

Department of Community Planning and Economic Development
Variance
BZZ-6292

Date: November 7, 2013

Applicant: Steve Schmitz, of Keller Williams Realty, on behalf of Patrick and Carly Felicetta

Address of Property: 2221 Saint Anthony Parkway

Contact Person: Steve Schmitz, (763) 227-1406

Planning Staff: Robert Clarksen, (612) 673-5877

Date Application Deemed Complete: October 11, 2013

End of 60 Day Decision Period: December 10, 2013

Ward: 1 **Neighborhood Organization:** Waite Park Community Council

Existing Zoning: R1 Single Family Residential District

Zoning Plate Number: 6

Proposed Use: Construction of a new single family home

Variance: to reduce the front yard setback for a reverse corner lot along McKinley Street Northeast from 25 feet to 7.3 feet to allow for the construction of a new single family dwelling.

Zoning code section authorizing the requested variance: Chapter 525, Article IX Variances, Specifically Section 525.520(1) “to vary the yard requirements, including permitted obstructions into required yards not allowed by the applicable regulations.”

Background: The subject property is an existing, undeveloped lot of record located at the northwest corner of the intersection of Saint Anthony Parkway and McKinley Street Northeast. The site is zoned R1 single family residential zoning district, and due to the platting of the lots immediately north and west of the subject site, the parcel is considered a reverse corner lot. A *reverse corner lot* is given the following definition in the zoning code:

“A corner lot that includes more than one (1) lot line adjacent to streets of which one (1) lot line is substantially a continuation of the front lot line of the adjacent property to the rear.

At 5750 square feet in area and 46 feet in width, the property is slightly undersized for R1 district standards. Chapter 531.100 (a) provides an exception the minimum lot area and width regulations, permitting the development of a single family home:

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“No building, structure or use shall be erected, constructed or established on a nonconforming lot unless a variance is granted by the board of adjustment” ... “in the R1 through R4 Districts and OR1 District, a single-family dwelling shall be permitted on a lot of record existing on the effective date of this ordinance”.

The proposed dwelling will consist of a two story design with a full (unfinished) basement, with 2140 square feet of living space above grade. The attached 624 square feet garage counts an additional 374 square feet toward maximum floor area ratio calculations for a total of 2514 square feet of gross floor area. The overall gross floor area will be 44%, which meets R1 zoning requirements for maximum floor area ratio (50%). The dwelling will be located 29 feet north of the front lot line along Saint Anthony Parkway, meeting the front yard setback established by the home to the west, and over 6 feet from the north and west property boundaries, thus meeting other zoning regulations. The majority of the existing development in the area is single family in character. The applicant indicates many houses nearby were built between 1925 and 1941. The applicant has recently agreed to purchase the property to construct a new single family dwelling on the site, provided building permits could be approved. The applicant visited the Development Review Center and learned of the Reverse Corner Lot regulations, then opted to make the application for the variance.

As of writing this staff report, staff has not received any written correspondence from the Waite Park Community Council. Staff will forward comments, if any are received, at the Board of Adjustment meeting.

Findings Required by the Minneapolis Zoning Code - Variance:

- 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 seeking a variance to reduce the front yard setback from the minimum 25 feet along McKinley Street to 7.3 feet. The property is a reverse corner lot which creates unique circumstances and practical difficulties in regard to complying with the ordinance. The parcels neighboring the subject property front along McKinley Street Northeast and Saint Anthony Parkway. The applicant did not have control over the platting of the lots or the location of the dwelling across the alley, factors that result in the increased setback regulations. The “reverse corner lot” characteristic of the site substantially increases the required setback as compared with typical corner lots in the R1 zoning district, which are subject to a 10 foot standard. The proposed dwelling will be 7.3 feet from the property line along McKinley Street Northeast. However, the presence of a five foot interior boulevard adjacent to McKinley Street adds another unique circumstance. The proposed dwelling will be located approximately 12 feet from the sidewalk in this area, providing the impression the setback regulation is met. The unique circumstances described above are not based purely on economic considerations. The applicant has worked with a designer to customize the home to fit on the site in a manner that meets the purpose and intent of the zoning regulations affecting the subject property. Assuming these factors are brought into account, the impact of the development on the required yard is minimally different than it might be for a standard corner lot, as a small portion of the building footprint falls in the setback area.

- 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 applicant recently agreed to purchase the property provided they could obtain approval to construct a new single family home on the site, which is a reasonable use of the property. The proposed use is also consistent with the spirit and intent of the City's development regulations and policy framework. The circumstances which require the variance stem from the fact the site is a reverse corner lot that has increased standards in terms of minimum yard requirements. The variance will allow for the construction of a single family home that meets the other regulations of the zoning code including maximum height, floor area ratio, impervious surface, and lot coverage requirements. The project will be subject to the administrative site plan review process if the variance is granted, which will ensure consistency with traditional neighborhood design patterns of what is an established urban neighborhood. Single family development of the property is consistent with the character of the area and the future land use of the City's 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 applicant is seeking a variance to reduce the front yard setback from the minimum 25 feet to 7.3 feet due to the reverse corner lot condition of the property. The reverse corner lot designation of the site demands a greater required yard along McKinley Street than would be required for other corner lots. The applicant will construct a single family dwelling on the subject property which meets other regulations of the zoning code including maximum height, floor area ratio, impervious surface and lot coverage requirements. The reverse corner setback requirements are intended to mitigate the development impacts upon the adjacent property to the rear of a site. The home at 2816 McKinley Street sits across an alley and will be located approximately 47 feet from the proposed dwelling. Staff believes the location of the home and attached garage is such that it will not be detrimental to the use and enjoyment of this and other properties in the vicinity. Should the variance be granted, the Administrative Site Plan Review process should ensure consistency with design patterns of this established urban neighborhood. Single family development of the property is consistent with the character of the area and the future land use of the City's comprehensive plan. Further, the location of the dwelling is also consistent with the street wall pattern along Saint Anthony Parkway, in complement to the homes to the west of the site. At the west end of the same block, another reverse corner lot exists, and this site is currently improved with a single family home.

Recommendation of the Department of Community Planning and Economic Development – Planning Division:

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The Department of Community Planning and Economic Development recommends that the Board of Adjustment adopt staff findings and **approve** the variance to reduce the front yard setback for a reverse

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corner lot along McKinley Street Northeast from 25 feet to 7.3 feet to allow for the construction of a new single family dwelling at 2221 Saint Anthony Parkway in the R1 Single Family Residential zoning district, subject to the following conditions of approval:

1. The finished floor height of the first floor of the proposed dwelling shall not exceed four feet in height above average natural grade.
2. The applicant shall obtain an erosion control permit as necessary to complete the project.
3. Approval of the final construction plans (site/elevation/floor) by the Department of Community Planning and Economic Development.

Attachments:

1. Written descriptions and findings submitted by the applicant
2. Correspondance: Council Member Reich and Waite Park Community Council
3. Zoning map
4. Survey
5. Site plan
6. Building elevations
7. Floor plans
8. Photos