

Department of Community Planning and Economic Development – Planning Division Report**Variance Request
BZZ-2230****Date:** April 7, 2005**Applicant:** Paul and Nan Bertelson**Address of Property:** 4632 3rd Avenue South**Date Application Deemed Complete:** March 1, 2005**End of 60 Day Decision Period:** April 30, 2005**Appeal Period Expiration:** April 18, 2005**Contact Person and Phone:** Paul Bertelson, 952-934-0100**Planning Staff and Phone:** Carrie Flack, 612-673-3239**Ward:** 8 **Neighborhood Organization:** Field Regina**Existing Zoning:** R1A District, Single-family District**Proposed Use:** Re-establishment of a lot.

Proposed Variance: A variance to reduce the required lot area from 5,000 sq. ft. to 4,462.5 sq. ft. (11%) and a variance to reduce the required lot width from 40 ft. to 35 ft. both to allow for the re-establishment of a platted lot.

Zoning code section authorizing the requested variance: 525.520 (2) (2)

Background: The subject site is approximately 80 ft. x 127 ft. (10,160 sq. ft.) and consists of a 1.5-story single family dwelling with a detached garage. An 18 ft. x 19 ft. addition on the north side of the home as well as 10 ft. x 20 ft. portion of the detached garage, are both located over a platted lot line. The applicant plans to demolish the addition to the home as well as the portion of the detached garage that are located over the platted lot line in order to re-establish a lot to allow for the construction of a new single family dwelling. The lot with the existing single family dwelling will be 45 ft. x 127 ft. (5,715 sq. ft.) and is the southern lot. The new lot will be 35 ft. x 127 ft. (4,462.5 sq. ft.) and is the northern lot. The variances necessary are for the subject site which is the northern lot. This property was not originally platted this size and is not consistent with all other lots on the block which are 42 or 43 ft. width averaging 5,350 sq. ft. in size. However, this is because the northern 8 ft. of the lot was split from the originally platted lot and combined with the property to the north.

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 and lot width: The applicant is seeking a variance to reduce the required lot area from 5,000 sq. ft. to 4,462.5 sq. ft. (11%) and a variance to reduce the required lot width from 40 ft. to 35 ft. both to allow for the re-establishment of a platted lot line and create a new vacant lot for the construction of a new single family dwelling. The applicant states that they are reestablishing an original platted line to create a lot to construct a new single family dwelling on. Strict adherence to the regulations would not allow for the re-establishment of the original platted lot line and would not allow for the construction of a new single family dwelling, which is a reasonable use of the property.

- 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 and lot width: The conditions upon which the variances are requested are unique to the parcel of land and were not created by the applicant. The new lot would be 4,462.5 sq. ft. in size. The property was not originally platted that size and is not consistent with all other lots on the block which are 42 or 43 ft. width averaging 5,350 sq. ft. in size. However, this is because the northern 8 ft. of the lot was split from the originally platted lot and combined with the property to the north. The property is zoned R1A, single family district. The applicant would need to acquire an additional 537.5 sq. ft. of land to build a single family dwelling on the subject site without a variance. It would be difficult to acquire additional property without affecting the adjacent properties. Staff does not believe that the configuration of the property is a circumstance 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.**

Lot area and lot width: Granting the 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. Although the new lot will not be consistent with the size of other platted lots on the block, creating the additional lot for a new single family dwelling will not be detrimental to the neighborhood. The lot is not being created by establishing a new property line, but is instead being created by the re-establishment an original platted property line. At some point in the past the northern 8 ft. of the property was combined with the property to the north. The block will not consist of any additional dwellings not originally designed or intended for the block face. In addition, the lot being created will allow for the development of a new single family dwelling without variances and thus a lot is not being created that will automatically require side yard setback variances. A new dwelling is required to be a minimum of 22 ft. wide and the side yard

CPED Planning Division Report
BZZ-2230

setbacks are each 5 ft. which requires a minimum lot width of 32 ft. Thus, a new dwelling could be proposed that is 25 ft. in width and not need any side yard setback variances.

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 and lot width: Granting the variances would likely have no impact on the congestion of area streets or fire safety, nor would a new single family dwelling be detrimental to the public welfare or endanger the public safety since the construction of a new single family dwelling will require the installation of one off-street parking space in compliance with the ordinance.

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** variance to reduce the required lot area from 5,000 sq. ft. to 4,462.5 sq. ft. (11%) and **approve** the variance to reduce the required lot width from 40 ft. to 35 ft. both to allow for the re-establishment of a platted lot subject to the following conditions:

1. That the portions of the dwelling and garage identified on the site be demolished prior to obtaining a building permit for new construction on the new lot.