

Department of Community Planning and Economic Development – Planning Division**Variance Request
BZZ-2196****Date:** April 7, 2005**Applicant:** Claridge Development**Address of Property:** 2517, 2519, 2521 Humboldt Avenue South**Contact Person and Phone:** James Rubin, (952) 848-0663**Planning Staff and Phone:** Tanya Holmgren, (612) 673-5887**Date Application Deemed Complete:** February 16, 2005**End of 60 Day Decision Period:** April 17, 2004**Ward: 7 Neighborhood Organization:** East Isles Residents Association**Existing Zoning:** R5, Multiple-family District**Proposed Use:** Construction of a new detached garage to allow for 36 garage spaces.**Proposed Variance:** A variance to increase the maximum permitted size of detached accessory structures from 1,000 sq. ft. to 7,500 sq. ft., a variance to reduce drive aisles from 20 ft. to 13 ft., and a variance for a front yard setback along 25th Street West from 15 ft. to 10 ft., a variance to allow for parking in the front and side yards all to allow for the construction of 36 parking spaces.**Revised variance request:** A variance to reduce drive aisles from 22 ft. to 20 ft. and a variance to reduce the required side yard setback from 15 ft. to 5 ft.**Zoning code section authorizing the requested variance:** 525.520 (1)(3)(8)(14)(1)**Background:** The subject property is an irregularly shaped lot and is approximately 185 ft. by 230 ft. (45,000 sq. ft.). The applicant plans to construct 1 new section of garages that have 13 individual parking spaces and add onto the two existing garages on the property. The new garage area would total 7,500 sq. ft., which exceeds the 1,000 sq. ft. maximum size permitted for accessory structures. The proposed garages are approximately 17% of the lot area. The garages would serve the existing 36-unit residential building. The parking requirement for a residential building is one space per unit. Therefore, the applicant is proposing a garage that complies with the parking requirement. Currently the site is providing 20 garage spaces and 16 surface parking spaces.

The existing garages do not comply with all setback requirements or circulation requirements for parking lots. The new garage additions will be setback 5 ft. from the side property line adjacent to the alley and the required side yard setback is 15 ft., 10 ft. from the rear property line adjacent to the alley,

15 ft. from the apartment building, and 10 ft. from the front property line along 25th Street and the required front yard setback is 15 ft. Therefore, variances to the required front and side yards are necessary.

Currently vehicles have access from the existing curb cut and the alley. The applicant is proposing a one way entrance from 25th Street and a one way exit onto the alley. Garage spaces 11-14 will also have access via the alley. Staff is concerned with the construction of an additional section of garages at the corner of the property adjacent to the alley that will block more of the visibility into and out of the site. Staff is also concerned with the construction of a row of garages adjacent building blocking views from residential units and creating a tunnel affect for the existing walkway.

Staff discussed the site plan with the Public Works Department and they have stated approval of the proposed layout.

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.**

Front yard setback: The applicant is seeking a variance for a front yard setback along 25th Street West from 15 ft. to 10 ft. to allow for the reconfiguration of two enclosed parking spaces in an area of the garage currently consisting of three-vehicle shared parking garage spaces. The applicant is proposing to reconfigure the garage to provide 2 existing enclosed parking spaces (spaces 33-34) located at the corner of 25th Street and the alley in the required front yard. These spaces will connect with the proposed enclosure of 2 existing surface spaces along the alley (spaces 24-25) in the required side yard. Strict adherence to the code would not allow for the reconfiguration of two existing enclosed spaces which is a reasonable use of the property.

Side yard setback: The applicant is seeking a variance for a side yard setback along the alley from 15 ft. to 5 ft. to allow for the addition of two enclosed parking spaces. The applicant is proposing to reconfigure 2 existing enclosed parking spaces (spaces 33-34) located at the corner of 25th Street and the alley in the required front yard. These spaces will connect with the proposed enclosure of 2 existing surface spaces along the alley (spaces 24-25) in the required side yard. Strict adherence to the code would not allow for the enclosure of two existing surface spaces which is a reasonable use of the property.

Maximum square footage of an accessory structure: The applicant is seeking a variance to increase the maximum permitted size of a detached accessory structure from 1,000 sq. ft. to 7,500 sq. ft to allow for 36 garage spaces. The apartment building on the property consists of 36 dwelling units. Complying with the 1,000 sq. ft. maximum floor area for an accessory structure would prohibit the applicant from providing one reasonably sized enclosed parking space per dwelling unit, which is a reasonable use of the property with a multi-family building and a parking requirement of one space per unit.

Parking in the front and side yards: The applicant is seeking a variance to allow for parking in the front and side yards. The parking area will have a 10 ft. front yard setback along 25th Street West and a 5 ft. setback from the side property lines along the alley where the side yard setback

requirement is 15 ft. Complying with the required setbacks would prohibit the applicant from constructing garages in line with the existing garages, which is a reasonable use of the property with a multi-family building and a parking requirement of one space per unit.

Drive aisle reduction: The applicant is seeking a variance to reduce drive isles from 22 ft. to 20 ft. to allow for two-way interior drive aisles within the parking lot. Strict adherence to the ordinance would require the drive aisles to be 22 ft. in width which would not allow for the proposed garage modifications and additions. A 20 ft. interior two way drive aisle is a reasonable use of the property as a residential parking lot.

- The circumstances are unique to the parcel of land for which the variance is sought and have not been created by any person 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.**

Front yard setback: The circumstances are unique to the parcel of land and have not been created by the applicant. There is an existing line of garages constructed at 10 ft. from the front property line.

Side yard setback: The circumstances are unique to the parcel of land and have not been created by the applicant. There is an existing line of garages constructed at 5 ft. and less along the side property line adjacent to the alley.

Maximum square footage of an accessory structure: The circumstances are unique to the parcel of land, but have been created by the applicant, because they are attempting to enclose all the required parking. The subject property is zoned R5 and the property consists of 36 dwelling units. The zoning ordinance requires one parking space per unit but limits the maximum size of detached accessory structures to 1,000 sq. ft. The proposed detached garage allows for 36 enclosed parking spaces which meets the parking requirement. This is a unique circumstance, but choosing to enclose them is created by the applicant.

Parking in the front and side yards: The circumstances are unique to the parcel of land and have not been created by the applicant. There is an existing line of garages constructed at 10 ft. from the front property line.

Drive aisle reduction: The circumstances are unique to the parcel of land and have not been created by the applicant. Two surface parking spaces will remain in the parking lot reducing drive aisle width from 22 ft. to 20 ft. Without the drive aisle variance the applicant would not be able to comply with the parking requirement of one space per dwelling unit.

- 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.**

Front yard setback: Staff believes the granting of the variance will not be in keeping with the spirit and intent of the ordinance and will alter the essential character of the surrounding area. Staff recognizes that the existing garage stalls are located in the front yard setback. However, staff believes that continuing this existing line along the public street will wall the property off from public view and prevent any eyes on the street.

Side yard setback: Staff believes the granting of the variance will not be in keeping with the spirit and intent of the ordinance and will alter the essential character of the surrounding area. Staff recognizes that the existing garage stalls are located in the side yard setback. However, staff believes that continuing this existing line along the alley will wall the property off from public view and prevent any eyes on the street.

Maximum square footage of an accessory structure: Staff believes the granting of the variance will not be in keeping with the spirit and intent of the ordinance and will alter the essential character of the surrounding area. Staff is generally concerned about accessory structures that exceed the maximum floor area requirements particularly since the principal structure is relatively large. The garages will line the entire property, walling it off from the street and providing no visibility from the public street. Additionally, the new garages will create a long wall along the pedestrian sidewalk located between the existing residential structure and the parking for the dwelling units. The long narrow corridor could be unsafe to the residents of the property.

Parking in the front and side yards: Staff believes the granting of the variance will not be in keeping with the spirit and intent of the ordinance and will alter the essential character of the surrounding area. Staff recognizes that the existing garage stalls are located in the front setback. However, staff believes that continuing this existing line along the public street will wall the property off from public view and prevent any eyes on the street.

Drive aisle reduction: Granting the variance would be in keeping with the spirit and intent of the ordinance and would not alter the character of the area or be injurious to the use and enjoyment of surrounding properties. The variance is located within the parking lot and will not impact the general public. In addition, without the drive aisle variance the applicant would not be able to comply with the parking requirement of one space per dwelling unit.

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.

Front yard setback: Granting the front yard setback variance would likely have no impact on the congestion of area streets or fire safety. Granting the variance could be detrimental to the public welfare or public safety due to decreasing visibility onto the site because of a solid wall of garages around the property.

Side yard setback: Granting the side yard setback variance would likely have no impact on the congestion of area streets or fire safety. Granting the variance could be detrimental to the public welfare or public safety due to decreasing visibility onto the site because of a solid wall of garages around the property.

Maximum square footage of an accessory structure: Granting the variance could have impact on congestion of area streets and could be detrimental to the public welfare or public safety due to decreasing the maneuverability of the site and preventing any visibility onto the site because of a solid wall of garages around the property. Granting the variance will likely have no impact on fire safety.

Parking in the front and side yards: Granting these variances would likely have no impact on the congestion of area streets or fire safety. Granting the variance could be detrimental to the

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public welfare or public safety due to decreasing visibility onto the site because of a solid wall of garages around the property.

Drive aisle reduction: Granting the front yard setback variance would likely have no impact on the congestion of area streets or fire safety nor would the variance be detrimental to the public welfare or endanger the 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** the variance to increase the maximum permitted size of detached accessory structures from 1,000 sq. ft. to 7,500 sq. ft., **approve** the variance to reduce drive isles from 22 ft. to 20 ft., **deny** the variance for a front yard setback along 25th Street West from 15 ft. to 10 ft., **deny** the variance to allow parking in the required front and side yards, and **deny** the variance to reduce the required side yard setback along the alley from 15 ft. to 5 ft. all to allow for the construction of a new detached garage to allow for 36 parking spaces.