

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

Variance Request
BZZ-3593

Date: August 23, 2007

Applicant: Obsa Negassa

Address of Property: 2530 Cedar Avenue South

Contact Person and Phone: Obsa Negassa, (612) 558-3900

Planning Staff and Phone: Erik Carlson, (612) 673-5348

Date Application Deemed Complete: May 22, 2007

Hearing Date: August 23, 2007

Appeal Period Expiration: September 3, 2007

End of 60 Day Decision Period: July 23, 2007

End of 120 Day Decision Period: September 24, 2007

Ward: 9 **Neighborhood Organization:** East Phillips

Existing Zoning: R2B/Two Family District

Proposed Use: Single Family Residence

Proposed Variances: Decrease north interior side yard setback from 5 feet to 3 feet and decrease the south interior side yard setback from 5 feet to 3 feet 10 inches to allow for a new single family residential structure

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

Background: The proposed single family two-story home would be located on a 3,555 square foot lot measuring 28 feet 10 inches wide and 123 feet 4 inches deep. The lot was originally a part of the lot to the south which was split in late 1985 or early 1986. A home existed on the north lot (which is today 2530 Cedar Avenue S) at the time of the split. An exact construction date of this home could not be verified but remodeling permits go back to 1915. It was demolished in 1991.

The required lot width of a new structure in the R2B district is 40 feet. Because the lot was created prior to the adoption of the existing zoning code, this parcel is a lot of record¹ and therefore does not require a variance for the lot width.

The property lies between a two-family dwelling to the north and single family dwelling to the south. The distance between the proposed home and the single family home to the south would be 6 feet 10 inches. The distance between the proposed home and the two-family home to the north would range from 17 to 19 feet. The proposed home would be 22 feet in width, the minimum width allowable in the zoning code.

Site Plan Review has not been completed for the property, though it is a permitting requirement. Based on a preliminary review of submitted drawing, no clear violations of Site Plan Review standards have been proposed. Elevations of the garage were not provided so a preliminary review of that structure could not be done.

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 lot is narrow to a point where no residential structure can be constructed on the lot at 2530 Cedar Avenue S under the conditions allowed by the zoning code without a variance. No home exists on the lot currently. It is a hardship not to be able to construct a home on a lot zoned for residential use.

The applicant is not seeking a variance in the zoning code greater than what is required to meet zoning standards. The proposed home's width is the minimum allowed. No design option exists which would eliminate or minimize the side yard variances sought.

- 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 lot's width is sub-standard. This condition was 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.**

¹ 531.100

The proposed home is generally centered on the lot; however it provides 10 more inches of space between the south wall of the home and the south property line. This is beneficial because the home to the south of 2530 Cedar Avenue S is closer to the proposed home at 2530 Cedar Avenue S than the home to the north of 2530 Cedar Avenue S. The placement of the home attempts to maximize space between adjacent properties.

The essential character of the neighborhood would not be altered due to the proposed project. The distances between buildings in the vicinity of the proposed project are less than what the code requires.

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 new home would include a detached garage accessing the alley. The parking needs of the single family home can be accommodated partially if not wholly with this garage. On-street parking is also available. The project would not increase the danger of fire or be detrimental to public welfare or safety.

Recommendation of the Department of Community Planning and Economic Development

The Department of Community Planning and Economic Development recommends the Board of Adjustment **adopt** the findings above and **approve** the variance application to decrease north interior side yard setback from 5 feet to 3 feet and to decrease the south interior side yard setback from 5 feet to 3 feet 10 inches to allow for a new single family residential structure with the following condition:

1. CPED-Planning reviews and approves all final plans and elevations.

Appendices

Appendix A: Aerial Photographs and Maps

Appendix B: Application Material

Appendix A

Appendix B