

**Community Planning and Economic Development - Planning Division Report****Variance Request  
BZZ-2917****Date:** May 4, 2006**Applicant:** Joseph Dalton**Address of Property:** 2959 Tyler Street NE**Contact Person and Phone:** Joseph Dalton, 763-574-9002**Planning Staff and Phone:** Shanna Sether, 612-673-2307**Date Application Deemed Complete:** April 7, 2006**Public Hearing:** May 4, 2006**Appeal Period Expiration:** May 15, 2006**End of 60 Day Decision Period:** June 6, 2006**Ward:** 1      **Neighborhood Organization:** Audubon Neighborhood Association**Existing Zoning:** R2B Two-Family District**Proposed Use:** Existing Single-Family Dwelling

**Proposed Variance:** A variance to reduce the required lot width from 40 ft. to 38.74 ft. (3.15%) and a variance to reduce the required lot area from 5,000 sq. ft. to 4,861 sq. ft. (2.78%) to allow for the re-establishment of a platted lot with an existing single-family dwelling located at 2959 Tyler Street NE in the R2B Two-Family District.

**Zoning code section authorizing the requested variance:** 525.520 (2)

**Background:** The subject property consists of two combined platted lots (Lot 29 and Lot 30) that total 78.74 ft. by 125.48 ft. The applicant is proposing to re-establish the two original platted lots to allow for the construction of a new single-family dwelling. When the property line is re-established, Lot 29, the vacant parcel, will meet the 40 ft. lot width requirement and 5,000 sq. ft. lot area requirement. Lot 30 has an existing single-family dwelling with a detached garage and will be 38.74 ft. wide and 4,861 sq.ft. in area. The minimum lot width in the R2B District is 40 ft. and the minimum lot area is 5,000 sq.ft. Thus the applicant is required to obtain a variance to reduce the minimum lot width from 40 ft. to 38.74 ft. and a variance to reduce the minimum lot area from 5,000 sq.ft. to 4,861 sq.ft. to allow for the re-establishment of a platted lot.

**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.**

**Lot width:** The applicant is seeking a variance to reduce the required lot width from 40 ft. to 38.74 ft. to allow for the existing of a single-family dwelling on Lot 30. The applicant states they are re-establishing an original platted line and that the lots are the original platted lots. Strict adherence to the regulations would not allow for the reestablishment of platted lots and would not allow for the future construction of a new single-family dwelling on Lot 29. A single-family dwelling is a reasonable use of the property.

**Lot area:** The applicant is seeking a variance to reduce the required lot area from 5,000 sq. ft. to 4,861 sq. ft. (2.78%) to reestablish two platted lots (Lot 29 & 30). The applicant states that they are re-establishing an original platted line and that the lots are the original platted sizes. Strict adherence to the regulations would not allow for the re-establishment of the platted lot to allow for the existing single-family dwelling on Lot 30 and the future construction of a new single-family dwelling on Lot 29, which are both reasonable uses of property in the R2B district. Staff believes that the new lot is consistent with the adjacent platted lots on the block and surrounding streets.

- 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.**

**Lot width:** The conditions upon which the variance is requested are unique to the parcel of land and were not created by the applicant. Lot 30 is 38.74 ft. in width and was originally platted that size. The applicant would need to acquire an additional 1ft. 3in. of land to allow for the existing single family dwelling on Lot 30 and the future construction of a new single-family dwelling on Lot 29 without a variance. It would be difficult to acquire additional property without affecting the adjacent properties. Staff does not believe that the original platting of the property that established the lot size is a circumstance created by the applicant.

**Lot area:** The conditions upon which the variance is requested are unique to the parcel of land and were not created by the applicant. Lot 30 is 4,861 sq. ft. in area and was originally platted that size. The property is zoned R2B two-family district. The applicant would need to acquire an additional 139 sq. ft. of land to allow for the existing single family dwelling on Lot 30 and the future construction of a new single-family dwelling on Lot 29 without a variance. It would be difficult to acquire additional property without affecting the adjacent properties, because the lots are all similar in size. Staff does not believe the original platting of the property that established the lot size is a circumstance 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.**

**Lot width:** Staff believes that granting the variance will not alter the essential character of the surrounding neighborhood or be injurious to the use or enjoyment of other property in the vicinity as the property is being returned to the original platted size that is consistent with other platted lots in the area. Staff believes that the lot width variance 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.

**Lot area:** Staff believes that granting the variance is in keeping with the spirit and intent of the ordinance and will not alter the essential character of the surrounding neighborhood as the property is being returned to the original platted size that is consistent with other platted lots in the area. Granting the variance will not be injurious to the use or enjoyment of other property in the vicinity as the properties will be similar in size to surrounding properties and will be providing parking on each new lot.

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.**

**Lot area:** Granting the lot area variance would likely have no impact on the congestion of area streets or fire safety, nor would the proposed variance be detrimental to the public welfare or public safety.

**Lot width:** Granting the variance would likely have no impact on the congestion of area streets or fire safety, nor would the proposed reestablishment of the platted lot be detrimental to the public welfare or 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 lot width from 40 ft. to 38.74 ft. (3.15%) and **approve** the variance to reduce the required lot area from 5,000 sq. ft. to 4,861 sq. ft. (2.78%) to allow for the re-establishment of a platted lot with an existing single-family dwelling located at 2959 Tyler Street NE in the R2B Two-Family District subject to the following condition:

1. The applicant shall submit confirmation from Hennepin County that 2 separate PID numbers have been created prior to the issuance of a building permit.