

Community Planning and Economic Development Department - Planning Division Report

Variance Request
BZZ-2360

Date: June 2, 2005

Applicant: Ted Cmiel

Address of Property: 4725 Xerxes Avenue South, 4729 Xerxes Avenue South

Date Application Deemed Complete: May 6, 2005

End of 60 Day Decision Period: July 5, 2005

Appeal Period Expiration: June 13, 2005

Contact Person and Phone: Ted Cmiel, 612-961-4879

Planning Staff and Phone: Molly McCartney, 612-673-5811

Ward: 13 **Neighborhood Organization:** Fulton Neighborhood Association

Existing Zoning: R2B, Two-family District

Proposed Use: Remove existing two-family dwelling and split lot for two, two-family dwellings.

Proposed Variance: A variance to reduce the minimum lot size from 10,000 sq. ft. to 5,620 sq. ft. (44 percent reduction) to allow for a new two-family dwelling at 4725 Xerxes Avenue South and a variance to reduce the minimum lot size from 10,000 sq. ft. to 5,620 sq. ft. (44 percent reduction) to allow for a new two-family dwelling at 4729 Xerxes Avenue South in the R2B, Two-family District.

Zoning code section authorizing the requested variance: 525.520 (2) (b).

Background: The subject property is an interior lot with dimensions of 84 ft. by 135 ft. (11,340 sq. ft.) The applicant is proposing to demolish the existing two-family dwelling, split the lot into two and construct two new two-family dwellings and detached garage. The detached garage will be 56 ft. by 24 ft. (1,344 sq. ft.), which will serve both properties. The size for each property's garage will be 672 sq. ft. and the side yard setback is eliminated because of the shared common wall, which is an allowed permitted obstruction per 535.280 (d). The lot area requirement for a two-family dwelling in the R2B District is 10,000 sq. ft. This requirement may be varied up to 55 percent for newly construction two-family dwellings provided that the surrounding properties are primarily two-family dwelling developed on similar sized lots. The applicant is proposing a 44 percent variance to construct the new dwellings.

In addition to the subject dwelling, there are three two-family dwellings on the 4700 block of Xerxes Avenue South with the following lot sizes:

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- 4741 Xerxes Avenue South is 8,505 sq. ft.
- 4744 Xerxes Avenue South is 10,800 sq. ft.
- 4752 Xerxes Avenue South is 6,210 sq. ft.

On the 4600 block of Xerxes Avenue South, there are four two-family dwellings on lots similar to the proposed project and on the 4800 block of Xerxes Avenue South, there are five two-family dwelling on lots of similar size to the proposed project and one two-family dwelling on a 10,00 sq. ft. lot. The majority of properties in the vicinity of the proposed project are single family dwellings on 5,000 sq. ft to 10,000 sq. ft. lots. There are 17 properties on the 4700 block of Xerxes Avenue South that are single-family dwellings.

The proposed plans for the new dwellings do not meet minimum points of the Design Standards Checklist from Chapter 530 Site Plan Review. The proposed dwellings receive points for a detached garage, basement and a 6/12 roof pitch, however the plans do not receive any points for the exterior materials and increased window requirements. In order to obtain a building permit, an application for administrative site plan review must be filed and receive approval. The plans would need to be modified in order to receive Zoning approval.

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 applicant is seeking two variances to reduce the required lot area from 10,000 sq. ft. to 5,620 sq. ft. (44 percent) to construct two new two-family dwelling at 4725 and 4729 Xerxes Avenue South. Strict adherence to the regulations would not allow for the construction of a new two-family dwelling on a lot smaller than 10,000 sq. ft., which is a reasonable use of the property in the R2B district. However, as required by the variance requested, the surrounding area must be primarily two-family dwellings on similar size lots. There are only four lots on the subject site's block that are two-family dwellings and none of these dwellings have similar lot sizes as the ones requested in this variance. Staff believes that a single-family dwelling or a two-family dwelling that meets the minimum lots requirements for the R2B District is a reasonable use of the 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.**

The conditions upon which the variance is requested are not unique to the parcel of land and were created by the applicant. The lot was platted as two lots, but the current two-family structure, built in 1953, is the only structure that has been located on this lot. The proposed

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parcels are not similar in size to other parcels with two family dwellings on the subject site's block. The applicant states that the lot was purchased with the intent of splitting the lot to develop two, two-family dwellings. Staff believes that these circumstances are not unique to this parcel of land and have been 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.**

Staff believes that granting the variance to reduce the minimum lot size to allow two, two-family dwellings at 4725 and 4729 Xerxes Avenue South will alter the essential character of the surrounding neighborhood. As required by the variance requested, the surrounding area must be primarily two-family dwellings on similar size lots. There are only four lots on the subject site's block that are two-family dwellings and none of these dwellings have similar lot sizes as the ones requested in this variance. The applicant has provided evidence of eight existing two-family dwellings in the area; however, this is not the primary land use pattern of the surrounding area. There are 17 single-family dwellings on the subject site's block that have lot sizes of 5,000 sq. ft. to 10,000 sq. ft. and the two-family dwellings on the block have larger lot sizes than the requested amount.

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 lot area variance would likely have no impact on the congestion of area streets or fire safety, nor would the new two-family dwelling be detrimental to the public welfare or endanger the public safety since the applicant is providing two on-site parking spaces.

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 **deny** the variance to reduce the minimum lot size from 10,000 sq. ft. to 5,620 sq. ft. (44 percent reduction) to allow for a new two-family dwelling at 4725 Xerxes Avenue South and **deny** the variance to reduce the minimum lot size from 10,000 sq. ft. to 5,620 sq. ft. (44 percent reduction) to allow for a new two-family dwelling at 4729 Xerxes Avenue South in the R2B, Two-family District.