

Department of Community Planning and Economic Development – Planning Division Report

Variance Request
BZZ-3711

Date: September 27, 2007

Applicant: Clairson Dutra

Address of Property: 3448 20th Avenue South

Contact Person and Phone: Clairson Dutra, 952-220-5405

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

Presenter in Hearing: Brian Schaffer, (612) 673-2670

Date Application Deemed Complete: August 13, 2007

Hearing Date: September 27, 2007

Appeal Period Expiration: October 9, 2007

End of 60 Day Decision Period: October 14, 2007

Ward: 9 **Neighborhood Organization:** Corcoran Neighborhood Association

Existing Zoning: R2B Two-family Residential District

Proposed Use: Construct a new two-family dwelling:

Proposed Variances:

- A variance to reduce the minimum lot size from 10,000 sq. ft. to 6,779 sq. ft.
- A variance to reduce the minimum front yard setback from 20 ft. to 13 ft. along 20th Avenue South, and
- A variance to reduce the minimum front yard setback from 20 ft. to 14 ft. along East 35th Street

Zoning code section authorizing the requested variance: 525.520 (1) (1) (2)

Background: The subject property is a vacant, corner lot at the intersection of 20th Avenue South and East 35th Street in the Corcoran neighborhood with property dimensions are 52 ft. by 125 ft (6,779 sq. ft.). The site previously was a four-unit multiple family dwelling which was demolished in June, 2006. The applicant is proposing to build a new two-family dwelling with an attached garage.

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The R2B District requires a minimum lot size of 10,000 sq. ft. for a new two-family dwelling and the site is 6,779 sq. ft. The lot size variance is to reduce the lot size by 32 percent. The lot size for a duplex can only be varied past 30 percent when a majority of surrounding properties have similar two-family dwellings on similar sized lots. Of the properties within 100 ft. of the subject site, six are single-family residential, four are duplexes and two are commercial properties.

Table 1. Properties within 100 ft. of 3448 20th Avenue South

Address	Land use	Lot size
3439 19 th Avenue South	Single-family dwelling	6,668 sq. ft.
3443 19 th Avenue South	Two-family dwelling	6,668 sq. ft.
1910 East 35 th Street	Single-family dwelling	6,782 sq. ft.
3501 19 th Avenue South	Single-family dwelling	6,192 sq. ft.
3442 20 th Avenue South	Two-family dwelling	6,668 sq. ft.
3444 20 th Avenue South	Single-family dwelling	6,668 sq. ft.
3448 20 th Avenue South (subject site)	Vacant (previously, a four unit building)	6,779 sq. ft.
1911 East 35 th Street	Single-family dwelling	1,733 sq. ft.
3500 20 th Avenue South	Two-family dwelling	4,460 sq. ft.
3443 20 th Avenue South	Single-family dwelling	5,004 sq. ft.
3447 20 th Avenue South	Two-family dwelling	5,004 sq. ft.
2004 20 th Avenue South	Commercial	5,583 sq. ft.
3501 20 th Avenue South	Mixed use (commercial & 2 dwelling units)	6,192 sq. ft.

In addition to the lot size variance, the site is also a reverse corner lot and has two front yard setbacks along 20th Avenue South and East 35th Street. The homes on either side of the subject site have established setbacks that are less than the district setback of 20 ft. The applicant is proposing to reduce the front yard setback along 20th Avenue South to 13 ft. and to reduce the setback along East 35th Street to 14 ft.

Based on the submitted elevations of the proposed two-family dwelling, the project fails to meet the following minimum standards for new construction for required entrance facing the front lot line, walkway, and minimum windows on two elevations:

1. Front door facing 20th Ave S. and walkway [535.90(b)]

The zoning code requires that a principal entrance face the front lot line. Due to the configuration of the lot and the rest of the block, the narrow property line along 20th Ave S is the primary front line, even though there is a house facing 35th St E to the west. The duplex can have doors along 35th St E, but the code requires that an entrance must face 20th Ave S. In addition, a 3 ft wide walkway is required from the principal entrance along 20th Ave S to the public sidewalk.

2. Window minimum [535.90(c)]

The façade and elevation along 20th Avenue South and 35th Street East are required to have minimum 15 percent windows on each floor. The rear of the building facing the alley are required to have a minimum of 5 percent windows on each floor.

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These requirements can not be varied and are required for zoning approval of the new construction. Even with variance approvals, the project would need to include the above mentioned design requirements for 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.**

Reduce minimum lot size: The property requires a variance to reduce the lot size by 32 percent to allow a new two-family dwelling. It is a reasonable use to allow a duplex at this site because of the surrounding two-family dwellings on similarly sized lots. A majority of properties in the area have two-family dwellings on similar size lots.

Reduce front yard setback along 20th Avenue South: The applicant has requested a variance to reduce the required front yard setback from 20 ft. to 13 ft. to allow for the construction of a two-family dwelling in the R2B Two-family District. In this case, most of the dwellings on the block meet the 20 ft. setback. Without the requested variance, the zoning code would prevent the applicant from constructing a dwelling that meets a similar setback established by the other dwellings on the block. Staff believes the two-family dwelling with a setback similar to other dwellings on the block is a reasonable use of the property.

Reduce front yard setback along East 35th Street: The applicant has requested a variance to reduce the required front yard setback from 20 ft. to 14 ft. to allow for the construction of a two-family dwelling in the R2B Two-family District. In this case, because the house to the west is oriented to East 35th Street, the subject site is required to have a front yard setback along East 35th Street as well as 20th Avenue South. The proposed project would meet the same setback as the house to the west. Without the requested variance, the zoning code would prevent the applicant from constructing a dwelling that meets a similar setback established by the other dwelling to the west. Staff believes the two-family dwelling with a setback similar to the dwelling to the west 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.**

Reduce minimum lot size: The subject site meets the minimum lot size (5,000 sq. ft.) for a single-family dwelling and thus has a reasonable use under the zoning code. However, this site has previously been a four-unit multiple family dwelling and is in an area of mixed uses including single-family, two-family dwellings, and commercial uses. The combination of previous uses on this site and this configuration of uses surrounding the subject site is a unique situation not created by the applicant.

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Reduce front yard setbacks along 20th Avenue South and along East 35th Street: The conditions upon which the setback variance is requested are unique to the property due to the location and front yard setbacks of adjacent dwellings. The R2B District requires a 20 ft. setback or an established setback created by the adjacent residential structures. In this case, most of the dwellings on the block of 20th Avenue South meet the 20 ft. setback. The property to the west is the only building that addresses off East 35th Street and also has a front yard setback less than the district setbacks. The locations of the adjacent dwellings and resulting reduced setback is not a circumstance 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.**

Reduce minimum lot size: A new two-family dwelling is keeping with the intent of the ordinance to allow for a greater lot size reduction. The authorized variance states that a lot size reduction of more than 30 percent is allowed when the surrounding properties are primarily two-family dwellings on similar sized lots. In this case, five of the 12 surrounding properties have two-family dwelling units on lots similar in size. Of the remaining lots, 6 are single-family dwellings on lots also similar in size. In addition, the previous use on the site was a four-unit apartment building, which was a non-conforming use in the R2B District.

Reduce front yard setbacks along 20th Avenue South and along East 35th Street: Staff believes that the new construction will be keeping with the spirit and intent of the ordinance and will not alter the essential character of the surrounding neighborhood. The proposed two-family dwelling with the setback variances will create a more uniform look for the block and be consistent with many other dwellings in the area. The adjacent dwellings, as well as many other dwellings on the block, do not meet the R2B District front yard setback of 20 ft. The front yard setback requirement is used to create a uniform building wall along the street and the requested variance will be keeping with the spirit of and intent of the ordinance.

Based on the submitted elevations of the proposed two-family dwelling, the project fails to meet the following minimum standards for new construction for a required entrance facing the front lot line, walkway, and minimum windows the east (20th Avenue South side) and west (attached garage side) elevations. These requirements can not be varied and are required for zoning approval of the new construction. Even with variance approvals, the project would need to include the above mentioned design requirements for approval.

- 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.**

Reduce minimum lot size: Granting the lot area setback variance would likely have no impact on the congestion of area streets or fire safety, nor would the proposed two-family dwelling be detrimental to the public welfare or endanger the public safety. The site currently is a vacant lot,

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and the new housing development can help to deter negative activity that may occur on the site. The applicant is proposing a three car attached garage to accommodate residents' vehicles.

Reduce front yard setbacks along 20th Avenue South and along East 35th Street: Granting the front yard setback variances would likely have no impact on the congestion of area streets or fire safety, nor would the proposed two-family dwelling be detrimental to the public welfare or endanger the public safety. The applicant is proposing a three car attached garage to accommodate residents' vehicles.

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 following variances

- A variance to reduce the minimum lot size from 10,000 sq. ft. to 6,779 sq. ft.
- A variance to reduce the minimum front yard setback from 20 ft. to 13 ft. along 20th Avenue South, and
- A variance to reduce the minimum front yard setback from 20 ft. to 14 ft. along East 35th Street, subject to the following conditions:
 1. The proposed two-family dwelling must meet the zoning code requirements for required entrances and walkway, minimum windows, and Site Plan Review,
 2. CPED–Planning Division review and approve the final site plan, floor plans, and elevation. All drawings will be measured to an architect or engineer's scale.