

Department of Community Planning and Economic Development - Planning Division Report

Variance Request
BZZ-1851

Date: August 5, 2004

Applicant: Thor Construction

Address of Property: 2961 Aldrich Avenue North

Date Application Deemed Complete: July 8, 04

End of 60 Day Decision Period: September 6, 04 **End of 120 Day Decision Period:** November 5, 04

Contact Person and Phone: Joe Lexa, 612-919-0833

Planning Staff and Phone: Carrie Flack, 612-673-3239

Ward: 3 **Neighborhood Organization:** Hawthorne

Existing Zoning: R2B, Two-family District

Proposed Use: Construction of a new single family dwelling.

Proposed Variance: A variance to reduce the required corner side yard setback from 8 ft. to 6 ft. to allow for the construction of a new single family dwelling.

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

Background: The subject property is 33.3 ft. by 126.4 ft. (4,209 sq. ft.) and is currently vacant. The proposed new dwelling is 22 ft. wide, which is the minimum width as required by the building code. The subject site is only 33.3 ft. in width, approximately 7 ft. less than a standard city lot. Therefore, only 11 ft. remains to accommodate the required side yard setbacks. The dwelling is proposed to be located 5 ft. from the south interior property line as required, which leaves 6 ft. for a corner side yard setback. The proposed dwelling is located 24 ft. from the front property line in alignment with the existing dwelling to the south. The proposed new detached garage is 22 ft. x 26 ft. and will be accessed via an 18 ft. deep driveway off the alley at the rear of the property. The new dwelling and garage are both in compliance with other zoning ordinance requirements.

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.**

Corner side yard setback: The applicant is seeking a variance to reduce the required corner side yard setback from 8 ft. to 6 ft. The proposed new dwelling is 22 ft. wide, which is the minimum width as required by the building code. The subject site is only 33.3 ft. in width, approximately 7 ft. less than a standard city lot. Therefore, only 11 ft. remains to accommodate the required side yard setbacks. The dwelling is proposed to be located 5 ft. from the south interior property line as required, which leaves 6 ft. for a corner side yard setback. Strict adherence to the regulations 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.**

Corner side yard setback: The conditions upon which the setback variance is requested are unique to the parcel of property due to the original platted lot width. Adjacent corner lots along 30th Avenue North are also 33.3 ft. in width. The subject site is a legal lot. The current building code requires that a new dwelling be a minimum 22 ft. in width. Therefore, the property would not accommodate a new single family dwelling without the setback variance. The lot size and building code requirement are not circumstances 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.**

Corner side yard setback: Staff believes that the new single family dwelling will not alter the essential character of the surrounding neighborhood and is in keeping with the spirit and intent of the ordinance. The proposed dwelling design has been reviewed and approved by the neighborhood organization and CPED.

- 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.**

Front yard setback: Granting the setback variance would likely have no impact on congestion of area streets or fire safety or be detrimental to the public welfare since a two car detached garage is also being constructed to accommodate off-street parking.

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Recommendation of the Department of Community Planning and Economic Development:

The Department of Community Planning and Economic Development Department 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 ft. to 6 ft. to allow for the construction of a new single family dwelling subject to the following conditions:

1. That the Planning Division review and approve final site and elevation plans.
2. That the front stairs be revised to a maximum 6 ft. in width as required by the zoning ordinance.