

Department of Community Planning and Economic Development

Variance Request

BZZ-5952

Date: March 21, 2013

Applicant: Twin Cities Habitat for Humanity

Address of Property: 2930 Newton Avenue North

Contact Person and Phone: Noah Keller, 612-305-7175

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

Date Application Deemed Complete: February 13, 2013

End of 60 Day Decision Period: April 14, 2013

Ward: 5 Neighborhood Organization: Jordan Area Community Council

Existing Zoning: R2B/Two-family District

Proposed Use: A new single family residence

Proposed Variance: Twin Cities Habitat for Humanity has applied for a variance to reduce the required front yard setback along Newton Avenue North from the setback established by connecting a line from the front of two adjacent homes to 20 feet, to construct a new single family dwelling located at 2930 Newton Avenue North in the R2B Two Family District.

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

Background: The subject property is a vacant interior lot that previously held a single-family home. The Applicant is proposing to construct a new single-family residence and related features in the required front yard.

The required front yard in the R2B district is 20 feet for single family residences. The established setback for this lot varies from 22' (on the southern property line) to 57' (on the northern property line) due to the positioning of the residence to the north of the subject parcel. This residence is set approximately three times further back on its lot than other residences along this block face. This established setback thus increases the required setback on the subject property. Were it not for the excessively large setback of the neighboring residence to the north, the variance would not be required.

The Applicant has not yet submitted an application for a site plan review, but the submitted plans meet the criteria contained in Zoning Code Chapter 530, Site Plan Review by achieving **16 points** as follows:

- a) Not less than one (1) off-street parking space per dwelling unit is provided in an enclosed structure that is detached from the principal structure (5 points);

- b) The structure includes a basement as defined by the building code (5 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);

Analysis: As conditioned, the proposed residence complies with the City of Minneapolis' Zoning Code in all areas but the required front yard.

Public Comment: As of the publication of this report, staff had received no comments on the proposal.

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 proposal provides more than the minimum 20 foot front yard setback required by the R2B zoning district, yet falls far short of the very large, 22 to 57 foot established front yard setback required on this property. This setback is established by the residence to the north of the subject property, which was not created by the Applicant. Few properties within the City of Minneapolis are adjacent to residences that are set so far back on their lot.

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 20 foot front yard setback is a reasonable request. The required front yard for single family homes in the R2B district is 20 feet. Without the residence to the immediate north, the required front yard on this parcel would be the zoning district-required minimum of 20 feet. The proposed location of the home roughly maintains the established setback of the block face when one outlier (the property immediately north of the subject parcel) is excluded.

The spirit of the established front yard setback requirement of the Zoning Code is to maintain a regular street-front experience. *The Minneapolis Plan for Sustainable Growth* has similar policies, which requires infill dwellings to respect the setbacks of surrounding dwellings, not just

one next door neighbor whose setback is unusually large. Requiring the subject property to enlarge an aberration to the pedestrian experience along this block face by requiring an unusually large front yard setback is not in keeping with the spirit or intent of the ordinance or the comprehensive plan.

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 variance will enhance the essential character of the locality. The proposed location of the home roughly maintains the established setback of the block face when the neighboring property to the north is excluded. The Applicant could construct a residence in the buildable portion of the lot, but it would be out of character with every other residence on this block face (see diagram, Attachment D). Building the residence in its proposed location will help maintain a consistent pedestrian experience along the block when the zoning district-required setback is maintained. Additionally, the location of the proposed home will nearly match the location of the previous home that stood onsite until it was demolished late last Fall.

Granting the variance will not be injurious to the use or enjoyment of other property in the vicinity. Indeed, not granting the variance will be injurious to the use or enjoyment of other property in the vicinity, especially the lot to the immediate south. The home and its associated features are proposed to be built with a 20 foot front yard setback, a distance that is in keeping with every residence on the block face save the neighbor to the immediate north of the subject property. Requiring the subject property to maintain an excessively large setback will dramatically increase the established front yard of the home to the south of the subject property, making it out of compliance with the Zoning Code. Almost the entire home would lie within the required front yard. Reasonable improvements to this property, such as the installation of a freestanding air conditioning unit next to the home, would then require a variance.

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 building and associated features will not result in the creation of increased parking, second dwelling units or new construction exempt from safety provisions in adopted Building and Fire codes.

Recommendation of the Department of Community Planning and Economic Development:

The Department of Community Planning and Economic Development recommends that the Board of Adjustment adopt the findings above and **approve** a variance to reduce the required front yard setback along Newton Avenue North from the setback established by connecting a line from the front of two adjacent homes to 20 feet, to construct a new single family dwelling and related features located at 2930 Newton Avenue North in the R2B Two Family District subject to the following condition:

1. Final site and elevation plans must be approved by CPED staff.

Attachment A: Plans

Attachment B: Vicinity Map

Attachment C: Photographs

Attachment D: Diagram of Front Yard Setbacks on the 2900 Block of Newton Avenue North

Attachment D: Responses to Findings

Attachment E: Public Comment