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MEMORANDUM

DATE: July 31, 2003

TO: Council Member Gary Schiff, Chair, Zoning & Planning Committee and
Members of the Committee

FROM: Carrie Flack, City Planner

SUBJECT: Appeal of the decision of the Zoning Board of Adjustment by Edith Derr
BZZ 1223 – 5356 48th Avenue South

Edith Derr has filed an appeal of the decision of the Zoning Board of Adjustment. The appeal is associated with the decision of the Zoning Board of Adjustment to deny the requested variance to increase the width of a driveway from the permitted 25 feet to 33 feet to allow for a parking pad adjacent to a proposed new garage.

The appellant has indicated that this action is being appealed because the property is a narrow corner lot, that her health conditions necessitate the additional paved parking area, and the placement of a utility pole at the rear of her property limits further potential solutions. The appellant states that on-street parking in front of her house is limited on 48th Avenue South due to the placement of a fire hydrant and that on-street parking along 54th Street East is dangerous due to heavy traffic. The appellant also states that the parking pad will provide room to park a pop-up trailer she hopes to purchase in the future. The appellant's complete statement of the action being appealed and reasons for the appeal is attached.

At the June 25, 2003 Zoning Board of Adjustment meeting, seven Board members were present and all seven members voted to deny the variance application. The actions from the June 25, 2003 Zoning Board of Adjustment meeting and the Planning Department staff report are attached.

HEARING AGENDA

Minutes

June 25, 2003

Minneapolis Board of Adjustment:

Ms. Debra Bloom
Mr. David Fields
Mr. John Finlayson
Mr. Paul Gates
Ms. Tonia Johnson - Absent
Ms. Marissa Lasky
Mr. Barry Morgan – Absent
Mr. Peter Rand
Ms. Gail Von Bargaen

The Board of Adjustment of the City of Minneapolis met at **2:00 p.m.**, on **Wednesday, June 25, 2003**, in **Room 220 City Hall**, Minneapolis, Minnesota, to consider requests for the following:

8. 5356 – 48th Avenue South (BZZ-1223, Ward 12)

Joe Bjerke has applied for a variance to increase the width of a driveway from the permitted 25 feet to 33 feet.

TESTIMONY

Staff presented their report and recommendation to the Board of Adjustment.

Applicant: Joe Bjerke acting on behalf of the Edith Derr at 5356 48th Avenue stated that he is a contractor with his company, Home Remedies Home Repair and that Edith is out working today. He stated that Edith's property is unique in that it is only 37 feet wide (36.96 feet). Her current garage is 14 feet by 20 feet and when her car is parked in front of her current garage, she is right at the sidewalk. Her car is about 16.5 feet long. He further stated that her garage is not placed correctly within her property lines and that the garage was actually encroaching over the setback. The new garage will be placed further south, about 9 ½ inches from where the old garage was and now she will have even less room on the front side of her garage along 54th Street.

Mr. Bjerke stated that the traffic on 54th Street is heavy. Directly adjacent to the south of Edith's property is the Vet's Hospital and the service entrance to the Vet's Hospital is right there. He stated that there is a lot of traffic and a lot of trucks making left turns into the Vet's Hospital and other cars that trying to go around them on the right. It is dangerous parking a vehicle along 54th Street. In talking with her and her neighbors, he found that nobody is happy about parking there.

Mr. Bjerke went on to state that on the 48th Avenue side of her property there is a fire hydrant on the corner and that she has to maintain a distance of 30 feet away from the fire hydrant, which puts her vehicle in front of her neighbor's property. Mr. Bjerke explained that all she is looking for right now is a place to temporarily park her car for when she buys groceries and has to unload. She is not looking at long-term parking, she is just looking for a place to get her car off the street and turn around. She has been cited on the current condition of her current garage by the city inspectors. She is cooperating fully and she has gone out and gotten herself a \$30,000 credit line to improve the property, which includes

building the garage, much needed plumbing/electrical work inside of her house and an addition of a deck. She wants to get her property looking better and she is being very cooperative. She is working to improve the property.

Mr. Bjerke stated that the other part of this issue is that she works various hours because she is a nurse, sometimes getting home very late in the evenings. She has concerns that if she is to make a grocery trip after dark in the evenings, especially during the wintertime, she is forced to park out in front of 48th and her kitchen is in the rear of her house. She is concerned with safety, having to walk from the front of her house to the back of her house. There is a gate also on her side yard, but the neighborhood is not as great as it used to be. Mr. Bjerke concluded that she really wants to cooperate.

No persons present that would be for or against the variance to increase the width of the driveway from the permitted 25 feet to 33 feet.

Public Hearing Closed

Board member comments:

Rand: I move for the staff recommendation. She is already doubling her parking capacity moving from a single car garage to a double car garage. She could park the car in the garage and do whatever she has to do. I do not see any over arching need whatsoever for a third pad.

Finlayson: Is there a second to the motion?

VonBargen: Seconded

Finlayson: Further Discussion

Lasky: She can build to 676 square feet right?

Staff: Correct

Lasky: She can build a bigger garage. The hardship is not the inability to build a bigger garage. For that reason, I cannot find a reason to do the parking pad. I can see some ways to work this out with a different kind of pad and shorten it, and do all kinds of things, but only if she could not build a larger garage. I have to support staff recommendation.

Finlayson: Further Comment? No further comments. Please call Roll.

Bloom - Yes

Fields - Yes

Finlayson - Yes

Gates - Yes

Johnson – Absent

Lasky - Yes

Morgan - Absent

Rand – Yes

Von Bargen – Yes

Minneapolis City Planning Department Report

Variance Request
BZZ-1223

Date: June 25, 2003

Applicant: Edith Derr

Address of Property: 5356 48th Avenue South

Date Application Deemed Complete: May 28, 2003

End of 60 Day Decision Period:

Contact Person and Phone: Joe Bjerke, 952-653-0503

Planning Staff and Phone: Carrie Flack, 612-673-3239

Ward: 12 **Neighborhood Organization:** Nokomis East Neighborhood Association

Existing Zoning: R1A, Single-Family District

Proposed Use: New garage with parking pad adjacent.

Proposed Variance: A variance to increase the width of a driveway from the permitted 25 feet to 33 feet to allow for a parking pad adjacent to a proposed new garage.

Zoning code section authorizing the requested variance: 525.520 (8)

Background: The applicant is proposing to demolish an existing 14 foot wide x 20 foot deep garage and construct a 22 foot wide x 20 foot deep garage in its place. The garage is located on the northwest corner of the property adjacent to an alley. Ingress and egress to the garage consists of an existing curb cut from East 54th Street that is 12 feet wide. In addition, the applicant is proposing to construct a 10 foot wide parking pad on the east side of the garage adjacent to the applicant's backyard. The total driveway width is 33 feet.

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.**

Driveway width increase: The applicant is seeking a variance to increase the permitted width of a driveway from 25 feet to 33 feet. The applicant is proposing to construct a parking pad adjacent to a new garage to provide room for temporary parking. The applicant states that the lot is extremely narrow, 37 feet. The applicant's new garage is proposed to be 20 feet deep and will be located 1 foot from the north property line, which leaves 16 feet between the garage and public sidewalk. The applicant states that 16 feet in depth is not adequate to park a vehicle on the driveway without interfering with the public sidewalk. Strict adherence to the regulations would not allow for the parking pad.

- 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.**

Driveway width increase: The condition upon which the setback variance is requested is unique to the parcel. The lot is a corner lot that is 37 feet in width. All other lots on the block are 40 feet in width. Therefore, the

applicant's property is 3 feet narrower than all other lots on the block. The new garage is proposed to be 22 feet wide x 20 feet deep and will be located 1 foot from the north property line which, leaves 16 feet between the garage and public sidewalk. This circumstance is unique to the parcel and has not been created by the applicant. However, staff believes that 16 feet will allow for an average sized vehicle without interfering with the public sidewalk. A commercial parking space is typically 8.5 feet x 18 feet. In addition, the applicant is replacing a single car garage with a two-car garage that will provide additional room for a second vehicle. There is also an adequate amount of on street parking along 48th Avenue South.

- 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.**

Driveway width increase: Staff believes that the parking pad will not alter the essential character of the surrounding neighborhood and will not be injurious to the use or enjoyment of other property in the vicinity. However, staff is concerned that the increased impervious surface may have a negative impact on storm water runoff in the area.

- 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.**

Driveway width increase: Granting the variance would likely have no impact on the congestion of area streets or fire safety, nor would the proposed addition be detrimental to the public welfare or endanger the public safety.

Recommendation of the City Planning Department:

The City Planning Department recommends that the Board of Adjustment adopt the findings above and **deny** the variance to increase the width of a driveway from the permitted 25 feet to 33 feet to allow for a parking pad adjacent to a proposed new garage.