

Department of Community Planning and Economic Development – Planning Division Report**Variance Request
BZZ-2605****Date:** October 6, 2005**Applicant:** Kathy Ringhofer**Address of Property:** 2717 South 8th Street**Date Application Deemed Complete:** September 13, 2005**End of 60 Day Decision Period:** November 12, 2005**Appeal Period Expiration:** October 17, 2005**Contact Person and Phone:** Kathy Rignhofer, 612-673-0816**Planning Staff and Phone:** Shanna Sether, 612-673-2307**Ward: 2 Neighborhood Organization:** West Bank Community Coalition**Existing Zoning:** R4 Multiple Family Residential District and MR Mississippi River Critical Area Overlay District**Proposed Use:** New Single-Family Dwelling**Proposed Variance:** Kathy Ringhofer has applied for a variance to reduce the east required interior side yard setback from 5 ft. to 4 ft. and a variance to reduce the west required interior side yard setback from 5 ft. to 4 ft. to allow for the construction of a new single-family dwelling at 2717 South 8th Street in the R4 Multiple Family Residence District and the MR Mississippi River Critical Area Overlay District.**Zoning code section authorizing the requested variance:** 525.520 (1)**Background:** The applicant proposes to construct a new single-family dwelling on a 30 ft. by 100 ft. parcel. The parcel, which was recently sold to the applicant from the CPED, is nonconforming as to lot width and area. Section 531.100 of the zoning code, which deals with nonconforming lots, reads as follows:

531.100. Nonconforming lots

- (a) *General restriction.* 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, except that, subject to the requirements of subdivision (b), in a residence or OR1 District, a single-family dwelling may be erected on a lot of record existing on the effective date of this ordinance, provided that the yard dimensions and all other requirements for the district in which the lot is

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located, not involving lot area or lot width, shall be met. Yard requirement variances may be applied for through the board of adjustment, as specified in Chapter 525, Administration and Enforcement.

- (b) *Required merger of common ownership lots.* Notwithstanding the provisions of subdivision (a), if in a group of two (2) or more contiguous lots or parcels of land owned or controlled by the same person, any individual lot or parcel is nonconforming as to lot width or lot area, such individual lot or parcel shall not be sold or developed as a separate parcel of land, but shall be combined with adjacent lots or parcels under the same ownership or control so that the combination of lots or parcels will equal one (1) or more parcels of land each meeting the full lot width and lot area requirements of this zoning ordinance, and Chapter 598 of the Minneapolis Code of Ordinances, Land Subdivision Regulations.

The new single family home will also be subject to the conditions of the design standards outlined in section 530.280 in the zoning ordinance.

530.280. Design standards. New single and two-family dwellings and multiple-family dwellings having three (3) or four (4) dwelling units shall comply with the applicable regulations of this zoning ordinance, including but not limited to the standards of Chapter 535, Regulations of General Applicability, related to front entrance, window area, and walkway requirements, and limitations on attached garages facing the front lot line. In addition, the zoning administrator shall ensure that such uses obtain a minimum of fifteen (15) points from Table 530-2, Single and two-family dwellings and multiple-family dwellings having three or four dwelling units. Standards used to meet the minimum requirement must remain in place for a period of not less than fifteen (15) years from the date of approval.

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.**

Given the minimum dwelling width of 22 ft. (required by section 535.90(a) of the zoning code), only eight feet is left over for side yards if a dwelling is to be constructed on the parcel. Minimum required side yards in the R4 District are five feet. The side could not be developed without at least one variance to reduce the required side yard. The applicant has chosen to evenly distribute the side yards, rather than, for example providing one side yard of three feet and one side yard of five feet. This is the same circumstance for the previous application, BZZ 130, for the address of 2707 South 8th Street, which was granted a variance for the same circumstances July 25, 2001.

- 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.

The substandard size of the lot is unique and is not generally applicable to other properties in the R4 District. The substandard lot was created prior to the applicant's interest in the parcel and prior to the CPED's interest in the parcel. As previously noted, the zoning ordinance would render the parcel unbuildable.

- 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.**

The variance would allow for construction of a single-family dwelling in an area that consists of a mix of dwelling types. Further, there are other dwellings in the area that are situated on lots similar in size. According to a survey submitted by the application, the dwelling located on the adjacent parcel to the east is located 2.5 feet from the side property line. Thus, the proposed dwelling would be located 6.5 feet from the adjacent dwelling. Note that there are dwellings on the block and in the immediate area that are situated within very close proximity of one another. Thus, granting the variance would not alter the essential character of the area. Further, it appears unlikely that granting the variance could substantially reduce the value of adjacent or nearby properties. Note that the dwelling to the west of the site maintains a large side yard setback of 7.6 ft. Staff would have preferred that the applicant provide a five foot east side yard and requested a reduction of the west side yard from five feet to three feet.

- 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.**

Assuming compliance with the building code, granting the proposed variance to allow a single-family dwelling would 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.

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 application for the variance to reduce the east required interior side yard setback from 5 ft. to 4 ft. and the variance to reduce the west required interior side yard setback from 5 ft. to 4 ft. to allow for the construction of a new single-family dwelling at 2717 South 8th Street in the R4 Multiple Family Residence District and the MR Mississippi River Critical Area Overlay District.