

Department of Community Planning and Economic Development
Variance
BZZ 6392

Date: January 9, 2014

Applicant: William Wells

Address of Property: 600 32nd Street West, 3144-46 Garfield Avenue South

Contact Person and Phone: William Wells, (612) 669-2052

CPED Staff and Phone: Shanna Sether, (612) 673-2307

Date Application Deemed Complete: December 16, 2013

End of 60-Day Decision Period: February 14, 2014

Ward: 8 Neighborhood Organization: Lyndale Neighborhood Association

Existing Zoning: R4 Multiple-Family District

Existing Overlay District: Not applicable

Zoning Plate Number: 24

Proposed Use: A new four-unit, multiple-family dwelling.

Variance: to reduce the required front yard setback along 32nd Street West from 15 feet to approximately 10 feet 6 inches, measured to the structure and from 15 feet to approximately 6 feet measured to the open front porch to allow for the new construction of a four-unit, multiple family dwelling on a reverse corner lot.

Applicable zoning code provisions: Chapter 525, Article IX Variances, 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 irregularly shaped lot approximately 90 feet by 85.5 feet (8,538 square feet in area) and is currently vacant. The parcel is a reverse corner lot with frontages along Garfield Avenue South and 32nd Street West. The applicant is proposing to construct a new multiple-family dwelling with four units with attached garages for three units and two surface parking stalls at the northwest corner of the property. The minimum front yard setback in the R4 District is 15 feet or the established setback measured by connecting the front corners of the adjacent property, whichever is greater. The adjacent residential structure to the west is located 2.2 feet from the property line along West 32nd Street. The adjacent residential structure to the north is setback 14.6 feet to the front property line along Garfield Avenue South. Therefore, the minimum front yard setback along both 32nd Street

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West and Garfield Avenue South is 15 feet. The applicant is proposing to locate the new four-unit, multiple-family structure

Compliance with Other R4 District Code Requirements

Requirement	Allowed	Proposed
Minimum Lot Area	5,000 square feet	8,538 square feet
Minimum Lot Width	40 feet	85.5 feet
Maximum Building Height ¹	4 stories, not to exceed 56 feet	3 stories, 29 feet
Maximum Lot Coverage	70%	32%
Maximum Impervious Surface	85%	78%
Minimum Front Yard (Garfield Ave S)	15 feet (dwelling) 10 feet (porch)	15 feet (dwelling) 10 feet (porch)
Minimum Front Yard (32 nd St W)	15 feet	10 feet 6 inches (dwelling) 6 feet (porch)
Minimum Interior Side Yard (West)	9 feet	19 feet
Minimum Interior Side Yard (North)	9 feet	9 feet

The proposed project has three or more dwelling units; therefore, the proposed project will require review and approval of the site plan through Preliminary Development Review. The applicant will need to obtain all necessary approvals and permits prior to construction. In addition to the requested variances, the applicant will also need to obtain zoning approvals for an administrative site plan review as required by Chapter 530 in the zoning code. Upon review of the submitted application materials for the proposed variances, it was determined that the dwelling qualified for 16 of the possible 24 points available for the site plan review. A minimum of 15 is required. The 16 points were awarded for a full basement, quality exterior materials, a minimum of 20% of the walls facing the front property lines are windows, 12/12 pitched-roof, an open front porch and a new deciduous tree.

Staff has not received any correspondence from the Lyndale Neighborhood Association. Staff will forward comments, if any are received, to the Board of Adjustment at the public hearing.

¹ As defined in section 520.160 of the zoning code, height is the vertical distance from the natural grade measured either at the curb level or at a point ten (10) feet away from the front center of the structure or building, whichever is closer, to the average distance between the eave edge and the ridge level for gable, hip and gambrel roofs.

VARIANCE: to reduce the required front yard setback along 32nd Street West from 15 feet to approximately 10 feet 6 inches, measured to the structure and from 15 feet to approximately 6 feet measured to the open front porch to allow for the new construction of a four-unit, multiple family dwelling on a reverse corner lot.

Findings as Required by the Minneapolis Zoning Code for a 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 circumstances upon which the variances are requested are unique to the parcel of land due to the platting of the land and the lack of alley access. The applicant is proposing to construct a new four-unit, multiple-family dwelling to an existing vacant parcel on a reverse corner lot. The platting of the parcel requires a minimum 15 foot setback along both Garfield Avenue South and 32nd Street West. Adhering to the minimum front, interior side and rear yard setbacks would reduce the area to build an addition to approximately 50% of the lot. Further, the subject parcel does not have access to a public alley, which requires the access to the off-street parking area to be provided on-site and further reduces the buildable area of the parcel. Staff finds that these circumstances create a practical difficulty that 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 applicant is proposing to construct a new four-unit, multiple-family dwelling on a reverse corner lot. The purpose of required yards is to provide for orderly development and use of land and to minimize conflicts among land uses by providing adequate light, air, open space and separation of uses. The proposed structure and open front porches will be located approximately 27 feet away from the neighboring structure to the west along 32nd Street West. Further, the property immediately adjacent to the west is located 2.2 feet from the front property line. Staff finds that the applicant is proposing to use the property in a reasonable manner consistent with the spirit and intent of the ordinance and 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.**

Staff finds that the granting of this variance would not be injurious to the use or enjoyment of other property in the vicinity. As previously mentioned the adjacent home on the neighboring lot to the west is located approximately 27 feet away from the planned structure and open-front porch. Staff finds that the proposed multiple-family structure will be consistent with the character of the area with compliance to the administrative review design standards found in Chapter 530 of the zoning code.

If granted, the proposed variances will not be detrimental to the health, safety or welfare of the public or those utilizing the property as long as it is constructed to current building codes and Public

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Works standards. In addition, the proposed structure will be required to complete the Preliminary Development Review process and receive a building permit prior to construction.

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 staff findings and **approve** the variance to reduce the required front yard setback along 32nd Street West from 15 feet to approximately 10 feet 6 inches, measured to the structure and from 15 feet to approximately 6 feet measured to the open front porch to allow for the new construction of a four-unit, multiple family dwelling on a reverse corner lot located at 600 32nd Street West and 3144-46 Garfield Avenue South in the R4 Multiple-Family District, subject to the following conditions of approval:

1. Approval of the final site, elevation and floor plans by the Department of Community Planning and Economic Development.
2. All site improvements shall be completed by January 9, 2016, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.
3. The proposed structure shall comply with the administrative design review standards per Chapter 530 of the zoning code.

Attachments:

1. Written descriptions and findings submitted by the applicant
2. Letters to Council Member Glidden and Lyndale Neighborhood Association
3. Zoning map
4. Site Plan
5. Building elevations
6. Floor plans
7. Photos