

Department of Community Planning and Economic Development – Planning Division Report

Variance Request
BZZ-3590

Date: June 7, 2007

Applicant: Gregory Langford

Address of Property: 2624 1st Avenue South

Contact Person and Phone: Gregory Langford, 612-743-4095

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

Date Application Deemed Complete: May 11, 2007

Hearing Date: June 7, 2007

Appeal Period Expiration: June 18, 2007

End of 60 Day Decision Period: July 10, 2007

Ward: 6 **Neighborhood Organization:** Whittier

Existing Zoning: R5, Multiple-family District

Proposed Use: Construct a new two unit dwelling with attached garage

Proposed Variances: A variance to reduce the minimum building width from 22 ft. to 19 ft. 8 in. for a new two-family dwelling at 2624 1st Avenue South in the R5 Multiple-family District.

Zoning code section authorizing the requested variance: 525.520 (29)

Background: The applicant has previously applied for variances at this site to build a three-unit and two-unit dwelling. The prior applications to reduce the minimum side yard setbacks and were subsequently appealed by an adjacent property owner and the variances were denied by the City Council (BZZ-3369 and BZZ-2850). At this time, the applicant is applying for a variance to reduce the minimum building width from 22 ft. to 19 ft. 8 in. and adhere to the required 5 ft. side yard setbacks.

The subject site is a vacant, substandard-sized lot in the R5 Multiple-family District measuring 29 ft. 8 in. by 126 ft. 6 in. (3,756 sq. ft.). In the previous variance applications, the applicant submitted information detailing the history of the property. A four-dwelling unit structure was demolished on this property in 1990. Historical permits do not specify the exact size of that structure. During the 1990s, a portion of this lot was split and sold by the City of Minneapolis to the property owner to the north. The

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subject property has been a vacant lot and been used as a community garden since the demolition of the four-unit building. Staff has found that the current property is a lot of record.

The applicant is proposing to construct a new two-dwelling unit building with a rear, attached garage. The applicant is applying to build a two-unit dwelling and does not need the lot area variance, per the nonconforming lot requirement in the zoning code:

531.100. Nonconforming lots. (b), and notwithstanding any other provision to the contrary, in the R1 through R4 Districts and OR1 District, a single-family dwelling shall be permitted on a lot of record existing on the effective date of this ordinance, **and in the R5, R6, OR2 and OR3 Districts, a two-family dwelling shall be permitted on a lot of record existing on the effective date of this ordinance**, provided that the yard dimensions and all other requirements for the district in which the lot is located, not involving lot area or lot width, shall be met.

With the requested variance to reduce the building width, the proposed structure will meet all other zoning requirements, including side yard setbacks and Site Plan Review Design Standards. A two-family dwelling in the R5 District is required to have a minimum 5 ft. side yard setback. The property receives the minimum 15 points for including a basement (5 points), exterior building materials of brick/stucco (4 points), not less than twenty (20) percent of the walls on each floor that face a public street are windows (3 points), a flat roof where there is at least one existing building with a flat roof within one hundred (100) feet of the site (2 points). The proposed project has a building lot coverage of 47 percent and impervious coverage of 62 percent which meets the maximum building lot coverage of 60 percent and impervious surface requirement of 75 percent.

Currently, the properties across the alley to the west from the subject site are subject to a new construction building moratorium on Nicollet Avenue. This moratorium is on Nicollet Avenue, east and west, alley to alley, from Franklin Avenue on the north to the Midtown Greenway on the south. The moratorium is primarily concerned with the underdevelopment and underutilization of properties along Nicollet Avenue (580.20. Findings and purpose). This moratorium does not affect the subject site.

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 applicant is requesting a variance of the minimum building width for an 19 ft. 8 in. wide residential structure. The property is approximately 29 ft. wide and would not allow a residential structure without either the variance for building width or a variance to reduce the side yard setbacks. Staff believes that an 19 ft. 8 in. wide, two-unit dwelling is a reasonable use of the property and that strict adherence to the width requirement creates a hardship on this 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.**

The subject property is a substandard-sized lot that does not meet the minimum lot area and lot width requirements. Due to the width of the lot, any structure will require building width or side yard setback variances. During the 1990s, a portion of this lot was split and sold by the City of Minneapolis to the property owner to the north, creating the substandard size. The conditions upon which the variances are requested are unique to this parcel and have not been created by the applicant and in fact were created by the lot split by the City.

- 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.**

Granting the minimum building width variance will be keeping with the spirit and intent of the ordinance and will not alter the essential character of the surrounding area. The minimum building width requirement ensures that new homes meet minimum size standards. The proposed two-family dwelling includes two units, one of which is a two-bedroom unit and the other is a 3 bedroom unit. The dwelling units meet the minimum 500 sq. ft. for a dwelling unit as well. The proposed structure is adjacent to a multiple-family dwelling and a single-family dwelling.

The subject site is smaller than an average lot in Minneapolis and is in an area that has properties with larger lots. However, the surrounding area is predominantly multi-family and commercial uses and is located one block from Nicollet Avenue, identified as a Commercial Corridor in the Minneapolis Plan. A new construction moratorium on Nicollet Avenue was enacted by the City Council on October 6, 2006 as a result of underdevelopment of Nicollet Avenue. A study by CPED – Planning is underway to determine the feasibility of adding a Pedestrian Oriented Overlay District to this portion of Nicollet Avenue.

- 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.**

Granting the minimum building width variance would likely have no impact the congestion of area streets or fire safety, nor would the proposed structure be detrimental to the public welfare or endanger the public safety.

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 variance to reduce the minimum building width from 22 ft. to 19 ft. 8 in. for a new two-family dwelling at 2624 1st Avenue South in the R5 Multiple-family District, subject to the following conditions:

1. That the Planning Division review and approve the final site and elevation plans that measure to an architectural or engineering scale; and
2. Bicycle racks shall be provided to accommodate no fewer than four (4) bicycles. The bicycle parking may be located in the public right-of-way with permission of the city engineer.