

**Department of Community Planning and Economic Development – Planning Division Report**

Variance Request  
BZZ-2808

**Date:** February 16, 2006

**Applicant:** Ed Bell & Alan Chazin Homes

**Address of Property:** 3412 St. Paul Avenue

**Date Application Deemed Complete:** January 20, 2006

**End of 60 Day Decision Period:** March 21, 2006

**Appeal Period Expiration:** February 28, 2006

**Contact Person and Phone:** Ed Bell, 612-925-8280

**Planning Staff and Phone:** Shanna Sether, 612-673-2307

**Ward: 7      Neighborhood Organization:** CIDNA

**Existing Zoning:** R1 Single Family District and SH Shoreland Overlay District

**Proposed Use:** New Single Family Dwelling

**Proposed Variance:** Ed Bell and Alan Chazin Homes, on behalf of Tony Hanson, has applied for a variance to reduce the required front yard setback from 20 ft. to 14 ft. along St. Paul Avenue to allow for the construction of a new single-family dwelling at 3412 St. Paul Avenue in the R1 Single Family District and the SH Shoreland Overlay District.

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

**Background:** The applicant proposes to construct a new single-family dwelling on a 68 ft. by 60 ft. parcel. The parcel is nonconforming as to lot width and area. Section 531.100 of the zoning code, which discusses nonconforming lots, reads as follows:

531.100. *Nonconforming lots.*(a) *General restriction; exception.* No building, structure or use shall be erected, constructed or established on a nonconforming lot unless a variance is granted by the board of adjustment, except as otherwise provided in this section. Subject to the requirements of subdivision (b), and notwithstanding any other provision to the contrary, in the R1 through R4 Districts and OR1 District, a single-family dwelling shall be permitted on a lot of record existing on the effective date of this ordinance, and in the R5, R6, OR2 and OR3 Districts, a two-family dwelling shall be permitted on a lot of record existing on the effective date of this ordinance,

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provided that the yard dimensions and all other requirements for the district in which the lot is located, not involving lot area or lot width, shall be met.

- (a) *Required merger of common ownership lots.* Notwithstanding the provisions of subdivision (a), if in a group of two (2) or more contiguous lots or parcels of land owned or controlled by the same person, any individual lot or parcel is nonconforming as to lot width or lot area, such individual lot or parcel shall not be sold or developed as a separate parcel of land, but shall be combined with adjacent lots or parcels under the same ownership or control so that the combination of lots or parcels will equal one (1) or more parcels of land each meeting the full lot width and lot area requirements of this zoning ordinance, and Chapter 598 of the Minneapolis cod of Ordinances, Land Subdivision Regulations.

The new single family home will also be subject to the conditions of the design standards outlined in section 530.280 in the zoning ordinance.

530.280. Design standards. New single and two-family dwellings and multiple-family dwellings having three (3) or four (4) dwelling units shall comply with the applicable regulations of this zoning ordinance, including but not limited to the standards of Chapter 535, Regulations of General Applicability, related to front entrance, window area, and walkway requirements, and limitations on attached garages facing the front lot line. In addition, the zoning administrator shall ensure that such uses obtain a minimum of fifteen (15) points from Table 530-2, Single and two-family dwellings and multiple-family dwellings having three or four dwelling units. Standards used to meet the minimum requirement must remain in place for a period of not less than fifteen (15) years from the date of 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 has requested a variance to reduce the required front yard setback along St. Paul Avenue from 25 ft. to 14 ft. to allow for the construction of a new single family dwelling with an attached garage. The lot is approximately 60 feet deep, which is far less in depth than the majority of lots on the block and in the area. The proposed dwelling is 38 ft. in depth and has a rear yard setback of 8 feet; the minimum rear yard setback in the R1 District is 6 feet. The applicant states that the dwelling has been designed to maintain architectural characteristics found within the neighborhood. Strict adherence to the regulations would not allow for the proposed new single family dwelling. Based on the submitted information this request seems reasonable.

- 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 substandard size of the lot is unique and is not generally applicable to other properties in the R1 District. While the dwelling could have been designed to comply with the front yard setback, the applicant stated that they are proposing a dwelling that is architecturally similar to dwellings on the block which are all located on larger lots and with sympathy to the adjoining owners to the North and East. The uniquely narrow depth of the subject lot in an area with larger established neighborhood lots and dwellings 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.**

Granting the variance will be in keeping with the spirit and intent of the ordinance and will not alter the essential character of the surrounding area or be injurious to the use or enjoyment of property in the vicinity. The dwelling has been designed to compliment existing dwellings on the block which are located on larger lots, meets the CIDNA Construction Guidelines and has achieved 19 points for the design standards established in Chapter 530 Site Plan Review. Staff believes the size of the dwelling is appropriate for the neighborhood and that the 60 ft. deep lot prohibits the construction of a dwelling consistent with that of the neighborhood. Staff believes the front yard setback variance is appropriate to allow for the proposed dwelling design.

- 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.**

Assuming compliance with the building code, granting the proposed variance to allow a single-family dwelling would 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.

**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 application for the variance to reduce the required front yard setback along St. Paul Avenue from 25 ft. to 14 ft. to allow for the construction of a new single-family dwelling at 3412 St. Paul Avenue in the R1 Multiple Family Residence District and the SH Shoreland Overlay District subject to the following condition:

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