

Department of Community Planning and Economic Development – Planning Division**Variance Request
BZZ-3270**

Date: November 16, 2006

Applicant: Paul Connaker, on behalf of Summer Wong

Address of Property: 1004 18th Avenue Southeast

Contact Person and Phone: Paul Connaker, (612) 702-1485

Planning Staff and Phone: Brian Schaffer, (612) 673-2670

Date Application Deemed Complete: October 12, 2006

Public Hearing: November 16, 2006

Appeal Period Expiration: November 27, 2006

End of 60 Day Decision Period: December 12, 2006

Ward: 1 Neighborhood Organization: Southeast Como Improvement Association

Existing Zoning: R2B, Two Family District

Proposed Use: A two stall off-street parking area.

Proposed Variance: A variance to reduce the front yard setback from 20 feet to 0 feet and a variance to allow for a parking area not entirely to the rear of the dwelling to allow for a two stall parking area for an existing two family dwelling located at 1004 18th Avenue Southeast in the R2B, Two Family District.

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

Background: The subject property is located on an interior lot that is approximately 40 ft. by 91 ft. The subject lot is 3,640 square feet and is substandard in area; the minimum lot area in the R2B District is 5,000 square feet. The Zoning Ordinance requires one off-street parking space per unit. Under the present Zoning Ordinance the subject dwelling has two units and is required to have two off street parking spaces. The dwelling was constructed in 1901 and at that time there was not a minimum off-street parking requirement. The subject site has grandfather rights to have zero off-street parking spaces.

The subject site has an existing curb cut that terminates approximately 18 feet into the property and is shared with the neighboring property to the north. The front yard of the subject dwelling is gravel and

has been used for parking vehicles. In August 2006, the property owner received a violation letter from Housing Inspections Services for parking vehicles in front of the dwelling on the gravel surface. In October 2006, the property owner received a violation letter from Housing Inspections Services for having the front yard being gravel. The subject site does not have alley access.

The applicant is proposing to construct a two space parking area in the front of the dwelling. The Zoning Ordinance prohibits parking areas that are not entirely to the rear of the dwelling. A parking area is not a permitted obstruction in the front yard and is prohibited by the Zoning Ordinance.

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 front yard setback along 18th Avenue SE from 20 feet to 0 feet to allow for a two stall parking area in the front of the dwelling. The subject property does not have alley access and is substandard in size. The location of the subject dwelling, located 8 feet 3 inches from the north property line and 6 feet 4 inches from the south property line make driveway access along the side of the dwelling to the rear of the dwelling difficult. The substandard length of the lot, 91 feet, leaves approximately 18 feet between the rear property line and the dwelling for a parking area.

Staff recognizes the hardship created by the location of the subject dwelling, the size of the subject lot, and lack of alley access. Staff believes that the creation of a parking area on the property is a reasonable use of the property, however Staff believes a parking area in the front yard is not a reasonable use of the property. The property has grandfather rights to have no off street parking and the Zoning Ordinance does not require additional off-street parking. Staff further believes that strict adherence to Zoning Ordinance does not create hardship since off-street parking is not required for the subject 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 circumstances upon which the setback variance is requested are unique to the parcel of land due to the lack of alley access and substandard area of the lot. The location of the dwelling does also create difficulty in creating driveway access to the rear of the dwelling. According to the applicant there is approximately 8 feet 3 inches between the dwelling and the north interior side lot line. The applicant has constructed a 6 by 6 foot deck in the north side yard and placed an egress window in the north side yard. The deck is not permitted in the side yard. These two features prohibit potential access to the rear of the dwelling and a potential parking area; creating

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a unique circumstance at the subject property. The applicant has constructed these two features and has thus created the circumstance that requires the 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 the proposed parking area in the front yard will alter the essential character of the surrounding neighborhood in a negative way. While many of the dwellings along the 1000 block of 18th Avenue SE have curb cuts, they lead to parking areas in the rear of the dwellings. A parking area in the front yard will not be keeping with character of the locality with parking areas in the rear of the dwelling.

The proposed location of the driveway would likely require that a boulevard tree be removed. It is City policy that a curb cut and driveway shall be no closer than five feet from a boulevard tree. The removal of the tree will also likely alter the essential character of the block.

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 setback variance would likely have no impact on the congestion of area streets or fire safety, nor would it be detrimental to the public welfare or endanger the public safety. The loss of on-street parking due to the new curb cut will be offset by the additional off-street parking. Staff is concerned about cars backing out onto 18th Street Southeast due to the proximity to the intersection with Como Avenue.

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 front yard setback from 20 feet to 0 feet and **deny** the variance to allow for a parking area not entirely to the rear of the dwelling to allow for a two stall parking area for an existing two family dwelling located at 1004 18th Avenue Southeast in the R2B, Two Family District.