

Department of Community Planning and Economic Development – Planning Division**Variance Request
BZZ-2347****Date:** June 16, 2005**Applicant:** John Zietlow**Address of Property:** 2117 23rd Avenue South**Contact Person and Phone:** John Zietlow, (612) 396-7257**Planning Staff and Phone:** Tanya Holmgren, (612) 673-5887**Date Application Deemed Complete:** May 3, 2005**End of 60 Day Decision Period:** July 2, 2005**Appeal Period Expiration:** June 27, 2005**Ward: 2 Neighborhood Organization:** Seward Neighborhood Group**Existing Zoning:** R2B, Two-family District**Proposed Use:** Conversion of a single-family dwelling to a two-family dwelling.**Proposed Variance:** A variance to reduce the required lot area from 5,000 sq. ft. to 4,737 sq. ft. to allow for the conversion of a single-family dwelling to a two-family dwelling, that was a two-family dwelling in 1995.**Zoning code section authorizing the requested variance:** 525.520 (2)**Background:** The subject property is approximately 30 ft. x 158 ft. (4,737 sq. ft.). The site consists of an existing single-family dwelling and detached garage. The applicant is proposing to convert the existing dwelling into a two-family dwelling. The dwelling was originally a duplex and was converted to a single-family dwelling in 1997. Duplexes in existence in 1995 can utilize the previous lot area requirement of 5,000 sq. ft. for a duplex. This requirement may be varied up to 30 percent. The applicant is proposing a 5.26 percent variance from the 5,000 sq. ft. requirement. So, the applicant is seeking a variance to reduce the required lot area from 5,000 sq. ft. to 4,737 sq. ft. to allow for the conversion of a single-family dwelling to a two-family dwelling.

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.**

Lot area: The applicant is requesting a variance to reduce the required lot area from 5,000 sq. ft. to 4,737 sq. ft. (5.26 percent) to allow for the conversion of a single-family dwelling to a duplex in the R2B District. Strict adherence to the regulations does not allow for a duplex dwelling on a lot zoned R2B, Two-family District with less than 5,000 sq. ft., when one existed there in 1995, which is a reasonable use of the property. The property is located in an area where the lot sizes vary and the number of dwelling units do as well. There are a number of properties with the same and similar sized lots. *What is their 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.**

Lot area: The conditions upon which the variance is requested are unique to the parcel of land and were not created by the applicant. The lot is 4,737 sq. ft. in size and is zoned R2B, Two-family district. The applicant would need to acquire an additional 263 sq. ft. of land to convert the single-family dwelling to a duplex on the subject site without a variance. This would be difficult to obtain because both adjacent properties have existing dwellings on them. Staff does not believe the existing lot size of the property is a circumstance created by the applicant. Staff believes that the overall surrounding area consists a mixture of single-family dwellings, duplexes, multiple-family dwellings, and commercial uses. Many of which are located on nonconforming lots as well. The majority of the area is zoned R2B which allows for predominantly low density, single and two-family dwellings and cluster developments.

- 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.**

Lot area: Staff believes that granting the lot area variance will not alter the essential character of the surrounding neighborhood or be injurious to the use or enjoyment of other property in the vicinity as the duplex will be similar to other properties in the vicinity and will fit into the mixed character of the surrounding neighborhood. Staff believes that the two family dwelling fits the character of the surrounding area, which is a mixture of single-family dwellings, duplexes, multi-family housing, and commercial uses. Staff believes that the additional unit meets 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.**

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Lot area: Granting the lot area variance would likely have no impact on the congestion of area streets or fire safety, nor would the proposed duplex dwelling be detrimental to the public welfare or endanger the public safety since the applicant is providing on-site parking spaces.

Recommendation of the Community Planning and Economic Development Department:

The Department of Community Planning and Economic Development – Planning Division recommends that the Board of Adjustment adopt the finding above and **approve** the variance to reduce the required lot area from 5,000 sq. ft. to 4,737 sq. ft. to allow for the conversion of a single-family dwelling to a two-family dwelling, that was a two-family dwelling in 1995 subject to the following conditions:

1. Review and approval of final site and elevation plans by the Planning Department.
2. That the applicant obtains permits for the conversion of the single-family dwelling to a duplex status.