

Department of Community Planning and Economic Development – Planning Division Report**Variance Request
BZZ-3209**

Date: September 21, 2006

Applicant: Mike Russell on behalf of Matt and Charissa Knihtila

Address of Property: 3461 5th Street NE

Contact Person and Phone: Mike Russell (651) 645-0331 x130

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

Date Application Deemed Complete: August 31, 2006

Public Hearing: September 21, 2006

Appeal Period Expiration: October 2, 2006

End of 60 Day Decision Period: October 30, 2006

Ward: 1 Neighborhood Organization: Columbia Neighborhood Group

Proposed Use: A two car detached garage

Proposed Variance: A variance to reduce the required front yard setback along 35th Avenue Northeast from 25 feet to 7 feet to allow for a new detached garage at 3461 5th Street Northeast in the R1 District.

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

Background: The subject property is located on a reverse corner lot that is trapezoidal in shape and is approximately 9775 square feet with a width that ranges from 80 feet along 5th Street NE to 25 feet along the alley. The subject property currently contains a one and a half story single family dwelling with a detached single car garage. The existing garage is accessed by a curb cut along 35th Avenue NE.

The applicant is proposing to construct a 28 by 24 foot (672 square feet) detached two car garage on the site of the existing garage. The garage will use the existing curb cut along 35th Avenue NE. At its closest, the proposed garage will be seven (7) feet from the south property line along 35th Avenue NE. The proposed garage will meet the district interior side yard setback of six (6) feet and be located 46 feet 6 inches from the rear property line.

Section 535.280(f) of the Zoning Ordinance states that a detached garage on a reverse corner lot may be located at two-thirds of the district front yard setback. The subject site is in the R1 District and has a

front yard setback of 25 feet. The Zoning Ordinance would permit the detached garage to be built at a distance of 16.75 feet from the south property line along 35th Avenue NE.

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 front yard setback along 35th Avenue NE from 25 feet to 7 feet to allow for a detached two car garage. Strict adherence to the Zoning Ordinance prohibits a principle structure to be located less than the 16.75 feet from the front property line and would not allow for the proposed garage. The width of the lot at the site of the proposed garage, where the existing curb cut is located, is 37 feet. The setback distances are 16.75 feet and 6 feet, which leaves 14.25 feet for a garage. Staff believes the proposed garage is a reasonable use of the property and recognizes the hardship on the property created by the dimensions of the lot.

- 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 setback variance is requested are unique to the parcel. As previously mentioned, the variance is to allow for a detached two car garage. The lot decreases in width from 80 feet along 5th Street NE to 25 feet at the alley. The lot is 37 feet wide at the location of the existing curb cut. A functional garage could not be built meeting the required front yard and side yard setbacks. The shape and dimensions of the lot are circumstances that are unique to this parcel and were not created by the applicant.

- 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 detached two car garage will not alter the essential character of the surrounding neighborhood or be injurious to the use or enjoyment of other property in the vicinity. The boulevard along 35th Avenue is quite large and according to the applicant it is approximately 14 feet between the edge of the City sidewalk and the property line of the subject site and the proposed garage will be located approximately 90 feet from the adjacent neighbor's dwelling to the east along 35th Avenue NE, 521 35th Avenue NE. Staff does not believe the construction of the garage, as proposed, will alter the essential character of the neighborhood or be injurious to the use or enjoyment of other property in the vicinity.

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

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 **approve** the variance to reduce the required front yard setback from 25 feet to 7 feet to allow for a detached two car garage at 3461 5th Street NE in the R1 District.