The subject property is a reverse corner, triangularly shaped lot with a deep front yard setback (38 feet). The lot is also substandard in size. These circumstances are unique for a Minneapolis residential lot and have not been created by the applicant. However, even though unique circumstances exist, there is an opportunity to respect the R1A Zoning District front yard setback of 20 feet. With the exception of a 13.5 foot cantilevered portion of the kitchen that is 19.5 feet from the front yard property line along East 47th Street, the proposed house is setback 20 feet from East 47th Street (Appendix A8, A9, and A15). The applicant has the ability to have the entire house setback a minimum of 20 feet from the property line along East 47th Street.

A variance to reduce the front yard setback along 37th Avenue South from 20 feet to 5 feet to allow for the construction of a new single-family dwelling. The subject property is a reverse corner, triangularly shaped lot. The lot is also substandard in size. These circumstances are unique for a Minneapolis residential lot and have not been created by the applicant.

- 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.**

A variance to reduce the front yard setback along East 47th Street from 38 feet to 19 feet, 6 inches to allow for the construction of a new single-family dwelling. CPED believes that granting of a front yard setback variance of 20 feet to allow for the construction of the proposed, new single-family dwelling will not alter the essential character of the area or be injurious to the enjoyment of other property in the vicinity. The intent of the setback requirements addressing reverse corner lots is to promote good urban design by enforcing consistent setbacks of buildings and suitable green space around buildings. A 20 foot setback will not be obtrusive to the neighboring property to the west, 4702 East 47th Street. The closest distance between the subject property and 4702 East 47th Street within the front yards setback would be 9.5 feet (Appendix A8).

A variance to reduce the front yard setback along 37th Avenue South from 20 feet to 5 feet to allow for the construction of a new single-family dwelling. Staff believes that granting of the front yard setback variance along 37th Avenue South to allow for the construction of the new house will not alter the essential character of the area or be injurious to the enjoyment of other property in the vicinity. The intent of the setback requirements addressing reverse corner lots is

to promote good urban design by enforcing consistent setbacks of buildings and suitable green space around buildings. The proposed 5 foot front yard setback along 37th Avenue South will not be obtrusive to the neighboring property to the south, 4719 37th Avenue, nor the other adjacent properties. The distance between the proposed house and the residential structure at 4719 37th Avenue South is approximately 136 feet.

- 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.**

A variance to reduce the front yard setback along East 47th Street from 38 feet to 19 feet, 6 inches to allow for the construction of a new single-family dwelling. Granting of the variance would have no impact on the congestion of area streets or fire safety, nor would the variance be detrimental to the public welfare or endanger the public safety.

A variance to reduce the front yard setback along 37th Avenue South from 20 feet to 5 feet to allow for the construction of a new single-family dwelling. Granting of the variance would have no impact on the congestion of area streets or fire safety. CPED did analyze the proposed driveway for public safety and public welfare concerns. The existing driveway is seven feet in width and vehicles that park on the parking pad, if they are facing north, have to backup onto 37th Avenue South when exiting (Appendix A21, A22, and A25). CPED has brought this situation to the attention of Public Works colleagues. CPED encourages the applicant to communicate as soon as possible with Public Works to find a driveway option that is not detrimental to the public welfare or endanger public safety.

ADDITIONAL FINDINGS FOR THE VARIANCE PER THE SHORELAND OVERLAY DISTRICT:

- 1. The prevention of soil erosion or other possible pollution of public waters, both during and after construction.** The Applicant will be required to prevent soil erosion and possible pollution of public waters, both during and after construction of the proposed addition. The Applicant will be required to install a silt fence during construction and will be required to follow all applicable City requirements to prevent any type of water pollution.
- 2. Limiting the visibility of structures and other development from the protected waters.** The surrounding properties consist of single-family dwellings with similar height. Staff believes the proposed project will be no more visible than the adjacent dwellings. The view of Minnehaha Creek will not be further limited with the proposed new construction.
- 3. The suitability of the protected water to safely accommodate the types, uses and numbers of watercraft that the development may generate.** The proposed variance should have no impact on the types, uses, and numbers of watercraft that occupy the Minnehaha Creek.

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

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 front yard setback along East 47th Street to allow for the construction of a new single-family dwelling for the property located at 3701 East 47th Street in the R1A Single-Family, Flood Plain Overlay, and Shoreland Overlay Districts, subject to the following condition of approval:

1. CPED-Planning review and approve final site plan, floor plans, and elevations;
2. The proposed new house is setback a minimum of 20 feet from 47th Street East;
3. Public Works and the Zoning Administrator provide final approval on driveway alterations;
4. New construction shall comply with Provision 551.510 of Shoreland Overlay District regulations.

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

The Department of Community Planning and Economic Development Planning Division recommends that the Board of Adjustment **adopt** the findings above and **approve** the a variance to reduce the front yard setback along 37th Avenue from 20 feet to 5 feet to allow for the construction of a new single-family dwelling for the property located at 3701 East 47th Street in the R1A Single-Family, Flood Plain Overlay, and Shoreland Overlay Districts, subject to the following condition of approval:

1. CPED-Planning review and approve final site plan, floor plans, and elevations;
2. The proposed new house is setback a minimum of 20 feet from 47th Street East;
3. Public Works and the Zoning Administrator provide final approval on driveway alterations;
4. New construction shall comply with Provision 551.510 of Shoreland Overlay District regulations.

Attachments:

- A1-A3: Written descriptions and findings submitted by the applicant
- A4: Public comments
- A5-A6: Copy of e-mail sent to neighborhood organizations and CM
- A7: Zoning map
- A8: Survey
- A9-A10: Site plan
- A11-A14: Elevations
- A15-A17: Floor plans
- A18: Building section detail
- A19-A24: Photographs and rendering
- A25-A26: Aerials
- A27: Buildable area illustration