

Department of Community Planning and Economic Development - Planning Division Report**Variance Request
BZZ-2059**

Date: December 2, 2004

Applicant: Jason McLean

Address of Property: 1116 Vincent Avenue South

Date Application Deemed Complete: October 27, 2004

End of 60 Day Decision Period: December 26, 2004

End of 120 Day Decision Period: February 24, 2005

Contact Person and Phone: Jason McLean, 612-374-1868

Planning Staff and Phone: Carrie Flack, 612-673-3239

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

Existing Zoning: District R1, Single-family District

Proposed Use: Convert garage to studio

Proposed Variance: A variance to reduce the required amount of off-street parking from 1 to 0 parking spaces to allow for the conversion of a detached garage to a studio and a variance to increase the maximum permitted size of a deck/patio in the required front yard from 50 sq. ft. to 128 sq. ft.

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

Background: The subject site is approximately 50 ft. x 150 ft. (8,862 sq. ft.) and consists of single family dwelling with a single car detached garage located in the front yard along Vincent Avenue South. The existing detached garage is a two-story garage with a studio on the 2nd floor. The applicant is planning to remove the existing single car space on the first floor and convert that space into additional studio space. The applicant also plans to construct an 8 ft. x 16 ft. (128 sq. ft.) deck/patio in front of the garage in place of the existing driveway as well as landscape the remaining portions of driveway in order to block vehicular access from Vincent Avenue South. The applicant has already begun construction of a retaining wall for the deck.

The first floor plan of the studio submitted by the applicant shows a full bathroom, kitchen area, water heater and open floor space. The second floor plan of the studio consists of a closet, desk area, furnace, and open floor space. The subject property is zoned R1, Single-family District which does not allow for

a second dwelling unit on the property in a separate detached structure. A second dwelling unit is prohibited by the zoning ordinance in District R1. There are no variances that allow for the second dwelling unit on the property. Therefore, the applicant will not be able to construct the first floor of the studio as presented. Detached garages are generally allowed one utility sink with no other appliances permitted.

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.**

Parking reduction: The applicant is seeking a variance to reduce the required number of off-street parking spaces from 1 to 0 parking spaces to allow for the conversion of a detached garage to a studio. The applicant states that the garage has never been used for vehicular parking and that modifications have been made to give the structure a “house like” appearance. The applicant further states that on street parking is plentiful. Strict adherence to the regulations requires one off street parking space per dwelling unit. Based on the submitted information staff believes that the request to remove parking in compliance with the ordinance is unreasonable. As with requests for additional storage, the desire for additional studio space is not considered a hardship for the property. The current studio on the 2nd floor of the garage is a reasonable use of the property. However, expanding the studio area and removing the only available parking space is not a reasonable use of the property.

Deck/patio in front yard: The applicant is seeking a variance to increase the maximum permitted size of a deck/patio in the required front yard from 50 sq. ft. to 128 sq. ft. to allow for the construction of an 8 ft. x 16 ft. (128 sq. ft.) deck in front of an existing detached garage. The applicant states that the garage has never been used for vehicular parking and that he would like to convert the entire garage to a studio. The applicant states that modifications have already been made to give the garage a “house like” appearance and that the additional landscaping will blend better with the hillside presenting a more pleasant streetscape appearance. Strict adherence to the regulations requires one off street parking space per dwelling unit and adequate driveway access must be provided to that parking space. Based on the submitted information staff believes that the request to remove parking and a driveway in compliance with the ordinance is unreasonable. As with requests for additional storage, the desire for additional studio space is not considered a hardship for the property. The current studio on the 2nd floor of the garage is a reasonable use of the property. However, expanding the studio area and removing the only available parking space is not a reasonable use of the property.

- 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.**

Parking reduction: The circumstances for which the variance is sought are not unique to the parcel of land and have been created by the applicant. The ordinance requires one off street parking space per dwelling unit which is currently provided. The 2nd floor of the garage is currently studio space and the applicant desires to convert the 1st floor of the garage to studio space as well. The desire for additional studio space is not a hardship for the parcel of land and is a circumstance that has been created by the applicant. Staff could find no unique circumstances on the subject site that prohibit the property from continuing to comply with the parking requirement.

Deck/patio in front yard: The circumstances for which the variance is sought are not unique to the parcel of land and have been created by the applicant. The ordinance requires one off street parking space per dwelling unit and adequate driveway access must be provided to that parking space, both of which are currently provided. The 2nd floor of the garage is currently studio space and the applicant desires to convert the 1st floor of the garage into studio space as well. The desire for additional studio space is not a hardship for the parcel of land and is a circumstance that has been created by the applicant. Staff could find no unique circumstances on the subject site that prohibit the property from continuing to comply with the parking requirement.

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.

Parking reduction: Granting the variance will alter the essential character of the surrounding neighborhood and will be injurious to the use or enjoyment of other property in the area. The spirit and intent of the ordinance consists of a parking requirement that is currently being complied with. The applicant is proposing to convert garage space to studio space in order to have a two story studio in the front yard with a deck and additional landscaping. The proposed first floor plan consists of a full bathroom, kitchen area and open space. The existing second floor of the studio has a closet and desk as well as open space. The applicant has stated that many modifications have been made to the structure to give it a “house like” appearance, including the removal of the driveway. As previously mentioned, the subject site is zoned R1 which is a single family district. Staff believes that the modifications being proposed by the applicant will lead to future use of the structure as a second dwelling unit on the property which is strictly prohibited.

Although the applicant has stated that on street parking is plentiful in the neighborhood, staff does not believe that it is characteristic of the neighborhood for two-story studios to exist in the front yard. The garage is located in the front yard which is consistent with other garages on the block. Adjacent properties to the north and south both consist of similar garages and driveways in the front yard. The removal of the garage space and driveway will be inconsistent with these adjacent properties. Staff would suggest that the garage doors and driveway be reestablished to maintain access to the required parking space on the subject site consistent with other detached garages in the front yard on this block.

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- 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.**

Parking reduction: Granting the variance would not likely increase congestion in the area or increase the danger of fire safety. However, the proposed parking reduction variance might be detrimental to the public welfare or public safety since the applicant is proposing to remove a parking space that complies with city ordinances which is inconsistent with most residential properties.

Deck/patio in front yard: Granting the variance would not likely increase congestion in the area or increase the danger of fire safety. However, the proposed parking reduction variance might be detrimental to the public welfare or public safety since the applicant is proposing to remove a parking space that complies with city ordinances which is inconsistent with most residential properties.

Recommendation of the Department of Community Planning and Economic Development:

The Department of Community Planning and Economic Development Planning Division recommends that the Board of Adjustment adopt the findings above and **deny** variance to reduce the required amount of off-street parking from 1 to 0 parking spaces to allow for the conversion of a detached garage to a studio and **deny** the variance to increase the maximum permitted size of a deck/patio in the required front yard from 50 sq. ft. to 128 sq. ft.

CPED Planning Division
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