

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

Variance Request  
BZZ-3012

**Date:** June 15, 2006

**Applicant:** Stephen Monson, on behalf of Roger and Joanne Tobias

**Address of Property:** 55 Lowry Avenue Northeast

**Contact Person and Phone:** Stephen Monson, (612) 845-0713

**Planning Staff and Phone:** Shanna Sether, 612-673-2307

**Date Application Deemed Complete:** May 15, 2006

**Public Hearing:** June 15, 2006

**Appeal Period Expiration:** June 26, 2006

**End of 60 Day Decision Period:** July 14, 2006

**Ward: 1**      **Neighborhood Organization:** Concerned Citizens of Marshall Terrace, adjacent to Bottineau Neighborhood Association

**Existing Zoning:** C1 Neighborhood Commercial District and MR Mississippi River Critical Area Overlay District

**Proposed Use:** Construction of a new three-unit dwelling.

**Proposed Variance:** A variance to reduce the required front yard setback along Grand Street Northeast from 22 ft. to 12 ft. to allow for the construction of a new three-unit dwelling on a reverse corner lot at 55 Lowry Avenue Northeast in the C1 Neighborhood Commercial District and MR Mississippi River Critical Area Overlay District.

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

**Background:** The subject property is located on the corner of Lowry Avenue Northeast and Grand Street Northeast and is approximately 90 ft. by 124.5 ft. (11,205 sq. ft.). The adjacent property to the north fronts Grand Street Northeast and the adjacent property to the west fronts Lowry Avenue Northeast. The subject property is currently vacant. The applicant is proposing to split the parcel to construct a two new three-unit dwellings, one on a newly created interior lot and the other on the subject property, which is a reverse corner lot created by the original platting of the parcels. The proposed

dwelling will be constructed 12 ft. from property line and the required front yard established by the adjacent dwelling to the north at 2514 Grand Street Northeast is 22 ft.

Lowry Avenue Northeast has been designated as a Community Corridor by the Minneapolis Plan. Community Corridors are locations that support new residential development at medium density and increased housing diversity in our neighborhoods. The proposed use as a three-unit dwelling supports the direction given by the Minneapolis Plan.

In addition, Hennepin County is working with several governmental agencies, including the City of Minneapolis, to implement the Lowry Avenue Corridor Plan. The infrastructure improvements in the proposed Plan include the installation of on-street bicycle lanes, wider sidewalks, landscaping in the boulevards, a median and left hand turn lanes at major intersections along Lowry Avenue. Hennepin County has stated that these improvements will encourage bicycling and walking while allowing for the efficient movement of automobile traffic. Hennepin County has not identified the specific property that is to be acquired to date.

The new three-unit dwelling will also be subject to the conditions of the design standards outlined in section 530.280 in the zoning ordinance.

530.280. Design standards. New single and two-family dwellings and multiple-family dwellings having three (3) or four (4) dwelling units shall comply with the applicable regulations of this zoning ordinance, including but not limited to the standards of Chapter 535, Regulations of General Applicability, related to front entrance, window area, and walkway requirements, and limitations on attached garages facing the front lot line. In addition, the zoning administrator shall ensure that such uses obtain a minimum of fifteen (15) points from Table 530-2, Single and two-family dwellings and multiple-family dwellings having three or four dwelling units. Standards used to meet the minimum requirement must remain in place for a period of not less than fifteen (15) years from the date of approval.

Preliminary review indicates that the design as currently proposed would receive 16 points for the following: providing a detached garage, a basement, not less than 10% of the walls facing a side or rear lot line will be windows, a pitch of 6/12 or higher, and an open front porch of 50 square feet or more. The applicant will also be required to make an application for Administrative Site Plan Review.

### **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.**

**Front yard setback along Grand Street Northeast:** The applicant has requested a variance to reduce the required front yard setback along Grand Street Northeast from 22 ft. to 12 ft. to allow for the construction of a new three-unit dwelling on a reverse corner lot. The adjacent dwelling to the north has a 22 ft. front yard setback along Grand Street Northeast. The new three-unit dwelling has a proposed front yard setback along Lowry Avenue Northeast of 25 ft. and the front

**CPED Planning Division Report**  
BZZ-3012

yard setback along Grand Street Northeast of 12 ft. The required district setback for a three-unit dwelling in the C1 is 0 feet. Strict adherence to the regulations requires that the entire dwelling is constructed behind the established front yard setback, which would not allow the structure to be constructed as proposed.

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.**

**Front yard setback along Grand Street Northeast:** The circumstances upon which the setback variances are requested are unique to the parcel of land due to the type of lot. As previously mentioned, the subject property is a reverse corner lot; therefore, a front yard setback is required along both Lowry Avenue Northeast and Grand Street Northeast. This is a circumstance that is unique to this parcel and not created by the applicant. The alternative to the variance would cause an undue hardship to the property owner, by not allowing the proposed construction of a three-unit dwelling. The location of the existing structures and the configuration of the lots are not circumstances 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.**

**Front yard setback:** Staff believes the new three-unit dwelling will not alter the essential character of the surrounding neighborhood. The area is zoned C1 and is located on a Community Corridor. The surrounding neighborhood consists of a variety of uses including commercial, office and residential uses of single, two-family and multiple-family dwellings. Staff believes that the new three-unit dwelling will not be injurious to the use or enjoyment of other property in the vicinity.

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.**

**Front yard setbacks:** Granting the setback variances would likely have no impact on the congestion of area streets or fire safety, nor would the rear addition be detrimental to the public welfare or endanger the 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 and **approve** the variance to reduce the required

**CPED Planning Division Report**  
BZZ-3012

front yard setback along Grand Street Northeast from 22 ft. to 12 ft. to allow for the construction of a new three-unit dwelling on a reverse corner lot subject to the following condition:

1. 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.