

**Department of Community Planning and Economic Development – Planning Division Report****Variance Request  
BZZ-3219****Date:** October 5, 2006**Applicant:** Jeb Robinson, on behalf of J. Robinson**Address of Property:** 408 4<sup>th</sup> Street Southeast**Contact Person and Phone:** Jeb Robinson (612) 220-7321**Planning Staff and Phone:** Brian Schaffer, (612) 673-2670**Date Application Deemed Complete:** September 14, 2006**Public Hearing:** October 5, 2006**Appeal Period Expiration:** October 16, 2006**End of 60 Day Decision Period:** November 13, 2006**Ward: 3      Neighborhood Organization:** Marcy Holmes Neighborhood Association**Proposed Use:** A new triplex with separate entrances for each unit.**Proposed Variance:** A variance to reduce the interior side yard setback for a principal entrance from 22 feet to 14 feet to allow for the construction of a triplex at 408 4<sup>th</sup> Street Southeast in the R5 Multiple Family District.**Zoning code section authorizing the requested variance:** 525.520 (1)**Background:** The size of the subject site is 54 ft. x 165 feet. (8,960 sq. ft.) The applicant is proposing to construct a 32 foot wide by 84 foot long triplex with three separate entrances. One of the three entrances will face 4<sup>th</sup> Street SE and the remaining two entrances will face the east interior lot line.

The standard district interior side yard setback is 5+2X, where X is the number of stories above the first floor. The proposed structure will be two stories and the resulting interior side yard setbacks are seven feet. However, section 535.250 of the Zoning Ordinance increases the side yard setback for dwelling with side entrances.

The minimum width of interior side yards for all multiple-family dwellings with side entrances, and for single and two-family dwellings or cluster developments with a principal entrance facing the interior lot line, shall be not less than fifteen (15) feet, and the minimum width of said interior side yard plus any driveway shall not be less than twenty-

two (22) feet, unless a greater width is required by the regulations governing interior side yards in the district in which the structure is located.

The applicant has a shared driveway located on the east side of the property along the location of the principal entrances and the resulting interior side yard setback is 22 feet.

The existing four unit dwelling located adjacent to the subject property at 412 4<sup>th</sup> Street SE has a similar side entrance design that faces west toward the shared driveway and property line and is located approximately 15 feet from the interior property line.

Staff has reviewed the proposed dwelling for compliance with Section 530.280 of Minneapolis Zoning Code regarding Design Standards for One to Four Unit Dwellings. The proposed triplex does not meet the site plan review standards; receiving 13 points of a required 15 points. The proposed dwelling received points for including a basement as defined by the Building Code, having windows on twenty (20) percent of the walls facing a public street, having windows on ten (10) percent of the walls facing the rear and the interior side lot, and a roof pitch of 6/12.

**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.**

The applicant has requested a variance to reduce the interior side yard setback for a principal entrance from 22 feet to 14 feet to allow for the construction of a triplex. As stated earlier, the reason for the 22 foot setback is due to the location of the two principal entrances on the east interior side of the structure. The lot is 54 feet wide. The standard interior side yard setbacks are 7 feet and the minimum driveway width is 10 feet. This would allow a structure that is 37 feet in width, which meets the minimum structure width of 22 feet as defined in the Zoning Ordinance. Staff believes that alternative designs exist that will not require a variance. In particular if the structure did not have side entrances a variance would not be required. Staff believes that the property can be put to reasonable use and does not believe there is undue hardship caused by strict adherence to the Zoning Ordinance.

- 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 circumstances upon which the interior side yard setback variance is requested are not unique to the parcel of land. The parcel does not have alley access and requires a driveway. However, the variance is required from 22 feet to 14 feet to allow for primary entrances facing the interior lot line. The applicant is proposing the structure with a layout and design that is creating the circumstances that require the variance.

- 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 proposed triplex would have a similar design as the structure located at 412 4<sup>th</sup> Street SE. It would mirror the primary side entrances and would be setback roughly the same distance from the shared interior property line. The proposed dwelling is two-stories, 24 feet tall and is 32 feet wide, which fits in with the character and scale of many of existing dwellings along the 400 block of 4<sup>th</sup> Street SE. Staff believes that the construction of the proposed triplex will not alter the essential character of the surrounding neighborhood nor will the proposed triplex be injurious to the use or enjoyment of other property in the vicinity.

- 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.**

Granting the variances would likely have no impact on the congestion of area streets or fire safety, nor would the variances be detrimental to the public welfare or endanger the public safety.

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

The Department of Community Planning and Economic Development Planning Division recommends that the Board of Adjustment adopt the findings above and **deny** the to reduce the interior side yard setback for a principal entrance from 22 feet to 14 feet to allow for the construction of a triplex at 408 4<sup>th</sup> Street Southeast in the R5 Multiple Family District.