

**Department of Community Planning and Economic Development – Planning Division Report**

Variance Request  
BZZ-2507

**Date:** August 18, 2005

**Applicant:** Bill Buelow, on behalf of the Greater Metropolitan Housing Corp.

**Address of Property:** 2653 Emerson Avenue North

**Date Application Deemed Complete:** July 20, 2005

**End of 60 Day Decision Period:** September 18, 2005

**Appeal Period Expiration:** August 29, 2005

**Contact Person and Phone:** Bill Buelow, 612-339-0601 ex. 16

**Planning Staff and Phone:** Molly McCartney, 612-673-5811

**Ward:** 3      **Neighborhood Organization:** Jordan Area Community Council

**Existing Zoning:** R2B, Two-family District

**Proposed Use:** Construction of a single-family dwelling.

**Proposed Variance:** A variance to reduce the front yard setback from 20 ft. to 16 ft. and a variance to reduce the front yard setback from 20 ft. to 8 ft. for the construction of a new single-family dwelling on a reverse corner lot located at 2653 Emerson Avenue North in the R2B, Two-family District.

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

**Background:** The subject property is 3,555 sq. ft. (42 ft. by 83 ft.) and is vacant. The property is a reverse corner lot that has adjacent residential structures that face both Emerson Avenue North and 27<sup>th</sup> Avenue North. The applicant is proposing to construct a single-family dwelling with an attached garage. The applicant is requesting a front yard variance in order to align the proposed dwelling with the front yard setbacks of the adjacent dwellings on the block, which are approximately 15 ft. from the front property line. The proposed dwelling will have a 7 ft. deep porch and will be set back 16 ft., 6 in. from the front property line. The applicant is also applying for a front yard variance along 27<sup>th</sup> Avenue North to allow for the structure. The property to the west on 27<sup>th</sup> Avenue North is setback 6 ft. from the property line and the proposed structure will be 8 ft. from the front property line. The attached garage will be set back further at 12 ft. to the property line.

In addition to the variances, the applicant will need Site Plan Review approval in order to obtain a building permit for a new single family dwelling.

**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.**

**Front yard setback (Emerson Avenue North):** The applicant has requested a variance to reduce the required front yard setback along Emerson Avenue North from 20 ft. to 16 ft. to allow for the construction of a single-family dwelling in the R2B, Two-family District. The R2B District requires a 20 ft. front yard setback or an established front yard setback created by a line joining the nearest front corners of the adjacent residential structures. In this case, none of the dwellings on the block meet the 20 ft. setback. Without the requested variance, the zoning code would prevent the applicant from constructing a single-family dwelling that meets a similar setback established by the other dwellings on the block. The applicant states that since the lot is only 83 ft. deep, a 20 ft. front yard setback would limit the building area and space available for enclosed parking. Staff believes the single-family dwelling with a setback similar to other dwellings on the block is a reasonable use of the property.

**Front yard setback (27<sup>th</sup> Avenue North):** The applicant has requested a variance to reduce the required front yard setback along 27<sup>th</sup> Avenue North from 20 ft. to 8 ft. The subject site is a reverse corner lot and has two front yard setbacks, along Emerson Avenue North and 27<sup>th</sup> Avenue North. The property to the west that faces 27<sup>th</sup> Avenue North is set back from the front property line only 6 ft. The dwelling portion of the proposed structure will be 8 ft. from the property line and the attached garage will be set back 12 ft. along 27<sup>th</sup> Avenue North. Without the requested variance, the zoning code would prevent the applicant from constructing a single-family dwelling that meets a setback greater than the adjacent dwelling. Staff believes the single-family dwelling with a setback similar to the adjacent residential structure is a reasonable use of the property.

- 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.**

**Front yard setback (Emerson Avenue North):** The conditions upon which the setback variance is requested are unique to the property due to the location of adjacent dwellings and reduced setback created by the adjacent dwellings. The R2B District requires a 20 ft. setback or an established setback created by the adjacent residential structures. In this case, none of the dwellings on the block meet the 20 ft. setback. The applicant states that since the lot is only 83 ft. deep, a 20 ft. front yard setback would limit the building area and space available for enclosed parking. The locations of the adjacent dwellings, resulting reduced setback, and size of the property are not circumstances created by the applicant.

**Front yard setback (27<sup>th</sup> Avenue North):** The conditions upon which the setback variance is requested are unique to the property due to the reverse corner lot status of the subject site, the location of adjacent dwelling and reduced setback created by the adjacent dwellings. The R2B District requires a 20 ft. setback or an established setback created by the adjacent residential structures. The subject site is a reverse corner lot and has an increased setback along 27<sup>th</sup> Avenue North. The original platting of the property and location of the adjacent uses is not 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.**

**Front yard setback (Emerson Avenue North):** Staff believes that the addition will be keeping with the spirit and intent of the ordinance and will not alter the essential character of the surrounding neighborhood. The applicant states the proposed dwelling with the setback variance will create a more uniform look for the block and be consistent with many other dwellings in the area. The adjacent dwellings, as well as many other dwellings on the block, do not meet the R2B District front yard setback of 20 ft. The front yard setback requirement is used to create a uniform building wall along the street and the requested variance will be keeping with the spirit of and intent of the ordinance.

**Front yard setback (27<sup>th</sup> Avenue North):** Staff believes that the addition will be keeping with the spirit and intent of the ordinance and will not alter the essential character of the surrounding neighborhood. The proposed dwelling with the setback variances will be located behind the established setback of the adjacent residential structure. The adjacent dwelling is only 6 ft. from the front property line does not meet the R2B District front yard setback of 20 ft. The front yard setback requirement is used to create a uniform building wall along the street and the requested variance will be keeping with the spirit of and intent of the ordinance.

- 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.**

**Front yard setback (Emerson Avenue North and 27<sup>th</sup> Avenue North):** Granting the front yard setback variance would likely have no impact on the congestion of area streets or fire safety, nor would the proposed addition to the existing 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 **approve** the variance to reduce the front

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yard setback from 20 ft. to 15 ft. along Emerson Avenue and a variance to reduce the front yard setback from 20 ft. to 8 ft. along 27<sup>th</sup> Avenue for the construction of a new single-family dwelling on a reverse corner lot located at 2653 Emerson Avenue North in the R2B, Two-family District, subject to the following conditions:

1. That the Planning Division review and approve the final site and elevation plans that measure to an architectural or engineering scale.