

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

Variance Request  
BZZ-2132

**Date:** January 6, 2005

**Applicant:** Greater Metropolitan Housing Corporation

**Address of Property:** 2830 12<sup>th</sup> Avenue South

**Date Application Deemed Complete:** December 7, 2004

**End of 60 Day Decision Period:** February 5, 2005

**End of 120 Day Decision Period:** April 6, 2005

**Appeal Period Expiration:** January 18, 2005

**Contact Person and Phone:** Bill Buelow, 612-339-0601

**Planning Staff and Phone:** Carrie Flack, 612-673-3239

**Ward:** 6      **Neighborhood Organization:** Philips

**Existing Zoning:** R2B, Two-family District

**Proposed Use:** Construction of a new single family dwelling and detached garage.

**Proposed Variance:** A variance to reduce the required interior side yard setback from 5 ft. to 4 ft. to allow for a new single family dwelling.

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

**Background:** The subject site is 33 ft. x 128 ft. (4,224 sq. ft.). The proposed new single family dwelling consists of two stories totaling 2,244 sq. ft. with an open front porch. A new 22 ft. x 22 ft. detached garage will also be constructed at the rear of the property and will be accessed via the existing alley. The new dwelling will be setback 20 ft. from 12<sup>th</sup> Avenue South, 6 ft. 6 inches from the south property line and 4 ft. from the north property line. The R2B District requires a 5 ft. side yard setback. Therefore the variance is necessary for the north setback of 4 ft.

**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.**

**Interior side yard setback:** The applicant has requested a variance to reduce the interior side yard setback from 5 ft. to 4 ft. to allow for the construction of a new single family dwelling. The applicant states that the neighborhood has requested the setback of 4 ft. to maintain increased spacing between the proposed new dwelling and the existing dwelling to the south that has a 1 ft. 6 inch setback. Complying with the setbacks as required by the zoning ordinance allows reasonable use of the property. A hardship may be imposed on the property to the north with regard to fence regulations if the new dwelling maintains a 4 ft. side yard setback.

- 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.**

**Interior side yard setback:** The conditions upon which the setback variance is requested are unique to the parcel and have not been created by the applicant. The property is 33 ft. in width which is 7 ft. less than the standard 40 ft. wide city lot. In addition, the existing 1 ft. 6 inch setback of the existing dwelling to the south is not a circumstance 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.**

**Interior side yard setback:** Staff believes that the new single family dwelling will not alter the essential character of the surrounding neighborhood or be injurious to the use or enjoyment of other property in the vicinity. Staff believes that the applicant can comply with the interior side yard setback requirement of 5 ft. which would still maintain a 5 ft. 6 inch setback on the south side of the property and would allow for 7 ft. between the dwellings. Staff is concerned that a 4 ft. setback from the north property line may cause a future hardship for the property to the north should a fence be constructed in the future.

- 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.**

**Interior side yard setback:** Granting the variance would likely have no impact on the congestion of area streets or fire safety nor would the variance be detrimental to the public welfare or endanger the public safety.

**CPED Planning Division Report**  
BZZ-2132

**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 **deny** the variance to reduce the required interior side yard setback from 5 ft. to 4 ft. to allow for a new single family dwelling.