

**Department of Community Planning and Economic Development - Planning Division Report**

Variance Request  
BZZ-3678

**Date:** August 9, 2007

**Applicant:** David Bradley (property owner)

**Address of Property:** 4045 Bryant Avenue South

**Contact Person and Phone:** David Bradley, (612) 824-0466

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

**Date Application Deemed Complete:** July 12, 2007

**Public Hearing:** August 9, 2007

**Appeal Period Expiration:** August 20, 2007

**End of 60 Day Decision Period:** September 12, 2007

**Ward:** 10      **Neighborhood Organization:** East Harriet Neighborhood Association

**Existing Zoning:** R1A Single-Family District

**Proposed Use:** Construction of a driveway

**Proposed Variances:** A variance to reduce the width of a driveway from the required minimum of 10 feet to 8.87 feet, at its narrowest point.

**Zoning code section authorizing the requested variance:** 525.520 (14)

**Background:** The subject property, 4045 Bryant Avenue South, is a 1 ½ story, single-family dwelling that was built in 1914. The applicant is applying for a variance to allow for the construction of a driveway on the south side of the property. This parcel does not have a driveway nor alley access.

4045 Bryant Avenue South is an interior lot that measures 42 ft. by 134 ft. (5,628 sq. ft.), which is slightly above average for an R1A Zoning District. The house on this lot is situated 4.02 feet from the north side yard property line, at its closest point, and 8.87 feet from the south property line. The original house was 11.78 feet from the south side property line (see Sanborn Map attachment). However, the 18 foot x 7 foot front addition added at a later date reduced this distance to 8.87 feet. City records did not indicate when this addition was built, but it was before 1984. The principal structure on the lot to the south of 4045 Bryant Avenue (4049 Bryant Avenue South) is located completely to the

rear of the principal structure on the subject property and is 7 feet from the shared side property line (Photo 4 and 1984 survey).

On November 28, 1984, the previous property owner applied for the same variance request as this proposed variance request, that is, to allow for a driveway that would be 8.87 feet wide at its narrowest point (see V-2182 attachment). The previous property owner applied for the variance to allow for the next property owner to build a driveway. The current applicant, Mr. Bradley, purchased this house in 1985 and opted to let the variance lapse and park vehicles on the street. The applicant is now in the process of selling the subject property and is applying for the variance to allow for the driveway.

**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.**

The requested variance is to reduce the width of a driveway from the required minimum of 10 feet to 8.87 feet, at its narrowest point, to allow for a driveway. Strict adherence to the off-street parking regulations of the Zoning Code would prevent the driveway of this width. Staff believes the subject property has three hardships. First, the property does not have off-street parking, which is now a requirement of the zoning code. Second, the property does not have alley access nor driveway. Third, the placement of the house on the lot and width of the house does not allow for a driveway to be built without requiring a variance.

- 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.**

There are three circumstances for which the parking variance is sought that are unique to the parcel of land and have not been created by the applicant. First, the house was built in 1914 without an off-street parking spot. This date is prior to the first Minneapolis Zoning Code that required off-street parking for residential lots. Second, the property does not have alley access. Third, the placement and width of the house does not allow for a driveway to be built without a variance.

- 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.**

Granting the variance will be keeping with the spirit of the ordinance by allowing for the subject property to have a driveway, which will assist in meeting zoning code regulations for off-street parking. In addition, granting of this variance would not alter the essential character of the locality since most properties on Bryant Avenue South between 40<sup>th</sup> and 41<sup>st</sup> Streets have a driveway leading to a rear garage. Staff also believes that granting these variances would not be

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injurious to the use or enjoyment of other property in the area, including 4049 Bryant Avenue South. If the applicant is granted the variance and a garage is constructed on the subject property, it will have to be 5 feet from the south side yard property line shared with 4049 Bryant Avenue (Zoning Code provision 535.280).

- 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.**

Granting of the requested variance would not impact the congestion of area streets or fire safety. Granting of the variance will also not be detrimental to public welfare. As for public welfare, the applicant states that one large tree will be cut down to allow for the construction of a driveway.

**Recommendation of the Department of Community Planning and Economic Development:**

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 width of a driveway from the required minimum of 10 feet to 8.87 feet, at its narrowest point with the following conditions.

1. That the Planning Division-CPED review and approve the final site plan. All drawings will be measured to an architect or engineer's scale.
2. That the driveway lead to a parking area or garage that meets all Zoning Code regulations.
3. That the applicant replace the trees removed due to the construction of the driveway on a 1:1 basis elsewhere on the property.

**Attachments:**

- Zoning map (1 page)
- Statement of proposed use (1 page)
- Survey dated September 6, 1984 (1 page)
- Applicant photos (4 pages)
- V-2182 variance request information: 1984-1985 (4 pages)
- Sanborn Map (1 page)
- 2007 Building Footprints (1 page)