

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

Variance Request
BZZ-2876

Date: April 6, 2006

Applicant: Steve Maurelli

Address of Property: 433 Penn Avenue South

Contact Person and Phone: Steve Maurelli, (612) 377-5667

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

Date Application Deemed Complete: March 7, 2006

End of 60 Day Decision Period: May 5, 2006

Appeal Period Expiration: April 17, 2006

Ward: 7 Neighborhood Organization: Bryn Mawr

Existing Zoning: R1 Single-family Residential District

Proposed Use: A 19 ft. 4 in. x 22 ft. attached garage to an existing single-family dwelling.

Proposed Variance: A variance to reduce the south interior side yard setback from 6 ft. to 1 ft. and a variance to reduce the rear yard setback from 6 ft. to 1 ft. to allow for a 19 ft. 4 in. by 22 ft. attached garage addition to an existing single-family home located at 433 Penn Avenue South in the R1 Single Family District.

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

Background: The subject property is approximately 50 ft. by 110 ft. (5,500 sq. ft.) and consists of an existing single-family dwelling and detached garage. The property is an interior lot. The applicant is proposing construction of a 15 ft. 4 in. by 24 ft. addition and a 19 ft. 4 in. by 22 ft. attached garage to the existing single family home. The attached garage addition would replace the existing detached garage. The applicant is requesting a variance to reduce the required south interior side yard setback from 6 ft. to 1 ft. and a variance to reduce the rear yard setback from 6 ft. to 1 ft. to allow for the construction of a new attached garage to an existing single-family dwelling by means of a shared roof.

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.**

Side and Rear yard setbacks: The applicant is seeking a variance to the south interior side yard setback from 6 ft. to 1 ft. to allow for the construction of a new attached garage to an existing single-family dwelling. There is an existing dwelling with detached garage on the subject property. Strict adherence to the code would not allow for the newly constructed attached garage in the proposed location. A garage is a reasonable use of the property; however reasonable alternatives exist on the property to construct a garage without a variance by reducing the size of the proposed rear addition to the existing single family home.

- 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.**

Side and Rear yard setbacks: Staff can find no circumstance that is unique to the parcel of land to exceed the ordinance requirement. The circumstances on which the attached accessory structure is being requested have been created by the applicant due to the proposed rear addition to the existing single family home.

- 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.**

Side and Rear yard setbacks: Staff believes the proposal of the new attached garage to the existing single-family dwelling will substantially alter the essential character of the surrounding neighborhood. A number of the properties in the neighborhood have detached garages. Staff could not find any examples where there were any existing attached garages in the vicinity that were located closer than 3 ft. to the property line. Staff believes that the proposal could be injurious to the use or enjoyment of other property in the vicinity because it is will be located only 1 ft. to the shared interior side and rear property lines.

- 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.**

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Side and Rear yard setbacks: Granting the south interior side yard setback variance would likely have no impact on the congestion of area streets or fire safety, nor would the proposed addition to the existing single-family 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 **deny** the variance to reduce the required south interior side yard setback from 6 ft. to 1 ft. and **deny** the variance to reduce the required rear setback from 6 ft. to 1 ft. to allow for the construction of an attached garage to an existing single-family dwelling at 433 Penn Avenue South in the R1 Single-Family Residential District.

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