

Community Planning and Economic Development - Planning Division Report**Variance Request
BZZ-3353****Date:** January 4, 2007**Applicant:** Matt Toomey**Address of Property:** 1090 11th Avenue Southeast**Contact Person and Phone:** Matt Toomey, 612-327-1558**Planning Staff and Phone:** Molly McCartney, 612-673-5811**Date Application Deemed Complete:** November 30, 2006**Public Hearing:** January 4, 2007**Appeal Period Expiration:** January 16, 2007**End of 60 Day Decision Period:** January 29, 2007**Ward: 2 Neighborhood Organization:** Southeast Como Improvement Association**Existing Zoning:** R2B Two-family District**Proposed Use:** Existing single-family dwelling**Proposed Variances:**

- Variances to reduce the minimum lot size from 5,000 sq. ft. to 4,996 sq. ft. for Lot 22 and 23 and
- A variance to reduce the minimum side yard setback for a principal entrance from 15 ft. to 5 ft 7 in. to allow for the reestablishment of two parcels

Zoning code section authorizing the requested variance: 525.520 (2) (2) (1)

Background: The applicant is proposing to reestablish two originally platted lots at 1090 11th Avenue Southeast. The subject property consists of two combined platted lots (Lot 22 and Lot 23) that measure 80 ft. by 124 ft. 10 in. The two new parcels will have lot areas of 4,994 sq. ft. This is 6 sq. ft. under the minimum 5,000 sq. ft. lot area requirement in the R2B District for a single-family dwelling. The site consists of an existing single-family dwelling built in 1954 (Lot 23) which meets the side yard setback requirement of 5 ft. However, the house requires an additional 15 ft. side yard setback because a principle door will be located on the side of the house adjacent to an interior side yard when the lot split is complete. There is a wood deck on the south side of this house that the applicant is proposing to remove. The site also has a detached garage located on Lot 22. The applicant proposed to construct a new single family dwelling on the new lot.

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 size: The applicant proposes to reestablish two lots in order to build a new single family dwelling, an allowed use in the R2B District. The property cannot be put to a reasonable use because strict adherence to the zoning prevents the reestablishment of the lots. The proposed lot size will be 4,996 sq. ft., 6 sq. ft. less than the minimum 5,000 sq. ft.

Interior side yard setback for principal entrance: An existing house sits on the subject site and does meet the minimum setback for the structure, but does not meet the minimum setback for a principal entrance on the interior side of a dwelling. Without this variance, reestablishing the originally platted lots while leaving the existing house in its location would be prohibited.

- 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 size: The subject site was originally platted as two lots and most of the subject block has similarly sized residential lots. The applicant did not create this circumstance.

Interior side yard setback for principal entrance: The existing house was built in 1954 prior to the adoption of the zoning code requirement for principal entrances facing interior side yards. The applicant was not the property owner at that time and did not create this circumstance.

- 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 size: Granting the variance will be keeping with the intent of the ordinance and will not alter the character of the neighborhood. Most properties on the subject block are a similar size compared to the proposed lots. The applicant proposes to construct a new single family dwelling which is also the predominant type of housing on the block.

A detached garage is not an allowed primary use in the R2B District. The applicant proposed to build a single-family dwelling on the new lot and utilize the existing garage. If a dwelling is constructed within one year of the approval of the variance, the garage and shed would not be required to be removed.

Interior side yard setback for principal entrance: Granting the variance for the principal side entrance 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. The house does meet the 5 ft. setback and the proposed new house will also meet a minimum 5 ft setback. Staff believes that the variance meets the intent of the ordinance, which is to minimum the impact of activity associated with an entrance located close to another residential property.

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 size and interior side yard setback for principal entrance: Granting the lot area and side entrance 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 following variances:

- Variances to reduce the minimum lot size from 5,000 sq. ft. to 4,996 sq. ft. for Lot 22 and 23 and
- A variance to reduce the minimum side yard setback for a principal entrance from 15 ft. to 5 ft 7 in. to allow for the reestablishment of two parcels, 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 any building permits for Lot 22.
 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 for Lot 29.
 3. The applicant shall obtain a building permit for the construction of a new single family home by January 4, 2008, or remove the existing garage on Lot 22 within one year of this variance approval.