

Department of Community Planning and Economic Development - Planning Division Report**Variance Request
BZZ-2077**

Date: December 2, 2004

Applicant: Heidi & Matthew Segedy

Address of Property: 1241 Cedar Lake Road South

Contact Person and Phone: Heidi & Matthew Segedy, (612) 802-2656

Planning Staff and Phone: Tanya Holmgren, (612) 673-5887

Date Application Deemed Complete: November 5, 2004

End of 60 Day Decision Period: January 4, 2005

End of 120 Day Decision Period: March 5, 2005

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

Existing Zoning: R1, Single-family District

Proposed Use: An garage addition to an existing single-family dwelling.

Proposed Variance: A variance to allow for an attached garage to project closer than 5 ft. to the front lot line than a habitable portion of the dwelling, a variance to allow an attached garage to exceed 60 percent of the width of the structure, a variance to reduce the required front yard setback along Cedar Lake Road from the setback established by connecting a line between the front two corners of the two adjacent residential structures to 16 ft. all to allow for the expansion of an attached garage.

Zoning code section authorizing the requested variance: 525.520 (1) (8)

Background: The subject property is approximately 40 ft. by 131 ft. (5,240 sq. ft.). The property consists of an existing single-story dwelling with a front facing tuck-under garage and alley access. The applicant is proposing to use the existing foundation and add one and half stories to the existing dwelling. The existing dwelling is located 6 ft. from the west property line, 5 ft. from the east property line, and approximately 30 ft. from the front property line, which is already 6 ft. in front of the established front yard setback. The applicant is proposing to add an additional 10 ft. to the front the existing garage to allow for the two-story front turret windows with a roof top patio above the garage. The garage will be located approximately 16 ft. from the front yard setback. Therefore, the applicant is seeking a variance to reduce the required front yard setback along Cedar Lake Road from the established setback to 16 ft. all to allow for the expansion of the attached garage.

The proposed garage addition on the front of the dwelling facing Cedar Lake Road will project 10 ft. past the front façade of the dwelling. Attached garages cannot project more than 5 ft. past the front façade of the habitable portion of a dwelling. The width of the garage is 20 ft. and the remaining width of the dwelling structure is 8 ft., a total structure width of 28 ft. The façade of the garage comprises approximately 71.4 percent. An attached garage cannot comprise more than 60 percent of the width of the overall structure. Therefore, the applicant is also seeking variances to allow for the attached garage to be expanded.

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.**

Attached garage projecting 5 ft. past the front façade of a dwelling: The applicant is seeking a variance to allow an attached garage to project more than 5 ft. from the front façade of a dwelling. The proposed attached garage projects 10 ft. past the front façade of the new dwelling. Strict adherence to the regulations would not allow for the proposed garage addition. Staff believes that a garage that projects 5 ft. in front of the dwelling allows reasonable use of the property in compliance with the regulations.

Attached garage exceeding 60 percent of the width of the structure: The applicant is seeking a variance to allow an attached garage to exceed 60 percent of the width of the structure. The width of the garage is 20 ft. and the remaining width of the dwelling structure is 8 ft., comprising approximately 71.4 percent of the front facade. An attached garage cannot comprise more than 60 percent of the width of the overall structure. The existing garage comprises more than 60 percent of the width of the dwelling, making it difficult to reconfigure the property. Strict adherence to the regulations would not allow for the proposed addition to the attached garage. However, if the applicant was not proposing to alter the garage, a variance would not be required, as it is an existing circumstance.

Front yard setback: The applicant is seeking a variance to reduce the required front yard setback along Cedar Lake Road from the setback established by connecting a line between the front two corners of the two adjacent residential structures to 16 ft. all to allow for the expansion of an attached garage. The proposed attached garage projects 10 ft. past the front façade of the dwelling. Strict adherence to the regulations would not allow for the proposed attached garage as designed. Staff believes that a garage that projects 5 ft. in front of the dwelling allows reasonable use of the property in compliance with the regulations. Staff does recognize the existing garage does exceed the front setback, however it is an existing circumstance if the garage remained unaltered, would not require a variance. It is the applicants desire to add 10 ft. that has caused the need for the variance.

- 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.

Attached garage projecting 5 ft. past the front façade of a dwelling: The conditions upon which the variance is requested are not unique to the parcel of land and were created by the applicant. The applicant is proposing a garage addition to an existing single-family dwelling that projects 10 ft. past the front façade of the dwelling. “Attached accessory uses designed or intended for the parking of vehicles accessory to single and two family dwellings and multiple family dwellings of three and four units shall extend no more than five feet closer to the front lot line than the façade of a habitable portion of the dwelling when the garage doors face the front lot line.” The purpose of this regulation was to encourage attached garages to be incorporated into the overall design of a single-family dwelling rather simply abutting and/or attaching the garage to the habitable portion of a dwelling creating a “snout house”. Strict adherence to the regulations would not allow for the proposed addition to the attached garage. The dwelling could comply with regulations if the applicant was proposing to add 5 ft. to the front of the garage, which would reasonably account for the 5 ft. proposed window projection.

Attached garage exceeding 60 percent of the width of the structure: The conditions upon which the variance is requested are unique to the parcel of land and were not created by the applicant. The applicant is proposing to add to an existing attached garage that exceeds 60 percent of the width of the structure. As previously mentioned, the width of the garage is 20 ft. and the remaining width of the dwelling structure is 8 ft., a total structure width of 28 ft., which is approximately 71.4 percent of the front facade. Since, the garage width and proportion of the dwelling is an existing circumstance, this is unique to this parcel. However, if the applicant was not adding a 10 ft. addition to the existing garage, a variance would not be required.

Front yard setback: The conditions upon which the setback variance is requested are not unique to the parcel of land and were created by the applicant. The applicant is proposing a garage addition to an existing single-family dwelling that projects 10 ft. past the front façade of the habitable portion of the dwelling. Strict adherence to the regulations would not allow for the proposed addition to the garage. Staff does recognize the existing garage exceeds the front setback, however it is an existing circumstance and if the garage remained unaltered, would not require a variance. It is the proposal to add 10 ft. that has caused the need for the variance.

- 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.**

Attached garage projecting 5 ft. past the front façade of a dwelling: Staff believes that granting the garage variance will alter the essential character of the surrounding neighborhood and could be injurious to the use or enjoyment of other property in the vicinity. The intent of the ordinance is to prevent “snout houses” or dwellings that present a dominant garage facade along city blocks. As the applicant states, the existing dwelling is already dissimilar to the majority of the homes in the area. By adding a 10 ft. garage addition to the front of the dwelling they are

increasing the garage presence along the street. The majority of surrounding properties consist of detached garages with alley access. An addition to the dwelling could project 5 ft. past the front façade of the dwelling and still meet this code regulation and provide the desired window addition to the dwelling. Staff recognizes that the front facing garage is an existing circumstance, but is concerned that by increasing the garage by 10 ft. will increase the dwellings disconnect with the area.

Attached garage exceeding 60 percent of the width of the structure: Staff believes that granting the garage width variance will alter the essential character of the surrounding neighborhood and could be injurious to the use or enjoyment of other property in the vicinity. The intent of the ordinance is to prevent dwellings that present a dominant garage facade along city blocks. The existing dwelling is already dissimilar to the majority of the homes in the area, as the surrounding properties consist of detached garages with alley access. Staff recognizes that the front facing garage with 71.4 percent of the front façade is an existing circumstance, however there is concern that by increasing the garage 10 ft. closer to the front property line it will increase the garage presence along the street.

Front yard setback: Staff believes that granting the setback variance will alter the essential character of the surrounding neighborhood and could be injurious to the use or enjoyment of other property in the vicinity. The applicant states the existing dwelling is already dissimilar to the majority of the homes in the area. The majority of surrounding properties consist of detached garages with alley access. By adding a 10 ft. garage addition to the front of the dwelling they are increasing the garage presence along the street and increasing the amount the property is in front of the established setback. Staff is concerned that by increasing the garage by 10 ft. will increase the dwellings disconnect with 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.**

Attached garage projecting 5 ft. past the front façade of a dwelling: Granting the variance would likely have no impact on the congestion of area streets or fire safety, nor would the variance be detrimental to the public welfare or endanger the public safety, but it would be inconsistent with other properties in the vicinity.

Attached garage exceeding 60 percent of the width of the structure: Granting the variance would likely have no impact on the congestion of area streets or fire safety, nor would the variance be detrimental to the public welfare or endanger the public safety.

Front yard setback: Granting the setback variance would likely have no impact on the congestion of area streets or fire safety, nor would the variance be detrimental to the public welfare or endanger the public safety, but it would be inconsistent with other properties in the vicinity.

Recommendation of the Department of Community Planning and Economic Development:

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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 allow for an attached garage to project closer than 5 ft. to the front lot line than a habitable portion of the dwelling, **deny** the variance to allow an attached garage to exceed 60 percent of the width of the structure, **deny** the variance to reduce the required front yard setback along Cedar Lake Road from the setback established by connecting a line between the front two corners of the two adjacent residential structures to 16 ft. all to allow for the expansion of an attached garage.