



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

**Date:** August 11, 2011

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

**Referral to:** Zoning & Planning Committee

**Subject:**

**Name of Appellant:** Trenton Fields  
**Name of Original Applicant:** Trenton Fields  
**Property Address:** 6045 11th Avenue South  
**Ward #:** 11

**Appeal of decision of the Zoning Board of Adjustment** Trenton Fields has appealed the decision of the Board of Adjustment to deny a variance to increase the maximum length of a recreational vehicle on the property located at 6045 11<sup>th</sup> Avenue South in the R1 Single-Family District.

**Recommendation:**

The Zoning Board of Adjustment recommends concurrence with the action taken on December 9, 2010, for the property at 6045 11th Avenue South, Ward #11, as follows:

**2. 6045 11th Avenue South (BZZ-5013, Ward 11)**

**Variance:** Trenton Fields has applied for a variance to increase the maximum length of a recreational vehicle on the property located at 6045 11th Avenue South in the R1 Single-Family District.

**ACTIONS:** The Board of Adjustment **adopted** the findings and **denied** the variance to increase the maximum length of a recreational vehicle from 25 feet to 35 feet on the property located at 6045 11th Avenue South in the R1 Single-Family District.

**Previous Directives:** None

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| Prepared by: Shanna Sether, Senior City Planner, 612-673-2307<br>Approved by: Jason Wittenberg, Planning Manager, 612-673-2297<br>Presenters in Committee: Shanna Sether, Senior City Planner, 612-673-2307 |
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**Community Impact**

- Neighborhood Notification: Hale, Page, Diamond Lake Community Council was notified of the appeal application.
- City Goals: See staff report
- Comprehensive Plan: See staff report
- Zoning Code: See staff report
- End of 60/120-day decision period: On December 10, 2010, staff sent a letter to the applicant extending the 60 day decision period to no later than February 22, 2011. On January 5, 2011 staff received a letter from the applicant granting an additional extension to September 1, 2011.

**Background/Supporting Information**

Trenton Fields has appealed the decision of the Board of Adjustment to deny a variance to increase the maximum length of a recreational vehicle on the property located at 6045 11<sup>th</sup> Avenue South in the R1 Single-Family District. At its meeting on December 9, 2010, the Board of Adjustment voted 4-2 to adopt staff findings and deny the requested variance. In response to amended state law, the required findings for variances have since been amended and were approved by the City Council on July 22, 2011. The appeal (attached) was filed on December 10, 2010. The applicant requested a continuance from the January 20, 2011, Zoning and Planning Committee meeting to allow for additional time to find an alternative location for the recreation vehicle, if the City Council were to deny the variance. The appellant's complete statement of the action being appealed and reasons for the appeal are attached. The Board of Adjustment minutes and Planning Division staff report are also attached.

**Department of Community Planning and Economic Development - Planning Division Report**  
Variance  
BZZ-5013

**Date:** December 9, 2010

**Applicant:** Trenton Fields

**Address of Property:** 6045 11<sup>th</sup> Avenue South

**Project Name:** 6045 11<sup>th</sup> Avenue South Recreational Vehicle

**Contact Person:** Trenton Fields, (612) 866-1368

**Planning Staff:** Shanna Sether, (612) 673-2307

**Date Application Deemed Complete:** October 25, 2010

**End of 60 Day Decision Period:** December 24, 2010

**Ward:** 11            **Neighborhood Organization:** Hale, Page Diamond Lake Community Association

**Existing Zoning:** R1 Single-Family District

**Zoning Plate Number:** 38

**Legal Description:** Not applicable

**Proposed Use:** A 35 ft. Class A Motor Home accessory to a single-family dwelling

**Variance:** increase the maximum length of a recreational vehicle

**Zoning code section authorizing the requested variance:** Chapter 525, Article IX Variances, Specifically Section 525.520(13) “to increase the maximum allowed length of a recreational vehicles...as regulated in Chapter 541, Off-Street Parking and Loading...”

**Background:** The subject site is 55 ft. x 117.8 ft. (6,479 sq. ft.) and has an existing single-family dwelling and detached garage on a corner lot. The applicant is requesting to allow his Class A motor home to remain on his property. The zoning code permits recreational vehicles subject to 541.460 of the zoning code:

**541.460. Recreational vehicles in or abutting residence or office residence zoning districts or permitted or conditional residential uses.** Recreational vehicles shall be parked or stored in an enclosed garage unless the following conditions are met:

- (1) The vehicle or item shall not exceed a length of twenty-five (25) feet unless the lot on which it is parked exceeds one hundred twenty-five (125) feet in length. In such instance, the maximum length of said vehicle may be increased one (1) foot for each one (1) foot

of lot length over one hundred twenty-five (125) feet. In no case shall the vehicle or item exceed thirty (30) feet.

- (2) The area devoted to parking of such vehicles or items outdoors shall not exceed three hundred (300) square feet, unless only one (1) such vehicle or item is parked on the premises. Such vehicles shall count toward the maximum number of vehicles parked outdoors, as specified in section 541.450 above. For the purposes of this section, a vehicle or item on a trailer shall be considered one (1) vehicle.
- (3) Any such vehicle or item parked outdoors shall be parked on a surface in compliance with section 541.300 in the rear forty (40) feet of the lot.
- (4) Any such vehicle or item shall be located not less than six (6) feet from any habitable building.
- (5) The parking of inoperable vehicles shall be prohibited.

The recreational vehicle is parked on a 35 ft. by 7 ft. (245 sq. ft.) blacktop driveway, which is a permitted surfacing material. In addition, it is located outside of the required yards and in the rear 40 feet of the lot. It is screened to the west by the existing detached garage and to the north by the existing fence and the property owner covers the recreational vehicle in the wintertime. The applicant meets all of the standards set for in 541.460 with the exception of (1) which allows for a recreation vehicle of 25 feet on the subject property, based on the length of the lot. The property owner has a motor home that is 35 feet in length. The zoning code authorizes a variance 525.520(13) to increase the maximum allowed length of a recreational vehicle, as regulated in Chapter 541, Off-Street Parking and Loading, as long as the vehicle does not exceed thirty-five (35) feet in length. Therefore, the applicant is requesting a variance to increase the maximum length of a permitted recreational vehicle from 25 feet to 35 feet in length.

Staff has received a letter of support from the Hale, Page Diamond Lake Community Association; a copy of the letter is attached to the staff report. Staff will forward additional comments, if any are received, at the Board of Adjustment meeting.

#### **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 increase the maximum length of a recreational vehicle from 25 feet to 35 feet to allow for the existing vehicle to remain at the subject property. The property owner has had the recreational vehicle parked at the subject property for four years and complies with all of the additional standards set forth in section 541.460 of the zoning code. Strict adherence to the regulations would not allow for the recreational vehicle to be parked on the subject property. Staff believes that reasonable use of the property exists without the variance and that denial of the variance would not cause undue hardship.
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.**

CPED – Planning Division  
BZZ-5013

The conditions upon which the variance is requested are unique to the parcel. The recreational vehicle is parked on a 35 ft. by 7 ft. (245 sq. ft.) blacktop driveway, which is a permitted surfacing material. In addition, it is located outside of the required yards and in the rear 40 feet of the lot. It is screened to the west by the existing detached garage and to the north by the existing fence and the property owner covers the recreational vehicle in the wintertime. The applicant meets all of the standards set for in 541.460 with the exception of (1) which allows for a recreation vehicle of 25 feet on the subject property, based on the length of the lot. The property owner has a motor home that is 35 feet in length. The zoning code authorizes a variance 525.520(13) to increase the maximum allowed length of a recreational vehicle, as regulated in Chapter 541, Off-Street Parking and Loading, as long as the vehicle does not exceed thirty-five (35) feet in length.

**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.**

While staff is generally concerned about the impact that this type of variance could have on neighborhood character, this recreational vehicle is screened from view. The property owner has had the recreational vehicle parked at the subject property for four years and complies with all of the additional standards set forth in section 541.460 of the zoning code. In addition, the applicant meets the criteria for seeking a variance per 525.520(13) of the zoning code. The neighbors and neighborhood organization have provided their support for the variance offering that the recreational vehicle is not injurious to the use or enjoyment of their property.

**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 of the variance would likely have no impact on the congestion of area streets or fire safety, nor would the recreational vehicle be detrimental to the public welfare or endanger the public safety. The applicant has provided pictures showing that the recreational vehicle does not obstruct sightlines for traffic along the alley or along 61<sup>st</sup> Street East.

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

The Department of Community Planning and Economic Development Planning Division recommends that the Board of Adjustment adopt the findings above and **deny** the variance to increase the maximum length of a recreational vehicle from 25 feet to 35 feet on the property located at 6045 11<sup>th</sup> Avenue South in the R1 Single-Family District.

**Attachments:**

- 1) Written descriptions and findings submitted by the applicant
- 2) Copy of e-mail sent to Hale, Page, Diamond Lake Community Association and CM Quincy
- 3) Correspondence from neighbors and the Hale, Page, Diamond Lake Community Association
- 4) Zoning map
- 5) Site plan
- 6) Photographs