

Department of Community Planning and Economic Development – Planning Division Report

Variance Request
BZZ-3452

Date: May 17, 2007

Applicant: Peter Barr and Jeanine Marchessault

Address of Property: 2302 Blaisdell Avenue

Contact Person and Phone: Peter Barr and Jeanine Marchessault, 612-874-8671

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

Date Application Deemed Complete: March 21, 2007

Hearing Date: May 17, 2007

Appeal Period Expiration: May 29, 2007

End of 60 Day Decision Period: May 20, 2007, 120 day extension letter sent 5/3/07

Ward: 6 **Neighborhood Organization:** Whittier Alliance

Existing Zoning: R5 Multiple-family Residence

Proposed Use: Existing parking spaces

Proposed Variance: A variance to reduce the distance between an open parking space and a dwelling from 6 ft. to 1 ft. at 2302 Blaisdell Avenue in the R5 Multiple-family District.

Zoning code section authorizing the requested variance: 525.520 (7)

Background: The subject is a two-family house with a legal second primary residential structure, or carriage house, in the rear. The homeowners have applied for this variance to allow for a parking space that is on their neighbor's property, which is the adjacent 2222 Blaisdell Avenue. The adjacent neighbor's parking area is located less than the required 6 ft. from the carriage house. The subject site shares a driveway off Blaisdell with the adjacent property, 2222 Blaisdell, and also uses the rear of 2222 Blaisdell Avenue as access to the alley.

The applicants have submitted information about an existing easement shared between the two sites to allow for the shared driveway. The front driveway is not wide enough for either site to have enough clearance to allow for vehicle access. The subject site does not have direct access to the alley due to the location of the carriage house and an existing wall at the rear of the property. The wall at the rear of the

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property was built very soon after the house in 1909. The applicants have submitted information about an update to the existing easement that would establish legal access for the subject site across the rear of the adjacent site at 2222 Blaisdell Avenue.

The applicants are applying for the variance not to park cars on the subject site, but to allow for parking on the adjacent property, 2222 Blaisdell Avenue. The parking lot of the adjacent property extends onto the subject site near the carriage house. The applicants are proposing to let the adjacent parking to be up to 1 ft. from the carriage house. The carriage house is 4 ft. from the north interior property line. The property owner of 2222 Blaisdell Avenue is not applying for a variance or other land use approvals. Site compliance for the adjacent property, including compliance with parking lot design standards and landscaping, may be required and triggered through zoning inspections.

The subject site has also been identified as being a potential historic resource through a historic survey of the area, but it is not locally designated. First built as a single-family home, the site has also been used as a religious gathering space and housing. The front driveway appears to be also in use at the time of construction of the home given the facing the street orientation of the garage doors of the carriage house.

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 prevents the parking spaces to extend closer than 6 ft. to a dwelling. Parking of the adjacent site does not impact the reasonable use on the subject site, including the legally established second dwelling unit, the carriage house. The subject site can be put to a reasonable use, including vehicle access to the street through the driveway from Blaisdell Avenue.

- 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 circumstance for which the variance is sought has been created by the applicants. The location of the adjacent property's parking spaces across the property line may have been a situation that has been occurring for some time prior to the current ownership of the subject site. The subject site does have some unique circumstances in that the front driveway is not large enough on the subject property to be a legal driveway and the existing historic wall in the rear of the property. However, these circumstances do not influence the configuration of parking spaces on the adjacent lot.

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- 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 to allow parking vehicles 1 ft. from the carriage house will not be in keeping with the spirit and intent of the ordinance. The intent of the ordinance that requires the space between a dwelling and parking is to minimize the conflicts between the residential uses and vehicles. Allowing vehicles to park in such close proximity endangers the structural integrity of the carriage house and creates conflicts between means of egress of the residential use of the carriage house. Granting the variance to a greater distance, for example 3 ft., would allow for protective measures to be taken to reduce conflicts between the dwelling and vehicles. Given the potential historic resource of the subject site, the carriage house should be protecting from vehicles with the use of bollards, or other protective barrier.

- 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.**

The parking variance will have little impact on congestion of area streets. Staff is concerned that parking vehicles in close proximity to a dwelling may impact egress for fire safety as well as increase the vulnerability of the building's safety.

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 distance between an open parking space and a dwelling from at 2302 Blaisdell Avenue in the R5 Multiple-family District.