

Community Planning and Economic Development - Planning Division Report**Variance Request
BZZ-3208****Date:** September 21, 2006**Applicant:** Chris Johnson**Address of Property:** 3559 2nd Street Northeast**Contact Person and Phone:** Chris Johnson, 763-421-4146**Planning Staff and Phone:** Molly McCartney, 612-673-5811**Date Application Deemed Complete:** August 24, 2006**Public Hearing:** September 21, 2006**Appeal Period Expiration:** October 2, 2006**End of 60 Day Decision Period:** October 23, 2006**Ward: 1 Neighborhood Organization:** Columbia Park Neighborhood Association**Existing Zoning:** R1A Single Family District**Proposed Use:** Existing single-family dwelling**Proposed Variance:** A variance to reduce the required south interior side setback from 5 ft. to 3 ft. 8 in. to allow for the reestablishment of two platted lots in the R1A District**Zoning code section authorizing the requested variance:** 525.520 (1)**Background:** The applicant is proposing to reestablish two original platted lots at 3559 2nd Avenue Northeast. The subject property consists of two combined platted lots (Lot 29 and Lot 30) that measure 80 ft. by 128 ft. With the proposed property line re-established, both lots will meet the minimum requirements in the R1A District for single-family dwelling (40 ft. lot width and 5,000 sq. ft.). The lots will each be 40 ft. wide 5,120 sq. ft. in area.

There are a number of structures on the property. An existing single-family dwelling with a detached garage is located on Lot 30, a corner lot at 2nd Street Northeast and 36th Avenue Northeast. The existing single-family dwelling was constructed in 1926 at 3 ft. 8 in. from the south property line of the original platted lot. There is also an existing detached garage and existing shed on Lot 29. A detached garage and shed are not allowed primary uses in the R1A District. Communication from the applicant indicates that a single-family dwelling will be built on the new lot and will utilize the existing garage.

The applicant is proposing to have an open parking space for off-street parking for the property with the existing dwelling.

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 applicant is seeking a variance to reduce the south interior side yard setback from the required 6 ft. to 3 ft. 8 in. to allow for an existing single-family dwelling. The existing dwelling was constructed in 1926, 3 ft. 8 in. from the south property line of the original platted lot, under the previous Zoning Ordinance established in 1923. Strict adherence to the current regulations would not allow for the reestablishment of the lots due to the location of the existing dwelling.

- 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.**

The circumstance the variance requested is unique to this property. The existing dwelling is located 3 ft. 8 in. from the north interior platted property line and was originally constructed in that location with its proximity to the original platted lot line. The circumstance was not 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.**

Staff believes that granting the side yard setback variance will not alter the essential character of the surrounding neighborhood. The single-family dwelling exists and will not be moved or altered in any way. Staff believes that the variance request meets the intent of the ordinance, is in keeping with the neighborhood, and will not be injurious to the use or enjoyment of other property in the vicinity. Granting the variance will allow for the reestablishment of the original platted property lines.

A detached garage and shed are not allowed primary uses in the R1A District. Communication from the applicant indicates that a single-family dwelling will be built on the new lot and utilize the existing garage. If a dwelling is constructed within one year of the approval of the variance, the garage and shed would not be required to be removed.

- 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 the side yard variance will likely have no impact on congestion of area streets or fire safety, nor will the existing single family dwelling be detrimental to the public welfare or endanger the public safety.

Recommendation of the CPED Department Planning Division:

The CPED Department Planning Division recommends that the Board of Adjustment adopt the findings above and **approve** the variance to reduce the required north interior side setback from 5 ft. to 3 ft. allow for the reestablishment of two platted lots subject to the following conditions:

1. The applicant shall submit confirmation from Hennepin County that 2 separate PID numbers have been created prior to the issuance of any building permits for Lot 29.
2. 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 for Lot 29.
3. The applicant shall obtain a building permit for the construction of a new single family home by September 21, 2007, or remove the existing shed and garage on Lot 29 within one year of this variance approval.