

Community Planning and Economic Development - Planning Division Report

Variance Request
BZZ-4788

Date: July 1, 2010

Applicant: Jerry Nordenstrom

Address of Property: 3008 26th Street E

Contact Person and Phone: Jerry Nordenstrom, 612-807-0745

Planning Staff and Phone: Chris Vrchota, (612) 673-5467

Date Application Deemed Complete: May 22, 2010

End of 60 Day Decision Period: July 11, 2010

Ward: 2 **Neighborhood:** Seward

Existing Zoning: R1-A/Single-Family Residential

Proposed Use: New Single-Family Dwelling

Proposed Variances:

- Variance to reduce the minimum required width of a new dwelling from 22 ft. to 16 ft.
- Variance to the requirement for an enclosed off-street parking space for a new single-family dwelling established after November 1, 2009, to allow for a parking pad in lieu of a garage.

Zoning code section authorizing the requested variances: 525.520 (12) (30)

Background: The subject property measures 30 x 96, totaling 2880 square feet. The property is currently vacant. It previously contained a single-family dwelling, which was demolished in 2008. The Applicant is proposing to construct a new, single-story single-family dwelling, totaling 778 square feet.

The Applicant is proposing to construct the house at a width of 16 feet, due to the narrow width of the lot, which is 30 feet.

The Applicant is also proposing to omit the required enclosed off-street parking space, due to the size constraints of the lot. The Applicant is proposing to use the existing driveway on the property to provide one off-street parking space on the property.

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.**

House width: The Applicant is seeking a variance to reduce the required minimum width of the house from 22 feet to 16 feet. The subject property is 30 feet wide, 10 feet narrower than the district requirement of 40 feet. When the required side yard setbacks of 5 feet are factored in, it is not possible to build a 22 foot wide house on the subject property. Strict adherence to the regulations of the zoning ordinance would not allow for construction on the subject property without the need for a variance.

Enclosed off-street parking space: The Applicant is seeking a variance to the required provision of one enclosed off-street parking space for a new single-family dwelling established after November 1, 2009. The subject property is 30 feet wide by 96 feet deep, totaling 2,880 square feet. The lot is 10 feet narrower than the R1-A district requirement of 40 feet, and 2120 square feet smaller than the district requirement of 5,000 square feet in area. Despite this, there are design options available that could allow for the provision of a garage on the property. These include shortening the house and adding a second story to create more space in the rear yard, constructing a side loaded garage between the house and the rear property line, or constructing an attached garage. The property could be put to a reasonable use under the conditions allowed by the official controls and strict adherence to the regulations of the zoning ordinance would not cause undue hardship.

- 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.**

House width: The Applicant is seeking a variance to reduce the required minimum width of the house from 22 feet to 16 feet. The subject property is 30 feet wide, 10 feet narrower than the district requirement of 40 feet. When the required side yard setbacks of 5 feet are factored in, it is not possible to build a 22 foot wide house on the subject property. The original platting of the property that established the lot width is not a circumstance created by the applicant.

Enclosed off-street parking space: The Applicant is seeking a variance to the required provision of one enclosed off-street parking space for a new single-family dwelling established after November 1, 2009. The subject property is 10 feet narrower than the district requirement of 40 feet, and 2,120 square feet smaller than the required area of 5,000 square feet. While the lot is smaller than the district requirements, there are design options available that would allow for the construction of a garage on the site. These include shortening the house and adding a second story to create more space in the rear yard, constructing a side loaded garage between the house and the rear property line, or constructing an attached garage. There are not circumstances

unique to the parcel of land for which the variance is sought that were not 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.**

House width: Staff believes that the house width variance meets the intent of the ordinance. The surrounding area features a number of narrow lots, with narrow houses on them, though these houses are predominantly two-story dwellings. Staff does believe that the proposed design of the house is not in keeping with the essential character of the locality. While narrow houses are found on the block, they are all 1.2 or 2 story dwellings. The proposed single story dwelling is not in keeping with the neighborhood character. Staff believes that the granting of the variance is in keeping with the neighborhood, and will not be injurious to the use or enjoyment of other property in the vicinity.

Enclosed off-street parking space: The intent of the ordinance is to ensure that enclosed, off street parking is being provided when new homes are constructed. There are design options that would allow for the construction of a garage on the subject property. Other, similarly sized lots on the street have detached garages. Staff does not believe that granting the variance is in keeping with the spirit and intent of the ordinance.

- 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.**

House width: Granting the house width variance would likely have no impact on the congestion of area streets or fire safety, nor would the proposed variance be detrimental to the public welfare or public safety.

Enclosed off-street parking space: Granting the variance could have an impact on fire safety, or be detrimental to the public welfare or public safety. The existing driveway/parking pad is located right next to the proposed house, and approximately 5 feet from the house on the adjacent property to the east. Granting the variance would likely have no impact on the congestion of area streets.

Recommendation of the CPED Department Planning Division:

The CPED Department Planning Division recommends that the Board of Adjustment adopt the findings above and **approve** the variance to reduce the minimum required width of a new dwelling from 22 ft. to 16 ft to allow for the construction of a new single-family dwelling located at 3008 26th Street E in the R1A Single-Family District subject to the following conditions:

1. The Applicant shall apply and receive approval for administrative site plan review.
2. CPED-Planning review and approve the final site plan, building plans, and elevations.
3. The Applicant shall obtain all necessary permits and approvals prior to construction.

The CPED Department Planning Division recommends that the Board of Adjustment adopt the findings above and **deny** the variance to the requirement for an enclosed off-street parking space for a new single-family dwelling established after November 1, 2009, to allow for a parking pad in lieu of a garage to allow for the construction of a new single-family dwelling located at 3008 26th Street E in the R1A Single-Family District.

Attachments:

Appendix A: Statement of proposed use and variance findings- Submitted by Applicant

Appendix B: Letters to neighborhood organization and Council member- Submitted by Applicant

Appendix C: Zoning map

Appendix D: Survey, Site Plan, Building Plans and Elevations- Submitted by Applicant

Appendix E: Photographs- Submitted by Applicant