

Department of Community Planning and Economic Development – Planning Division
Variance
BZZ-5777

Date: October 11, 2012

Applicant: w.b. builders

Addresses of Property: 4925 Drew Avenue South

Project Name: New single family dwelling

Contact Person and Phone: Scot Waggoner, 612-222-6310

Planning Staff and Phone: Brad Ellis, (612) 673-3239

Date Application Deemed Complete: September 14, 2012

End of 60-Day Decision Period: November 13, 2012

Ward: 13 **Neighborhood Organization:** Fulton Neighborhood Association

Existing Zoning: R1A Single Family District

Zoning Plate Number: 29

Legal Description: Not applicable for this application

Proposed Use: Single family dwelling

Variance: to increase the maximum floor area of a single family home in the R1A Single Family District

Applicable zoning code provisions: Chapter 525, Article IX Variances, specifically section 525.520(3) “to vary the gross floor area, floor area ratio, and seating requirements of a structure or use.”

Background: The subject property is a 5,376 square foot lot that recently had a new single family home constructed on it. The applicant applied for a building permit and administrative site plan review for a new single family dwelling on June 8, 2012. The administrative site plan review was approved on June 28, 2012, and the building permit was issued on July 19, 2012, at which point the applicant began construction. On August 15, 2012, the applicant contacted staff with questions regarding the approvals, expressing concern over the floor area. In the R1A Single Family District, the maximum floor area of a single family home is a floor area ratio (FAR) of 0.5 or 2,500 square feet, whichever is greater. Thus, the maximum allowable floor area for a single family home at 4925 Drew Avenue South is 2,688 square feet. Upon further research, staff discovered that the floor area of the new dwelling as approved in the application was 2,936 square feet, 248 square feet over the maximum floor area. This is an FAR of

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0.55. Staff approved the administrative site plan review in error. After the error was brought to staff's attention, the applicant was required to submit a land use application requesting a variance to increase the maximum floor area of a single family dwelling.

As of the time of the writing of this report, staff has received no public comments. Staff will forward comments, if any are received, at the Board of Adjustment meeting.

VARIANCE: to increase the maximum floor area of a single family home.

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 application to construct a single family dwelling on this specific property was approved in error by zoning staff. While the applicant did submit an application and build a new single family dwelling over the maximum floor area ratio, the applicant had all information clearly laid out on the plan set approved by zoning staff, and believed they were conforming to the regulations. In fact, the applicant brought the issue to zoning staff prior to any inspection or inquiry from City staff. Should the variance be denied, the applicant will be required to remove portions of the nearly completed structure. It would not be reasonable to require the builder to remove portions of the building – most likely they would have to remove the master bedroom in the rear. The property in question is across the alley from a series of larger homes facing Colfax Avenue South. There is a large range of home sizes in the immediate vicinity.

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.

The purpose of maximum floor area regulations for single family dwellings is to prevent the creation of “monster homes” that take up the entire lot and tower above the surrounding properties. The applicant submitted a proposal intending to comply with these regulations. The dwelling is two-and-a-half stories, 23 feet 6 inches tall, well below the maximum height of thirty (30) feet. The house is also narrower than would be allowed as well, and exceeds the required setbacks. When informed of additional deficiencies in the original submittal related to the required window size, the applicant corrected them by increasing the window sizes and making other minor changes to the plan set. A single family home is a reasonable use and is in keeping within the spirit and intent of the ordinance.

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.

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Granting of this variance will not negatively alter the essential character or be injurious to the use or enjoyment of other property in the area. The applicant has built a home reflecting the character of Minneapolis’s housing stock, including a detached garage. As noted above, the house does not extend to its greatest allowable width, nor is it nearly as tall as would be allowed in this zoning district. Granting the variance will not be detrimental to the health, safety, or welfare of the general public.

RECOMMENDATIONS:

Recommendation of the Department of Community Planning and Economic Development – Planning Division for the Variance:

The Community Planning and Economic Development Department - Planning Division recommends that the Board of Adjustment adopt the findings above and **approve** the variance to increase the maximum floor area of a single family home from 2,688 square feet to 2,936 square feet for the property located at 4925 Drew Avenue South in the R1A Single Family District.

Attachments:

1. Applicant’s statement of use and findings
2. Zoning map
3. Site plans/floor plans
4. Photographs