

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

Variance Request  
BZZ-1931

**Date:** September 15, 2004

**Applicant:** Luis Bunay Santander

**Address of Property:** 3648 Nicollet Avenue South

**Date Application Deemed Complete:** August 19, 2004

**End of 60 Day Decision Period:** October 18, 2004

**End of 120 Day Decision Period:** December 17, 2004

**Appeal Period Expiration:** September 27, 2004

**Contact Person and Phone:** Luis Bunay, 612-827-0285

**Planning Staff and Phone:** Carrie Flack, 612-673-3239

**Ward:** 10      **Neighborhood Organization:** Kingfield

**Existing Zoning:** R2B, Two-family District

**Proposed Use:** Driveway for

**Proposed Variance:** A variance to reduce the minimum required width for a driveway from 10 ft. to 8 ft.

**Zoning code section authorizing the requested variance:** 525.520 (14)

**Background:** The subject site is 31 ft. x 110 ft. (3,410 sq. ft.) and consists of an existing single family dwelling. The applicant is proposing to install a driveway on the south side of the dwelling.

The applicant could not locate any survey pins and is unclear as to how far the dwelling is from the north property line. The applicant believes that the dwelling is approximately 2-3 ft. from the north property line. The property is 31 ft. wide. The existing dwelling is 20 ft. wide. Staff accounted for a distance of 3 ft. between the dwelling and the north property line which means that there is 8 ft. left on the southern side of the dwelling to accommodate a driveway. If in fact the dwelling is located closer than 3 ft. from the north property line, than the driveway width may increase to potentially 9 ft. However, staff conservatively is reviewing a variance to allow for a driveway width of 8 ft.

Staff reviewed the property in a GIS format and noticed that the applicant's dwelling and the dwelling to the south are both located in a skewed position on the lots. Staff roughly measured a distance of 7.4 ft.

between the applicant's dwelling and the dwelling to the south. While the city GIS system is not completely accurate, staff is concerned that the information submitted by the applicant is not accurate as well. Staff suggests that a survey be submitted to confirm that a minimum driveway width of 8 ft. can be maintained on the applicant's property without negatively impacting the adjacent residential 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.**

**Driveway width:** The applicant is seeking a variance to reduce the minimum required width of a driveway from 10 ft. to 8 ft. The applicant is proposing to construct a new 8 ft. wide driveway on the south side of the property to provide access to a paved parking area at the rear of the property. Strict adherence to the regulations would not allow for a driveway and would prohibit access to onsite parking at the rear of the property. Staff believes that an 8 ft. driveway is a reasonable use but is concerned that the information submitted by the applicant is not accurate. Staff would suggest that a survey be submitted confirming that an 8 ft. driveway can be accommodated on the applicant's 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.**

**Driveway width:** The circumstances for which the variance is sought are unique to the parcel of land and have not been created by the applicant. The subject site is 31 ft. in width which is 9 ft. less than a typical city lot. In addition, while the block has alley access, the applicant's property does not due to how the lots on the corner of Nicollet Avenue and 37<sup>th</sup> street were re-configured at some point in the past. Staff does not believe that these circumstances were created by the applicant and that they create a hardship for the property's ability to have access to onsite parking.

- 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.**

**Driveway width:** Staff does not believe that the driveway width variance would alter the essential character of the neighborhood if the property can accurately accommodate an 8 ft. wide driveway. However, staff believes that the variance could be injurious to the adjacent property to the south if the property cannot accurately accommodate an 8 ft. wide driveway. As previously mentioned, staff believes that the information submitted by the applicant may be inaccurate and is concerned that the property cannot accommodate an 8 ft. driveway. Staff would suggest that the applicant submit a survey that confirms that an 8 ft. wide driveway can be accommodated on the applicant's property.

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.**

**Parking reduction variance:** Granting the variance would not likely increase congestion in the area or increase the danger of fire safety, nor would the variance be detrimental to welfare or public safety due to access being provided to onsite parking.

**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 minimum required width for a driveway from 10 ft. to 8 ft. subject to the following conditions:

1. That the applicant submits a survey of the property to show that an 8 ft. wide driveway can be located on the southern side of the dwelling within the property boundaries.
2. That Public Works reviews and approves the proposed new curb cut.