

Department of Community Planning and Economic Development - Planning Division
Variance Application
BZZ - 2785

Date: January 19, 2006

Applicant: SiteScape, Inc.

Address Of Property: 2625 University Avenue Northeast

Contact Person And Phone: Hanza Farah, (612) 201-1087

Planning Staff And Phone: Shanna Sether, (612) 673-2307

Date Application Deemed Complete: December 27, 2005

End of 60 Day Decision Period: February 25, 2006

Appeal Period Expiration: January 30, 2006

Ward: 1 Neighborhood Organization: Holland (adjacent to Marshall Terrace)

Existing Zoning: R2B Two-Family Residential District and SH Shoreland Overlay District

Proposed Use: Construction of a new single family dwelling

Proposed Variances: A variance to reduce the north interior side yard setback from 5 ft. to 3 ft. to allow for a second story cantilever, a variance to reduce the south interior side yard setback from 5 ft. to 1 ft. to allow for an architectural projection, and a variance to reduce the front yard setback along University Avenue Northeast from 20 ft. to 10.55 ft. all to allow for the construction of a new single family dwelling located at 2625 University Avenue Northeast in the R2B Two-Family District and 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 33 ft. by 92 ft. parcel. The parcel, which was recently sold to the applicant from CPED, is nonconforming as to lot width and area. Section 531.100 of the zoning code, which deals with nonconforming lots, reads as follows:

531.100. Nonconforming lots

- (a) *General restriction.* 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 that, subject to the requirements of subdivision (b), in a residence or OR1 District, a single-family dwelling may be erected on a lot of record existing on the effective date of this ordinance, 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. Yard requirement variances may be applied for through the board of adjustment, as specified in Chapter 525, Administration and Enforcement.

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- (b) *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 Code 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.**

Side yard setback (north): The applicant has requested a variance to reduce the required north interior side yard setback from 5 ft. to 3 ft. to allow for a second floor cantilever of one foot on a proposed single family dwelling. The remainder of the home will be located four feet to the property line. Strict adherence to the regulations of the zoning ordinance would not allow for the new single family home to be constructed as proposed. The location of the adjacent structures to the north and south are four feet and six inches and less than one foot, respectively, to the property line. These factors have influenced the design of the structure to be shift more towards the north. Staff believes that the proposed location of the house is a reasonable use of the property, based on substandard lot width of 33 ft.

Side yard setback (south): The applicant has proposed that wall of the structure will be located six feet to the property line with a five foot architectural projection that will project into the required south interior side yard. The location of the adjacent structures to the north and south are four feet and six inches and less than one foot, respectively, to the property line. The lot is substandard in size and is 33 feet wide, which is smaller than most lots in the city. Requiring the applicant to meet the requirements would create undue hardship because it would make it more difficult to build a reasonably sized home with a design that might otherwise be possible on a standard lot. In addition, the majority of the structure will be setback six feet and it is only a one foot wide part of the house

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that will encroach into the setback. The requested variances will allow a reasonable use of the property.

Front yard setback: The applicant proposes to build the house approximately in line with the structures to the north and south that are setback 10.6 feet and 10.5 feet respectively. The lot is substandard in size at only 93 feet deep, which is shallower than most lots in the city and the majority of the lots on the same side of the block. Requiring the applicant to meet the requirements would be a hardship because it would not allow him to build a similar structure to those on the surrounding properties. The requested variances will allow 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.**

Side yard setback (north): The substandard size of the lot is unique and is not generally applicable to other properties in the R2B District. The substandard lot was created prior to the applicant's interest in the parcel and prior to the CPED's interest in the parcel. This makes it more difficult to build a reasonably sized home on the lot with out encroaching into the setbacks. These are conditions that are not generally applicable to other properties in the area.

Side yard setback (south): The substandard size of the lot is unique and is not generally applicable to other properties in the R2B District. The substandard lot was created prior to the applicant's interest in the parcel and prior to the CPED's interest in the parcel. This makes it more difficult to build a reasonably sized home on the lot with out encroaching into the setbacks. These are conditions that are not generally applicable to other properties in the area.

Front yard setback: The substandard size of the lot is unique and is not generally applicable to other properties in the R2B District. The substandard lot was created prior to the applicant's interest in the parcel and prior to the CPED's interest in the parcel. This makes it more difficult to build a reasonably sized home on the lot with out encroaching into the setbacks. The house to the north of the site is setback 10.6 feet and the house to the south is setback 10.5 feet, so a 20 foot setback would create an inconsistency in the block face. These are conditions that are not generally applicable to other properties in the area.

- 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.**

Side yard setback (north): The variance would allow for construction of a single-family dwelling in an area that consists of a mix of dwelling types. Further, there are other dwellings in the area that are situated on lots similar in size. According to a survey submitted by the application, the dwelling located on the adjacent parcel to the north is located 4.5 feet from the side property line. Thus, the proposed dwelling would be located 7.5 feet from the adjacent dwelling. Note that there are dwellings on the block and in the immediate area that are situated within very close proximity of one another. Thus, granting the variance would not alter the essential character of the area.

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Side yard setback (south): The variance would allow for construction of a single-family dwelling in an area that consists of a mix of dwelling types. Further, there are other dwellings in the area that are situated on lots similar in size. According to a survey submitted by the application, the dwelling located on the adjacent parcel to the south is located less than 1 foot from the side property line. Thus, the proposed dwelling would be located approximately 6 feet from the adjacent dwelling. Note that there are dwellings on the block and in the immediate area that are situated within very close proximity of one another. Thus, granting the variance would not alter the essential character of the area.

Front yard setback: The intent of setbacks is to provide a uniform building line down a block face, to preserve views up and down the street, and to ensure access to light and air. Since the applicant proposes a house that will be approximately inline with the homes to the east and west of the site, the proposed variance does 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.**

Interior side yard setback (north): 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.

Interior side yard setback (south): 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.

Front Yard Setback: 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 north interior side yard setback from 5 ft. to 3 ft. to allow for a second story cantilever, **approve** the variance to reduce the south interior side yard setback from 5 ft. to 1 ft. to allow for an architectural projection, and **approve** the variance to reduce the front yard setback along University Avenue Northeast from 20 ft. to 10.55 ft. all to allow for the construction of a new single family dwelling located at 2625 University Avenue Northeast in the R2B Two-Family District and SH Shoreland Overlay District.