

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

Variance Request  
BZZ-3182

**Date:** September 7, 2006

**Applicant:** Gregory Langford

**Address of Property:** 3344 Clinton Avenue

**Contact Person and Phone:** Gregory Langford, (612)743-4095

**Planning Staff and Phone:** Shanna Sether, (612) 673-2307

**Date Application Deemed Complete:** August 14, 2006

**Public Hearing:** September 7, 2006

**Appeal Period Expiration:** September 18, 2006

**End of 60 Day Decision Period:** October 13, 2006

**Ward:** 8      **Neighborhood Organization:** Central Neighborhood Organization

**Existing Zoning:** R1A Single Family District

**Proposed Use:** Construction of a new single-family dwelling.

**Proposed Variance:** A variance to reduce the front yard setback established by the front corners of the two adjacent residential structures along Clinton Avenue South from 85 ft. to 26 ft. to allow for a newly constructed single-family dwelling located at 3344 Clinton Avenue South in the R1A Single Family District.

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

**Background:** The subject property is located on an interior lot that is approximately 42 ft. by 129 ft. (5,418 sq. ft.). The property is currently vacant and was recently sold to the applicant by Hennepin County as tax forfeited property. The applicant is proposing to construct a two and one-half story single-family dwelling with a detached garage.

The new single-family dwelling has been proposed to be located 26 ft. from the front property line, measured to the building wall. The front yard setback established by the front corners of the two adjacent residential structures along Clinton Avenue South is 85 ft. The neighboring house to the south

is located on the corner of Clinton Avenue South and 34<sup>th</sup> Street East. The structure faces 34<sup>th</sup> Street east is setback 106'3" from Clinton Avenue South. The neighboring structure to the north is located 18 ft. 2 in. from the front property line. The proposed dwelling meets the required side yard and rear yard setbacks of the district.

Staff has not yet reviewed the proposed dwelling for compliance with the design guidelines for new 1-4 dwelling units and the applicant has not yet provided the application for the site plan review for the new single family dwelling. However, the applicant will be required to meet the minimum standards addressed in that administrative process.

### **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.**

**Front yard setback:** The applicant has requested a variance to reduce the required front yard setback along Clinton Avenue South from 85 ft. to 26 ft. to allow for the construction of a new single-family dwelling on an interior lot. The adjacent single-family dwelling to the south of the subject property is setback more than 106 ft. and faces 34<sup>th</sup> Street East. The neighboring structure to the north is located 18 ft. 2 in. from the front property line. Strict adherence to the regulations requires that the entire dwelling is constructed behind the established front yard setback, which is inconsistent with the adjacent dwellings and would not allow for the new single family home to be constructed as proposed. Staff believes that constructing the new dwelling to 26 ft., which is greater than the district setback and the setback of the adjacent dwelling to the north would allow 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.**

**Front yard setback:** The circumstances upon which the setback variances are requested are unique to the parcel of land due to the configuration of the dwelling on the adjacent property to the north. As previously mentioned, the adjacent parcel is setback more than 106 ft. from the front property line along Clinton Avenue South and therefore imposes a greater setback than the district minimum front yard setback of 20 ft. This is a circumstance that is unique to this parcel and not created by the applicant. The alternative to the variance would cause an undue hardship to the property owner, by not allowing the proposed construction of a single-family dwelling and detached garage. The house as proposed as 44 ft. in length with the porch and the garage at 22 ft. would not be buildable within the setback requirements for the front and rear. The location of the

existing structures and the configuration of the lots 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.**

**Front yard setback:** Staff believes the new single-family dwelling will not alter the essential character of the surrounding neighborhood. The area is zoned R1A and consists primarily of single and two family dwellings. Staff believes that the new single-family dwelling will not be injurious to the use or enjoyment of other property in the vicinity, if it is constructed at 26 ft. to the front property line along Clinton Avenue South, as proposed and meets the design guidelines for 1-4 unit dwelling units.

- 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 setbacks:** Granting the setback variances would likely have no impact on the congestion of area streets or fire safety, nor would the rear addition be detrimental to the public welfare or endanger the public safety.

**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 variance to reduce the front yard setback established by the front corners of the two adjacent residential structures along Clinton Avenue South from 85 ft. to 26 ft. to allow for a newly constructed single-family dwelling located at 3344 Clinton Avenue South in the R1A Single Family District subject to the following condition:

1. Review and approval of the final site and elevation plans in compliance with site plan review requirements for 1-4 unit dwelling units by CPED - Planning before building permits may be issued.