

**Department of Community Planning and Economic Development – Planning Division**

Variance Request

BZZ-4758

**Date:** May 11, 2010

**Applicant:** Navid Pouladian, NRFP Holdings LLC

**Address of Property:** 5315 Zenith Avenue South

**Contact Person and Phone:** Navid Pouladian, 612-816-0816

**Planning Staff and Phone:** John Smoley, Ph.D., 612-673-2830

**Date Complete Application Received:** March 31, 2010

**Publication Date:** May 11, 2010

**Hearing Date:** May 20, 2010

**Appeal Period Expiration:** May 30, 2010

**End of 60 Day Decision Period:** May 30, 2010

**Ward:** 6      **Neighborhood Organization:** Fulton Neighborhood Association

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

**Proposed Use:** New single family residence

**Proposed Variance:** Navid Pouladian, NRFP Holdings, LLC, has applied for a variance to reduce the front yard setback along Zenith Avenue South from the setback established by connecting a line between the two adjacent neighbors from 77 to approximately 32 feet in order to allow for the construction of a new single family dwelling located at 5315 Zenith Avenue South in the R1A Single Family District.

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

**Background:** The subject property is a single-family home located on an interior lot. The Applicant is proposing to construct a new single family residence in the required front yard.

The required front yard in the R1A district is 20 feet. On this lot, the established setback created by adjacent properties varies dramatically from 39 feet to 87 feet due to the positioning of the neighboring residence to the north of the subject parcel (5309 Zenith Avenue South). The neighboring residence is set two to three times further back on its lot than other residences along this block face. This established

setback thus increases the required setback on the subject property, creating a required yard that varies from 39 feet along the southern property line to 87 feet along the northern property line.

**Analysis:** As conditioned, the proposed additions comply with the City of Minneapolis' Zoning Code in all areas but the required front yard. The applicant has not yet submitted a site plan review application, but the present plans would earn eighteen of twenty-four possible points for providing off-street parking; a basement; cement-based siding; at least ten percent interior and rear window coverage; and one deciduous tree in the front yard.

**Public Comment:** None received.

**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 subject property can be put to a reasonable use under the conditions allowed by the official code without causing undue hardship, provided the owner constructs a new residence set far back on the lot. The proposed location of the home on this lot is a reasonable request, however.

Strict adherence to the Zoning Code would require this house to be located outside of the front yard. The required front yard in the R1A district is 20 feet. On this lot, the established setback created by adjacent properties varies dramatically from 39 feet to 87 feet due to the positioning of the residence to the north of the subject parcel. This residence is set two to three times further back on its lot than other residences along this block face. This established setback thus increases the required setback on the subject property, creating a required yard that varies from 39 feet along the southern property line to 87 feet along the northern property line. While a residence could be constructed in the buildable area of the lot, it would be out of character with every residence on the block face except for the property to its immediate north.

- 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 circumstances requiring the variance have been created by the Applicant. The Applicant could have maintained the residence on the lot instead of tearing it down. The Applicant could also construct a residence in the buildable area of the lot, but it would be out of character with every residence on the block face except for the property to its immediate north.

The subject parcel is not unique. Other residences within the City of Minneapolis are adjacent to other residences that are set far back on their lot, but it is an atypical circumstance. Building the home with an approximately 32 foot required front yard is a reasonable request, however. The required front yard in the R1A district is 20 feet. Without the residence to the immediate north, the established (and hence, the required) front yard on this parcel would be approximately 32

feet. The proposed location of the home maintains the established setback of the block face when one outlier is excluded.

- 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.**

The granting of the variance will be in keeping with the spirit and intent of the ordinance. The proposed location of the home maintains the established setback of the block face when the neighboring property is excluded. The granting of the variance will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity for this same reason. The proposed residence will be in keeping with the established setback of every property on the block face except for the property to the north.

- 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.**

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. The building will not result in the creation of increased parking, second dwelling units or new construction exempt from safety provisions in adopted Building and Fire codes.

#### **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** a variance to reduce the front yard setback along Zenith Avenue South from the setback established by connecting a line between the two adjacent neighbors from 77 to approximately 32 feet in order to allow for the construction of a new single family dwelling located at 5315 Zenith Avenue South in the R1A Single Family District subject to the following condition:

1. Final site and elevation plans must be approved by CPED-Planning staff.

Attachment A: Vicinity Map

Attachment B: Letter to Councilmember and Neighborhood Group

Attachment C: Application and Photographs

Attachment D: Plans