

Department of Community Planning and Economic Development
Variance Request
BZZ-6173

Date: August 22, 2013

Applicant: Hive Modular, LLC, on behalf of Artspace

Address of Property: 2426 Plymouth Avenue N

Contact Person and Phone: Marc Asmus, 612-379-4382

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:** Willard-Hay

Existing Zoning: R1A Single-Family Residential

Proposed Use: New single-family dwelling with detached garage

Proposed Variance: Variance to reduce the front yard setback along Sheridan Avenue N from 21 feet to 11 feet to allow for the construction of a new single-family dwelling on a reverse corner lot for the property located at 2426 Plymouth Avenue N in the R1A Single-Family Residence District.

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

Background: The subject property, located at the northeast corner of Plymouth Avenue N and Sheridan Avenue N, is rectangular, measuring 44'x117.3', totaling 5,161 square feet. The property is currently vacant. The Applicant is proposing to construct a new 1,682 square foot, two-story single-family dwelling with a 22' x 22' detached garage. The proposed house is a part of the City's Green Homes North initiative and is part of a grouping of four modular homes Artspace is constructing along Plymouth Avenue N through the program.

The Applicant is proposing to locate the west wall of the house 11 feet from the west property line, adjacent to Sheridan Avenue N. This is 10 feet less than the less than the 21 foot established front yard setback created by the placement of the house to the north at 1312 Sheridan 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 19 of the possible 24 points for the site plan review. A minimum of 15 points are required for approval. The 19 points were awarded for inclusion of a

basement, the detached garage, the siding materials, window coverage on the interior side and rear elevations, and the roof pitch.

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 Sheridan Avenue N from 21 feet to feet to 11 feet to allow for allow for the construction of a new house. The 21 foot setback is created by the configuration of the property as a reverse corner lot and the placement of the house on the lot to the north. The subject property is 44 feet wide. After factoring in the required 5 foot side yard setback on the east property line and the established front yard setback along the west property line, there would not be 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 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 11 feet is greater than the setback that would be required if the subject property were not a reverse corner lot. Construction of a new single-family dwelling that meets all other applicable requirements of the Zoning Code is a reasonable use of the property.

- 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.**

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. There will be approximately 79 feet between the rear wall of the proposed house and the front corner of the house at 1312 Sheridan Avenue N, which would limit any potential impact of the new building on adjacent properties.

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 Sheridan Avenue N from 21 feet to 11 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. Emails 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