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## **FRONT YARD VARIANCES**

The minimum front yard setback per RM2 zoning district requirement is twenty-five feet (25') from the Property line. The proposed multifamily building will be positioned on the existing ten feet setback throughout the front façade on James Avenue. The proposed front yard setbacks meet the following criteria for a variance.

### **The variance is in harmony with the general purposes and intent of the zoning code.**

The general purposes of yard controls are to provide for the orderly development and use of land and to minimize conflicts among land uses by regulating the dimension and use of yards in order to provide adequate light, air, open space and separation of uses. The proposed project will be with harmony with the intent of the zoning district as it will maintain a sufficient space between the building and the curb with no conflicts to the surroundings, they would be designed as an inset component of the building and therefore will not impact the open space character of the street. There are no neighboring buildings on either side that will be impacted by the reduced front setbacks. A great deal of landscape design and care would be dedicated to the terraced front yard with optional sitting areas and lighting to address pedestrian traffic.

### **The variance is consistent with the comprehensive plan.**

As discussed above, the proposed development is consistent with the policies of the comprehensive and neighborhood plans. The reduction in setback of the building and the proposed balconies will promote land use policies that encourage traditional urban design and enhancement of the pedestrian environment through placement of active uses that engage the street, as well as capturing the corner and the front of the street and by that achieve a more desirable urban feel.

Urban Neighborhoods are primarily residential areas with a range of housing types. Single family homes and duplexes are most common, although multi-family housing predominates along arterial and collector streets, particularly those with transit. Multi-family housing, schools, neighborhood parks, religious institutions and cemeteries may also be scattered throughout Urban Neighborhoods. Limited neighborhood serving commercial may also be present, typically at intersections of arterial and/or collector streets.

- Policy LU-1. Encourage transit-supportive density and direct the majority of growth to areas with the highest existing or planned transit capacity.

- Policy LU-4. Invest in measures that minimize displacement in neighborhoods where the proximity to high-frequency transit has increased redevelopment pressure and/or housing costs.
- Policy LU-5. Encourage flexible building design to ensure ongoing functionality and viability, and to respond to new market opportunities.
- Policy LU-7. Use land use and zoning flexibility to respond to social, economic, technological, market and environmental changes, conditions and opportunities.
- Policy LU-9. Promote high-quality urban design that supports pedestrian friendliness and a healthy environment, and enhances the public realm.
- Policy LU-10. Activate streetscapes with active first-floor uses, street trees, public art, outdoor commercial uses and other uses that contribute to a vibrant street life
- Policy LU-13. Support strategies, as context and technology allow, to improve off-street parking efficiency, such as shared parking agreements, district ramps, car sharing, electric vehicle charging and reduced parking overall.
- Policy LU-14. Reduce the amount of land devoted to off-street parking in order to use land more efficiently, accommodate increases in density on valuable urban land, and promote the use of transit and other non-car mobility modes.
- Policy LU-34. Provide for medium-density housing that diversifies housing options, such as townhouses, courtyard apartments and smaller multi-family developments, compatible with the general scale of Urban Neighborhoods.
- Policy LU-35. Provide for multi-family housing along arterial and collector streets, and in employment centers to facilitate walking and leverage the use of public transportation. Policy
- LU-36. Promote neighborhood serving commercial businesses within Urban Neighborhoods that are compatible with the character and scale of the existing residential development.

**The applicant has established that there are practical difficulties in complying with the provision and that the property owner proposes to use the property in a reasonable manner not permitted by the provision. Economic considerations alone do not constitute practical difficulties.**

The site on this block presents a difficult physical condition by having a very steep slope on both axes. On the Lexington Avenue side, there is over a six-foot drop from the north corner of the building to the south corner. And on the James Avenue side there is a twenty-four-foot drop from the west corner of the building to the east corner. These conditions present few practical difficulties to comply with the zoning code.

The first practical difficulty would be constructing a longer accessible route in and out of the building if the building were positioned twenty-five feet away from the property line. This ramp would not only have to get longer but also overcome a steeper slope on the north south axis. The closer the building will be to the curb or property line, the easier it would be for a disabled person to egress the building in case of an emergency as well as in their daily routine.

The second practical difficulty would be to maintain an urban feel to the street continuity from west to east. Coming from the west side of Lexington Avenue on James Avenue, the street does not have a straight line from one side of the street to the other, one would have to make a slight right turn and then a left turn into James Avenue which creates a bigger buffer between the curb and the building. A twenty five foot (25') setback per the RM2 zoning code would fail to achieve the desired urban feel that the city envision and the 2040 comprehensive plan attempt to achieve since it will create a bigger gap between the building and the curb, and the building would not capture the corner of the street. The curb is already about eighteen foot (18') away from the property line and adding twenty-five feet (25') to that will create a forty three foot (43') distance from the curb to the face of the building and to ass the non-straight turn into the building from west to east James Avenue will even distant it more.

**The plight of the landowner is due to circumstances unique to the property not created by the landowner.**

The steep slope on both axes and the distance created by the jog on James Avenue are unique circumstances that were not created by the applicant or property owner.

**The variance will not permit any use that is not allowed in the zoning district where the affected land is located.**

The proposed multiple-family use is allowed in the RM2 district.

**The variance will not alter the essential character of the surrounding area.**

The proposed front setbacks will not alter the essential character of the area. The twenty-five-foot setback required by RM2 would be unusually large setback from other properties and would not exemplify the desired urban character.

## **REAR YARD VARIANCES**

The minimum rear yard setback per RM2 zoning district requirement is twenty-five feet (25') from the Property line or nine feet (9') plus half of the height above fifty feet (50'), which in this case would be nine feet (9') plus nine feet and four inches (9'-4"), meaning eighteen feet and four inches (18'-4"). The proposed multifamily building is proposing ten feet (10') as the rear yard, in this case the alleyway between James and Randolph Avenue. The proposed rear yard setbacks meet the following criteria for a variance.

**The variance is in harmony with the general purposes and intent of the zoning code.**

The general purposes of yard controls are to provide for the orderly development and use of land and to minimize conflicts among land uses by regulating the dimension and use of yards in order to provide adequate light, air, open space and separation of uses. The proposed projects rear setbacks will be harmonies with the zoning code as it will allow a more dense building with a better urban feel to it as it will minimize the negative space between the proposed building and any future proposed building from the other side of the alley. RM2 zoning district seeks for a multifamily apartment building that fit in a more urban, metro and transit related communities and this variance request is in harmony with the intent of the zoning code.

**The variance is consistent with the comprehensive plan.**

As discussed above, the proposed development is consistent with the policies of the comprehensive and neighborhood plans. The reduction in setback in the rear of the building will help to minimize negative space between buildings will promote land use policies that encourage traditional urban design and enhancement of the pedestrian environment through placement of active uses that engage the street, as well as hiding "back of the house" areas such as parking areas along the building from the alley side and by that achieve a more desirable urban fill. From a mass stand point, this

variance will help capture the street more and allow for more active uses along Lexington Avenue and at the same time, extending this mass towards the alley, will help in hiding the internal court yard between the two sides of the alley as well as all the cars parking along the south side of the proposed building.

To avoid redundancy, please refer to the policies mentioned above, from the 2040 Comprehensive Plan.

**The applicant has established that there are practical difficulties in complying with the provision and that the property owner proposes to use the property in a reasonable manner not permitted by the provision. Economic considerations alone do not constitute practical difficulties.**

The current RM2 zoning district front and rear setbacks is twenty-five feet from the property line. Complying with these setbacks on this specific site will not be within the spirit of the comprehensive plan, in fact it would contradict its own vision. If one was to build a mass according to the 25' rear setback, this mass would not be able to hide any of the back alleyway parking and the result would have been a 70' long negative space between the two masses on both sides of the alley. This presents a practical difficulty to comply with the spirit of the comprehensive plan to create a walkable and pedestrian friendly environment. To overcome this difficulty, the proposed development offers to shorten the rear setback, and to allow the building to present a more active façade with a smaller gap between the proposed building and the existing, or any future mass on the south side of the alley.

**The plight of the landowner is due to circumstances unique to the property not created by the landowner.**

The steep slope on both axes and the distance created by the setbacks on James Lexington are unique circumstances that were not created by the applicant or property owner.

**The variance will not permit any use that is not allowed in the zoning district where the affected land is located.**

The proposed multiple-family use is allowed in the RM2 district.

**The variance will not alter the essential character of the surrounding area.**

The proposed rear setbacks will not alter the essential character of the area. The twenty-five-foot setback required by RM2 would be unusually large setback from other properties and would not exemplify the desired urban character.

## **FAR INCREASE**

The maximum allowed FAR for the RM2 zoning district is 2.25. The proposed multifamily building seeks a 10% affordable housing which will allow an increase of the FAR to a 2.75 without applying for a variance. The proposed development seeks for the FAR bonus and raise the FAR to 2.75.