

**Department of Community Planning and Economic Development – Planning Division**  
Variance  
BZZ-4628

**Date:** December 17, 2009

**Applicant:** Mark and Selena Butler

**Address of Property:** 5044 Cedar Avenue

**Project Name:** 5044 Cedar Avenue Carport

**Contact Person and Phone:** Mark Butler, (612) 845-0007

**Planning Staff and Phone:** Shanna Sether (612) 673-2307

**Date Application Deemed Complete:** November 20, 2009

**End of 60-Day Decision Period:** January 19, 2010

**Ward:** 11     **Neighborhood Organization:** Hale, Page, Diamond Lake, adjacent to Nokomis East

**Existing Zoning:** R1A Single-family District and SH Shoreland Overlay District

**Proposed Zoning:** Not applicable for this application.

**Zoning Plate Number:** 38

**Legal Description:** Not applicable for this application

**Proposed Use:** Carport to an existing single-family dwelling

**Variance:** to reduce the minimum distance between a parking structure and a dwelling from 6 ft. to approximately 3 ft. 6 in. to allow for a new carport accessory to an existing single-family dwelling in the R1A Single-Family District.

**Applicable Code Provisions:** Chapter 525, Article IX, Variances, Specifically Section 525.520(8) “to permit parking that cannot comply with the location requirements for on-site parking, as specified in Chapter 537, Accessory Uses and Structures....”

**Background:** The subject property is approximately 46 ft. by 123 ft. (5,682 sq. ft.) and the use of the property is a single-family dwelling with a 9 ft. by 15 ft. rear, tuck-under garage. The single-family dwelling with “basement garage” was constructed 1952. The applicant has stated that the existing tuck-under garage does not allow for the storage of vehicles due to its size and vertical clearance. The applicant has instead proposed to use a 14 ft. by 20 ft. carport at the rear of the property, adjacent to the alley, to allow for the outdoor storage of vehicles on the property. The structure is located approximately

21.5 feet to the rear property line. The carport is 14 ft. deep and would be located 3.5 ft. to the dwelling. The zoning code states that “no detached accessory building or open parking space shall be located closer than six (6) feet from a dwelling of any type.” Therefore, the applicants have requested a variance to reduce the minimum distance between a parking structure and a dwelling from 6 ft. to approximately 3 ft. 6 in. to allow for a new carport accessory to an existing single-family dwelling in the R1A Single-Family District.

Staff has not yet received any correspondence from the neighborhood associations. Staff will forward any comments, if received, at the City Planning Commission meeting.

**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 minimum distance between a parking structure and a dwelling from 6 ft. to approximately 3 ft. 6 in. to allow for a new carport accessory to an existing single-family dwelling in the R1A Single-Family District. The applicant has stated that the existing tuck-under garage does not accommodate vehicles due to the size and vertical clearance. Strict adherence to the regulations would not allow for a carport on the site that is less than 6 ft. from the dwelling. Staff believes that a reasonable alternative does not exist to allow for a parking area on the property without a variance.

- 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 circumstances upon which the variance has been requested are unique to the property due to the constraints of the lot and the existing structure’s location and size. There is a 45 ft. required front yard and steep slope in the front of the property which would prevent the applicant from providing parking in the front of the structure. The rear of the structure is approximately 21.5 ft. to the rear property line. The applicant has stated that the existing tuck-under garage does not accommodate vehicles due to the size and vertical clearance. Strict adherence to the regulations would not allow for a carport on the site that is less than 6 ft. from the dwelling. Staff believes that a reasonable alternative does not exist to allow for a parking area on the property without a variance.

- 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 proposed carport will be keeping with the spirit and intent of the ordinance and will not alter the essential character of the surrounding neighborhood. The zoning code states that “no detached accessory building or open parking space shall be located closer than six (6) feet from a dwelling of any type.” The applicant could attach the carport to the existing structure; however, the carport would be located in the required interior side yard. Staff believes that the proposed carport will not be injurious to the use or enjoyment of other property in the vicinity

because it is located in the rear 40 ft. of the lot, along an alley and the structure complies with the minimum interior and rear yard requirements.

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

#### **ADDITIONAL FINDINGS FOR THE VARIANCE PER THE SHORELAND OVERLAY DISTRICT:**

- 1. The prevention of soil erosion or other possible pollution of public waters, both during and after construction.**

The applicants will be required to prevent soil erosion and possible pollution of public waters. If an erosion control permit is required, the applicants will be required to install a silt fence during construction and will be required to follow all applicable City requirements to prevent any type of water pollution.

- 2. Limiting the visibility of structures and other development from the protected waters.**

The surrounding properties consist of single-family dwellings with similar height and accessory structures in the rear of the property. Staff believes the proposed project will be no more visible than the adjacent dwellings. The view of the Lake Nokomis will not be further limited with the proposed addition.

- 3. The suitability of the protected water to safely accommodate the types, uses and numbers of watercraft that the development may generate.**

The proposed variance should have no impact on the types, uses, and numbers of watercraft that occupy the Lake Nokomis.

#### **RECOMMENDATIONS:**

##### **Recommendation of the Community Planning and Economic Development Department – Planning Division:**

The Community Planning and Economic Development Department – Planning Division recommends that the Board of Adjustment adopt the above findings and **approve** the variance to reduce the minimum distance between a parking structure and a dwelling from 6 ft. to approximately 3 ft. 6 in. to allow for a new carport accessory to an existing single-family dwelling located at 5044 Cedar Avenue South in the R1A Single-Family District, subject to the following condition of approval:

1. Community Planning and Economic Development Department – Planning Division staff review and approval of the site and elevation plans.

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**Attachments:**

- 1) Statement and findings from applicant
- 2) October 23, 2009, e-mail to Hale, Page, Diamond Lake and Nokomis East Neighborhood Associations and CM Benson
- 3) Correspondence from neighbors
- 4) Zoning map
- 5) Site plan
- 6) Structural drawings
- 7) Photos