

Department of Community Planning and Economic Development – Planning Division

Variance Request
BZZ-2989

Date: June 1, 2006

Applicant: Lea Kangas, on behalf of Susan Moore

Address of Property: 1514 25th Street West

Contact Person and Phone: Lea Kangas, (763) 428-5870

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

Date Application Deemed Complete: May 3, 2006

Public Hearing: June 1, 2006

Appeal Period Expiration: June 12, 2006

End of 60 Day Decision Period: July 2, 2006

Ward: 10 **Neighborhood Organization:** East Isles Residents Association

Existing Zoning: R1, Single-family Residential District. SH, Shoreland Overlay District

Proposed Use: Construction of a two car 17 x 24 ft (432 sq ft) garage.

Proposed Variance: A variance to reduce the required distance between a dwelling and an accessory structure from 6 feet to 3 feet 6 inches to allow for the construction of a two car garage at 1514 25th Street West in the R1, Single-Family District.

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

Background: The subject property is located on an interior lot that is approximately 55ft. by 90ft. (4922 sq. ft.). The applicant is proposing to construct a 17 by 24 foot, 432 sq. ft., garage to a legally non-conforming duplex. The property does not currently have covered parking, but has an existing two (2) car parking pad that is nonconforming because it is located less than 6 feet from the dwelling.

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 variance to reduce the required distance between a dwelling and an accessory structure from 6 feet to 3 feet 6 inches to allow for the construction of a 432 sq ft (17 x 24 feet) two car garage on an interior lot. Strict adherence to the regulations would require that the entire the garage or parking pad is constructed 6 feet from the dwelling; this would limit the width of the garage to 14 feet, 6 inches. The Minneapolis Zoning Code requires one off-street parking space per unit (Table 541-1). To accommodate two parking spaces on the property the location of the parking area would have to be closer than 6 feet to the dwelling. Staff believes that reducing the required distance between the dwelling and the garage to 3 feet 6 inches would allow for 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 circumstances upon which the setback variances are requested are unique to the parcel of land due to the relative shallowness of the parcel. As previously mentioned, the parcel is 90 feet deep, which is roughly 45 feet shallower than adjacent parcels in the R1 District. This is a circumstance that is unique to this parcel 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 the garage dwelling will not alter the essential character of the surrounding neighborhood. The immediately adjacent parcels all have garages, with the majority having two car garages. The applicant has stated that the garage is designed within the character of the existing dwelling and Staff believes that the location of the new garage will not be injurious to the use or enjoyment of other property in the vicinity, if it is constructed 3 feet 6 inches from the dwelling.

The maximum allowed impervious surface coverage in the R1 District is 75 percent. The impervious surface coverage of the parcel is estimated by Staff to be 77 percent of the lot area, which exceeds the 75 maximum. Increased impervious surface coverage leads to less onsite storm water management and can increase flooding potential to adjacent streets and property in the vicinity.

The great majority of garages in the surrounding neighborhood are built so that there is minimal driveway space between the alley and the vehicular entrance to the garage. Moving the proposed structure to the east will preserve open space on the subject property and in the

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neighborhood without creating additional impervious surface. Retention of the existing yard space on the subject site is considered appropriate given that the neighboring structures along West 25th Street are built closer together than most of the surrounding structures in the neighborhood.

- 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 would it be detrimental to the public welfare or endanger the public safety. The proximity of the garage to the dwelling does increase fire danger; however, this danger is mitigated through the building code requirements. The applicant proposes to construct the garage per the “Detached Garage Protected Wall Information Bulletin of October 2003” and will be required to meet all building code requirements.

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 **approve** the variance to reduce the required distance between the dwelling and the garage to 3 feet 6 inches to allow for the construction of a new two car garage at 1514 25th Street West in the R1, Single Family District to the following conditions:

1. The garage is moved to the east so that the east face of the garage six (6) feet from the property line.
2. Review and approval of the final site plan and elevations by CPED-Planning.