

Department of Community Planning and Economic Development – Planning Division Report

Variance Request
BZZ-4103

Date: July 31, 2008

Applicant: Christine Albertson, on behalf of Ray Miller

Address of Property: 3504 Longfellow Avenue South

Contact Person and Phone: Christine Albertson, 612-823-0233

Planning Staff and Phone: Molly McCartney, 612-673-5811

Date Application Deemed Complete: June 23, 2008

Publication Date: July 24, 2008

Hearing Date: July 31, 2008

Appeal Period Expiration: August 11, 2008

End of 60 Day Decision Period: August 24, 2008

Ward: 9 **Neighborhood Organization:** Corcoran

Existing Zoning: R2B Two-family District

Proposed Use: Construction of a new single-family dwelling

Proposed Variances:

1. A variance to reduce minimum width of a dwelling,
 2. A variance to reduce the required front yard setback from 20 ft. to 12 ft., and
 3. A variance to reduce the north and south interior side yards from 5 ft. to 3 ft. 7 in. and 4 ft. 6. in., respectively,
- to allow for the construction of a new single-family dwelling at 3504 Longfellow Avenue in the R2B Two-family District.

Zoning code section authorizing the requested variance: 525.520 (29)(1)(1)

Background: The subject site is currently a vacant property that measures 30 ft. by 125 ft. (3,750 sq. ft). In June 2005, a duplex, built in 1888 was demolished at this site. It is zoned R2B which allows for both single- and two-family dwellings.

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The applicant is proposing to construct a new single-family dwelling with detached garage. The proposed design does not meet a number of zoning code requirements for new homes, including that the proposed home does not meet the minimum 22 ft. width for new homes. At the widest point, the home is 21 ft. 6 in. wide, but the design has portions of the building that are less, including the front section which is 13 ft. 6 in. wide and a rear section that is 16 ft. wide.

The proposed home also needs setback variances for the front and side yards. The proposed home has an open front porch that projects 8 ft. in the front yard. This is greater than the 6 ft. of porch allowed to project into the front yard. The proposed porch is in line with the enclosed portions of the two adjacent homes. In addition, the closest portions on the north and south interior elevations are 3 ft. 7 in. and 4 ft. 6 in. from the interior property lines, respectively. The design of the home is a zig-zagged pattern that projects in the required side yards for a portion of the building wall.

The proposed home meets all other zoning code requirements, included allowed use, height, garage size, and Site Plan Review. As proposed, the home receives 23 points for Site Plan Review (all the available points, minus the 1 point for a new front yard tree).

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 minimum width of a dwelling:

The property cannot be put to a reasonable use without the variance to reduce the minimum building width. The code prohibits new construction that does not meet the minimum 22 ft. width. A new house that meets the minimum building width of 22 ft. would not meet the minimum side yard setbacks on the 30 ft. wide lot. The subject lot is a lot of record, and until 2005, a duplex was located here. The reduction for the minimum width of the house is a reasonable request because of the lot width.

A variance to reduce the required front yard setback from 20 ft. to 12 ft.:

Due to the small lot size and the location of adjacent homes, the code prevents the home from being located on the lot similar to the other home on the block face. The adjacent homes do not meet the minimum 20 ft. setback. The reduction of the front yard setback is a reasonable request because it is in line with the adjacent homes and small lot size.

A variance to reduce the north and south interior side yards 5 ft. to 3 ft. 7 in. and 4 ft. 6 in., respectively:

Due to the small lot width, any new home requires reduced side yard setbacks, especially homes that would meet the minimum building width of 22 ft. In this case when the home is proposed to have a reduced building width, the home has a zig-zagged design so that portions of the building are located in both side yard setbacks. Due to the small width of the lot, 30 ft., a reduction in side yard setback is a reasonable use of the property.

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- 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 minimum width of a dwelling:

The circumstances that the variance is requested under are unique to the original platting of the property. The property originally had a house built on it in 1888, prior to the current zoning code requirements for minimum lot size or building width. This is not a circumstance created by the applicant.

A variance to reduce the required front yard setback from 20 ft. to 12 ft.:

The circumstances that the variance is requested under are unique because of the location of adjacent homes closer to the front property line than required by the zoning code. The adjacent homes do not meet the minimum 20 ft. setback. This is not a circumstance created by the applicant.

A variance to reduce the north and south interior side yards 5 ft. to 3 ft. 7 in. and 4 ft. 6 in., respectively:

The circumstances are unique to parcel of land due to the small lot width. In this case, the home is proposed to have a reduced building width, the home has a zig-zagged design so that portions of the building are located in both side yard setbacks. The width of the property is not a circumstance created by the applicant.

- 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 minimum width of a dwelling:

The intention of the minimum building width provision of the zoning code is to ensure a minimum size for new homes. On typically 40 ft. wide lots or larger, a 22 ft. wide home is appropriate. In a situation when the lot is narrower than the standard lot width, a reduction in home width is appropriate, given that the home provide similar amenities that a wider home can provide. In this case, the proposed house has 3 bedrooms, 2 baths, and typically living space such as a kitchen, living room, and den. This proposed design of the 2.5 story home includes lap siding, detached garage, 8/12 roof pitch, front porch and double-hung windows. These design features are consistent with the homes in the area.

A variance to reduce the required front yard setback from 20 ft. to 12 ft.:

The intention of the front yard setback requirement of the zoning code is to ensure consistent front yard space in residential areas. In this case, the block face is less than the requirements of the zoning code. Locating the home so that the front porch projects into the front yard setback is consistent with the neighborhood character of homes being located closer to the front yard property line than what is required by the zoning code.

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A variance to reduce the north and south interior side yards 5 ft. to 3 ft. 7 in. and 4 ft. 6 in., respectively:

The intention of the side yard setback requirement of the zoning code is to ensure minimum space between homes to allow for light, air, and adequate access. Because the design of the home is zig-zagged, the building wall will only project into the require yards for a small portion of the house. On the north side, two portions of the building wall will project for a distance of 22 ft. (including front porch), then a portion of the wall will meet the setback for 12 ft. and then another projection that is a distance of 15 ft. On the south side, only one portion of the building projects into to the side for a distance of 15 ft.

- 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 minimum width of a dwelling, a variance to reduce the required front yard setback from 20 ft. to 12 ft.:

The proposed variance would likely have no impact on public safety or congestion.

A variance to reduce the north and south interior side yards 5 ft. to 3 ft. 7 in. and 4 ft. 6 in., respectively

The proposed variance would likely have no impact on public safety or congestion. The proposed structure does meet a minimum 3 ft distance to the interior property lines which is required by building code requirement for windows and doors opening.

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 following variances:

1. A variance to reduce minimum width of a dwelling,
2. A variance to reduce the required front yard setback from 20 ft. to 12 ft., and
3. A variance to reduce the north and south interior side yards 5 ft. to 3 ft. 7 in. and 4 ft. 6 in., respectively,

to allow for the construction of a new single-family dwelling at 3504 Longfellow Avenue in the R2B Two-family District, subject to the following conditions:

1. CPED–Planning Division review and approve the final site plan, floor plans, and elevation. All drawings will be measured to an architect or engineer’s scale.