

Department of Community Planning and Economic Development – Planning Division**Variance Request
BZZ-2060**

Date: March 3, 2005

Applicant: Oscar Morales

Address of Property: 2201 Lyndale Avenue North

Contact Person and Phone: Terry Vankempen, (612) 229-7979

Planning Staff and Phone: Tanya Holmgren, (612) 673-5887

Date Application Deemed Complete: February 7, 2005

End of 60 Day Decision Period: April 8, 2005

Ward: 3 Neighborhood Organization: Hawthorne Area Community Council

Existing Zoning: R2B Two-family Residential District

Proposed Use: Construction of a new two-family dwelling.

Proposed Variance: A variance to reduce the required south corner yard setback along 22nd Avenue North from 8 ft. to 4 ft. 6 in. to allow for the construction of a new two-family dwelling on a corner lot.

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

Background: The subject site consists of an existing two-car detached garage that will remain. The property is a typical corner lot located at the northwest corner of Lyndale Avenue North and 22nd Avenue North and is approximately 35 ft. x 157 ft. (5,495 sq. ft.). Oscar Morales plans to replace a duplex that burned down at 2201 Lyndale Avenue North. The applicant lived in the duplex that recently burned down. The new duplex will be his residence. The duplex is proposed with one dwelling unit on the first floor and one dwelling unit on the second floor. The proposed dwelling would be located 5 ft. from the north interior side property line and 4.6 ft. from the south corner side property line. The R2B district requires an 8 ft. corner side yard setback. Thus, a variance is necessary.

The applicant filed for a moratorium waiver and was approved at the January 28, 2005, meeting of the City Council. The applicant met with the neighborhood group regarding the design of the new two-family dwelling as a part of the moratorium waiver.

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.**

Corner side yard setback: The applicant has requested a variance to reduce the south corner yard setback from 8 ft. to 4.5 ft. to construct a new two-family dwelling. The proposed dwelling meets the 5 ft. required north interior side yard setback. Additionally, the applicant is required to construct this approved design or will be required to obtain a new waiver. Strict adherence to the regulations would not allow the construction of the new two-family dwelling, which is a reasonable use of the property in an R2B district. Staff believes that a duplex is a reasonable use of the subject 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.**

Corner side yard setback: The circumstances upon which the setback variance is requested are unique to the parcel of land and were not created by the applicant. This parcel is unique, as it is 35 ft. wide and on the corner. With the narrow lot and the increased corner side yard requirement of 8 ft., constructing a dwelling is challenging without a side yard setback variance, providing one option, a 22 ft. wide dwelling (the minimum dwelling width required by ordinance). The configuration of the subject lot is an existing condition and not created by the applicant. Staff believes that these circumstances are unique to this parcel.

- 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.**

Corner side yard setback: Staff believes the new duplex will not alter the essential character of the surrounding neighborhood or be injurious to the use or enjoyment of other property in the vicinity. The dwellings on both sides of the 2200 block of Lyndale Avenue North are mix of single- and two-family homes of various architectural styles. The proposed dwelling has some architectural detail including dormers and a varied roof pitch. The proposed dwelling has the required amount of windows along the front facade. The dwelling has a basement, a front porch, and an existing detached garage. Staff believes this dwelling is compatible with the immediate vicinity. The intent of the corner side yard setback is to preserve open space along public sidewalks and to provide additional right of way for infrastructure improvements, this area has not been identified for future street widening. Staff does not believe the addition will block any site lines or views along 22nd Avenue North.

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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.**

Corner side yard setback: Granting the corner side yard setback variance would likely have no impact on the congestion of area streets or fire safety, nor would the duplex be detrimental to the public welfare or endanger the public safety since a duplex was previously existing on this site.

Recommendation of the Department of Community Planning and Economic Development:

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 south corner yard setback along 22nd Avenue North from 8 ft. to 4 ft. 6 in. to allow for the construction of a new two-family dwelling subject to the following conditions:

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