

**Department of Community Planning and Economic Development – Planning Division****Variance Request  
BZZ-2019****Date:** November 4, 2004**Applicant:** Miguel Alvarado**Address of Property:** 801 2<sup>nd</sup> Street Northeast**Contact Person and Phone:** Miguel Alvarado, (612) 508-6350**Planning Staff and Phone:** Tanya Holmgren, (612) 673-5887**Date Application Deemed Complete:** October 5, 2004**End of 60 Day Decision Period:** December 4, 2004**End of 120 Day Decision Period:** February 2, 2005**Ward:** 3      **Neighborhood Organization:** St. Anthony West Neighborhood Organization**Existing Zoning:** R2B, Two-family District**Proposed Use:** Conversion of a single-family dwelling to a two-family dwelling.**Proposed Variance:** A variance to reduce the required lot area from 10,000 sq. ft. to 7,045 sq. ft. to allow for the conversion of a single-family dwelling into a duplex.**Zoning code section authorizing the requested variance:** 525.520 (2)

**Background:** The subject property is approximately 66 ft. x 106.75 ft. (7,045 sq. ft.). The site consists of an existing single-family dwelling, detached garage, and 47 ft. driveway paved up to the dwelling. The applicant is proposing to convert the existing dwelling into a duplex dwelling, because the dwelling has been used as a duplex for at least the last 4 years, without a legal conversion. The property is located at the corner of 2<sup>nd</sup> Street Northeast and 8<sup>th</sup> Avenue Northeast and fronts 2<sup>nd</sup> Street Northeast. However, the adjacent lot to the east faces 8<sup>th</sup> Avenue Northeast and is a reverse corner lot.

The lot area requirement for a duplex in the R2B District is 10,000 sq. ft. This requirement may be varied up to 30 percent. The applicant is proposing a 29.6 percent variance. This requirement may be further varied up to a maximum of 55 percent for newly constructed two-family dwellings located in the R2B District, provided the surrounding properties are primarily two-family dwellings developed on lots similar in size to the proposed development. Although the variance request does not exceed 30 percent, staff did evaluate the surrounding uses, because the variance request is approaching the

threshold. There are 16 properties on the same block as the subject site consist of duplexes on similar size lots. The total number of properties existing on the block is 34. Staff would not consider 16 of 34 properties to be a majority of the block. However, lot area variances of less than 30 percent do not require that surrounding properties are primarily two-family dwellings. In addition, R5 multi-family zoning is located across 2<sup>nd</sup> Street NE and 9<sup>th</sup> Avenue NE, providing a greater mix of housing types to the area.

**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:** The applicant is seeking a variance to reduce the required lot area from 10,000 sq. ft. to 7,045 sq. ft. (29.6 percent) to allow for the conversion of a single-family dwelling to a duplex in the R2B District. Strict adherence to the regulations does not allow for a duplex dwelling on a lot zoned R2B, Two-family District with less than 10,000 sq. ft., which is a reasonable use of the property. Strict adherence to the zoning ordinance regulation causes an undue hardship on this property by not allowing duplexes in a Two-family District.

- 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 conditions upon which the variance is requested is unique to the parcel of land and were not created by the applicant. The lot is 7,045 sq. ft. in size and is zoned R2B, Two-family District. The applicant would need to acquire an additional 2,955 sq. ft. of land to convert the single-family dwelling to a duplex on the subject site without a variance. This would be difficult to obtain because both adjacent properties have existing dwellings on them and the lots in the area are all similar in size. Staff does not believe the existing lot size of the property is a circumstance created by the applicant.

Staff believes that the overall surrounding area consists of a significant number of duplexes and multiple family units. Many of which are located on nonconforming lots as well. The area is zoned R2B which allows for predominantly low density, single and two-family dwellings and cluster developments.

- 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:** Staff believes that granting the lot area variance will not alter the essential character of the surrounding neighborhood or be injurious to the use or enjoyment of other property in the vicinity as the duplex will be similar to half of the properties in the vicinity. However, staff does not believe that the existing amount of concrete fits the character of the neighborhood and is in violation of the code. The ordinance allows driveways to be a maximum of 25 ft. the subject property has a 45 ft. wide driveway. Additionally, the amount of pavement would allow for outdoor parking of approximately eight cars behind the dwelling, code allows for two cars per dwelling unit. Staff believes that the two family dwelling fits the character of the surrounding area, which is a mixture of single-family dwellings, duplexes, and multi-family housing. Staff believes that the additional unit meets the intent of the ordinance. However, staff believes the amount of concrete reserved for driveway and parking is inconsistent with the intent of the ordinance and is precedent setting.

- 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:** Granting the lot area variance would likely have no impact on the congestion of area streets or fire safety, nor would the proposed duplex dwelling be detrimental to the public welfare or endanger the public safety since the applicant is providing on-site parking spaces.

#### **Recommendation of the Community Planning and Economic Development Department:**

The Department of Community Planning and Economic Development – Planning Division recommends that the Board of Adjustment adopt the finding above and **approve** the variance to reduce the required lot area from 10,000 sq. ft. to 7,045 sq. ft. to allow for the conversion of a single-family dwelling into a duplex subject to the following conditions:

1. Review and approval of final site and elevation plans by the Planning Department.
2. That the applicant obtains permits for the conversion of the single-family dwelling to a duplex status.
3. That the applicant remove all concrete and discontinue parking 6 ft. from the rear of the dwelling except for a 4 ft. wide walkway.
4. That the applicant reduce the driveway width to 39 ft. to accomplish the discontinuance of parking within 6 ft. of the dwelling.