

Department of Community Planning and Economic Development – Planning Division

Variance Request
BZZ-3768

Date: September 27, 2007

Applicant: Robert Roscoe

Address of Property: 2912 3rd Avenue South

Contact Person and Phone: Robert Roscoe, (612) 317-0989

Planning Staff and Phone: Molly McCartney, (612) 673-5811

Presenter in Hearing: Aaron Hanauer, (612) 673-2494

Date Application Deemed Complete: September 5, 2007

Public Hearing: September 27, 2007

Appeal Period Expiration: October 9, 2007

End of 60 Day Decision Period: November 4, 2006

Ward: 6 **Neighborhood Organization:** Phillips West Neighborhood Organization

Existing Zoning: R4 Multit-family District

Proposed Use: Four-unit multi-family dwelling (relocating residential structure from)

Proposed Variances:

- A variance to reduce the minimum lot area from 6,000 sq. ft. to 5,796 sq. ft. (4 percent reduction) to allow for a four unit multiple family dwelling,
- A variance to reduce the front yard setback from the front yard setback created by the adjacent residential structures to 21 ft. to allow for a four unit multiple family dwelling,
- A variance to reduce the required north side yard setback from 7 ft. to 5 ft.
- A variance to reduce the required south side yard setback from 15 ft. to 8 ft. 6. in. and
- A variance to reduce the distance between two open parking spaces and the dwelling from 6 ft. to 4 ft.

to allow for a four unit multiple family dwelling

Zoning code section authorizing the requested variance: 525.520 (2)(1)(1)(1)(1)

Background: The subject property is a vacant, interior lot that measures 46 ft. by 126 ft. (5,796 sq. ft.). The site has an existing detached garage located in the rear of the property. The applicant is proposing to

move an existing home from 720 West 26th Street in Minneapolis to the subject site. This structure is currently a two-family dwelling and the applicant is proposing to add two new units to the basement at the new site.

In the R4 District, the minimum lot size is 1,500 sq. ft. per unit, and in this case, three units would be allowed by right. The applicant is asking for a variance to reduce the lot size to 1,449 sq. ft. per unit to allow for four dwelling units. This is a four percent reduction in the minimum lots size. The adjacent residential uses are both zoned R2B Two-family District.

The proposed four-unit building would be situated on the lot so that the front of the building complies with the district setback of 15 ft. from the front property line, but is forward of the established setback created by the two adjacent residential structures. The two adjacent structures have open porches and the front of the enclosed building for both structures is 30 ft. from the front property line. The proposed location for the new house is 21 ft. from the front lot line, nine feet in front of the established front yard setback.

The required side yard setback for a four-unit building in the R4 District is 7 ft. The north side of the home meets that setback, except for a small portion of the structure. This portion is similar to a bay window, but is not cantilevered. The south side of the house has two proposed principal entrances for the two basement units. Principal entrances in dwellings are required to have a minimum 15 ft. side yard setback.

The proposed project has a two car garage and two exposed parking spaces. The parking spaces are located 4 ft. from the rear of the dwelling, which does not comply with the minimum spacing of 6 ft. between parking spaces and a 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: Strict adherence to the code limits the number of dwelling units at this site to three. The adjacent uses are a mixed of single-family dwellings, two-family dwellings and multi-family dwellings. The house that is being moved was originally designed as a two-family structure and not a four-unit structure. The applicant is proposing to remodel the basement, which was not previously dwelling units, into two, one bedroom apartments. Despite the small lot size variance being requested, the property can be put to a reasonable use, which is similar to other uses in the vicinity.

Front yard setback: While the subject block is a mix of uses, the two adjacent residential uses are a single and two-family dwelling. The front yard setbacks of the two adjacent structures are similar and both have open front porches. The front setback of the proposed house will match the setback created by the open porches. The exposed parking space in the rear yard appears to push the house forward, which prohibits the structure from meeting the front yard setback. The rear parking could be redesigned so that the variance for the front yard setback is not required.

Distance between dwelling and parking spaces: The site has an existing garage with doors facing the interior of the lot which prevents the driveway area from being used as parking. The proposing parking spaces allow the site to be compliant with the off-street parking requirement that each dwelling unit have one off-street parking space. While the existing garage conditions prohibits parking to the south of the garage, adherence to the parking location requirements can be met with a reduction or redesign of the parking area.

North interior setback: Side yard setbacks are greater for multi-family dwellings than single and two-family dwellings. In this case, the home being moved was built as a two-family structure and only a small portion of the building will not meet the 7 ft. setback. Staff believes a reduction in the north side yard setback is a reasonable use of the property.

South interior setback for two principal entrances: Side yard setbacks are greater for principle entrances because of the potential impacts, including noise, on adjacent structures. In this case, the entrances will be for basement units and the lower level of the entrances may lessen audio impacts to the adjacent residential 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.

Lot area: The house that is being moved to this site was originally designed as a two-family structure and not a four-unit structure. The applicant is proposing to remodel the basement, which was not previously dwelling units, into two, one bedroom apartments. Despite the small lot size variance being requested, the circumstances have been created by the applicant.

Front yard setback: While the subject block is a mixed of uses, the two adjacent residential uses are single and two-family dwellings. The front yard setbacks of the two adjacent structures are similar and both have open front porches. The front setback of the proposed house will match the setback created by the open porches. In order to allow for parking in the rear of the property, it appears that the structure must be pushed forward of the established front yard setback. The number of parking spaces and number of dwellings units is a circumstance created by the applicant.

Distance between dwelling and parking spaces: The site has an existing garage with doors facing the interior of the lot which prevents the driveway area from being used as parking. The proposing parking spaces allow the site to be compliant with the off-street parking requirement that each dwelling unit have one off-street parking space. The number of parking spaces and number of dwellings units is a circumstance created by the applicant.

North interior setback: Side yard setbacks are greater for multi-family dwellings than single and two-family dwellings. In this case, the home being moved was built as a two-family structure and only a small portion of the building will not meet the 7 ft. setback. The size of the home and width of the lot are unique circumstances not created by the applicant.

South interior setback for two principal entrances: Side yard setbacks are greater for principle entrances because of the potential impacts, including noise, on adjacent structures. In this case, the entrances will be for basement units and the lower level of the entrances may lessen audio impacts to the adjacent residential property. These entrances are not original to the building and these conditions have been 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.**

Lot area: The surrounding area is a mixed of residential uses, from single-family to multi-family. The number of units will not be injurious to the use or enjoyment of other property in the area. The site is located less than a block from East Lake Street which is defined as a Community Corridor in The Minneapolis Comprehensive Plan, which prescribes for higher density in these locations.

Front yard setback: Granting the variance will not be keeping with the spirit of the ordinance that requires uniformity in front yard setbacks for residential uses. The façade of the proposed house will be in line with the open porches of the adjacent uses. The lot is large enough to accommodate the structure, however, the lot may not be large enough to accommodate a four unit dwelling and the parking spaces required. The rear parking situation appears to push the structure forward so that it is not compliant with the front yard setback.

Distance between dwelling and parking spaces: Granting the variance will not be keeping with the spirit and intent of the ordinance. The minimum distance between a dwelling and parking space ensures a safe distance between the parking and the dwelling. Design options are available, such as reorienting the existing garage so that the garage doors face the alley and the driveway to the south could be used for parking. This change would leave a open backyard, similar to the surrounding uses while accommodating the required parking.

North interior setback: Granting the variance will be keeping with the spirit of the ordinance that requires uniformity in side yard setbacks for residential uses. Much of this building wall will meet the 7 ft. setback and a small portion will project into the require side yard. The house to the north is also setback from the shared property line approximately 10 ft, which allows for ample space between the two structures.

South interior setback for two principal entrances: Granting the variance will be keeping with the spirit and intent of the ordinance, provided the entrances have screening from the adjacent dwelling. The entrances will be setback 9 ft. 6 in. from the property line, further than the district setback requirement of 7 ft. While the impact of the doors may impact the property to the south, mitigation efforts, such as fencing or increased lighting will help in creating a safe and clear boundary between the proposed use and adjacent dwelling to the south.

- 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.**

Lot area, front yard setback, and distance between dwelling and parking spaces: Granting the variances would increase the impact on the congestion of area streets or fire safety, and may detrimental to the public welfare or endanger the public safety. As designed, the lot does not appear to be able to accommodate the number of parking spaces for the four dwelling units and that parking situation affects the front yard setback as well. The congestion on the site with four off-street parking spaces may be detrimental to the surrounding residential properties.

North interior setback: Granting the setback variance would likely not increase the impact on the congestion of area streets or fire safety, nor would it be detrimental to the public welfare or endanger the public safety

South interior setback for two principal entrances: Granting the variance for the principal entrance would likely not increase the impact on the congestion of area streets or fire safety, nor would it be detrimental to the public welfare or endanger the public safety, provided that the entrances have screening from the adjacent dwelling.

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 following variances:

- A variance to reduce the required north side yard setback from 7 ft. to 5 ft.
 - A variance to reduce the required south side yard setback from 15 ft. to 8 ft. 6. in.
- to allow for a multiple family dwelling at 2912 3rd Avenue South in the R4 Multi-family District, subject to the following conditions:
1. A decorative fence, masonry wall or hedge be installed along the south interior property line to screen the principal entrances from the adjacent residential use,
 2. Lighting shall be incorporated at the side principal entrance while not creating glare or excessive lighting of the site, and
 3. CPED–Planning Division review and approve the final site plan, floor plans, and elevation. All drawings will be measured to an architect or engineer’s scale.

The Department of Community Planning and Economic Development Planning Division recommends that the Board of Adjustment adopt the findings above and **deny** the following variances:

- A variance to reduce the minimum lot area from 6,000 sq. ft. to 5,796 sq. ft. (4 percent reduction) to allow for a four-unit multiple family dwelling at 2912 3rd Avenue South in the R4 Multi-family District.
- A variance to reduce the front yard setback from the front yard setback created by the adjacent residential structures to 21 ft.,
- A variance to reduce the distance between two open parking spaces and the dwelling from 6 ft. to 4 ft.