

**Department of Community Planning and Economic Development – Planning Division Report****Variance Request  
BZZ-2916****Date:** April 20, 2006**Applicant:** Melissa Hansing and Trent Petterson**Address of Property:** 4520 Chowen Avenue South**Contact Person and Phone:** Melissa Hansing, 612-928-3868**Planning Staff and Phone:** Molly McCartney, 612-673-5811**Date Application Deemed Complete:** March 23, 2006**Public Hearing:** April 20, 2006**Appeal Period Expiration:** May 1, 2006**End of 60 Day Decision Period:** May 23, 2006**Ward:** 13      **Neighborhood Organization:** Linden Hills Neighborhood Council**Existing Zoning:** R1, Single-family District**Proposed Use:** Construction of an addition to a single-family dwelling**Proposed Variances:**

- A variance to reduce the required front yard setback from 55 ft. to 19 ft.,
- a variance to reduce the side yard setback from 6 ft. to 3 ft.,
- a variance to extend an attached garage further than 5 ft. from the façade of the habitable portion of the building to 19 ft., and
- a variance to increase the width of the garage wall facing the front lot line from 60 percent to 100 percent

all to allow for an addition that includes a front facing garage to a single-family dwelling at 4520 Chowen Avenue South in the R1 Single-family District.

**Zoning code section authorizing the requested variance:** 525.520 (1) (1) (28) (28)

**Background:** The subject property is 5,250 sq. ft. (50 ft. by 105 ft.) and consists of a two-story, single-family dwelling that is set back in the lot 75 ft. from the front property line and set back 3 ft. from the interior property line to the south. The applicant is proposing to build a two-story addition that will follow the line of the building forward with an attached garage that will face the front lot line. Typically

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when a dwelling is 3 ft. from the property line and the addition follows that line, a structure is deemed to have nonconforming setback rights and a variance is not needed. Since the addition will be the required front yard (created by the adjacent dwelling's increased front yard), a variance is needed for the addition at 3 ft. from the interior property line (*531.31(2)a*).

The attached garage is proposed to have the same front yard setback as the dwelling to the south, 20 ft. from the front property line. The dwelling to the north is setback 81 ft. from the front property line which increases the required front yard setback for the subject property. The property has an 18 ft. increase in grade from the property line to the front of the existing dwelling. This grade change is typical for the properties on the west side of Chowen Avenue South on this block. On this block there are single-stall detached garages located between the dwelling and the front lot line as well as other attached garages facing the front lot line. The other attached garages on this block do not make up the entire width of the dwelling or project further than 5 ft. from the habitable portion of the dwelling

There is no alley on this block and the subject property does not have a curb cut, a garage or any off-street parking. The proposed attached garage, located partially below grade, faces the front of the property and projects past the habitable space of the dwelling more than 5 ft. and is the width of the dwelling. The garage is proposed to have two overhead garage doors for vehicles and one door for pedestrian access. The entire attached garage will be located in front of the dwelling and the house will have a full basement. The garage will be 12 ft. in height and will be connected to the house via the basement. The applicants are also proposing a deck atop the attached garage which also requires the variance of the front yard setback.

**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.**

**Front yard setback:** The location of the adjacent residential use to the north prevents any building addition closer to the street without a variance. Strict adherence to the increased front yard setback provision causes an undue hardship on this property. Staff believes that the addition, including the proposed front porch, to the existing single family dwelling is a reasonable use of this property. However, staff believes that the attached garage could be located tucked under the structure and within 5 ft. of the habitable portion of the dwelling. The applicants state the 19 ft. setback is required in order to retain more of the basement for storage, which is not a hardship unique to this property.

**Side yard setback:** Any addition to the subject property is considered to be in the required front yard due to the location of the adjacent property to the north. Typically when a dwelling is 3 ft. from the property line and the addition follows that line, a structure is deemed to have nonconforming setback rights and a variance is not needed. Since the addition will be the required front yard (created by the adjacent dwelling's increased front yard), a variance is needed for the addition at 3 ft. from the interior property line (*531.31(2)a*). Staff believes that an

addition which is 3 ft. from the southern interior property that follows the line of the existing building is a reasonable use of the property.

**Front facing garage more than 5 ft. from the habitable portion of the dwelling:** The applicant is proposing to locate the attached, front facing garage more than 5 ft. from the habitable portion of the dwelling. The entire parking area, located partially below grade, will be located in front of the dwelling and the house will have a full basement. The applicants state this variance is required in order to retain more of the basement for storage. Staff does not believe that strict adherence to the code creates an excessive hardship to this property and that the attached garage could be tucked under the structure.

**Front facing garage more than 60 percent of the width of the building:** The block that the subject site is on has no alley and currently there is no curb cut or off-street parking for this property. The proposed attached garage will be the same width of the proposed addition, 30 ft., and include two overhead doors for vehicles and one door for pedestrian access. The applicant states that the width is required to include the door for pedestrian access. Staff believes that while the grade of the property and lack of alley access limit the options for a garage, there is no hardship that would require the garage wall to take up the entire width of the building.

- 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.**

**Front yard setback:** The location of the adjacent use to the north, which generates the increased front yard setback, is unique and is not a circumstance created by the applicants. However, the projected location of the attached garage in front of the proposed addition is a condition created by the applicants.

**Side yard setback:** The location of the existing use closer 3 ft. from the southern property line and the location of the adjacent dwelling to the north, which generates the increased front yard setback, are unique and are not circumstances created by the applicants.

**Front facing garage more than 5 ft. from the habitable portion of the dwelling:** The applicants have stated the reason to locate the garage further from the habitable portion of the dwelling is to provide more storage space in the basement. This is not a circumstance unique to this property.

**Front facing garage more than 60 percent of the width of the building:** The applicants state that the garage door configuration is required because of the steep grade of the property and lack of alley access. Staff believes that the configuration and grade of the property is a unique circumstance not created by the applicants, however, the propose width of the garage is a circumstance created by the applicants.

- 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.**

**Front yard setback:** Staff believes that the proposed dwelling will be keeping with the spirit and intent of the ordinance and will not alter the essential character of the surrounding neighborhood if the garage is detached. The proposed dwelling is on the west face of Chowen Avenue South; the east side of this block is fairly flat. The properties on the west side of this block have no alley. The houses on this block that are situated at the top of a hill have detached single- or two-stall garages located at the front property line.

**Side yard setback:** Staff believes that the proposed dwelling will be keeping with the spirit and intent of the ordinance and will not alter the essential character of the surrounding neighborhood if the garage is detached. The proposed dwelling is on the west face of Chowen Avenue South; the east side of this block is fairly flat. The properties on the west side of this block have no alley. The houses on this block that are situated at the top of a hill have detached single- or two-stall garages located at the front property line. The adjacent dwelling to the south is 6 ft. from the shared property line. Locating the addition with a 3 ft. setback will not impact this property.

**Front facing garage more than 5 ft. from the habitable portion of the dwelling:** Staff is concerned about the visual impact of locating a garage in the front yard in such a way that alters the essential character of the locality in both the landscape environment and the built environment. The proposed dwelling and garage are located on a property on the west face of Chowen Avenue South; the east side of this block is fairly flat. The properties on the west side of this block have no alley. Most houses are situated at the top of a hill and have detached single- or two-stall garages located at the front property line. The front facing detached garages located on the front property line are typical in this block face. The ample green space separates the garage and dwelling and works well to lessen the bulk, height, and overwhelming presence of a home with a 30 ft. wide attached garage as proposed. It also minimizes the need to excavate large portions of the hill to create a driveway that accesses the garage. Nearby detached garages located at the front property line also eliminates front yard parking which is prohibited. In one nearby property where the garage is not located near the front property line and a short driveway was created, vehicles could be parked in such a way that they extend over the public sidewalk and would thereby impede pedestrian and bicycle traffic. This situation could endanger the public welfare or endanger the public safety if pedestrian and bicyclists using the sidewalk had to move toward the curb and street to move around vehicles parked in the driveway. Granting the front yard setback variance would likely have no impact on fire safety,

**Front facing garage more than 60 percent of the width of the building:** Staff is concerned about the visual impact of locating a garage in the front yard in such a way that alters the essential character of the locality in both the landscape environment and the built environment. The proposed dwelling and garage are located on a property on the west face of Chowen Avenue South; the east side of this block is fairly flat. The properties on the west side of this block have no alley. Most houses are situated at the top of a hill and have detached single- or two-stall garages located at the front property line. The front facing detached garages located on the front property line are typical in this block face. They allow for ample green space which separates

the garage and dwelling. This arrangement works well to lessen the bulk, height, and overwhelming presence of a home with a 30 ft. wide attached garage as proposed. It also minimizes the need to excavate large portions of the hill to create a driveway that accesses the garage. Most nearby detached garages located at the front property line also have the added benefit of eliminating front yard parking, which is prohibited.

There are homes with attached garages on this block, but none make up the entire width of the dwelling or project further than 5 ft. from the habitable portion of the dwelling. Staff believes that in this locality, and because the existing house is located so far to the rear of the property that an attached garage facing the front of the property that is more than 5 ft. from the habitable portion of the building will negatively alter the character of the neighborhood.

**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.**

**Front yard setback:** With the requested setback variance, there will be approximately 20 ft. feet between the garage and the public sidewalk, which is a large enough to park vehicles, but is not a permitted location to park cars on a permanent basis. While the proposed addition and garage does provide off-street parking which will reduce congestion, parking cars on the 20 ft. driveway may also cause vehicle/pedestrian conflicts.

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

**Front facing garage more than 5 ft. from the habitable portion of the dwelling:** Granting the front yard setback variance could have a negative impact on the congestion of area streets and could endanger the public welfare or endanger the public safety. The front facing detached garages located on the front property line are typical in this block face. They allow for ample green space which separates the garage and dwelling. This arrangement minimizes the need to excavate large portions of the hill to create a driveway that accesses the garage. Nearby detached garages located at the front property line eliminate front yard parking which is prohibited. In one nearby property where the garage is not located near the front property line and a short driveway was created, vehicles could be parked in such a way that they extend over the public sidewalk and would thereby impede pedestrian and bicycle traffic. This situation could endanger the public welfare or endanger the public safety if pedestrian and bicyclists using the sidewalk had to move toward the curb and street to move around vehicles parked in the driveway. Granting the front yard setback variance would likely have no impact on fire safety.

**Front facing garage more than 60 percent of the width of the building:** Granting the front yard setback variance would likely have no impact on the congestion of area streets or fire safety, nor would the proposed dwelling be detrimental to the public welfare or endanger the public safety.

**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 **approve** the variance to reduce the required front yard setback from 55 ft. to **40 ft. to allow for the addition and front porch**, **approve** the variance to reduce the side yard setback from 6 ft. to 3 ft., **deny** the variance to extend an attached garage further than 5 ft. from the façade of the habitable portion of the building to 19 ft., and **deny** the variance to increase the width of the garage wall facing the front lot line from 60 percent to 100 percent to allow for an addition that includes a front facing garage to a single-family dwelling at 4520 Chowen Avenue South in the R1 Single-family District, subject to the following conditions:

1. That the Planning Division review and approve the final site and elevation plans that measure to an architectural or engineering scale.