

Department of Community Planning and Economic Development – Planning Division Report**Variance Request
BZZ-2079****Date:** December 2, 2004**Applicant:** American Indian CDC**Address of Property:** 2122 16th Avenue South**Date Application Deemed Complete:** November 5, 2004**End of 60 Day Decision Period:** January 4, 2005**End of 120 Day Decision Period:** March 5, 2005**Appeal Period Expiration:** December 12, 2004**Contact Person and Phone:** James Graham, 612-813-1610**Planning Staff and Phone:** Carrie Flack, 612-673-3239**Ward: 6 Neighborhood Organization:** Ventura Village**Existing Zoning:** R2B, Two-family District**Proposed Use:** Construction of a new single family dwelling and detached garage.**Proposed Variance:** A variance to reduce the required front yard setback along 16th Avenue South from the setback established by the adjacent residential structure of 60 ft. to 14 ft. to allow for the construction of a new single family dwelling.**Zoning code section authorizing the requested variance:** 525.520 (1)**Background:** The subject site is located at the corner of 16th Avenue South and 22nd Street East. The property is 59 ft. x 123 ft. (7,257 sq. ft.). The applicant plans to construct a new single family dwelling facing 16th Avenue South with a new 2 car detached garage that will be accessed from the existing alley.

The proposed dwelling consists of two stories totaling 1,757 sq. ft. with an 8 ft. deep open front porch. The new single family dwelling is proposed to be setback 22 ft. from the front property line with an 8 ft. deep open porch that has a setback of 14 ft. The dwelling will be 8 ft. from the interior property line and 20 ft. from the corner side yard property line along 22nd Street East. The adjacent structure to the north is setback 60 ft. Therefore, the entire dwelling will be located in the established front yard setback. The applicant has submitted a photo that shows other dwellings on the block located closer to the sidewalk

and has stated that they have located the proposed new dwelling in alignment with other dwellings on the block.

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: The applicant has requested a variance to reduce the required front yard setback along 16th Avenue South from the setback established by the adjacent residential structure of 60 ft. to 14 ft. to allow for the construction of a new single family dwelling with an 8 ft. deep open porch. The proposed new single family dwelling is setback 22 ft. from the front property line and with the proposed 8 ft. deep open porch the dwelling is setback 14 ft. However, the adjacent structure to the north is setback 60 ft. Therefore, the entire dwelling will be located in the established front yard setback. The applicant has submitted a photo that shows other dwellings on the block located closer to the sidewalk and has stated that they have located the proposed new dwelling in alignment with other dwellings on the block. Strict adherence to the regulations would require that the dwelling be setback 60 ft. which would not leave enough property to allow for the proposed dwelling and detached garage. 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.**

Front yard: The conditions upon which the setback variance is requested are unique to the parcel and have not been created by the applicant. As previously mentioned, the adjacent dwelling to the north is setback 60 ft. which is substantially more than any other dwelling on the block. The new single family dwelling and detached garage would not both fit on the subject site if that setback were adhered to. The applicant has stated that the dwelling is located in alignment with the majority of the dwellings on the block. The location of the adjacent structure to the north and the established setback of the remaining dwellings on the block are not a 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: 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. As previously mentioned, the proposed new

CPED Planning Division Report
BZZ-2079

dwelling has been located in alignment with the majority of dwellings located on the block which have a closer setback than the adjacent structure to the north.

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 setback (single family dwelling): Granting the variance would likely have no impact on the congestion of area streets or fire safety, nor would the variance be detrimental to the public welfare or endanger the public safety as parking will provided on site in compliance with the ordinance.

Recommendation of the Department of Community Planning and Economic Development:

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 16th Avenue South from the setback established by the adjacent residential structure of 60 ft. to 14 ft. to allow for the construction of a new single family dwelling subject to the following conditions:

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