

Community Planning and Economic Development - Planning Division Report

Variance Request
BZZ-3102

Date: July 20, 2006

Applicant: Rick Campion

Address of Property: 3816 Chowen Avenue South

Contact Person and Phone: Rick Campion, 612-801-3868

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

Date Application Deemed Complete: June 26, 2006

Public Hearing: July 20, 2006

Appeal Period Expiration: July 31, 2006

End of 60 Day Decision Period: August 25, 2006

Ward: 13 **Neighborhood Organization:** Linden Hills Neighborhood Council

Existing Zoning: R1 Single Family District

Proposed Use: Existing single-family dwelling.

Proposed Variance: A variance to reduce the required north interior side setback from 5 ft. to 3 ft. allow for the re-establishment of two platted lots.

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

Background: The subject property consists of two combined platted lots (Lot 4 and Lot 5) that total 100 ft. by 128 ft. The applicant is proposing to reestablish the original platted lots. When the property line is re-established, both properties will meet the 50 ft. lot width and 6,000 sq. ft. lot area requirements. Both lots will be 6,413 sq. ft. An existing single-family dwelling with a detached garage is located on Lot 5 and an existing shed is located on Lot 4. The existing single-family dwelling was constructed in 1931 at 3.01 ft. at the front corner of the dwelling and 3.11 ft. at the rear corner of the dwelling from the north property line of the original platted lot. If a dwelling is constructed within one year of the approval of the variance, the shed would not be required to be removed.

The existing single-family dwelling was constructed 3 ft. from the platted lot line. The interior side yard setbacks for the single-family dwellings in the R1 district is 6 ft. As the applicant is

reestablishing the original platted lots, the variance is necessary for the existing single family dwelling to be located less than 6 ft. from an interior side property line.

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 is seeking a variance to reduce the north interior side yard setback from the required 6 ft. to 3 ft. to allow for an existing single-family dwelling. The existing dwelling was constructed in 1931, 3 ft from the north property line of the original platted lot, under the previous Zoning Ordinance established in 1923. Strict adherence to the current regulations would not allow for the reestablishment of the lots due to the location of the existing dwelling.

- 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 circumstance the variance requested is unique to this property. The existing dwelling is located 3 ft. from the north interior platted property line and was originally constructed in that location with its proximity to the original platted lot line. The circumstance was 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.**

Interior side yard setback: Staff believes that granting the side yard setback variance will not alter the essential character of the surrounding neighborhood. The single-family dwelling exists and will not be moved or altered in any way. Staff believes that the variance request meets the intent of the ordinance, is in keeping with the neighborhood, and will not be injurious to the use or enjoyment of other property in the vicinity. Granting the variance will allow for the reestablishment of the original platted property lines.

- 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 side yard variance will likely have no impact on congestion of area streets or fire safety, nor will the existing single family dwelling be detrimental to the public welfare or endanger the public safety.

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 required north interior side setback from 5 ft. to 3 ft. allow for the re-establishment of two platted lots subject to the following conditions:

1. The applicant shall submit confirmation from Hennepin County that 2 separate PID numbers have been created prior to the issuance of a building permit.
2. Review and approval of the final site and elevation plans in compliance with site plan review requirements for 1-4 unit dwelling units by CPED - Planning before building permits may be issued.
3. The applicant shall obtain a building permit for the construction of a new single family home within one year, by July 20, 2007, or remove the existing shed on Lot 4 within one year.