

Department of Community Planning and Economic Development – Planning Division Report**Variance Request
BZZ-2354****Date:** June 2, 2005**Applicant:** Jason Band, on behalf of Bill and Margaret Conroy**Address of Property:** 2427 Lake Place**Date Application Deemed Complete:** May 9, 2005**End of 60 Day Decision Period:** July 8, 2005**Appeal Period Expiration:** June 13, 2005**Contact Person and Phone:** Jason Band, 952-237-2496**Planning Staff and Phone:** Molly McCartney, 612-673-5811**Ward:** 7 **Neighborhood Organization:** East Isles**Existing Zoning:** R1, Single-family District**Proposed Use:** Construction of a detached garage**Proposed Variance:** A variance to reduce the side yard setback from 6 ft. to 3 ft. for a detached garage not located in the rear 40 ft. or rear 20 percent of the lot in the R1, Single-family District.**Zoning code section authorizing the requested variance:** 525.520 (1)

Background: The subject site is an interior lot that is approximately 50 ft. by 169 ft. (8,450 sq. ft.) and consists of a single family dwelling with a one-car, detached garage. There is also a gazebo at the rear of the property that measures 14 ft. by 12 ft (168 sq. ft.). The applicant is proposing to demolish the one-stall garage and replace it with a two-stall garage in approximately the same location. The proposed garage will not be in the rear 40 ft. of the lot or the rear 20 percent of the lot, which is the rear 34 ft. of the lot. In addition, the principal structure of the adjoining property has its rear wall more than 40 ft. from the rear property line, at approximately 62 ft. from the rear lot line. The proposed garage will be located entirely in the rear 70 ft. of the lot. The dwelling at the subject site is setback 19 ft. from the front property line and the proposed garage will be approximately 39 ft. from the dwelling.

The proposed garage measures 30 ft. by 22 ft. (660 sq. ft.) and will be 15.6 ft. tall at the midpoint of the peak and the eave. The proposed garage exceeds the permitted height for an accessory structure and the total amount of accessory structures (garage and gazebo) exceed the size permitted. The applicant is applying for an administrative review to increase the height and the amount of accessory structure size.

The total amount of accessory structures will measure 754 sq. ft., which is less than 10 percent of the lot size, 845 sq. ft. The proposed garage will match the pitch (10/12), and exterior materials (lap siding and shakes), of the primary structure as well. The proposed garage also has windows on the east and west sides of the structure.

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 interior side yard setback from 6 ft. to 3 ft. to allow for the construction of a two-car, detached garage that is not located in the rear 40 ft. or rear 20 percent of the lot. Strict adherence to the code requires that for a garage to have a side yard setback less than the district requirement, the garage must be located in the rear 40 ft. or 20 percent of the lot and that the adjoining property has its rear wall more than 40 ft. from the rear property line. In this case, moving the proposed garage further back in the lot to meet this requirement would wedge the garage between the existing gazebo and the property line. The applicant states that a 6 ft. setback would restrict the maneuvering of vehicles into the garage. Based on the submitted site plan, the maneuvering area to the south of the garage doors is 25 ft. 5 in. and exceeds any required drive area for single-family properties. The Zoning Code only requires a 22 ft. minimum drive aisle for a 2-way drive aisle for large parking lots. (541.330). A 6 ft. setback would result in an area in front of the garage doors of 21 ft. 7 in., which is not likely not limit the maneuvering area. Strict adherence to the regulations requires that in the present location, a detached garage needs to be located behind the R1 District side yard setback of 6 ft. and would not allow for the proposed garage, which would be constructed in approximately the same location as an existing garage and which staff believes 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.**

The conditions upon which the setback variance is requested are unique to the parcel of land and have not been created by the applicant. The length of the lot and the existing gazebo results in limited space on the site to locate a garage. The lot is 168 ft. long and the dwelling is located within the front 60 ft. This leaves over 100 ft. between the dwelling and the rear lot line to locate a garage. However, to meet the requirements for a reduced side yard setback, the garage must be located in the rear 40 ft. of the lot. The existing gazebo is located in the rear of the lot which leaves limited space in the rear 40 ft. of the lot between the property line to locate a garage. A permit (B-642529) for the existing gazebo was pulled in 1997, prior to the current owners obtaining the property in 2002. The dimensions of the lot, the location of the existing garage, and the location of the gazebo are unique circumstances and 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 a detached garage, with additional windows on the north side and located entirely behind the adjacent residential dwelling, will not alter the essential character of the surrounding neighborhood. The applicant states that the location of the proposed garage will provide views to and from the dwelling and gazebo. The roof pitch and the exterior materials of the proposed garage will match the primary structure, which is consistent with the conditions of approval for the administrative review to increase the height and size of accessory structures.

Staff believes that the impact to the adjacent property would be less if the location of the garage is entirely behind the rear wall of the adjacent structure at 2423 Lake Place and that the wall that faces the adjacent structure includes windows similar to the windows located on the east and west elevations. The International Building Code would allow for windows on the proposed garage because the structure is set back 3 ft. from the property line. The adjacent dwelling is setback further from the front property line and longer than the dwelling at the subject site. The front wall of the proposed garage is located in front of the rear wall of the adjacent structure. For the proposed garage to be located entirely behind the rear wall of the adjacent structure, the proposed garage would have to be relocated approximately 3 ft. further southeast from the current location.

Based on the submitted site plan, with the garage located 3 ft. to the property line, there is a 25 ft. 5 in. maneuvering area in front of the garage doors. Based on the minimum drive aisle requirement for a 2-way aisle of 22 ft., staff believes this driving area should be reduced and a 3 ft. wide landscaped area to be located between the south property line and the driving surface to accommodate drainage and create a visual buffer. A 3 ft. buffer would leave a 22 ft. 5 in. maneuvering area.

- 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 side yard setback variance would likely have no impact on the congestion of area streets or fire safety, nor would the proposed addition to the existing dwelling be detrimental to the public welfare or endanger the public safety.

Recommendation of the Department of Community Planning and Economic Development Planning Division:

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The Department of Community Planning and Economic Development Planning Division recommends that the Board of Adjustment adopt the findings above and **approve** a variance to reduce the side yard setback from 6 ft. to 3 ft. for a detached garage not located in the rear 40 ft. or rear 20 percent of the lot at a property located at 2427 Lake Place in the R1, Single-family District.

1. That the Planning Division review and approve building permits for the detached garage.
2. That the front wall of the garage be located entirely behind the rear wall of the adjacent residential dwelling at 2423 Lake Place.
3. That windows, similar to the windows located on the east and west elevations, are located on the north wall of the proposed garage.
4. That a 3 ft. landscaped buffer be located between the south property line and the driving surface.