

Department of Community Planning and Economic Development – Planning Division Report

Variance Request
BZZ-2146

Date: February 17, 2005 continued from January 20, 2005

Applicant: Sean Loring

Address of Property: 2528 ½ 4th Street Northeast

Date Application Deemed Complete: January 18, 2005

End of 60 Day Decision Period: March 19, 2005

Appeal Period Expiration: February 28, 2005

Contact Person and Phone: Sean Loring, 612-203-3341

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

Ward: 3 **Neighborhood Organization:** Holland

Existing Zoning: R2B District, Two-family District

Proposed Use: Construction of a new single family dwelling

Proposed Variance: A variance to permit development on a zoning lot that cannot comply with the requirement of frontage on a public street, where it is determined that there is sufficient access to the property without such frontage to allow for the construction of a new single family dwelling.

Zoning code section authorizing the requested variance: 525.520 (24)

Background: The subject site is 46 ft. x 109 ft. (5,014 sq. ft.) and is currently a vacant lot. The applicant is proposing to construct a 1,836 sq. ft. two story single family dwelling with a 484 sq. ft. two car detached garage. The property fronts and is accessed from an existing alley versus from a primary street. Thus, a variance is necessary to allow for the construction of the single family dwelling where the lot fronts a secondary street. The alley right of way is approximately 28 ft. in width and the paved portion of the alley is approximately 12 ft. in width.

The front yard setback requirement is 20 ft. and the side yard setback requirement is 5 ft. The proposed new dwelling is located 25 ft. from the front, 6 ft. from the north property line, and 13 ft. from the south property line. Therefore, the proposed new dwelling complies with all district setback requirements as does the proposed new detached garage. The detached garage is setback 6 ft. from the rear and interior side property line. Staff would recommend a 1 ft. setback from the rear and side property lines for the detached garage to preserve as much rear yard as possible. In addition, a portion of the driveway

decreases in width to less than 10 ft. at the rear of the dwelling. The driveway must maintain a minimum 10 ft. in width for the entire length of the driveway to the garage approach apron. The driveway is also located immediately adjacent to the dwelling. Staff would recommend that the driveway either be reconfigured to be combined with the proposed driveway to the north or that the driveway be located 2 ft. from the dwelling and 1 ft. from the property line to provide a landscaped area between the driveway and the house.

Staff has presented the proposed project to the Fire Department, Public Works Department, and Water Department. The applicant will need to address several issues as part of the construction of the new dwelling due to the unique platting configuration of the lot. Utilities for property are typically extended from primary streets, in this case 4th Street NE. The subject site will be fronting an alley which is a secondary street and utilities are not permitted in secondary streets. Thus, the applicant will need to obtain an easement from adjacent property owners in order to extend water, sewer, gas and electric from 4th Street NE. In addition, the Fire Department is concerned that the actual width of the paved portion of the alley is not adequate for an emergency vehicle access. The applicant may be required to increase the pavement width for a portion of the alley to ensure appropriate emergency vehicle access. Addressing issues will also need to be addressed since the property is addressed from 4th Street Northeast but the dwelling would be located at the alley. The addressing for several properties may need to be reconfigured so that an emergency vehicle can determine that the proposed dwelling does not actually have access from 4th Street Northeast. Staff recommends that plans be routed to other departments for their review and comment on the final plan.

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 without frontage on a public street: The applicant is seeking a variance to permit development on a zoning lot that cannot comply with the requirement of frontage on a public street, where it is determined that there is sufficient access to the property without such frontage to allow for the construction of a new single family dwelling. The applicant states that the alley provides sufficient access for the property. Strict adherence to the regulations would not allow for the new single family dwelling and may deny reasonable use of the property. The construction of a single family dwelling on the property seems to be a reasonable use of the property. However, the requirement of frontage on a public street for property typically ensures that appropriate utilities can be provided to the property as well as ensure adequate emergency vehicle access. The applicant may be required to address these issues as part of the construction of the single family dwelling.

- 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 without frontage on a public street: The conditions upon which the variance is requested are unique to the parcel due to the original platting and configuration of the lots on the block. The lots appear to have been originally platted to front the alley. The subject lot is a legal existing lot and would otherwise remain vacant without the proposed single family dwelling.

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 without frontage on a public street: Granting the variance is not in keeping with the spirit and intent of the ordinance and may alter the essential character of the area or be injurious to the use or enjoyment of other property in the vicinity. The subject lot backs up to an entire block face of lots that front 4th Street Northeast. The new proposed dwelling would back up to these dwellings as well as face the back of an entire block of lots that face University Avenue Northeast. Therefore, staff is concerned that the new dwelling will not maintain the character of the area as it would be one of two dwellings facing the alley with no other dwellings facing it as characteristic of typical neighborhood block design. In addition to block configuration, the requirement of frontage on a public street for property typically ensures that appropriate utilities can be provided to the property as well as ensure adequate emergency vehicle access. The applicant may be required to address these issues as part of the construction of the single family dwelling.

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 without frontage on a public street: Granting the variance would likely have no impact on congestion of area streets. However, the proposed new dwelling may be impacted by fire safety, and may be detrimental to the public welfare or endanger the public safety due to inadequate access for emergency vehicles. In addition, alleys can be blocked at any given point of time. As previously mentioned, the applicant may be required to address these issues as part of the construction of the single family dwelling. This may include, among other requirements, widening a portion of the paved public alley.

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** variance to permit development on a zoning lot that cannot comply with the requirement of frontage on a public street, where it is determined that there is sufficient access to the property without such frontage to allow for the construction of a new single family dwelling subject to the following conditions:

1. That the Planning Department review and approve the final site and elevation plans.

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2. That utilities (water, sewer, gas, electric) be provided to the subject site in accordance with city recommendations and/or requirements, if applicable.
3. That the applicant comply with city recommendations and/or requirements to ensure adequate emergency vehicular access to the subject site, if applicable.