

**Department of Community Planning and Economic Development - Planning Division**  
Variance Application  
BZZ - 2740

**Date:** December 15, 2005

**Applicant:** Rob Scriver

**Address Of Property:** 2743 12<sup>th</sup> Avenue South

**Contact Person And Phone:** Rob Scriver 612-874-1567

**Planning Staff And Phone:** Jim Voll 612-673-3887

**Date Application Deemed Complete:** November 17, 2005

**End of 60 Day Decision Period:** January 16, 2006

**Appeal Period Expiration:** December 27, 2005

**Ward:** 6      **Neighborhood Organization:** Midtown Phillips

**Existing Zoning:** R2B Two-Family Residential District

**Proposed Use:** Single-family home.

**Proposed Variances:** A variance to reduce the required north side yard from 5 feet to approximately 4 and the south side yard from 5 feet to 3 feet to allow for the construction of a new single-family home.

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

**Background:** The subject property consists of a substandard 29 foot wide lot of record. The applicant proposes to construct a new single-family dwelling. The zoning code requires that single-family homes be at least 22 feet wide and the R2B District requires five foot side yard setbacks. This would require a minimum lot width of 32 feet and the existing lot is only 29 feet wide. The applicant is requesting a variance to approximately four feet for the north yard and to approximately 3 feet for the south yard.

The proposed single-family dwelling is subject to administrative site plan review. The applicant has not yet applied for administrative site plan review and will have to do so before permits may be issued. The structure meets the design standards and could receive 18 points (15 required) for providing a detached garage, a basement, lap siding, a porch, and a roof pitch of 6/12 or steeper. Staff recommends that the door on the south side be eliminated as it does not appear that a sufficient landing and walk would be able to be installed.

**Findings Required by the Minneapolis Zoning Code:**

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

The property consists of a lot of record that is only 29 feet wide. The zoning code requires that single-family homes be at least 22 feet wide and the R2B District requires five foot side yard setbacks. This would require a minimum lot width of 32 feet and the existing lot is only 29 feet wide. The only other alternative that does not require variances would be to leave the lot undeveloped. This is a hardship. The requested variance will allow 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.**

The site consists of a lot of record that is only 29 feet wide. This is a condition that is not generally applicable to other properties in the area.

- 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 intent of side yard setbacks is to provide a reasonable buffer between homes and to allow access to light and air for structures. The proposal will provide a four foot setback on the north and a 3 foot setback on the south, which should provide adequate access to light and air. The home to the north of the site is setback 10 feet from the site and to the south is a surface parking lot. Granting this variance will not circumvent the 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.**

The variance should have no effect on congestion as it will not significantly increase traffic demand at the site. The variance should not be detrimental to the public welfare or safety and will not increase the danger of fire.

**CPED Planning Division Report**  
BZZ-2740

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

The Community Planning and Economic Development Department - Planning Division recommends that the Board of Adjustment adopt the above findings and **approve** the variance application to reduce the required north and south side yards from 5 feet to 4 feet and 3 feet for property located at 2743 12<sup>th</sup> Avenue south subject to the following condition:

1. Review and approval of the final site and elevation plans in compliance with site plan review requirements for 1-4 unit dwelling units by Planning Division staff before building permits may be issued.
  
2. The south side entrance shall be eliminated from the final elevations.