

Community Planning and Economic Development – Planning Division Report

Variance Request
BZZ-3149

Date: August 17, 2006

Applicant: Jose Cano

Address of Property: 307 East 31st Street

Contact Person and Phone: Jose Cano, (763) 416-1776

Planning Staff and Phone: Shanna Sether, (612) 673-2307

Date Application Deemed Complete: July 24, 2006

Public Hearing: August 17, 2006

Appeal Period Expiration: August 28, 2006

End of 60 Day Decision Period: September 22, 2006

Ward: 8 **Neighborhood Organization:** Central Neighborhood Association

Existing Zoning: R4 Multiple Family District

Proposed Use: New paved parking area for use by a single family dwelling

Proposed Variance: A variance to locate a parking area not entirely to the rear of the principal residential structure for the property.

Zoning code section authorizing the requested variance: 525.520 (8)

Background: The subject property is approximately 90.85 ft. x 52.72 ft. (4790 sqft.) and is located on the corner of 31st Street East and 3rd Avenue South and is a reverse corner lot. The structure faces 31st Street East and is located approximately 5 ft. to the rear and east interior side property lines. The applicant is proposing to install a new curb cut along 3rd Avenue South and pave a drive way and parking area from the southwest corner towards the center of the lot. The Zoning Ordinance requires that a parking area must be located entirely to the rear of the principal structure. Therefore, a variance is required to locate the parking area in the proposed location.

The subject property currently comprises approximately two-thirds of Lot 12. In 1908, the structure on the subject property and two other structures, a duplex to the west and a single family to the east were

constructed. All three of these structures faced 31st Street East. In 1993, the duplex to the west of the subject property was demolished and the lots were combined. The single family home to the east still exists in the same location, adjacent to the alley.

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.**

Parking area not located entirely behind principal structure: The applicant has requested a variance to locate a paved driveway and parking area not entirely behind a principal residential structure to allow for off-street parking. The parking area will be located 10 ft. from the south interior property line and a minimum of 6 ft. away from the structure. The lot is approximately 90 feet 10 inches deep and 52 feet 9 inches wide. Strict adherence to the regulations would not allow any permitted location of a parking area for off-street parking due to the location of the existing dwelling, the substandard lot size, the lack of alley access and the configuration of the lot. The proposed parking area is a reasonable use of the 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.**

Parking area not located entirely behind principal structure: The conditions upon which the setback variance is requested are unique to the parcel and have not been created by the applicant. There are a number of circumstances previously mentioned, including the platting of the land, the substandard lot size, the existing location of the dwelling and the lack of alley access. It is a combination of these circumstances that have driven the need for the variance and have not 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.**

Parking area not located entirely behind principal structure: Staff believes that the proposed parking area will not alter the essential character of the surrounding neighborhood or be injurious to the use or enjoyment of other property in the vicinity. The new curb cut is proposed to be installed along 3rd Avenue South, due to excessive traffic congestion along 31st Street East. There are three other curb cuts along 3rd Avenue South. The parking area will also be located behind the adjacent structure to the south and will not be injurious to that neighbor as long as the parking area is adequately landscaped.

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.**

Parking area not located entirely behind principal structure: Granting the variance would likely have no impact on the fire safety, nor would the proposed new garage be detrimental to the public welfare or endanger the public safety, if the curb cut and driveway are accessed from 3rd Avenue South, due to the high traffic volume along 31st Street East. The applicant has stated that the congestion of area streets will be alleviated by the proposed parking area.

Recommendation of the Community Planning and Economic Development Department:

The Community Planning and Economic Development Department recommends that the Board of Adjustment adopt the findings above and **approve** the variance to locate a parking area not entirely to the rear of the principal residential structure for the property located at 307 East 31st Street on a reverse corner lot in the R4 Multiple Family District subject to the following conditions:

1. That the Planning Department review and approve the final site and landscaping plan.
2. That the Public Works Department approve the proposed curb cut on 3rd Avenue South.