

Department of Community Planning and Economic Development – Planning Division**Variance Request
BZZ-2282****Date:** April 21, 2005**Applicant:** Eric and Rochelle Rice**Address of Property:** 341 University Avenue Northeast**Contact Person and Phone:** Eric and Rochelle Rice, (612) 378-2699**Planning Staff and Phone:** Tanya Holmgren, (612) 673-5887**Date Application Deemed Complete:** March 29, 2005**End of 60 Day Decision Period:** May 28, 2005**Ward: 3 Neighborhood Organization:** St. Anthony West Neighborhood Organization**Existing Zoning:** R2B, Two-family Residential District**Proposed Use:** Construction of a new single-family dwelling.**Proposed Variance:** A variance to reduce the required front yard setback along Fourth Avenue Northeast from 20 ft. to 8 ft. and a variance to reduce the required front yard setback along University Avenue Northeast from 20 ft. to 17 ft. both to allow for the construction of a new single-family dwelling on a reverse corner lot.**Zoning code section authorizing the requested variance:** 525.520 (1)(1)**Background:** The subject property is located on the corner of University Avenue Northeast and Fourth Avenue Northeast and is approximately 51 ft. by 120 ft. (4,851 sq. ft.). The adjacent property to the east fronts Fourth Avenue Northeast and the adjacent property to the south fronts University Avenue Northeast. The property consists of an existing single-family dwelling and detached garage. The applicant is proposing to maintain the existing garage, demolish the existing dwelling, and construct a new single-family dwelling on the subject property. The applicants are proposing to construct a two-story single-family dwelling with a basement foundation. The existing dwelling on the property was not constructed with a basement.

The proposed dwelling will be constructed in approximately the same location as the existing dwelling. The existing dwelling has a 17 ft. front yard setback along University Avenue Northeast, an 8 ft. front yard setback along 4th Avenue Northeast, and a 3 ft. interior side yard setback. The new single-family dwelling will maintain the existing front yard setback and has a proposed location 6 ft. from the interior side property line. The proposed dwelling meets the required side yard setback of the district.

Staff has reviewed the proposed dwelling for compliance with the proposed changes to the ordinance in regard to single to four dwelling units. The sides of the dwelling do not meet the proposed window requirement for the sides of a dwelling. The requirement for the interior sides of a dwelling is to have 10 percent windows on each floor of the dwelling, the applicant proposes no windows on the first floor and inadequate glass on the second floor. The requirement for the sides of a dwelling facing a street is to have 15 percent windows on each floor of the dwelling, the applicant an inadequate amount of glass on the first and second floor.

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.**

Front yard setback (University): The applicant has requested a variance to reduce the required front yard setback along University Avenue Northeast from 20 ft. to 17 ft. to allow for the construction of a new single-family dwelling on a reverse corner lot. The adjacent single-family dwelling to the south of the subject property is setback 17 ft. from the front property line, the applicant is proposing to match that setback. Strict adherence to the regulations requires that the entire dwelling is constructed behind the district front yard setback, which is inconsistent with the existing dwelling and the adjacent dwelling.

Front yard setback (Fourth): The applicant has requested a variance to reduce the required front yard setback along Fourth Avenue Northeast from 20 ft. to 8 ft. to allow for the construction of a new single-family dwelling on a reverse corner lot. The adjacent single-family dwelling to the east of the subject property is setback 11 ft. from the front property line along Fourth Avenue Northeast, the applicant is proposing to match the existing 8 ft. setback of the dwelling on the subject lot. Strict adherence to the regulations requires that the entire dwelling is constructed behind the district front yard setback, which is inconsistent with the existing dwelling and the adjacent 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.**

Front yard setbacks: The circumstances upon which the setback variances are requested are unique to the parcel of land due to the configuration of the adjacent property to the east. As previously mentioned, the subject property is a reverse corner lot, therefore, a front yard setback is required along both University Avenue Northeast and Fourth Avenue Northeast. This is a circumstance that is unique to this parcel and not created by the applicant. The alternative to the variance would cause an undue hardship to the property owner, by not allowing the proposed

construction of a single-family dwelling. The location of the existing structures and the configuration of the lots are not circumstances 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.**

Front yard setback: Staff believes the new single-family dwelling will not alter the essential character of the surrounding neighborhood. The area is zoned R2B and consists primarily of single and two family dwellings. Staff believes that the new single-family dwelling will not be injurious to the use or enjoyment of other property in the vicinity because it is located to the in the same location as the existing dwelling. Additionally, other properties along Fourth Avenue Northeast are located within 8 ft. of the property line.

- 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.**

Front yard setbacks: Granting the setback variances would likely have no impact on the congestion of area streets or fire safety, nor would the rear addition be detrimental to the public welfare or endanger the public safety.

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 variance to reduce the required front yard setback along Fourth Avenue Northeast from 20 ft. to 8 ft. and **approve** the variance to reduce the required front yard setback along University Avenue Northeast from 20 ft. to 17 ft. both to allow for the construction of a new single-family dwelling on a reverse corner lot subject to the following conditions:

1. Review and approval of final site and elevation plans by the Planning Department.
2. That the applicant meet the proposed requirements for new construction.