

Department of Community Planning and Economic Development – Planning Division Report**Variance Request
BZZ-2850****Date:** April 6, 2006**Applicant:** Gregory Langford**Address of Property:** 2624 1st Avenue South**Contact Person and Phone:** Gregory Langford, 612-743-4095**Planning Staff and Phone:** Molly McCartney, 612-673-5811**Date Application Deemed Complete:** March 3, 2006**End of 60 Day Decision Period:** May 2, 2006**Appeal Period Expiration:** April 17, 2006**Ward:** 6 **Neighborhood Organization:** Whittier**Existing Zoning:** R5, Multiple-family District**Proposed Use:** Construct a new three-dwelling unit multiple-family structure with attached garage**Proposed Variances:** A variance to reduce the required north side yard setback to 3 ft., a variance to reduce the required south side yard setback to 3 ft., a variance to reduce the minimum lot area from 5,000 sq. ft. to 3,756 sq. ft., and a variance to reduce the minimum lot width from 40 ft. to 29 ft. 8 in. to allow for a new three-dwelling unit multi-family structure at 2624 1st Avenue South in the R5 Multiple-family District.**Zoning code section authorizing the requested variance:** 525.520 (1) (1) (2) (2)**Background:** The subject site is a vacant, substandard-sized lot in the R5 Multiple-family District measuring 29 ft. 8 in. by 126 ft 6 in. (3756 sq. ft.). The applicant is proposing to construct a new three-dwelling unit building with a rear, attached garage. In the R5 District, a single- or two-family dwelling is not permitted and a three-unit dwelling is the least dense residential use permitted. A four-dwelling unit structure was demolished on this property in 1990. Historical permits do not specify the exact size of that structure. During the 1990s, a portion of this lot was split and sold by the City of Minneapolis to the property owner to the north. The subject property has been used as a community garden since the demolition of the four-unit building.

With the requested variances, the proposed structure will meet all other zoning requirements, including Site Plan Review Design Standards. The property receives the minimum 15 points for including a basement (5 points), exterior building materials of cement/stucco (4 points), not less than twenty (20)

CPED Planning Division Report
BZZ-2850

percent of the walls on each floor that face a public street are windows (3 points), a flat roof where there is at least one existing building with a flat roof within one hundred (100) feet of the site (2 points). In addition, the building is 23 ft. 8 in. wide and is setback 3 ft. on both the north and south side which will allow for windows per the Building Code (*Section 302.1 2000 IBC*).

The structure is technically two stories, but has the appearance of a three story building. Much of the basement projects 6 ft. out of the ground, which does not meet the definition of a story per 520.160 of the Minneapolis Zoning Code:

520.160. Definitions.

Story. That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, or fourteen (14) feet, whichever is less, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a basement, cellar or unused under floor space is more than six (6) feet above grade, for more than fifty (50) percent of the total perimeter, or is more than twelve (12) feet above grade at any point, such basement, cellar or unused under floor space shall be considered a story.

The side yard setbacks for multiple-family residential structures are based on the height of a structure. The side yard setback for a two story structure is 7 ft. and 9 ft. for a three story structure. The applicant is asking for a reduction for both side yard setbacks to 3 ft. The height limit in the R5 District is 4 stories.

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.**

North and south interior side yard setbacks: The applicant is requesting the side yard variances for a 23 ft wide residential structure because the property is approximately 29 ft. wide. Per 535.90 of the Zoning Code, the structure must be a minimum of 22 wide and the minimum building width cannot be reduced with a variance. Without the side setback variances, no residential structure could be built that meets the minimum building width requirement. Staff believes that a 23 ft. wide, three-unit structure is a reasonable use of the property and that strict adherence to the side setbacks creates a hardship on this property.

Minimum lot area: The applicant is requesting a reduction in the minimum lot size to allow for the construction of a three-unit building. Without the variance, no structure could be built on this lot. Staff believes that a 23 ft. wide, three-unit structure is a reasonable use of the property and that strict adherence to the minimum lot size creates a hardship on this property.

Minimum lot width: The applicant is requesting a reduction in the minimum lot width to allow for the construction of a three-unit building. The minimum width for a three-unit building is 22

CPED Planning Division Report
BZZ-2850

ft. wide. Without a reduction in the lot width, no structure could be built on this lot. Staff believes that a 23 ft. wide, three-unit structure is a reasonable use of the property and that strict adherence to the minimum lot width creates a hardship on this 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.**

North and south interior side yard setbacks, minimum lot area, and minimum lot width: The subject property is a substandard-sized lot that does not meet the minimum lot area and lot width requirements. Due to the width of the lot, any structure will require side yard setback variances. During the 1990s, a portion of this lot was split and sold by the City of Minneapolis to the property owner to the north, creating the substandard size. The conditions upon which the variances are requested are unique to this parcel and have not been created by the applicant and in fact were created by the lot split by the City.

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.**

North and south interior side yard setbacks and minimum lot width: Granting the side yard setback variances and the minimum lot width variance will be keeping with the spirit and intent of the ordinance and will not alter the essential character of the surrounding area. The side yard setback for a two story structure is 7 ft. and this building appears from the sides to be much like a three story building, which has 9 ft. side setbacks. The multiple-family building to the south is set back 9 ft. from the shared property line and the single-family dwelling to the north is set back approximately 22 ft. from the shared property line. Given the distance the adjacent structures are set back from the shared property lines, the proposed structure will not encroach on either property.

The property to the north has an existing 6 ft. retaining wall on the property. With only a three ft. setback, this space may be susceptible to illegal activity such as graffiti. The proposed structure has 56 sq. ft. of windows on the basement level of the building walls that face the adjacent structures. The applicant has indicated lighting along the sides of the building on the site plan. Staff believes that the proposed windows and lighting will help in deterring illegal activity.

Minimum lot area: Granting the lot area variance for the three-unit structure will be keeping with the spirit and intent of the ordinance and will not alter the essential character of the surrounding area. The surrounding area has a mix of single-family dwellings, multiple-family dwellings and commercial uses.

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.**

North and south interior side yard setbacks and minimum lot width: Granting the side yard setback variances and the minimum lot width variance would likely have no impact the congestion of area streets or fire safety, nor would the proposed structure be detrimental to the public welfare or endanger the public safety. A 3 ft. setback of the building from the property line will allow for windows per the Building Code (*Section 302.1 2000 IBC*).

Minimum lot area: Granting the minimum lot area variance would likely have no impact the congestion of area streets or fire safety, nor would the proposed structure be detrimental to the public welfare or endanger the public safety. The structure has parking spaces for three cars; however, one space is tandem and while it can be used as a parking space, cannot be included in the off-street parking calculations for zoning purposes. The parking requirement can be reduced by one space by installing a bike rack with 4 spaces.

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 required north side yard setback from 7 ft. to 3 ft., **approve** the variance to required south side yard setback from 7 ft. to 3 ft., **approve** the variance to reduce the minimum lot area from 5,000 sq. ft. to 3,756 sq. ft., and **approve** the variance to reduce the minimum lot width from 40 ft. to 29 ft. 8 in. to allow for a new three-dwelling unit multi-family structure at 2624 1st Avenue South in the R5 Multiple-family District, subject to the following conditions:

1. That the Planning Division review and approve the final site and elevation plans that measure to an architectural or engineering scale; and
2. Bicycle racks shall be provided to accommodate no fewer than four (4) bicycles. The bicycle parking may be located in the public right-of-way with permission of the city engineer.