

Department of Community Planning and Economic Development – Planning Division Report

Variance Request
BZZ-2303

Date: May 5, 2005

Applicant: Robert Wells

Address of Property: 2845 27th Avenue South

Date Application Deemed Complete: April 7, 2005

End of 60 Day Decision Period: June 6, 2005

Appeal Period Expiration: May 16, 2005

Contact Person and Phone: Robert Wells, 612-729-3926

Planning Staff and Phone: Molly McCartney, 612-673-5811

Ward: 9 **Neighborhood Organization:** Longfellow Community Council

Existing Zoning: C1, Neighborhood Commercial District

Proposed Use: Construction of a detached accessory structure

Proposed Variance: A variance to reduce the required east side yard setback from 5 ft. to 1 ft, and a variance for a detached garage not located entirely behind the principal structure to allow for a detached garage on a property located at 2845 27th Avenue South in the C1, Neighborhood Commercial District

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

Background: The subject site is approximately 4,512 sq. ft. and consists of a mixed-use structure with a retail store, a single-family dwelling, and a detached garage on a reverse corner lot. The applicant is proposing to replace the existing garage, which measures 324 sq. ft. (18 ft. by 18 ft.), with another measuring 560 sq. ft. (20 ft. by 28 ft.). The proposed garage will be 1 ft. from the east interior property line. When a detached garage is not located entirely behind the adjacent residential structure, a 5 ft. side yard setback is required. The existing garage is also 1 ft. from the side property line. The roof pitch of the proposed garage, 8/12, will not match the primary structure's 12/12 roof. The exterior materials will be lap siding that will match the single-family dwelling. There is no maximum lot coverage in the C1 District, however, with the proposed garage the building lot coverage would be 52 percent of the lot and the impervious surface coverage would be 59 percent of the lot, lower than the maximum coverage for residential districts.

The public hearing notice for this application included a variance to locate a structure not entirely behind the principle structure. Upon further clarification of with Planning Department staff of the interpretation for accessory structure location, it is noted that this variance is not needed. The detached garage does meet the setback required along East 29th Street, which is equal to two-thirds of the front yard setback of the adjacent district, or 13 ft. in this situation.

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.**

Side yard setback: The applicant is seeking a variance to reduce the required front yard setback from 5 ft. to 1 ft. to allow for the construction of a detached garage. Strict adherence requires a 5 ft. setback from the interior side property line when a detached garage is not entirely behind the primary structure on the adjacent lot. The subject site is a reverse corner lot and there is no area on the lot for a detached garage to be located entirely behind the primary structure. The proposed garage will be 7 ft. from the single-family dwelling with the 1 ft. setback. A detached garage must be at least 6 ft. from the primary structure. Staff believes that a detached garage is 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.**

Side yard setback: The conditions upon which the variance is requested are unique to the parcel and have not been created by the applicant. There is 27 ft. between the primary structure and the east interior property line. The applicant is requesting the side yard setback variance to construct a two-stall garage. Without the setback variance, the garage size would be limited to 16 ft. wide because the garage is required to be 6 ft. from the primary structure. The size of the lot and location of the single-family dwellings is not a circumstance 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.**

Side yard setback: Granting the area variance will not alter the essential character of the surrounding neighborhood and will be in keeping with the spirit and intent of the ordinance. The proposed garage is 236 sq. ft larger than the existing garage and has a similar setback to the front and side property lines. The adjacent single-family dwelling at 2712 East 29th Street is located approximately 18 ft. from the shared interior property line.

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.**

Side yard setback: Granting the variance would likely have no impact on the congestion of area streets or fire safety, nor would the proposed structure 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 **approve** the variance to reduce the required side yard setback from 5 ft. to 1 ft and **return** the a variance to permit parking not entirely behind the principal structure to allow for a detached garage on a property located at 2845 27th Avenue South in the C1, Neighborhood Commercial District.

1. That the Planning Division review and approve the final site and elevation plans that measure to an architect or engineering scale.