

Department of Community Planning and Economic Development – Planning Division
Variance Request
BZZ-5244

Date: August 25, 2011

Applicant: Todd Knutson

Address of Property: 2006 Queen Avenue South

Contact Person and Phone: Todd Knutson, (612) 251-1041

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

Date Application Deemed Complete: July 29, 2011

End of 60 Day Decision Period: September 26, 2011

Ward: 7 **Neighborhood Organization:** Kenwood Isles Area Association

Existing Zoning: R1 Single-Family Residence District

Proposed Use: A new detached garage to an existing single family house

Concurrent Review:

- Variance to reduce the minimum north interior side from 1 ft. to 6 in. from the wall to the property line and from 6 in. to 0 in. from the eave to the property line
- Variance to reduce the minimum south interior side from 1 ft. to 6 in. from the wall to the property line and from 6 in. to 0 in. from the eave to the property line

Alterative Proposal:

- Variance to reduce the minimum north interior side from 1 ft. to 2 in. from the wall to the property line and from 6 in. to 0 in. from the eave to the property line
- Variance to reduce the minimum south interior side from 1 ft. to 2 in. from the wall to the property line and from 6 in. to 0 in. from the eave to the property line

Zoning code section authorizing the requested variance: Chapter 525, Article IX Variances, Specifically Section 525.520(1)(1)(1)(1) “to vary the yard requirements, including permitted obstructions into required yards not allowed by the applicable regulations.”

Background: The subject property is an irregular parcel, approximately 6,525 sq. ft. in area and consists of an existing single-family dwelling and a 16 ft. by 30 ft. detached garage, located on both interior property lines. The garage location was approved with a variance, granted by the Board of Adjustment on May 24, 1989. The applicant has two different proposals to allow for a new detached

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accessory structure that is proposed to decrease width and increase depth by 4 feet to allow for a second vehicle to be parked, tandem, indoors.

The first proposal is to construct a 15 ft. 2 in. by 34 ft. detached garage with 6 in. eaves. The garage wall will be located 6 in. to the interior property lines on the north and south and 0 inches from the eave to the same property lines. The zoning code allows for a reduction of the interior yard requirements to one (1) ft. to the wall and six (6) in. to the eave when the entire accessory building is located in the rear forty (40) feet provided that the accessory building is located entirely to the rear wall of the principal structure on the adjacent lot. Therefore, the applicant is requesting a variance to reduce the required north and south interior sides from 1 ft. to 6 in. from the wall to the property line and from 6 in. to 0 in. from the eave to the property line to allow for a new garage.

The second proposal is to construct a 15 ft. 10½ in. by 34 ft. detached garage with 2 in. eaves. The garage wall will be located 2 in. to the interior property lines on the north and south and 0 inches from the eave to the same property lines. Therefore, the applicant is also requesting a variance to reduce the required north and south interior sides from 1 ft. to 2 in. from the wall to the property line and from 6 in. to 0 in. from the eave to the property line to allow for a new garage.

As of writing this staff report, staff has not received any correspondence from the Kenwood Isles Area Association. Staff will forward comments, if any are received, at the Board of Adjustment meeting.

Findings Required by the Minneapolis Zoning Code:

VARIANCES – PROPOSAL #1:

- Variance to reduce the minimum north interior side from 1 ft. to 6 in. from the wall to the property line and from 6 in. to 0 in. from the eave to the property line
- Variance to reduce the minimum south interior side from 1 ft. to 6 in. from the wall to the property line and from 6 in. to 0 in. from the eave to the property line

1. Practical difficulties exist in complying with the ordinance because of circumstances unique to the property. The unique circumstances were not created by persons presently having an interest in the property and are not based on economic considerations alone.

The circumstances upon which the setback variance is requested are unique to the parcel of land due to its irregular shape and substandard lot width at the rear of the property that have created practical difficulties. There is an existing detached garage on the property that is located on both of the interior property lines and appears to have the gutters over the property lines. The applicant is proposing to construct the new detached garage with an additional 6 in. on each side between the wall and the property line and allow for gutters and eaves to be located on the property. These circumstances have not been created by the applicant.

2. The property owner or authorized applicant proposes to use the property in a reasonable manner that will be in keeping with the spirit and intent of the ordinance and the comprehensive plan.

The applicant is seeking variance to reduce the interior side yards to allow for the construction of a new detached garage. There is an existing detached garage on the property that is located

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on both of the interior property lines and appears to have the gutters over the property lines. The zoning code allows for a reduction of the interior yard requirements to one (1) ft. when the entire accessory building is located in the rear forty (40) feet provided that the principal structure on the adjoining lot has its rear wall at least forty (40) feet from the rear lot line and located behind the adjacent structure(s). The proposed garage is located in the rear 40 ft. of the subject property's lot. The parcel is of an irregular shape and is substandard in width at the rear of the lot. Staff believes that the proposed location of the garage and eaves, in the rear 40 ft. of the subject property and a greater distance to the interior sides than the existing garage, will allow for reasonable use of the property. Staff believes that, with gutters that properly direct drainage away from adjacent properties, the applicant is proposing to use the property in a reasonable manner.

- 3. The proposed variance will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. If granted, the proposed variance will not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties.**

Staff believes that the granting of the variance will not substantially alter the essential character of the surrounding neighborhood and will not be injurious to the use or enjoyment of other property in the vicinity. There is an existing detached garage located on the both property lines and the gutters appear to be over the property line. The gutters connect to a downspout that carries out towards the alley. The zoning code allows for a reduction of the interior yard requirements to one (1) ft. when the entire accessory building is located in the rear forty (40) feet provided that the principal structure on the adjoining lot has its rear wall at least forty (40) feet from the rear lot line and located behind the adjacent structure(s). The proposed garage is located in the rear 40 ft. of the subject property's lot. There are several examples in the area where detached garages are located within 1 ft. of the interior property lines. Further, granting of the variance will not increase the danger of fire safety or be detrimental to the public welfare or endanger the public safety.

Findings Required by the Minneapolis Zoning Code:

VARIANCES – PROPOSAL #2:

- Variance to reduce the minimum north interior side from 1 ft. to 2 in. from the wall to the property line and from 6 in. to 0 in. from the eave to the property line
- Variance to reduce the minimum south interior side from 1 ft. to 2 in. from the wall to the property line and from 6 in. to 0 in. from the eave to the property line

- 1. Practical difficulties exist in complying with the ordinance because of circumstances unique to the property. The unique circumstances were not created by persons presently having an interest in the property and are not based on economic considerations alone.**

The circumstances upon which a setback variance is requested are unique to the parcel of land due to its irregular shape and substandard lot width at the rear of the property that have created practical difficulties. There is an existing detached garage on the property that is located on both of the interior property lines and appears to have the gutters over the property lines. However, the applicant is proposing to construct the new detached garage with a 2 in. separation on each side between the wall and the property line. Staff has concerns that the walls

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located only 2 in. to the property line will not allow for a sufficient eave and gutter system and there will be issues with stormwater management. These circumstances have been created by the design of the garage.

2. The property owner or authorized applicant proposes to use the property in a reasonable manner that will be in keeping with the spirit and intent of the ordinance and the comprehensive plan.

Staff does not believe that the applicant is proposing to use the property in a reasonable manner and that the granting of the variance will not keep with the spirit and intent of the ordinance. The zoning code requires a minimum distance of 1 ft. from the wall and 6 in. from the eave to the property line for a garage located in the rear 40 ft. of the lot. The purpose of yard requirements is to provide for orderly development and use of land and to minimize conflicts among land uses by governing the location of accessory uses and structures. Staff has concerns that the location of the wall and eave will direct stormwater onto the adjacent detached garages, which are located 1 ft. from the south shared property line and 2 ft. from the north shared property line.

3. The proposed variance will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. If granted, the proposed variance will not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties.

Staff believes the proposed garage may alter the essential character of the surrounding neighborhood and will be injurious to the use or enjoyment of other property in the vicinity. There is an existing detached garage located on the both property lines. The zoning code allows for a reduction of the interior yard requirements to one (1) ft. when the entire accessory building is located in the rear forty (40) feet provided that the principal structure on the adjoining lot has its rear wall at least forty (40) feet from the rear lot line and located behind the adjacent structure(s). The garage is proposed to be located 2 in. to the property lines. There are existing garages on each side of the proposed garage and staff has concerns regarding stormwater management and the potential for compromised integrity of the structures. Further, granting of the variance may increase the danger of fire safety and be detrimental to the public welfare or endanger the public safety due to the close proximity of the other detached garages.

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 minimum north interior side from 1 ft. to 6 in. from the wall to the property line and from 6 in. to 0 in. from the eave to the property line to allow for a new detached garage accessory to an existing single-family dwelling located at 2006 Queen Avenue South in the R1 Single-Family District, subject to the following condition of approval:

1. The gutters and downspouts shall direct stormwater away from the adjacent properties.

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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 **deny** the variance to reduce the minimum north interior side from 1 ft. to 2 in. from the wall to the property line and from 6 in. to 0 in. from the eave to the property line to allow for a new detached garage accessory to an existing single-family dwelling located at 2006 Queen Avenue South in the R1 Single-Family District.

Attachments:

- 1) Written descriptions and findings submitted by the applicant
- 2) Copy of e-mail sent to Kenwood Isles Area Association and CM Goodman
- 3) Zoning map
- 4) Previous variance approval (1989)
- 5) Site plan
- 6) Proposal #1
- 7) Proposal #2
- 8) Photographs