

**Department of Community Planning and Economic Development –
Planning Division Report**

Variance Request
BZZ-3471

Date: April 19, 2007

Applicant: Abah A. Mohamed

Address of Property: 2542 17th Avenue South

Contact Person and Phone: Abah A. Mohamed, (612) 871-9494

Planning Staff and Phone: Erik Carlson, (612) 673-5348

Date Application Deemed Complete: March 16, 2007

Hearing Date: April 19, 2007

Appeal Period Expiration: April 30, 2007

End of 60 Day Decision Period: July 18, 2007

Ward: 9 **Neighborhood Organization:** East Phillips Improvement Coalition

Existing Zoning: R2B, Two Family District

Proposed Use: Single Family Residence

Proposed Variance: To decrease the side yard set back from 20 feet to 10 feet to allow for a single family dwelling and attached one-car garage.

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

Background: The existing reverse corner lot at 2542 17th Avenue South is vacant. It measures 91.5 feet by 64 feet. It sits at the northwest corner of 17th Avenue South and East 26th Street. A new 3,900 square foot single family home with an attached one-car garage is proposed to be constructed.

The garage would be located on the north side of the home and a new curb cut would need to be created. Two curb cuts exist on the 2500 block of 17th Avenue South. Public Works has commented that a curb cut along this street would be preferable to the existing curb cut along East 26th Street due to the lighter traffic loads on 17th Avenue South.

The reverse corner lot setback is 20 feet on the sides of the home that face the streets. The proposed home exceeds this setback by 10 feet on the south side along East 26th Street.

Behind the proposed home to the west is a single family dwelling. Its front façade faces 26th Street East and is setback 9 feet from the front property line and 1 foot from its interior east property line. It is situated between the proposed house and an alley. The home to the north of 2542 17th Ave South is setback 11 feet from both its front property line and interior south property lines.

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.

The property cannot be put to reasonable use allowed by the zoning ordinance. In order to meet the strict interpretation of the ordinance there are three site design options: 1) no automobile garage is built or 2) the garage is placed at the rear of the property or 3) the home's width is decreased by 10 feet.

Covered parking for one-automobile is a reasonable use for a new single family home. On-site covered automobile parking is a use that is allowed by the zoning code. The "no build" alternative would not allow reasonable use of the property.

The garage could be relocated to the back of the lot facing south toward East 26th Street. This would allow the home to shift north, comply with setback requirements and use the existing curb cut. A large tree would likely need to be removed under this alternative. East 26th Street is one way and is more heavily traveled than 17th Avenue South. As such, it is more inconvenient to use to access the home than 17th Avenue South which is a two-way street. According to the applicant, East 26th Street is less safe.

Given these conditions and the added curb cut necessary to use a garage with access to 17th Avenue South, there is no need for the existing curb cut or automobile access behind the home as shown on plans.

Finally, the home's width could also be decreased to comply with the setback. However, as designed, the home complies with zoning regulations which regulate its mass.

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.

The parcel on which the proposed home would be built is unique. Its depth at 91.5 feet is shallower than other lots so there is less room for a garage behind the home, though still possible. (A detached garage is impossible.) And because a home sits to the west of the proposed home there is no alley access. These conditions were not created by the owners.

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.

The intent of the reverse corner lot setback requirement is to prevent homes from projecting further on their side yards than adjacent homes do in their front yards. It is meant to increase uniformity of setbacks and promote good urban design. In this case the front wall of the home west of the lot in question is 9 feet. Requiring a setback of 20 feet for the side yard of the proposed home is therefore not in keeping with the intent of the ordinance for it creates greater dissimilarity in setbacks than what would occur under the proposed site design.

The home's design is in keeping with the character of the neighborhood and nothing in the design clearly would be injurious to neighbors. If the reverse corner lot setback were to be enforced, the home would need to move north and abut the north property line. This would move the house 10 feet closer to the neighboring home to the north. Strict adherence to the ordinance would have an impact on the property owner to the north because a larger building mass would be closer to the neighboring home. Additionally, if the garage were to be placed at the rear of the lot, it would be approximately 8 feet from the wall of the neighboring home to the west. The proposed design of the home maximizes the distance between adjacent homes.

Also of note, the deck on the south façade of the home would become a permitted obstruction under the zoning code if the variance is granted. The deck on the south side of the home is not a necessity and further decreases the distance from the property line to a physical structure.

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.

In approving the variance, the act would not substantially increase congestion of the public streets, or increase the danger of fire or be detrimental to the public welfare or endanger the public safety. It is expected that due to a new curb cut and additional traffic due to the new home, traffic on 17th Avenue South would increase very slightly.

Recommendation of the Department of Community Planning and Economic Development

The Department of Community Planning and Economic Development recommends the Board of Adjustment adopt the findings above and **approve** the variance application to decrease the side yard set back from 20 feet to 10 feet to allow for a single family dwelling and attached one-car garage with the following conditions:

1. The applicant closes the existing curb cut on East 26th Street,
2. Remove the automobile gate on the south side of the property, and
3. Remove the deck on the south side of the house.