

Department of Community Planning and Economic Development – Planning Division Report**Variance Request
BZZ-2814****Date:** April 6, 2006**Applicant:** Donnelly Stucco, on behalf of Ellen & Gregory Gallagher**Address of Property:** 3832 Richfield Road**Contact Person and Phone:** Andrew Gibson/Donnelly Stucco, (612) 703-7804**Planning Staff and Phone:** Shanna Sether, (612) 673-2307**Date Application Deemed Complete:** February 22, 2006**End of 60 Day Decision Period:** April 23, 2006**Appeal Period Expiration:** April 17, 2006**Ward:** 13 **Neighborhood Organization:** Linden Hills**Existing Zoning:** R2B Two-family District and SH Shoreland Overlay District**Proposed Use:** Addition to an existing detached accessory structure.**Proposed Variance:** A variance to reduce the front yard setback along Richfield Road established by the adjacent structure from 28.54 ft. to 21.8 ft. to allow for a 12.6 ft. by 24 ft. addition to an existing garage in the R2B Two-Family District and SH Shoreland Overlay District**Zoning code section authorizing the requested variance:** 525.520 (1)**Background:** The subject site is on an irregularly shaped lot approximately 29,829 sq. ft. and consists of a 2-story single family dwelling and a 24 ft. x 24 ft. (576 sq. ft.) detached accessory structure. The applicant proposing to construct a 12.6 ft. by 24 ft. addition to the existing two-car garage; the total area of the proposed garage will be 878.4 sq. ft. The existing two-car garage is located in the front required yard, 21.8 feet from the property line. The adjacent structure to the southwest has established the front yard setback along Richfield Road 28.54 ft. to the front property line. The applicant is proposing to add a third stall to the existing two-car garage. There is an existing parking area to the rear of the structure off of the alley.

The maximum accessory structure floor area allowed is 676 sq. ft. per zoning lot. A property owner can apply for administrative approval of an increased garage amount, up to 1,000 sq. ft. of accessory structure floor area if the exterior materials and the roof pitch of the detached structure match the existing dwelling.

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 reduce the established front yard setback along Richfield Road from 28.54 ft. to 21.8 ft. to allow for a 12.6 by 24 ft. addition to an existing detached accessory structure. The existing two-car garage was constructed in 1965 without a variance. Strict adherence to the regulations would not allow for the addition to existing garage. Based on the size of the lot and the proximity to the adjacent structure the garage addition seems to be a reasonable use of the property, if the impervious surface parking area off of the alley were to be removed.

- 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.**

The circumstances upon which the setback variance is requested are unique to the parcel of land due to the location of the adjacent dwelling to the east of the existing single-family dwelling. Additionally, the location of the existing structure on the subject site is not a circumstance created by the applicant. These are existing circumstances that are unique to this parcel and not created by the applicant. The alternative to the variance would cause an undue hardship to the property owner, by not allowing the construction of the proposed garage addition to an existing single-family dwelling.

- 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.**

Staff believes that the rear addition to the existing single-family dwelling will not be injurious to the use or enjoyment of other property in the vicinity because the addition will be located more than 100 feet from the adjacent structure. Staff believes that the addition will not alter the essential character of the surrounding neighborhood because it is consistent with the existing garage and dwelling, if the impervious surface parking area off of the alley were to be removed.

- 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 the variance would likely have no impact on the congestion of area streets or fire safety, nor would the proposed structure be detrimental to the public welfare or endanger the public safety.

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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 front yard setback along Richfield Road established by the adjacent structure from 28.54 ft. to 21.8 ft. to allow for an 12.6 ft. by 24 ft. addition to an existing garage in the R2B Two-Family District and SH Shoreland Overlay District subject to the following conditions:

1. Review and approval of final site and elevation plans by the Planning Department.
2. That the exterior materials match the existing garage and dwelling.
3. The existing paved parking area, located off of the alley, shall be removed.