

Community Planning and Economic Development - Planning Division Report**Variance Request
BZZ-2460**

Date: August 4, 2005

Applicant: Christopher Hince

Address of Property: 3144 Tyler Street Northeast

Date Application Deemed Complete: July 21, 2005

End of 60 Day Decision Period: September 20, 2005

Appeal Period Expiration: August 15, 2005

Contact Person and Phone: Jarrod Dehn, (763) 232-6175

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

Ward: 1 **Neighborhood Organization:** Audubon Neighborhood Association

Existing Zoning: R1A Single-family district

Proposed Use: Existing single-family dwelling.

Proposed Variance: A variance application to reduce the required lot area from 5,000 sq. ft. to 4,675.6 sq. ft. (6.5%) to allow for the re-establishment of a platted lot (Lot 3), a variance to reduce the required lot area from 5,000 sq. ft. to 4,675.6 sq. ft. (6.5%) and a variance to reduce the required side yard setback from 5 ft. to 3 ft. both to allow for the re-establishment of a platted lot with an existing single-family dwelling (Lot 4) in the R1A district.

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

Background: The subject property consists of two combined platted lots (Lot 3 and Lot 4) that total 80 ft. by 116.89 ft. The applicant is proposing to re-establish the two original platted lots to allow for the construction of a new single-family dwelling. When the property line is re-established, both parcels will meet the 40 ft. lot width requirement. An existing single-family dwelling with a detached garage is located on Lot 4 and an existing shed is located on Lot 3. The existing single-family dwelling was constructed in 1910 at 3.5 ft. at the front corner of the dwelling and 3.1 ft. at the rear corner of the dwelling from the north property line of the original platted lot. The interior side yard setbacks for the single-family dwellings in the R1A district is 5 ft. As the applicant is re-establishing the original platted lots, the variance is necessary for the existing single family dwelling to be located less than 5 ft. from the newly created interior side property line.

The lot area requirement for a single-family dwelling in the R1A district is 5,000 sq. ft. This requirement may be varied up to 30 percent. The applicant is proposing a 6.5 percent variance for both of the newly established lots. The new lots will be 40 by 116.89 and 4,675.6 sq. ft. Due to the location of the shed on lot 3, when the properties are split, there will be a garage on a vacant lot that is prohibited by code and will be required to be removed.

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.**

Interior side yard setback: The applicant is seeking a variance to reduce the north interior side yard setback from the required 5 ft. to 3.1 ft. to allow for an existing single-family dwelling on Lot 4. The existing dwelling was constructed in 1910 at 3.1 ft from the north property line of the original platted lot, under different zoning regulations. Strict adherence to the current regulations would not allow for the reestablishment of the lots due to the location of the existing dwelling.

Lot area: The applicant is seeking a variance to reduce the required lot area from 5,000 sq. ft. to 4,675.6 sq. ft. (6.5%) to reestablish two platted lots (Lot 3 & 4). The applicant states that they are re-establishing an original platted line and that the lots are the original platted sizes. Strict adherence to the regulations would not allow for the reestablishment of the platted lot to allow for the existing single-family dwelling on one lot and the construction of a new single-family dwelling on the other, which are both reasonable uses of property in the R1A district. Staff believes that the new lot is consistent with the adjacent platted lots on the block and surrounding streets.

- 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.**

Interior side yard setback: The circumstance of the variance requested is unique to this property. The existing dwelling is located 3.1 ft. from the north interior platted property line and was originally constructed in that location with its proximity to the original platted lot line. The circumstance was not created by the applicant.

Lot area: The conditions upon which the variance is requested are unique to the parcel of land and were not created by the applicant. The lot is 4,675.6 sq. ft. in area and was originally platted that size. The property is zoned R1A single-family district. The applicant would need to acquire an additional 324.4 sq. ft. of land to allow for the construction of a new single-family dwelling on the subject site without a variance. It would be difficult to acquire additional property without affecting the adjacent properties, because the lots are all similar in size. Staff does not believe the original platting of the property that established the lot size is a circumstance created by the applicant.

- 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.**

Interior side yard setback: Staff believes that granting the side yard setback variance will not alter the essential character of the surrounding neighborhood. The single-family dwelling is existing and will not be moved or altered in any way. Staff believes that the variance request meets the intent of the ordinance, is in keeping with the neighborhood, and will not be injurious to the use or enjoyment of

other property in the vicinity. Granting the variance will allow for the reestablishment of the original platted property lines.

Lot area: Staff believes that granting the variance is in keeping with the spirit and intent of the ordinance and will not alter the essential character of the surrounding neighborhood as the property is being returned to the original platted size that is consistent with other platted lots in the area. Granting the variance will not be injurious to the use or enjoyment of other property in the vicinity as the properties will be similar in size to surrounding properties and will be providing parking on each new lot.

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.

Interior side yard setback: Granting the side yard variance will likely have no impact on congestion of area streets or fire safety, nor will the existing single family dwelling be detrimental to the public welfare or endanger the public safety.

Lot area: Granting the lot area variance would likely have no impact on the congestion of area streets or fire safety, nor would the proposed variance be detrimental to the public welfare or public safety.

Recommendation of the CPED Department Planning Division:

The CPED Department Planning Division recommends that the Board of Adjustment adopt the findings above and **approve** the variance application to reduce the required lot area from 5,000 sq. ft. to 4,675.6 sq. ft. (6.5%) to allow for the re-establishment of a platted lot, **approve** the variance to reduce the required lot area from 5,000 sq. ft. to 4,675.6 sq. ft. (6.5%) and **approve** the variance to reduce the required side yard setback from 5 ft. to 3.1 ft. both to allow for the re-establishment of a platted lot with an existing single-family dwelling in the R1A single-family district located at 3144 Tyler Street Northeast subject to the following conditions:

1. The applicant shall submit confirmation from Hennepin County that 2 separate PID numbers have been created prior to the issuance of a building permit.
2. That the applicant remove the existing shed from Lot 3 by August 4, 2006, unless a permit is obtained to construct a principal structure on the lot during this time.