

Department of Community Planning and Economic Development
Variance Request
BZZ-6246

Date: October 24, 2013

Applicant: JRM Enterprises, Inc.

Address of Property: 4237 31st Avenue S

Contact Person and Phone: Ryan Meyer

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

Date Application Deemed Complete: September 25, 2013

End of 60 Day Decision Period: November 12, 2013

Ward: 12 **Neighborhood:** Ericsson

Existing Zoning: R1A/Single-Family Residential

Proposed Use: New Single-Family Dwelling with Detached Garage

Proposed Variances: Reduce the required front yard setback along 31st Avenue South from the setback established by connecting a line between the two adjacent dwellings to 29.59 feet to allow for the construction of a new two-story, single-family dwelling.

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

Background: The subject property measures approximately 40'x140', totaling 5,599 square feet. The property currently contains a 2 bedroom, single story house that is setback 81 feet from the west property line. The Applicant is proposing to demolish the existing house and construct a new 2-story single-family dwelling with a 22x21 detached garage. As designed, the proposed house would achieve 16 points through the City's administrative site plan review process, exceeding the required 15 points.

The Applicant is proposing to locate the primary wall of the house 29.59 feet from the front property line, with an open, covered front porch extending 5' in front of the house. The front wall would be in line with the location of the house on the property to the south, which is also setback 29.59 feet from the front property line. The property to the north is setback 69.07 feet from the property line, creating a substantially larger established front yard setback. The proposed house would need to be setback 63.5 feet from the front lot line to meet the established front yard setback.

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 31st Avenue South from approximately 63.5 feet (at the greatest point) feet to 29.59 feet to allow for allow for the construction of a new single-family dwelling.. The larger setback is created by the placement of the house on the adjacent lot to the north, which has an unusually large front yard compared to the typical pattern on the block. The larger than normal setback of the house on the lot to the north creates a unique circumstance for the subject property which was not created by the Applicant.

- 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. In this case, it is the property to the north, which is setback further than most other houses on the block. The proposed new house would be setback nearly 30', which is 50% greater than the 20' setback required in the R1A zoning district. It would be in line with the house on the lot to the south and other houses on the block. Staff finds that eliminating an existing alley house and constructing a new single-family dwelling that lines up with the majority of the houses on the block is a reasonable proposal. The proposed house would be in keeping with the spirit and intent of the ordinance and 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 this variance would not negatively alter the essential character or be injurious to the use or enjoyment of other property in the area. The proposed variance to the established front yard to allow for the construction of a single-family dwelling in will not have a negative impact on the essential character of the area. Granting the setback variance will not be detrimental to the health, safety or welfare of the general public or of those utilizing the property or nearby 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 a variance to reduce the established front yard setback along 31st Avenue South from the setback established by connecting a line between the two adjacent dwellings to 29.59 feet to allow for the construction of a new two-story, 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. By ordinance, approvals are valid for a period of two years from the date of the decision unless required permits are obtained and the action approval is substantially begun and proceeds in a continuous basis toward completion. Upon written request and for good cause, the planning director may grant up to a one year extension if the request is made in writing no later than October 24, 2015.

Attachments

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