

Department of Community Planning and Economic Development – Planning Division

Variance Request
BZZ-5392

Date: December 15, 2011

Applicant: Todd Richtsmeier

Address of Property: 4500 Abbott Avenue South

Contact Person and Phone: Todd Richtsmeier, 612-747-7436

Planning Staff and Phone: John Smoley, Ph.D., 612-673-2830

Date Application Deemed Complete: November 14, 2011

End of 60 Day Decision Period: January 13, 2012

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

Existing Zoning: R1A/Single Family District

Proposed Use: A new single family residence

Proposed Variance: Todd Richtsmeier has applied for a variance to reduce the required front yard setback along 45th Street West from the required 20 feet to 7.5 feet to allow for the construction of a new single-family dwelling on a reverse corner lot located at 4500 Abbott Avenue South in the R1A Single-Family District.

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

Background: The applicant proposes to construct a new single-family dwelling on a 44 ft. by 75 ft., 3,300 square foot reverse corner lot. The parcel is nonconforming as to lot area in the R1A zoning district, where lots must have a minimum of 5000 square feet in area. Section 531.100 of the zoning code, which discusses nonconforming lots, reads as follows:

531.100. *Nonconforming lots.* (a) *General restriction; exception.* No building, structure or use shall be erected, constructed or established on a nonconforming lot unless a variance is granted by the board of adjustment, except as otherwise provided in this section. Subject to the requirements of subdivision (b), and notwithstanding any other provision to the contrary, in the R1 through R4 Districts and OR1 District, a single-family dwelling shall be permitted on a lot of record existing on the effective date of this ordinance, and in the R5, R6, OR2 and OR3 Districts, a two-family dwelling shall be permitted on a lot of record existing on the effective date of this ordinance, provided that the yard dimensions and all other requirements for the district in which the lot is located, not involving lot area or lot width, shall be met.

The Applicant has not yet submitted an application for a site plan review, but the submitted plans, as conditioned, meet the criteria contained in Zoning Code Chapter 530, Site Plan Review by achieving **15 points** as follows:

- a) The structure includes a basement as defined by the building code (5 points);
- b) The primary exterior building materials are masonry, brick, stone, stucco, wood, cement based siding, and/or glass (4 points);
- c) Not less than 10% of the walls on each floor that face a rear or interior side lot line, not including walls on half stories, are windows (3 points);
- d) The pitch of the primary roof line is 6/12 or steeper. However, the points shall be awarded for a building with a flat roof where there is at least one existing building with a flat roof or a hip roof with a primary roof line of less than 6/12 where there is at least one (1) existing building with a hip roof with a similar pitch within one hundred (100) feet of the site (2 points);
- e) The development includes at least one deciduous tree in the front yard (1 point).

Analysis: As conditioned, the proposed residence complies with the City of Minneapolis' Zoning Code in all areas but the required (reverse) corner side yard along 45th Street West. No other variances are needed.

Public Comment: As of the publication of this report, staff has received four letters in support of the project and two signatures on a petition circulated by the applicant also indicating support for the project (Attachment D).

Standard Variance Findings Required by the Minneapolis Zoning Code:

1. Practical difficulties exist in complying with the ordinance because of circumstances unique to the property. The unique circumstances were not created by persons presently having an interest in the property and are not based on economic considerations alone.

- 1) Practical difficulties exist in complying with the ordinance because of circumstances unique to the property. The subject lot is only 3,300 square feet in area. Despite being smaller than the minimum size required of parcels zoned R1A (5000 square foot area minimum), the parcel is considered a lot of record and therefore does not require variances for lot area. The lot is approximately half of the area of the majority of lots on the block. Abiding by the required 20 foot front yard setback (along both Abbott Avenue South and 45th Street West) and 5 foot side and interior rear yard setbacks would leave the lot with only 1000 square feet of buildable area. Strict adherence to the regulations would not allow for the proposed new single family dwelling. Even if a new home took up this entire 25 foot by 50 foot area, it would not meet the Zoning Code requirement that 80% of the habitable floor area shall have a minimum width of 22 feet. The small size of the subject lot in an area with larger established neighborhood lots are not circumstances created by the applicant.

- 2. The property owner or authorized applicant proposes to use the property in a reasonable manner that will be in keeping with the spirit and intent of the ordinance and the comprehensive plan.**

Building the home with a 7.5 foot front yard setback along 45th Street West is a reasonable request. The subject property is addressed on and oriented toward Abbott Avenue South. 45th Street West lies adjacent to the subject property's side yard. The immediately adjacent lot's orientation toward 45th Street West makes the subject property a reverse corner lot, requiring the yard along 45th Street West be treated like a front yard. The spirit of the reverse corner lot setback requirement of the Zoning Code is to maintain a regular street-front experience. The immediately adjacent lot along 45th Street West is tiny, and the home on this lot is set back from the front property line by less than one foot. The Applicant does not seek such a limited setback, but one more complementary to the zoning district. The requested 7.5 foot setback is in keeping with the required corner side yard setback of 8 feet in the R1A district. The requested 7.5 foot setback is also in keeping with the spirit of the comprehensive plan. The Minneapolis Plan for Sustainable Growth states, "Infill development shall reflect the setbacks, orientation, pattern, materials, height and scale of surrounding dwellings," (action item 10.8.1).

- 3. The proposed variance will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. If granted, the proposed variance will not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties.**

The granting of the variances will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. The proposed setback of 7.5 feet setback is in keeping with the required corner side yard setback of 8 feet in the R1A district. The proposed variance will not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties. While the proposal will result in the creation of a new curb cut, there is no way to avoid this while abiding by the Zoning Code's requirement to provide one off street parking space per dwelling unit. Additionally, the lack of alley access on this block requires a curb cut on each lot to comply with the off-street parking requirement.

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 **approve** a variance to reduce the required front yard setback along 45th Street West from the required 20 feet to 7.5 feet to allow for the construction of a new single-family dwelling on a reverse corner lot located at 4500 Abbott Avenue South in the R1A Single-Family District subject to the following conditions:

1. Eaves, including gutters, shall project no more than three feet from the main building wall over the bay window along 45th Street West.
2. By ordinance, approvals are valid for a period of one year from the date of the decisions unless required permits are obtained and the action approval is substantially begun and proceeds in a continuous basis toward completion. Upon written request and for good cause,

the planning director may grant up to a one year extension if the request is made in writing no later than December 15, 2012.

3. CPED-Planning Preservation Staff shall review and approve the final plans and elevations prior to building permit issuance.

Attachment A: Plans

Attachment B: Vicinity Map

Attachment C: Application

Attachment D: Letters and Petition of Support