

Department of Community Planning and Economic Development

Variance Request
BZZ-6031

Date: June 6, 2013

Applicant: Tim Rysgaard

Address of Property: 2803 Polk Street Northeast

Contact Person and Phone: Tim Rysgaard, 651-399-2146

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

Date Application Deemed Complete: April 19, 2013

End of 60 Day Decision Period: June 18, 2013

Ward: 1 Neighborhood Organization: Audubon Neighborhood Association

Existing Zoning: R2B/Two-family District

Proposed Use: A new single family residence

Proposed Variance: Tim Rysgaard has applied for a variance to reduce the required front yard setback on a reverse corner lot along 28th Avenue Northeast from the established front yard to 15 feet, to construct a new single family dwelling located at 2803 Polk Street Northeast in the R2B Two Family District.

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

Background: The subject property is a vacant reverse corner lot. The applicant is proposing to construct a new single family residence and related features in the required (reverse corner) front yard along 28th Avenue Northeast.

City of Minneapolis Zoning Code section 535.260 stipulates that reverse corner lots must maintain required front yards along both lot lines that abut the street. In the R2B zone, the required front yard for single family residences is 20 feet. The applicant proposes to construct his home fifteen feet from the reverse corner front yard property line, the setback established by the adjacent property on this block face.

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 **19 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) The primary exterior building materials are masonry, brick, stone, stucco, wood, cement based siding, and/or glass (4 points);
- d) 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);
- e) 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);

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 subject property is a reverse corner lot. The applicant is proposing to construct a new single family residence and related features in the required (reverse corner) front yard along 28th Avenue Northeast. City of Minneapolis Zoning Code section 535.260 stipulates that reverse corner lots must maintain required front yards along both lot lines that abut the street. In the R2B zone, the required front yard for single family residences is 20 feet. The applicant proposes to construct his home fifteen feet from the reverse corner front yard property line, which matches the actual setback of the adjacent property on this block face (see plans, attachment B, and which appears to be the average setback of all other properties on the block face (see vicinity map, attachment A). This setback, however, falls short of the 20 foot front yard required by the R2B zoning district. Strict adherence to the Zoning Code's 20 foot front yard requirement, 24 foot established front yard requirement along Polk Street Northeast, and five foot interior side and rear yard requirements would leave only 1562 square feet of buildable area on this substandard 4,735 square foot lot. While such adherence would not render the lot unbuildable, it would likely produce a 22 foot wide home with an attached garage: neither of which is characteristic of the neighborhood.

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 15 foot front yard setback is a reasonable request. The proposal provides the 15 foot front yard established by the neighboring property on this block face. The proposed location of the home maintains the average established front yard setback of the block face.

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. Requiring the subject property to meet the Zoning Code's required 20 foot front yard will create an aberration to the pedestrian experience along this block face by requiring an unusually large front yard setback. This 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 maintain the essential character of the locality by maintaining the established setback of the block face. 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. Granting the variance will not be injurious to the use or enjoyment of other property in the vicinity. Building the residence in its proposed location will help maintain a consistent pedestrian experience along the block. 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 on a reverse corner lot along 28th Avenue Northeast from the established front yard to 15 feet, to construct a new single family dwelling located at 2803 Polk Street Northeast 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