

**Department of Community Planning and Economic Development –
Planning Division Report**

Variance Request
BZZ-3669

Date: August 9, 2007

Applicant: Andrew Wattenhofer

Address of Property: 528 8th Avenue NE (also 526 8th Avenue NE)

Contact Person and Phone: Andrew Wattenhofer (612)331-2488

Planning Staff and Phone: Erik Carlson, (612) 673-5348

Date Application Deemed Complete: June 29, 2007

Hearing Date: August 9, 2007

Appeal Period Expiration: August 20, 2007

End of 60 Day Decision Period: August 28, 2007

Ward: 3 **Neighborhood Organization:** Saint Anthony West

Existing Zoning: R2B/Two Family District

Proposed Use: Two car attached garage with living space and third story deck

Proposed Variance: To reduce the front yard setback along 6th Street NE from 20 feet to 13.75 feet, reduce the side yard setback from 5 feet to 3 feet 9 inches, and to increase the maximum driveway width from 25 feet to 30 feet

Zoning code section authorizing the requested variance: 525.520(1); 525.500(14)

Background:

This 2.5 story duplex is on a 42.5 feet by 92 feet (3,864 SF) reverse corner lot. The front yard setback along 6th Street NE is 20 feet. The existing structure exceeds this setback by 7 feet as the home is 13 feet from the front property line along 6th Street NE. An open front porch also extends 7.5 feet into this front yard setback. The front yard setback of the dwelling to the south (718 6th Street NE) is setback 16.5 feet along 6th Street NE. It is therefore setback 3.5 feet further than the subject home.

The north interior side yard setback is 5 feet. The existing home is sited 3 feet from this property line.

No alleys border 526 8th Avenue NE and there is no garage. A 6 foot wide easement is located at the rear of the property and runs the width of the lot. This easement is used for a driveway to access a three-stall garage at 524 8th Avenue NE for the tenants at 718 6th Street NE. This garage is also used by the tenants of 524 8th Avenue NE. (This easement was established in 2003 after a legal settlement with the owner of 718 6th St and 524 8th Avenue NE.) This driveway is 8 feet in width because it extends 2 feet onto the lot at 718 6th Street NE. The existing curb cut is 8 feet.

An attached two stall garage is proposed at the rear of the home at 526 8th Avenue NE. The applicant would like to construct an enclosed living space over half of the garage above the stall closest to the house. Above the living space is a proposed 275 SF balcony. The existing 8 foot wide driveway and curb cut is proposed to be widened 22 feet to a total of 30 feet to allow for a driveway into the garage.

The garage, living space and balcony (the addition) would be 13.75 feet from the front property line along 6th Street NE extending 6.25 feet into the front setback. The addition would be 3.75 feet from the north interior lot line extending 1.25 feet into the setback. The west and east walls of the proposed addition do not extend further into the setbacks than the existing home.

The driveway and curb cut would exceed the maximum allowable width of 25 feet. The balcony is not permitted in interior side yard setback as this one is. Balcones are allowed in front yards provided they are less than 50 square feet and project no more than 4 feet into the setback. This proposed balcony is greater than 50 SF and extends more than 4 feet into the setback therefore it is not permitted by right.

The proposed addition would not violate standards set forth in the newly adopted infill text amendment. The addition also would not exceed standards for impervious surface coverage.¹

Recommendation of the Department of Community Planning and Economic Development

The Department of Community Planning and Economic Development recommends the Board of Adjustment **continue** this item **one cycle** to the August 23, 2007 public hearing to allow for staff analysis of updated information.

¹ Including the proposed project, there is 69 percent impervious surface coverage of the lot, the maximum allowed is 75 percent.