

Community Planning and Economic Development Department - Planning Division Report

Variance Request
BZZ-2121

Date: February 3, 2005

Applicant: Daniel Tousignaut

Address of Property: 2549 4th Street Northeast

Date Application Deemed Complete: January 3, 2005

End of 60 Day Decision Period: March 4, 2005

End of 120 Day Decision Period: May 3, 2005

Appeal Period Expiration: February 14, 2005

Contact Person and Phone: Daniel Tousignaut, 612-418-4916

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

Ward: 3 **Neighborhood Organization:** Holland

Existing Zoning: R2B, Two-family District

Proposed Use: Construction of a two-family dwelling on a vacant lot.

Proposed Variance: A variance to reduce the required lot area from 10,000 square feet to 8,322 square feet (16.78 percent) to allow for a two-family dwelling in the R2B Two-family District.

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

Background: The subject property is a corner lot with dimensions of 59.98 feet by 129.74 feet by 63.21 feet by 145.59 feet (8,322.5 sq. ft.). The applicant is proposing to construct a new two-family dwelling and detached garage. The lot area requirement for a two-family dwelling in the R2B District is 10,000 square feet. This requirement may be varied up to 30 percent. The applicant is proposing a 16.78 percent variance.

The proposed dwelling does comply with all regulations for a new two-family dwelling in the R2B District, except the minimum lot size. The proposed two-family dwelling is a single-story split level-type structure, with the front entrances located on a porch four feet above grade. Three bedrooms in each unit will be located in the lower level basement, all with egress windows. The two-stall, detached garage is located ten feet behind the dwelling. The surrounding area is made up of single- and two-family dwellings, including a number of split-level houses built in the late 1990's.

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: The applicant is seeking a variance to reduce the required lot area from 10,000 square feet to 8,322 square feet (16.78 percent) to construct a new two-family dwelling. The applicant states the lot was this size when purchased. Strict adherence to the regulations would not allow for the construction of a new two-family dwelling, which is a reasonable use of the property. Without the requested variance, the zoning code would prevent the applicant from constructing a two family dwelling that on a lot that is similar in size to many of the other parcels in the area that have two-family dwellings.

- 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: The conditions upon which the variance is requested are unique to the parcel of land and were not created by the applicant. The lot is 8,322 square feet in size and was originally platted that size. The parcel is similar in size to many other parcels with two family dwellings in the area. The property is zoned R2B, Two-family District. The applicant would need to acquire an additional 1,678 square feet of land to build a two-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 the original platting of the property that established the lot size 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: Staff believes that granting the variance to reduce the minimum lot size to allow a two-family dwelling will not alter the essential character of the surrounding neighborhood or be injurious to the use or enjoyment of other property in the vicinity if the dwelling is constructed in a manner that is consistent and compatible with other area dwellings. However, the proposed new two-family dwelling is not consistent with the character of the existing single- and two-family dwellings in the area. The proposed structure is a single-story dwelling with the bedrooms located in the basement for each of the dwelling units. The proposed dwelling does meet the 15 percent transparency on the front façade, however, the north, south and east elevations have limited windows. Most houses in the area have a minimum of two windows per elevation per floor. The front entrance is accessed by a porch that is four feet above grade that is exposed under the porch surface. Most of the existing dwellings in the area have entrances between grade and approximately two feet above grade, including five split level homes located

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on the block to the rear of the subject site. In addition, many houses in the surrounding area have entrances with enclosed front porches that include stairs and landings. The location of the garage is 10 feet from the primary dwelling, while many of the existing dwellings have detached garages located in the rear 40 feet or 20 percent of the lot. The proposed garage is 30 feet from the easement in the rear of the property.

Staff recommends that the Board require that the design be modified to be more compatible with surrounding single- and two-family dwellings by incorporating the following: a front entrance located between grade and two feet above grade, eliminate exposure under the front porch, a minimum of two windows per façade per floor, and increase the space between the rear of the house and the garage to a minimum of 20 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.**

Lot area: Granting the variance would likely have no impact on the congestion of area streets or fire safety, nor would the new single family dwelling be detrimental to the public welfare or endanger the public safety since the applicant is providing two on-site parking spaces.

Recommendation of the City Planning Department:

The City Planning Department recommends that the Board of Adjustment adopt the findings above and **approve** the variance to reduce the required lot area from 10,000 square feet to 8,322 square feet (16.78 percent) to allow for the construction of a new two-family dwelling in the R2B, Two-family District subject to the following conditions:

1. That the Planning Department review and approve final site and elevation plans which incorporate the following:
 - a. Front entrance located between grade and 2 feet above grade,
 - b. Eliminate exposure under the front porch,
 - c. Minimum of 2 windows per elevation per floor, and
 - d. Increase space between the rear of the house and the garage to a minimum of 20 ft.
2. That not less than 15 percent of the first floor façade that faces a public street shall be windows as required in Section 535.90 of the Minneapolis Zoning Code.
3. That the curb cut on 4th Street Northeast be closed.