

Department of Community Planning and Economic Development – Planning Division

Variance Request
BZZ-4185

Date: September 18, 2008

Applicant: Deborah Zvosec

Address of Property: 4741 Humboldt Avenue South

Contact Person and Phone: Deborah Zvosec, 612-823-6068

Planning Staff and Phone: Molly McCartney, 612-672-5811

Date Application Deemed Complete: August 20, 2008

Publication Date: September 12, 2008

Hearing Date: September 18, 2008

Appeal Period Expiration: September 29, 2008

End of 60 Day Decision Period: October 20, 2008

Ward: 13 **Neighborhood Organization:** Fulton Neighborhood Association

Existing Zoning: R1A Single Family Residence District

Proposed Use: New detached garage

Proposed Variances:

- A variance to reduce the front yard setback along Humboldt Avenue South from the setback established by connecting a line between the two adjacent residential structure to 10 feet, and
- A variance to allow a detached garage to be constructed between the principal structure and the front lot line

to allow for a detached garage in the front yard at 4741 Humboldt Avenue South in the R1 Single-family Residential District and SH Shoreland Overlay District.

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

Background: The subject property is a single-family home with a detached garage located in front of the house in the front yard setback. The applicant is proposing to move the existing single stall garage (built in 1915, *B-118006*) and replace it with a two stall, 26 ft. by 26 ft. detached garage. Because the garage is located in front of the house and in the front yard setback, two variances are required.

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The lot is 80 ft. by 134 ft. (10,720 sq. ft.). There is no alley on this block and all the homes on both sides of Humboldt have curb cuts from the street with a mix of detached and attached garages located in both front and backyards. The existing garage is located 21 ft. from the front property line while the home is located 44 ft. from the front property line. In addition to the garage, the property has a parking pad area that accommodated two vehicles between the garage and sidewalk and the existing curb cut is 17 ft. wide. The property has a change in grade of 8 ft. from the sidewalk to the front of the house and has retaining walls in the front yard as well.

The home adjacent to the south on Humboldt Avenue is setback consistent with the 44 ft. setback of the subject house, and has an attached garage that has access from West 48th Street (it is a corner lot). The home to the north on Humboldt Avenue is also setback at a consistent 44 ft. from the front property line; however, it does have an attached garage in the front yard that is tucked under a portion of the house and the yard.

The proposed garage is large than the existing, and will accommodate two vehicles. The location of the garage is closer to the front property line, and is proposed to be 10 ft. from the front property line. The right of way between the property line and sidewalk is 3 ft. The garage is proposed to have a door and be clad in stucco, similar in color to the stucco on the house. The top of the garage will have a hand rail, but no deck is proposed for above. The applicant are proposing to add additional green space above the garage, replace the existing railroad tie retaining walls with a stone retaining wall and gentle turf slope on the north end of the property and a series of stone retaining walls in the middle of the property that will include the stairs to the home. The applicant has also submitted a letter from a structural engineering indicating the sensitive nature of locating the garage any closer to the house and soil issues.

This home is also in a potential historic district, the Lynnhurst Residential Historic District (see attached description), as well as close to both Lake Harriet and Minnehaha Creek. The property is in the SH Shoreland Overlay District, but the proposed work does not trigger additional land use review, such as a conditional use permit for development in a steep slope in the SH District.

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.**

A variance to reduce the front yard setback along Humboldt Avenue South from the setback established by connecting a line between the two adjacent residential structures to 10 feet:

Strict adherence to the front yard setback requires that the garage be located behind the established setback, which is 44 ft. This creates a hardship in that a garage could not be located behind the setback without significant retention of earth and new retaining walls, as well as jeopardize the structural stability of the home. The property has also had an existing garage in the front yard since 1915.

A variance to allow a detached garage to be constructed between the principal structure and the front lot line:

Strict adherence to the garage location requirement requires that the garage be located behind the home. This creates a hardship in that a garage could not be located in the backyard without significant retention of earth and new retaining walls, as well as jeopardize the structural stability of the home. The property has also had an existing garage in the front yard since 1915.

- 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.**

A variance to reduce the front yard setback along Humboldt Avenue South from the setback established by connecting a line between the two adjacent residential structures to 10 feet and a variance to allow a detached garage to be constructed between the principal structure and the front lot line:

The unique circumstances for which the variance is sought includes the 8 ft. increase in slope in the front yard, as well as the existing house and garage location. The applicant has submitted a letter from a structural engineering indicating the sensitive nature of locating the garage any closer to the house and soil issues. The existing grade changes on the property have not been 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.**

A variance to reduce the front yard setback along Humboldt Avenue South from the setback established by connecting a line between the two adjacent residential structure to 10 feet and a variance to allow a detached garage to be constructed between the principal structure and the front lot line:

The granting of the variance would not alter the character of the neighborhood by or be injurious to surrounding properties. The visual impact of the proposed garage would be minimal due to the amount of green space between homes and garages given the large lot sizes along this block, as well as the other front yard landscaping improvements. The proposed garage will be located closer to the front property line, however, vehicles will be parking inside the garage and not outside as they are currently. Permanent parking of vehicles between the garage and property line would not be permitted.

While the proposed garage is adding additional mass in the front yard, the proposed landscaping will also minimize the visual impact of the garage. The garage is to be tucked into the slope, much like the existing garage. The proposed garage is larger than the existing garage; however, it does meet the size requirements for garages. The material, stucco, of the garage is consistent with the house, as well.

The home is located in a potential historic district, the Lynnhurst Residential Historic District, and the proposed garage would not contribute to the historic district. However, it is an accessory use and the home is not proposed to be changed. Staff feels that the proposed garage and landscape treatment would not alter the significance of this property or potential historic district.

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.**

A variance to reduce the front yard setback along Humboldt Avenue South from the setback established by connecting a line between the two adjacent residential structure to 10 feet and a variance to allow a detached garage to be constructed between the principal structure and the front lot line:

The granting of the variance would not alter parking congestion or public safety of the surrounding area. Vehicles entering or exiting the garage would be backing out into the street, however, given the 10 ft. of distance between the garage and property line, there is enough room for good views for both drivers and pedestrians on the sidewalk. Permanent parking of vehicles between the garage and property line would not be permitted.

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 following variances:

- A variance to reduce the front yard setback along Humboldt Avenue South from the setback established by connecting a line between the two adjacent residential structure to 10 feet, and
- A variance to allow a detached garage to be constructed between the principal structure and the front lot line

to allow for a detached garage in the front yard at 4741 Humboldt Avenue South in the R1 Single-family Residential District and SH Shoreland Overlay District, subject to the following conditions:

1. Permanent parking of vehicles between the garage and property line is not permitted, and
2. Final site and elevation plans are approved by CPED-Planning staff.