

Department of Community Planning and Economic Development
Variance Request
BZZ-6159

Date: August 22, 2013

Applicant: TVM Development

Address of Property: 2501 James Avenue N

Contact Person and Phone: Matthew Day, 612-802-4907

CPED Staff and Phone: Chris Vrchota, (612) 673-5467

Date Application Deemed Complete: July 26, 2013

End of 60 Day Decision Period: September 14, 2013

Ward: 5 **Neighborhood:** Jordan

Existing Zoning: R-1A/Single-Family Residential

Proposed Use: New single-family dwelling with detached garage

Proposed Variances: Variance to reduce the front yard setback along 25th Avenue N from 22.8 feet to 13 feet to allow for the construction of a new single-family dwelling on a reverse corner lot for the property located at 2501 James Avenue N in the R1A Single-Family Residence District.

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

Background: The subject property is irregular, though roughly rectangular in shape, totaling 6,250 square feet. The property is currently vacant; the single-family house formerly on the lot was demolished in 2008. The Applicant is proposing to construct a new 1,664 square foot, two-story single-family dwelling with a 20'x22' detached garage. The proposed house is a part of the City's Green Homes North initiative.

The Applicant is proposing to locate the south wall of the house and attached deck 13 feet from the south property line adjacent to 25th Avenue N. This is 9.8 feet less than the less than the 22.8 foot established front yard setback created by the placement of the house on the adjacent lot to the west at 1625 25th Avenue N. It does exceed the 8-foot corner side yard setback that would be required if the property were not a reverse corner lot.

In addition to the requested variance, the Applicant will need to obtain approvals for administrative site plan review, as required by Chapter 530 Site Plan Review of the Zoning Code. Review of the plans showed that the proposed house would achieve 18 of the possible 24 points for the site plan review. A minimum of 15 points are required for approval. The 18 points were awarded for inclusion of a

basement, the detached garage, the siding materials, the roof pitch, the front porch and a deciduous tree in the front yard.

It should be noted that the placement of the garage on the site plan does not meet setback requirements. The Applicant is not seeking variances for the location of the garage. The garage location will need to be revised for the final site plan review and building permit applications.

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.**

The Applicant is requesting a variance to reduce the established front yard setback along 25th Avenue N from 22.8 feet to feet to 13 feet to allow for allow for the construction of a new house and deck. The 22.8 foot setback is created by the configuration of the property as a reverse corner lot and the particular placement of the house on the adjacent lot. The subject property is approximately 47 feet wide at the location of the established front yard setback along James Avenue N. However, due to the irregular shape of the lot located on a curvilinear street, the buildable envelope on the lot narrows to less than twenty feet as you move further back on the lot. After factoring in the required 5 foot side yard setback on the north property line and the established front yard setback along the south property line, there is not room on the property to build a house that is at least 22 feet wide for 80% of the structure, as required by the zoning code. It is not possible to build a conforming structure on the site without the need for a variance. This constitutes a practical difficulty. The Applicant is not responsible for the platting of the property to the west and did not create the practical difficulty.

- 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 ordinance was created to keep houses from being built or expanded significantly closer to the property line than the neighboring properties, harming the established character of the neighborhood. It was not intended to prevent development from occurring on properties, which would be the case if the established front yard setback were applied to the subject property. The proposed setback of 13 is nearly twice what the setback that would be required if the subject property were not a reverse corner lot. This increased setback, along with the additional buffer of the alley between the properties, should limit any impacts related to site lines to the adjacent property. There will be approximately 70 feet between the rear wall of the proposed house and the front corner of the house at 1612 25th Avenue N.

- 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 the setback variance would likely have no impact on the congestion of area streets or fire safety, nor would it be detrimental to the public welfare or endanger public safety. The construction of a new single-family dwelling on a standard sized lot zoned for this use should enhance the character of the area by redeveloping a currently vacant lot. Additionally, the final construction of the house will be subject to the applicable site plan review and Building Code requirements.

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 variance to reduce the front yard setback along 25th Avenue N from 22.8 feet to 13 feet to allow for the construction of a new single-family dwelling, subject to the following conditions:

1. The applicant shall apply to obtain necessary approvals for administrative site plan review.
2. CPED staff review and approve the final site plan, building plans, and elevations.
3. All site improvements shall be completed by August 22, 2015, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.

Attachments

1. Statement of proposed use- Submitted by Applicant
2. Variance findings- Submitted by Applicant
3. Email to neighborhood organization and Council member- Submitted by Applicant
4. Zoning map- Provided by Staff
5. Survey, Site Plan, Building Plans and Elevations- Submitted by Applicant
6. Photographs- Submitted by Applicant