

Department of Community Planning and Economic Development – Planning Division Report

Variance Request
BZZ-3071

Date: July 20, 2006

Applicants: Annette Bray-Wagner and Ron Wagner

Address of Property: 444 Upton Avenue South

Contact Person and Phone: Annette Bray-Wagner and Ron Wagner, 612-316-3286

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

Date Application Deemed Complete: June 26, 2006

Public Hearing Date: July 20, 2006

Appeal Period Expiration: July 31, 2006

End of 60 Day Decision Period: August 25, 2006

Ward: 7 **Neighborhood Organization:** Bryn Mawr Neighborhood Association

Existing Zoning: R1 Single-family District

Proposed Use: Construction of an addition that will connect the dwelling and the garage

Proposed Variance: A variance to reduce the south interior side yard setback from 6 ft. to 4 ft. 2 in. to allow for an addition that will attach the dwelling and garage at 444 Upton Avenue South in the R1 Single-family District and SH Shoreland Overlay District.

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

Background: The subject site is an interior lot with dimensions of 60 ft. by 80 ft (4,800 sq. ft.) and consists of a two story, single-family dwelling. The rear of the subject site abuts Anwatin Middle School and the properties along the west side of the 400 block of Upton Avenue South have similar lot area and dimensions. The applicant is proposing to construct a two-story addition to the rear of the dwelling that will connect the exiting detached garage to the dwelling. The garage will remain one story. The applicants are proposing to move the garage from the existing location of 1 ft. from the rear west property line to 7 ft. from the rear west property line. The existing garage is currently 4 ft. 2 in. from the south interior property line and is proposed to remain in this location after addition. A detached garage may have reduced setbacks if located in the rear of the property, however, when a garage is attached to the dwelling, it must meet the district setbacks.

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.**

Strict adherence to the zoning code requires that the proposed attached garage meet the 6 ft. required interior side yard setback. The applicants state that due to the reduce length of the property that an attached or detached garage would have to be located in the present location. While the applicants are proposing to move the detached garage so that it meets the rear setback they do not propose to move the garage to meet the 6 ft. side yard setback. The floor plan of proposed plan shows a small entry addition to be located between the garage and dwelling. Staff believes that this portion of the addition could be reduced so that a garage could also be moved so that it meets the side yard setback of 6 ft. as well.

- 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 variances are requested are not unique to the parcel and have been created by the applicants. The applicants are proposing to move the garage to meet the rear setback, but not the side yard setback. The size of the addition, including the entry/mudroom, is driving the request for the variance. While the lot depth is 80 ft. and limits the location for the garage, staff believes that the attached garage could be located in such a way as to meet the side yard setback.

- 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.**

Granting the variance will not be in keeping with the spirit and intent of the ordinance and will alter the character of the surrounding area because of the large size of the addition. The proposed addition almost doubles the footprint and floor area of the existing house. The visual impact of the proposed addition on surrounding properties could be mitigated by adhering to the side yard setback for the attached garage.

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

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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 reduce the south interior side yard setback from 6 ft. to 4 ft. 2 in. to allow for an addition that will attach the dwelling and garage at 444 Upton Avenue South in the R1 Single-family District and SH Shoreland Overlay District.