

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

Variance Request  
BZZ-3853

**Applicant:** Paul & Nancy Koepcke

**Address of Property:** 4200 Fremont Avenue South

**Contact Person and Phone:** Paul & Nancy Koepcke, (612) 825-7568

**Planning Staff and Phone:** Brian Schaffer, (612) 673-2670

**Date Application Deemed Complete:** November 9, 2007

**Publication of Staff Report:** December 6, 2007

**Public Hearing:** December 13, 2007

**Appeal Period Expiration:** December 24, 2007

**End of 60 Day Decision Period:** January 8, 2008

**Ward:** 13      **Neighborhood Organization:** East Harriet Farmstead Neighborhood Association

**Existing Zoning:** R1 Single Family District & the SH Shoreland Overlay District

**Proposed Use:** A parking area

**Proposed Variance:** A variance to reduce the required corner side yard setback along 42<sup>nd</sup> Street West from 10 feet to 0 feet to allow for an existing parking area.

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

**Background:** The size of the subject site is 98 feet by 140 feet (13,720 square feet) and consists of a single family dwelling. In 1986 an addition was made to the rear of the dwelling that consisted of an attached two-car garage, living space and a deck. Unlike the original garage, which was accessed from a curb cut on the north of the property, the new garage was accessed from the alley at the rear of the property. The original curb cut and driveway were never removed and the driveway has been used as an additional parking area for the property owners.

In the fall of 2007 the applicant received notification from the City of Minneapolis Public Works Department that they intended to close the curb cut as part of street improvements in the area. Since the parking area is located in the required corner side yard, which is not permitted by the zoning ordinance, a variance is required to legally establish the parking area.

**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 corner side yard setback from 10 feet to 0 feet to allow for a 10 foot by 18 foot parking area. The subject site has an attached two-car garage and a 21 foot wide by 22 foot deep driveway leading to the garage. The subject site also has the 10 by 18 foot parking area located on the north of the dwelling that is the subject of the variance.

The zoning ordinance requires that there be parking for one vehicle on the site. The applicant has indicated that having a parking space on the property will better protect their vehicles from vandalism and will be convenient during snow emergencies. Staff believes that applicant's concerns with parking a vehicle on the street can be alleviated by parking the vehicle on the driveway, which meets the zoning ordinance requirements. The subject property legally accommodates two vehicles in the garage and another two vehicles on the driveway leading to the garage. The maximum number of vehicles allowed to park in an uncovered space is two per dwelling unit.

Staff does not believe there is undue hardship caused by strict interpretation of the ordinance because the applicant has the ability to legally park four vehicles on 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.**

The conditions upon which the variances are sought are requested are not unique to the parcel. The property can accommodate four vehicles in parking areas that meet the requirements of the zoning ordinance. The subject parking area could result in the parking of five vehicles on the property which is in violation of the zoning ordinance.

- 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.**

The proposed setback variance will alter the essential character of the neighborhood. The subject area has been used for parking illegally for numerous years and subject parking area does not meet the spirit and intent of the ordinance. The ordinance prohibits parking areas in the required corner side yard and limits the number of vehicles parked outside on a single family lot to two vehicles. The subject parking area could result in the parking of five vehicles on the property.

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 not likely increase congestion in the area or increase the danger of fire safety, nor would the setback variance be detrimental to welfare or 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 a variance to reduce the required corner side yard setback along 42<sup>nd</sup> Street West from 10 feet to 0 feet to allow for an existing parking area at 4200 Fremont Avenue South in the R1 Single Family District & the SH Shoreland Overlay District.

**Attachments**

1. Applicant's Statement
2. Map of Site
3. Site Plan
4. Photographs