

Department of Community Planning and Economic Development – Planning Division**Variance Request
BZZ-3809**

Applicant: David Anderson, on behalf of the Minneapolis Public Housing Authority

Address of Property: 202 35th Avenue Northeast

Contact Person and Phone: David Anderson, (763) 412-4008

Planning Staff and Phone: Brian Schaffer, (612) 673-2670

Date Application Deemed Complete: October 16, 2007

Publication of Staff Report: November 1, 2007

Public Hearing: November 8, 2007

Appeal Period Expiration: November 19, 2007

End of 60 Day Decision Period: December 15, 2007

Ward: 1 Neighborhood Organization: Columbia Park Neighborhood Association

Existing Zoning: R1A Single Family District

Proposed Use: The reestablishment of two originally platted lots

Proposed Variance: Variances to allow for the reestablishment of two originally platted lots at 202 35th Avenue Northeast in the R1A Single Family District:

- A variance to reduce the minimum interior side yard setback from 5 feet to 4.28 feet.
- A variance to reduce the minimum lot width on Parcel 1 from 40 feet to 39.91 feet.
- A variance to reduce the minimum lot width on Parcel 2 from 40 feet to 39.90 feet.

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

Background: The size of the subject site is 79.8 feet by 129.5 feet (10,309 square feet). The property owner is proposing to reestablish two originally platted lots; Parcel 1 and 2 as denoted on the survey, Block 120, Columbia Heights Addition to Minneapolis. Each originally platted lot is 39.9 by 129 feet; roughly 5,150 square feet.

An existing single family dwelling is located on Parcel 1. The dwelling is located 4.28 feet from the interior shared property line with Parcel 2 and has attached stairs that extend 1.7 feet over the shared

property line. The applicant is proposing to remove the stairs. The interior side yard setback is five feet. A variance is required to reduce the interior side yard setback from 5 feet to 4.28 feet on Parcel 1.

The minimum lot width in the R1A Single Family District is 40 feet. Parcels 1 and 2 both have a lot width of 39.9 feet. A variance is required to reduce the minimum lot width from 40 feet to 39.9 feet to allow the reestablishment of Parcel 1 and Parcel 2.

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.**

Interior Side Yard Setback: The applicant has requested a variance to reduce the required interior side yard setback between Parcel 1 and 2 from 5 feet to 4.28 feet. The existing dwelling on Parcel 1 is nonconforming to the south interior side yard, located only 4.28 feet to the property line. Staff believes the reestablishment of the platted lots is a reasonable use of the property and recognizes the hardship on the property created by the location of the subject dwelling.

Minimum Lot Width: The applicant has requested variances to reduce the minimum lot width on Parcel 1 from 40 feet to 39.91 feet and to reduce the minimum lot width on Parcel 2 from 40 feet to 39.90 feet. City records indicate that the parcels are 40 feet in width; however a survey of the property indicates that both parcels are approximately 1.2 inches short of the minimum 40 feet width. Both parcels meet the minimum area requirement of 5,000 square feet.

The reestablishment of the originally platted lots could not occur if the variances were not granted. The parcels were platted as two parcels and were originally intended to be two parcels. Staff believes the reestablishment of the platted lots is a reasonable use of the property and recognizes the hardship created by the minor miscalculation that occurred when the parcels were platted.

- 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 conditions upon which the variances are sought are requested are unique to the parcel. The 39.9 foot width of the parcels, 1.2 inches less than the minimum width, and the location of the dwelling on Parcel 1 are unique circumstances and were 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.**

The reestablishment of the two lots will be in keeping with the spirit and intent of the ordinance and will not alter the essential character of the neighborhood. The neighborhood is characterized by similarly platted lots and setbacks. The existing dwelling on Parcel 1 has stairs that extend over the property line between Parcel 1 and Parcel 2. The location of the stairs violates the intent of the zoning ordinance and would likely be injurious to the user of Parcel 2.

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 variances would not likely increase congestion in the area or increase the danger of fire safety, nor would the terrace variance be detrimental to welfare or 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:

- **Approve** a variance to reduce the minimum interior side yard setback from 5 feet to 4.28 feet.
- **Approve** a variance to reduce the minimum lot width on Parcel 1 from 40 feet to 39.91 feet.
- **Approve** a variance to reduce the minimum lot width on Parcel 2 from 40 feet to 39.90 feet.

To allow for the reestablishment of two originally platted lots at 202 35th Avenue Northeast in the R1A Single Family District with the following conditions:

1. The existing stairs on the dwelling on Parcel 1 shall be removed.
2. CPED-Planning review and approve final site plan, floor plans, and elevations.