

Department of Community Planning and Economic Development – Planning Division

Variance Request
BZZ-2454

Date: August 4, 2005

Applicant: Christopher Micek

Address of Property: 2220 30th Avenue South

Contact Person and Phone: Christopher Micek, (612) 327-0116

Planning Staff and Phone: Tanya Holmgren, (612) 673-5887

Date Application Deemed Complete: June 29, 2005

End of 60 Day Decision Period: August 28, 2005

Appeal Period Expiration: August 15, 2005

Ward: 2 Neighborhood Organization: Seward Neighborhood Group

Existing Zoning: R2B Two-family Residential District

Proposed Use: A rear 3rd story addition to an existing two-family dwelling.

Proposed Variance: A variance to increase the maximum height of a two-family residential structure from 2.5 stories to 3 stories in the R2B district located at 2220 30th Avenue South.

Zoning code section authorizing the requested variance: 525.520 (4)

Background: The subject property is approximately 40 ft. by 158.25 ft. (6,330 sq. ft.) and consists of an existing two-family dwelling and a detached garage. The applicant has begun construction of a third floor addition to a duplex. The applicant has received a violation letter from the Inspections Department regarding the lack of permit for this construction.

The existing footprint of the structure is 1,080 sq. ft. The requirement of the half story would require that the floor area remain at 540 sq. ft. or less. The subject addition to the third floor increases the third floor area to 567.8 sq. ft. Additionally, the definition of a story is the floor area under a hip or gable roof. The new addition has its own new gable roof. The floor area of the third floor under the new gable roof is exactly equal to the second floor under that portion of the roof. The applicant is requesting a variance to increase the maximum height of a two-family residential structure from 2.5 stories to 3 stories in the R2B district.

Findings Required by the Minneapolis Zoning Code:

- 1. The property cannot be put to a reasonable use under the conditions allowed by the official controls and strict adherence to the regulations of this zoning ordinance would cause undue hardship.**

Maximum height increase: The applicant is seeking a variance to increase the maximum height of a two-family residential structure from 2.5 stories to 3 stories in the R1A district. Strict adherence to the regulations would not allow for the proposed rear addition to the existing single-family dwelling. An addition to the third floor will increase the allowed height of the structure and increase the bulk of the building. Staff does not view this type of an addition as a hardship and believes there are other options that provide additional habitable space to the structure.

- 2. The circumstances are unique to the parcel of land for which the variance is sought and have not been created by any persons presently having an interest in the property. Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of the ordinance.**

Maximum height increase: The circumstances of the variance are not unique to the parcel of land. The property is an existing duplex with 2.5 stories. The addition to the structure is a circumstance created by the applicant and is not unique to the parcel of land. Other alternatives exist on the property, including adding onto the first or second floor.

- 3. The granting of the variance will be in keeping with the spirit and intent of the ordinance and will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity.**

Maximum height increase: Staff believes the rear addition to the existing single-family dwelling could substantially alter the essential character of the surrounding neighborhood. Staff believes that the third floor addition could be injurious to the use or enjoyment of other property in the vicinity because it will alter the character of the dwelling. There are a number of properties in the neighborhood with dwellings that are 2 or 2.5 stories tall. Granting the variance to allow for the existing addition could set a precedent in the area to allow for third stories. Staff believes the addition does not meet the intent of the ordinance and is not characteristic of the dwelling or the area. The addition will be inconsistent with the area and could have a negative impact on the adjacent property.

- 4. The proposed variance will not substantially increase the congestion of the public streets, or increase the danger of fire, or be detrimental to the public welfare or endanger the public safety.**

Maximum height increase: Provided the addition complies with applicable provisions of the building code, granting the variance would likely have no impact on the congestion of area

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streets or fire safety, nor would the proposed addition to the existing single-family dwelling be detrimental to the public welfare or endanger the public safety.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the Board of Adjustment adopt the findings above and **deny** the variance to increase the maximum height of a two-family residential structure from 2.5 stories to 3 stories in the R2B district located at 2220 30th Avenue South.