

**Department of Community Planning and Economic Development – Planning Division Report****Variance Request  
BZZ-2078**

**Date:** December 2, 2004

**Applicant:** American Indian CDC

**Address of Property:** 1801 14<sup>th</sup> 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:** R4, Multiple-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 from 15 ft. to 9 ft., a variance to reduce the required interior side yard setback from 5 ft. to 2.5 ft., and a variance to reduce the required corner side yard setback from 8 ft. to 2.5 ft.

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

**Background:** The subject site is located at the corner of 18<sup>th</sup> Street East and 14<sup>th</sup> Avenue South. The property is currently 35 ft. x 90 ft. (3,150 sq. ft.) but is in the process of being combined with additional property to the rear which will make the lot 35 ft. x 141.75 ft. (4,961 sq. ft.). The applicant plans to construct a new single family dwelling facing 14<sup>th</sup> 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 proposed new single family dwelling is setback 17 ft. from the front property line in compliance with the ordinance. The setback variance to 9 ft. is needed to allow for the proposed 8 ft. deep open porch on the front of the dwelling. The ordinance would allow for a 6 ft. deep open porch in the front yard. The dwelling will be 2 ft. 8 inches from the interior property line, and 3 ft. from the corner side

yard property line along 18<sup>th</sup> Street East. The portion of the dwelling that will be 2 ft. 8 inches from the interior property line contains windows. Windows and openings are prohibited by the building code less than 3 ft. from an interior property line. Therefore, the applicant will need to relocate the dwelling 4 additional inches to the north to allow for the windows to remain or the windows will be required to be removed.

**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 front yard setback from 15 ft. to 9 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 17 ft. from the front property line in compliance with the ordinance. The setback variance to 9 ft. is needed to allow for the proposed 8 ft. deep open porch on the front of the dwelling. The ordinance would allow for a 6 ft. deep open porch in the front yard setback. The adjacent structure to the south is setback 12 ft. Therefore, the open porch will project 3 ft. past the front of this structure. The applicant has submitted a photo that shows other dwellings on the block located closer to the sidewalk. The applicant states that the proposed 8 ft. deep open porch will provide more useable area for the dwelling inhabitants versus a 6 ft. deep open porch and that the project was designed to maintain the established setback along the block. Strict adherence to the regulations would reduce the proposed open porch to 6 ft. deep or require that the dwelling be setback an additional 3 ft. Based on the submitted information this variance request seems reasonable.

**Interior side yard setback:** The applicant has requested a variance to reduce the required interior side yard setback from 5 ft. to 2.5 ft. to allow for the construction of a new single family dwelling. The lot is 35 feet wide which is 5 ft. less in width than a standard 40 ft. wide city lot. The proposed dwelling is 26 ft. 4 inches in width and the portion of the dwelling that triggers the variance is the stairwell on the south side of the dwelling. The applicant states that the dwelling has been designed to maintain architectural and setback characteristics found within the neighborhood. All other lots on the block are 50 ft. in width. Strict adherence to the regulations would not allow for the proposed new single family dwelling. Based on the submitted information this request seems reasonable.

**Corner side yard setback:** The applicant has requested a variance to reduce the required corner side yard setback from the required 8 ft. to 2.5 ft. to allow for the construction of a new single family dwelling. The majority of the new dwelling will be located 5 ft. from the corner side property line. The portion of the dwelling that will be located 2.5 ft. from the corner side property line is a 2 story bay or turret. The lot is 35 feet wide which is 5 ft. less in width than a standard 40 ft. wide city lot. The applicant states that the dwelling has been designed to maintain architectural and setback characteristics found within the neighborhood. All other lots on the block are 50 ft. in width. Strict adherence to the regulations would not allow for the

proposed new single family dwelling. Based on the submitted information this request seems reasonable.

- 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 variance is to allow for an 8 ft. deep open porch. The porch will project approximately 3 ft. past the adjacent dwelling to the south but is in alignment with the majority of the dwellings on the block. The reduced front yard setback established along the block by the existing dwelling structures is not a circumstance created by the applicant.

**Interior side yard setback:** 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 subject site is 35 ft. in width which is 5 ft. less than a standard 40 ft. wide city lot. The lots on this block are all 50 ft. wide which is 10 ft. greater than a standard city lot. While the dwelling could have been designed to the minimum 22 ft. in width to comply with setbacks, 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. The substandard width of the subject lot and the larger established neighborhood lots and dwellings are not circumstances created by the applicant.

**Corner side yard setback:** 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 subject site is 35 ft. in width which is 5 ft. less than a standard 40 ft. wide city lot. The lots on this block are all 50 ft. wide which is 10 ft. greater than a standard city lot. While the dwelling could have been designed to the minimum 22 ft. in width to comply with setbacks, 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. The substandard width of the subject lot and the larger established neighborhood lots and dwellings are not circumstances created by the applicant.

- 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 established setback along the block is closer than the required 15 ft. The porch will only project 3 ft. past the adjacent dwelling to the south and is in alignment with other dwellings on the block. In addition, the porch will be completely open and views across the property will not be blocked. The porch

roof will match that of the dwelling as well as the materials. Open front porch use is encouraged by Crime Prevention Through Environmental Design.

**Interior side 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. The dwelling has been designed to compliment existing dwellings on the block which are located on 50 ft. wide lots. Staff believes the size of the dwelling is appropriate for the neighborhood and that the 35 ft. wide lot prohibits the construction of a dwelling consistent with that of the neighborhood. Staff believes the setback variances are appropriate to allow for the proposed dwelling design.

**Corner side 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. The dwelling has been designed to compliment existing dwellings on the block which are located on 50 ft. wide lots. Staff believes the size of the dwelling is appropriate for the neighborhood and that the 35 ft. wide lot prohibits the construction of a dwelling consistent with that of the neighborhood. Staff believes the setback variances are 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.**

**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.

**Interior side yard setback:** 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.

**Corner side yard setback:** 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 from 15 ft. to 9 ft., **approve** the variance to reduce the required interior side yard setback from 5 ft. to 2.5 ft., and **approve** the variance to reduce the required corner side yard setback

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from 8 ft. to 2.5 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.
2. That information be submitted to show completion of the lot combination to allow for the construction of the 2 car detached garage prior to the issuance of a building permit.
3. That the dwelling be shifted north 4 inches to allow for windows in the stairwell or the windows should be removed.