

## Minneapolis City Planning Department Report

### Accessory Structure Size Variance, Setback Variances and Street Vacation BZZ-699

**Date:** July 22, 2002

**Applicant:** Douglas Muirhead and Faye Knowles

**Address of Property:** 1017 Thomas Avenue South

**Date Application Deemed Complete:** June 7, 2002

**End of 60-Day Decision Period:** August 6, 2002

**End of 120-Day Decision Period:** Not applicable

**Applicant has Waived 60-Day Requirement:** No

**Contact Person and Phone:** Douglas Muirhead and Faye Knowles, (612) 750-4312

**Planning Staff and Phone:** Hilary Watson, (612) 673-2639

**Ward: 7**      **Neighborhood Organization:** Bryn Mawr Neighborhood Association

**Existing Zoning:** R1

**Proposed Use:** New detached garage

**Concurrent Review:**

**Variance:** To increase the maximum permitted floor area of an accessory structure from the permitted 676 square feet to 792 square feet in order to allow a 22-foot by 36-foot detached garage to be built on a through lot.

**Variance:** To reduce the front yard setback from the required 25 feet to 2 feet along Antoinette Avenue to allow for the construction of a detached garage on a through lot.

**Variance:** To reduce the front yard setback from the required 25 feet to 1-foot along Antoinette Avenue to allow for the construction of a detached garage on a through lot.

**Variance:** To reduce the side yard setback from the required 6 feet to 5 feet to allow for the construction of a detached garage on a through lot.

**Vacation:** A portion of Antoinette Avenue (Vac1389)

**Previous Actions:** None

**Background:** The applicant is proposing to construct a new garage on their property. The proposed garage exceeds the maximum permitted size for an accessory structure and does not meet the front and

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side yard setbacks from Antoinette Avenue (see site plan). The applicants also need to vacate a portion of Antoinette Avenue in order to construct the garage as proposed.

**Neighborhood Review:** The applicants have indicated that they informed the Bryn Mawr Neighborhood Association of their plans and that the neighborhood association only resolved to acknowledge their project but took no other action.

**VARIANCE**

**Findings as Required by the Minneapolis Zoning Code for the Variance:**

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.**

**Size of Accessory Structure:** The applicants are seeking a variance to increase the maximum permitted floor area of an accessory structure from the permitted 676 square feet to 792 square feet in order to allow a 22-foot by 36-foot detached garage to be built on a through lot. The applicants have indicated that the streets in front and in back of their home have been posted “No Parking” by the City of Minneapolis. The parking restriction along Thomas Avenue South is for the hours between 8 am and 2 pm. There is no parking in the cul-de-sac portion of the street at any time. The parking restriction along Antoinette Avenue South is for the time between November first and April first. There is no parking in the cul-de-sac portion of the street at any time. The applicants have indicated that because there are parking restrictions on both of the streets surrounding their home that there is not enough room for the number of automobiles that they own or for guest vehicles.

**Front yard setback (north side):** The applicants are seeking a variance to reduce the front yard setback from the required 25 feet to 2 feet along Antoinette Avenue to allow for the construction of a detached garage on a through lot. The applicants have indicated that their lot has frontage on two public streets and is therefore subject to two front yard setback requirements.

**Front yard setback (south side):** The applicants are seeking a variance to reduce the front yard setback from the required 25 feet to 1-foot along Antoinette Avenue to allow for the construction of a detached garage on a through lot. The applicants have indicated that their lot has frontage on two public streets and is therefore subject to two front yard setback requirements.

**Side yard setback:** The applicants are seeking a variance to reduce the side yard setback from the required 6 feet to 5 feet to allow for the construction of a detached garage on a through lot. The applicants have indicated that because their lot has frontage on two public streets that they have no back yard. The applicants continue to say that if they had a back yard that the garage could be located 1-foot off of the side property line because the garage is located within the rear 40 feet of their lot. It should be noted that the applicants are maintaining a 5-foot setback from

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the side property line because there is a water easement running through a portion of their property.

- 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.**

**Size of Accessory Structure:** The need for a larger garage in order to park more vehicles is not a unique physical characteristic of the property. The garage that the applicants are proposing to build is 36 feet in length and 22 feet in depth. A portion of the garage is allocated for storage. If 6 feet of the storage area was removed from the garage (making it 30 feet in length) it would not need a variance.

**Front yard setback (north side):** This site is unique in that it has frontage on two public streets and is therefore subject to two front yard setback requirements.

**Front yard setback (south side):** This site is unique in that it has frontage on two public streets and is therefore subject to two front yard setback requirements.

**Side yard setback:** This site is unique in that it has frontage on two public streets and therefore has no back yard which would only have a 1-foot setback requirement.

- 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.**

**Size of Accessory Structure:** Staff believes that the granting of this variance would alter the essential character of the neighborhood and be injurious to other property in the area as it would be the largest garage constructed on the block. The proposed garage is approximately 56 percent the size of the applicants house.

**Front yard setback (north side):** Granting this variance will not alter the essential character of the neighborhood or be injurious to other property in the area as Antoinette Avenue South functions as an alley for those homes that face Thomas Avenue South (between Interstate 394 and Vincent Avenue South) as all of the properties along this street have garages that face Antoinette Avenue South.

**Front yard setback (south side):** Granting this variance will not alter the essential character of the neighborhood or be injurious to other property in the area as Antoinette Avenue South functions as an alley for those homes that face Thomas Avenue South (between Interstate 394 and Vincent Avenue South) as all of the properties along this street have garages that face Antoinette Avenue South.

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**Side yard setback:** Granting this variance will not alter the essential character of the neighborhood or be injurious to other property in the area as Antoinette Avenue South functions as an alley for those homes that face Thomas Avenue South (between Interstate 394 and Vincent Avenue South) as all of the properties along this street have garages that face Antoinette Avenue South.

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.**

**Size of Accessory Structure:** Granting the variance would likely have no impact on congestion of area streets or fire safety, nor would the proposed garage be detrimental to the welfare or public safety.

**Front yard setback (north side):** Granting the variance would likely have no impact on congestion of area streets or fire safety, nor would the proposed garage be detrimental to the welfare or public safety.

**Front yard setback (south side):** Granting the variance would likely have no impact on congestion of area streets or fire safety, nor would the proposed garage be detrimental to the welfare or public safety.

**Side yard setback:** Granting the variance would likely have no impact on congestion of area streets or fire safety, nor would the proposed garage be detrimental to the welfare or public safety.

**RECOMMENDATION OF THE CITY PLANNING DEPARTMENT:**

The City Planning Department recommends that the City Planning Commission adopt the findings above and **deny** the variance to increase the maximum permitted floor area of an accessory structure from the permitted 676 square feet to 792 square feet in order to allow a 22-foot by 36-foot detached garage to be built on a through lot; **approve** the variance to reduce the front yard setback from the required 25 feet to 2 feet along Antoinette Avenue to allow for the construction of a detached garage on a through lot; **approve** the variance to reduce the front yard setback from the required 25 feet to 1-foot along Antoinette Avenue to allow for the construction of a detached garage on a through lot and **approve** the variance to reduce the side yard setback from the required 6 feet to 5 feet to allow for the construction of a detached garage on a through lot subject to the following conditions:

1. The Planning Department shall approve the final site and elevation plans.
2. The garage shall be no larger than 676 square feet.
3. The exterior materials used for the garage shall be similar to the exterior materials of the house.

**VACATION (Vac1389) – A portion of Antoinette Avenue Vacation**

**Development Plan:** The site plan for the development is attached.

**Responses from Utilities and Affected Property Owners:** All of the utilities have responded. None have requested easements.

**Findings:** The Public Works Department and City Planning Department find that the area proposed for the vacation is not needed for any public purpose and it is not part of a public transportation corridor.

**RECOMMENDATION OF THE CITY PLANNING DEPARTMENT:**

The City Planning Department recommends that the City Planning Commission and the City Council accept the above findings and **approve** the street vacation for that part of Antoinette Avenue as platted in Norwoods Cedar Lake Park Addition to Minneapolis described as follows: Beginning at the most easterly corner of Lot 5, Block 1, in said Norwoods Cedar Lake Park Addition to Minneapolis; thence Southeasterly on a line radial to the centerline of said Antoinette Avenue, 30.00 feet to said centerline; thence Southwesterly on said centerline to its intersection with a line drawn radial to the Northwesterly line of Lot 1, Block 10, Cedar Lake Park Addition to Minneapolis, from a point distant 44.01 feet Northwesterly, measured along said Northwesterly line, from the most Westerly corner of said Lot 1; thence Northwesterly on last said radial line to its intersection with the southeasterly line of said Lot 5; thence Northwesterly along said Southeasterly line to the point of beginning.