Department of Community Planning and Economic Development - Planning Division
Variance Application
BZZ - 2888

Date: March 29, 2006

Applicant: Infinite Developers, Inc.

Address of Property: 6135 Penn Avenue South

Contact Person and Phone: Jerone Mitchell 612-282-1500

Planning Staff and Phone: Brad Ellis 612-673-3239

Date Application Deemed Complete: March 13, 2006

End of 60 Day Decision Period: May 12, 2006

Appeal Period Expiration: April 17, 2006

Ward: 13 **Neighborhood Organization:** Armatage

Existing Zoning: R2B Two-family Residence District

Proposed Uses: A new two-family dwelling on a 7,271 square foot lot.

Proposed Variances: Variance to reduce the minimum lot area requirement for a two-family dwelling in the R2B Two Family District from 10,000 square feet to 7,271 square feet and a variance to increase the maximum square footage of a detached structure (garage) from 727 square feet to 921 square feet to allow for a new two-family dwelling with a detached garage in the R2B Two Family District.

Zoning code section(s) authorizing the requested variance: 525.520(2), 525.520(3)

Background: The R2B District allows duplexes as a permitted use. Existing duplexes are allowed on lots of 5,000 square feet. A new duplex in the R2B District requires a minimum lot size of 10,000 square feet. The maximum allowable lot size variance is 30 percent for most uses. A variance of up to 55 percent is allowed in the R2B Districts when the surrounding properties are primarily two-family developments on lots of similar size to the proposed development.

The applicant proposes to reduce the lot size from the required 10,000 square feet to 7,271 square feet. This is a 27 percent variance, so this application falls under the 30 percent variance rather than the standards for the 55 percent variance.

The site plan the applicant has provided shows that the proposed structures meet all required setbacks. The proposed structure meets all applicable zoning ordinance requirements.

The proposed two-family dwelling is subject to administrative site plan review. It appears to meet the design standards and would receive 23 points (15 required) for providing a detached garage, a basement, a stucco exterior, 20% windows facing Penn Avenue South, 10% windows on the sides and rear (staff determined that the south property line does not face a Minneapolis public street, and is therefore treated as an interior lot line), a roof pitch of 6/12 or steeper, and two deciduous trees in the front yard. The applicant is still required to apply for Administrative Site Plan Review.

The proposed garage is 921 square feet. The zoning code allows 676 square feet or 10 percent of the lot area up to 1000 square feet, whichever is greater. The applicant would be allowed a 727 square foot garage based on 10 percent of the lot area of 7,271. If the accessory structure is larger than 676 square feet, it must match the exterior building materials and roof pitch of the principal structure. The applicant has proposed to match the exterior building materials (stucco) and roof pitch (6/12) of the new structure.

Findings Required by the Minneapolis Zoning Code:

1. The property cannot be put to a reasonable use under the conditions allowed and strict adherence to the regulations of this zoning ordinance would cause undue hardship.

Variance to reduce the minimum lot area for a two-family dwelling: The property consists of one 62 foot wide by 125 feet deep originally platted lot that has had portion of the southwest corner taken for an off-ramp of Minnesota State Highway 62. The parcel now has a front lot width of 50 feet and a rear lot width of 62 feet, for a total of 7,271 square feet. The proposed development meets the requirements of the R2B District for a two-family dwelling, but is short of the minimum required lot area of 10,000 square feet. The proposed variance is a 27 percent reduction. Without the variance the applicant would not be able to build a duplex on this vacant lot, when there duplexes on similarly (or smaller sized) near the subject property. In addition, there was a duplex on the parcel that was torn down in 1975. The requested variance will allow a reasonable use of the property.

Variance to increase the maximum square footage of a detached accessory structure: Under strict adherence to the zoning code, the applicant could build a three-car garage, which would mean one space for one dwelling unit and two spaces for the other dwelling unit. 727 square feet is not quite large enough to house four parking spaces. The applicant's proposed 921 square foot garage would be large enough to accommodate four cars. Assuming two cars per household, there would be four cars seeking to park on this property. Two off-street parking spaces per dwelling unit is a reasonable use.

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.

Variance to reduce the minimum lot area for a two-family dwelling: The site consists of one parcel that meets the requirement of the R2B District for a duplex, but is under the required minimum lot area. There are other similar, yet smaller parcels in the area that have duplexes built on them.

Variance to increase the maximum square footage of a detached accessory structure: The southern lot line of this parcel is the southern boundary of the City of Minneapolis. There are few locations for off-street parking in the immediate vicinity of the parcel. To the south is the off-ramp from Highway 62, and the street frontage of Penn Avenue South in front of the parcel is a bus lane, and may not be parked on. On-street parking is available in the middle of the block.

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.

Variance to reduce the minimum lot area for a two-family dwelling: The intent of minimum lot area requirements is to provide a reasonable size lot that that allows for adequate room for the principal and accessory structures, sidewalks and drives, and yards. The lot is short of the minimum lot area requirement by 2,729 square feet. This is not a difference that would make developing the lot more difficult than if it were 10,000 square feet. There are duplexes to the north along Penn Avenue South, including the neighbors immediately to the north. Granting this variance will not circumvent the intent of the ordinance.

Variance to increase the maximum square footage of a detached accessory structure: The intent of minimum lot area requirements is to minimize the impact of accessory structures on a property. A four-car 921 square foot garage would not alter the essential character of this block, since there are already four-car garages next door and north up the block. Granting this variance will not circumvent the intent of the ordinance.

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.

Variance to reduce the minimum lot area for a two-family dwelling: The variance should have no effect on congestion, as it will not significantly increase traffic demand at the site. It will only add one two-family home to the area. The variance should not be detrimental to the public welfare or safety and will not increase the danger of fire.

Variance to increase the maximum square footage of a detached accessory structure: The variance should have no effect on congestion, as it will not significantly increase traffic demand at the site. It will add one two-family home to the area, and a four-car garage will keep the residents' automobiles off the street. The variance should not be detrimental to the public welfare or safety and will not increase the danger of fire.

Recommendation of the Community Planning and Economic Development Department - Planning Division:

The Department of Community Planning and Economic Development Planning Division recommends that the Board of Adjustment adopt the above findings and **approve** the variance application to reduce the required minimum lot area from 10,000 square feet to 7,271 square feet and **approve** the variance application to increase the maximum square footage of a detached accessory structure (garage) from 727 square feet to 921 square feet for a new two-family dwelling with detached garage for the property located at 6135 Penn Avenue South, subject to the following conditions:

1. Review and approval of the final site and elevation plans in compliance with site plan review requirements for 1-4 unit dwelling units by Planning Division staff before building permits may be issued.
2. The garage must match the primary building materials (stucco) and roof pitch (6/12) of the proposed principal structure.