

Department of Community Planning and Economic Development – Planning Division

Variance Request

BZZ-5316

Date: October 27, 2011

Applicant: Edwin Bell

Address of Property: 3412 Saint Paul Avenue

Contact Person and Phone: Edwin Bell, 612-925-8280

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

Date Application Deemed Complete: October 4, 2011

End of 60 Day Decision Period: December 3, 2011

Ward: 7 Neighborhood Organization: Cedar Isles Dean Neighborhood Association

Existing Zoning: R1/Single Family District and SH/Shoreland Overlay District

Proposed Use: A new single family residence

Proposed Variance: Edwin Bell, on behalf of himself and Alan Chazin, has applied for a variance to reduce the required front yard setback along St. Paul Avenue from the district setback of 25 feet to 14 feet for the construction of a new single family home located at 3412 Saint Paul Avenue in the R1 Single Family District and the SH Shoreland Overlay District.

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

Background: The applicant proposes to construct a new single-family dwelling on a 68 ft. by 60 ft., 4050 square foot parcel. The parcel is nonconforming as to lot area in the R1 zoning district, where lots must have a minimum of 6000 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 applied for a variance for a front yard setback of 14 feet and a very similar residence on this same lot in 2006 under application # BZZ-2808. Staff recommended, and the Board of Adjustment unanimously approved, the variance request.

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 **16 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 20% of the walls on each floor that face a public street, 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 structure includes an open, covered front porch of at least seventy (70) square feet that is not enclosed with windows, screens, or walls, provided there is at least one existing open front porch within one hundred (100) feet of the site. The porch may include handrails not more than three (3) feet in height and not more than fifty (50) percent opaque. The finish of the porch shall match the finish of the dwelling or the trim on the dwelling. For the purpose of this section, raw or unfinished lumber shall not be a permitted on an open front porch (1 point);
- f) 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 front yard. No other variances are needed, as long as the recommended conditions of approval are met.

Public Comment: As of the publication of this report, staff has received no letters commenting on the proposed project, but the applicant did submit minutes of the neighborhood meeting where the board voted no objection to the variance (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.**

Practical difficulties exist in complying with the ordinance because of circumstances unique to the property. The subject lot measures 68'x60'. The lot is less than half of the depth of the majority of lots on the block and in the area. Abiding by the required 25 foot front yard setback and 6 foot side and rear yard setbacks would leave the lot with only 1624 feet of buildable area. Strict adherence to the regulations would not allow for the proposed new single family dwelling. The applicant states that the dwelling has been designed to maintain architectural characteristics found within the neighborhood. The uniquely narrow depth of the subject lot in an area with

larger established neighborhood lots and dwellings 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 14 foot front yard setback is a reasonable request. The spirit of the required front yard setback requirement of the Zoning Code is to maintain a regular street-front experience. But this block is far from regular, being comprised of through lots, some of which front onto Saint Paul Avenue and some of which front onto Sunset Boulevard. The Minneapolis Plan for Sustainable Growth supports the timely development of infill housing on vacant lots (action item 3.5.10). The lot has remained empty since the previous residence on the lot was approved for demolition in late 2006.

- 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 be injurious to the use or enjoyment of other property in the vicinity. The character of the locality is decidedly non-homogeneous. The block is comprised of through lots, some of which front onto Saint Paul Avenue and some of which front onto Sunset Boulevard. The proposed dwelling maintains a rear yard setback of 8 feet and side yard setbacks of 10 feet. By exceeding the 6 foot minimum in these yards, the new development will not crowd its neighbors. 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 lots on the block are primarily through lots. The lack of alley access requires a curb cut on each lot to comply with the off-street parking requirement.

Additional Findings Required for Variances in the Shoreland Overlay District:

- 1. The prevention of soil erosion or other possible pollution of public water, both during and after construction.**

Zoning Code section 551.510 requires applicants submit and receive approval of an erosion control plan for grading in the Shoreland Overlay District that involves more than 10 cubic yards where the slope of the land is toward a protected water. This is the case with the proposed home, which has a basement and where the slope of the land is toward Cedar Lake. Staff recommends the project be conditioned to ensure such an approval is received prior to the issuance of the building permit.

2. Limiting visibility of structures and other development from protected waters.

Cedar lake Parkway, the road to the immediate south of the Cedar Lake, has a heavily tree-lined southern side that blocks views of the proposed residence from the southern shore of this protected water.

3. The suitability of the protected water to safely accommodate the types, uses and numbers of watercraft that the development may generate.

While the site is within the Shoreland Overlay District, it is 2.5 blocks from Cedar Lake, and has no direct frontage on the lake. As such, the project will not impact watercraft usage on the lake.

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 St. Paul Avenue from the district setback of 25 feet to 14 feet for the construction of a new single family home located at 3412 Saint Paul Avenue in the R1 Single Family District and the SH Shoreland Overlay District subject to the following conditions:

1. Submit and receive approval of an erosion control plan prior to the issuance of the building permit in accordance with the requirements of Zoning Code section 551.510.
2. The proposed walkway is not approved. The Applicant shall install an impervious walkway no less than 3’ and no more than 4’ in width from the main entrance to the sidewalk.
3. Receive approval of the proposed curb cut installation.
4. Amend the site plan to indicate that the driveway is surfaced with a dustless all-weather hard surface material.
5. Provide an updated survey of the property that depicts the proposed dwelling.
6. Reduce the width of the eaves and gutters (if applicable) to ensure they project not more than 3 feet into the required front yard.
7. Increasing the proposed front window area to ensure 20% of the wall area on each story is comprised of windows.
8. 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 October 27, 2012.
9. 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: September 14, 2011 CIDNA Board Meeting Minutes