



Request for City Council Committee Action from the Department of Community Planning & Economic Development – Planning Division

Date: September 17, 2007

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

Referral to: Zoning and Planning Committee

Subject: Appeal a Zoning Board of Adjustment decision to approve a variance to reduce the side yard setback from 5 feet to 1.5 feet to allow for a two stall detached garage at 1709 Irving Avenue South. The appellants are by Rick and Suzanne Pepin at 1505 Mount Curve. (BZZ-3671.)

Recommendation: Approve the variance.

Previous Directives: N/A

Prepared or Submitted by: Erik Carlson, Senior Planner, 612-673-5348

Approved by: Jack Byers, Planning Supervisor, 612-673-2634

Presenters in Committee: Erik Carlson, Senior Planner

Financial Impact (Check those that apply)

- No financial impact (If checked, go directly to Background/Supporting Information).
- Action requires an appropriation increase to the _____ Capital Budget or _____ Operating Budget.
- Action provides increased revenue for appropriation increase.
- Action requires use of contingency or reserves.
- Business Plan: _____ Action is within the plan. _____ Action requires a change to plan.
- Other financial impact (Explain):
- Request provided to department's finance contact when provided to the Committee Coordinator.

Community Impact (use any categories that apply)

Ward: 7

Neighborhood Notification: The Lowry Hill Residents Inc, neighborhood group was notified

of the appeal on September 7, 2007.

City Goals: See staff report.

Comprehensive Plan: See staff report.

Zoning Code: See staff report.

Living Wage/Job Linkage: Not applicable.

End of 60/120-day Decision Period: The end of the 60 day decision period is August 28. This has been extended by the City to October 29, 2007

Other: Not applicable.

Background: The applicant wishes to tear-down a one-stall detached garage and construct a two-stall detached garage. The location of the rear of wall of the principal structure on the adjoining lot to the north east is less than 40 feet from the rear lot line. In this situation the setback for the proposed garage is 5 feet. To reduce it down to a minimum of 1 foot requires a variance. The proposed garage would be 1.5 feet from the north interior lot line.

Supporting Information Attached:

Zoning Board of Adjustment Testimony and Actions, August 9, 2007

Staff Report

Zoning Code

Appeal Application Materials

Additional Information Submitted by Applicant

Public Comments Received by Staff

Zoning Code

535.280 Obstruction in required yards *(d) Interior side yards for detached buildings accessory to dwellings.* The interior side yard requirement for a detached accessory building may be reduced to one (1) foot when the entire accessory building is located in the rear forty (40) feet or rear twenty (20) percent of the lot, whichever is greater, provided that the principal structure on the adjoining lot has its rear wall at least forty (40) feet from the rear lot line. Further, the required side yard for a detached accessory building may be eliminated where adjoining property owners construct detached garages sharing a common wall and which are located in the rear forty (40) feet. Where the interior side yard is reduced, eaves, including gutters, shall not be less than six (6) inches from the property line, except where a common wall is allowed.