

Department of Community Planning and Economic Development - Planning Division Report

Variance Request
BZZ-1873

Date: August 19, 2004

Applicant: Christina Tousignaut

Address of Property: 32 26th Avenue NE

Date Application Deemed Complete: July 21, 04

End of 60 Day Decision Period: September 19, 04 **End of 120 Day Decision Period:** November 18, 04

Appeal Period Expiration: August 30, 2004

Contact Person and Phone: Daniel – DTM Remodeling, 612-788-2706

Planning Staff and Phone: Carrie Flack, 612-673-3239

Ward: 3 **Neighborhood Organization:** Marshall Terrace

Existing Zoning: R2B, Two-family District

Proposed Use: Reestablish a platted lot line to allow for the construction of a new single-family dwelling on a vacant lot.

Proposed Variance: A variance to reduce the required lot area from 5,000 sq. ft. to 4,359 sq. ft. (13 percent), a variance to allow an attached garage to project more than 5 ft. from the front façade of a dwelling, and a variance to allow an attached garage to exceed 60 percent of the width of the structure, all to allow for the construction of a new single family dwelling in the R2B zoning district.

Zoning code section authorizing the requested variance: 525.520 (2) (8) (8)

Background: The subject property is 45 ft. x 96.88 ft. (4,359 sq. ft.). The property was originally combined with the adjacent parcel to the east and was illegally re-established to create a new vacant lot. The applicant is now seeking a variance from the lot area requirement in order to legally re-establish the original platted property line in order to obtain a building permit to construct a new single family dwelling. The lot area requirement for a single family dwelling in the R2B District is 5,000 square feet. This requirement may be varied up to 30 percent. The applicant is proposing a 13 percent variance.

In addition, the applicant has submitted plans a proposed new single family dwelling. The site plan shows the dwelling located in the required front yard. The applicant has stated that they will relocate the dwelling to comply with the required 20 ft. front yard setback. The site is also subject to a 5 ft. interior side yard and rear yard setback. The new dwelling is located 5 ft. from the west property line, 7 ft. from the east property line, and will be approximately 23 ft. from the rear property line after the

dwelling is relocated in compliance with the front yard setback. The proposed new dwelling has an attached garage on the front of the dwelling facing 26th Avenue NE that projects 21 ft. past the front façade of the dwelling. Attached garages cannot project more than 5 ft. past the front façade of a dwelling. In addition the width of the garage is 22 ft. and the remaining width of the dwelling structure is 11 ft., a total structure width of 33 ft. The façade of the garage comprises approximately 66.67 percent. An attached garage cannot comprise more than 60 percent of the width of the overall structure. Therefore, the applicant is also seeking variances to allow for the attached garage.

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.**

Lot area: The applicant is seeking a variance to reduce the required lot area from 5,000 square ft. to 4,359 sq. ft. (13%) to reestablish a platted lot line and create a new vacant lot for the construction of a new single family dwelling. The applicant states that they are reestablishing an original platted line and that the lot being created is the original platted lot. Strict adherence to the regulations would not allow for the re-establishment of the original platted lot line and would not allow for the construction of a new single family dwelling, which is a reasonable use of the property.

Attached garage projecting 5 ft. past the front façade of a dwelling: The applicant is seeking a variance to allow an attached garage to project more than 5 ft. from the front façade of a dwelling. The proposed attached garage projects 21 ft. past the front façade of the new dwelling. Strict adherence to the regulations would not allow for the proposed attached garage as designed. Staff has reviewed numerous new single family dwelling designs that meet this requirement of the zoning ordinance. Staff believes that numerous other designs for a single family dwelling would show that reasonable use of the property exists in compliance with the regulations.

Attached garage exceeding 60 percent of the width of the structure: The applicant is seeking a variance to allow an attached garage to exceed 60 percent of the width of the structure. The width of the garage is 22 ft. and the remaining width of the dwelling structure is 11 ft., a total structure width of 33 ft. The façade of the garage comprises approximately 66.67 percent. An attached garage cannot comprise more than 60 percent of the width of the overall structure. Strict adherence to the regulations would not allow for the proposed attached garage as designed. Staff has reviewed numerous new single family dwelling designs that meet this requirement of the zoning ordinance. Staff believes that numerous other designs for a single family dwelling would show that reasonable use of the property exists in compliance with the regulations.

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.**

Lot area: The conditions upon which the variance is requested are unique to the parcel of land and were not created by the applicant. The lot is 4,359 sq. ft. in size and was originally platted that size. The property is zoned R2B, Two-family district. The applicant would need to acquire an additional 641 sq. ft. of land to build a single family dwelling on the subject site without a variance. It would be difficult to acquire additional property without affecting the adjacent properties. Staff does not believe that the original platting of the property that established the lot size is a circumstance created by the applicant.

Attached garage projecting 5 ft. past the front façade of a dwelling: The conditions upon which the variance is requested are not unique to the parcel of land and were created by the applicant. The applicant is proposing a single family dwelling with an attached garage that projects 21 ft. past the front façade of the habitable portion of the dwelling. The subject site is 641 sq. ft. less than a typical city lot. However, the lot is 5 ft. wider than a typical city lot (45 ft. vs. 40 ft.) and the R2B setback requirements are minimal. The front yard setback is 20 ft., the interior side yard setback is 5 ft. and the rear yard setback is 5 ft. This leaves a buildable area that is 35 ft. wide x 71.88 ft. to accommodate the construction of a new single family dwelling. The revised regulations for accessory structures include a new provision that states, “Attached accessory uses designed or intended for the parking of vehicles accessory to single and two family dwellings and multiple family dwellings of three and four units shall extend no more than five feet closer to the front lot line than the façade of a habitable portion of the dwelling when the garage doors face the front lot line.” The purpose of this regulation was to encourage attached garages to be incorporated into the overall design of a new single family dwelling rather simply abutting and/or attaching the garage to the habitable portion of a dwelling creating a “snout house”. Staff has reviewed numerous new single family dwelling designs that could be sited within a 35 ft. x 71.88 ft. buildable area in compliance with the requirements of the zoning ordinance.

Attached garage exceeding 60 percent of the width of the structure: The conditions upon which the variance is requested are not unique to the parcel of land and were created by the applicant. The applicant is proposing a single family dwelling with an attached garage that is 22 ft. wide and the remaining width of the dwelling structure is 11 ft., a total structure width of 33 ft. As previously mentioned, the subject site consists of a buildable area that is 35 ft. x 71.88 ft. The revised regulations for accessory structures include a new provision that states, “The width of the garage shall not exceed sixty percent of the width of the entire structure.” The purpose of this regulation was to encourage attached garages to be incorporated into the overall design of a new single family dwelling rather simply abutting and/or attaching the garage to the habitable portion of a dwelling creating a “snout house”. Staff has reviewed numerous new single family dwelling designs that could be sited within a 35 ft. x 71.88 ft. buildable area in compliance with the requirements of the zoning ordinance.

- 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.**

Lot area: Staff believes that granting the variance will not alter the essential character of the surrounding neighborhood or be injurious to the use or enjoyment of other property in the vicinity as the property is being returned to the original platted size that is consistent with adjacent platted lots on the block face.

Attached garage projecting 5 ft. past the front façade of a dwelling: Staff believes that granting the variance will alter the essential character of the surrounding neighborhood and would be injurious to the use or enjoyment of other property in the vicinity. The intent of the ordinance is to prevent “snout houses” or dwellings that present a dominant garage facade along city blocks. The majority of surrounding properties consist of detached garages with alley access. The subject site does not have alley access. However, the property is 45 ft. x 96.88 ft and could accommodate a detached garage with a driveway in the side yard with a house design that is a maximum of 30 ft. wide and maximum 43 ft. in length and still comply with all setback requirements. The building code requires that dwellings be a minimum 22 ft. wide. As an alternative, an attached garage could be incorporated into the overall design of the single family dwelling, such as a ‘tuck-under’, that does not project more than 5 ft. past the front façade of the dwelling. Staff has reviewed numerous new single family dwelling designs that could be sited on the subject site in compliance with the requirements of the zoning ordinance.

Attached garage exceeding 60 percent of the width of the structure: Staff believes that granting the variance will alter the essential character of the surrounding neighborhood and would be injurious to the use or enjoyment of other property in the vicinity. The intent of the ordinance is to prevent “snout houses” or dwellings that present a dominant garage façade along city blocks. As previously mentioned, the majority of surrounding properties consist of detached garages which means that the street wall on the adjacent blocks consist of full frontal views of the principal single family structures which is characteristic for the city of Minneapolis. Staff has reviewed numerous new single family dwelling designs that could be sited on the subject site in compliance with the requirements of the zoning ordinance that would be more characteristic with the surrounding properties.

- 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.**

Lot area: Granting the variance would likely have no impact on the congestion of area streets or fire safety, nor would the variance be detrimental to the public welfare or endanger the public safety.

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Attached garage projecting 5 ft. past the front façade of a dwelling: Granting the variance would likely have no impact on the congestion of area streets or fire safety, nor would the variance be detrimental to the public welfare or endanger the public safety.

Attached garage exceeding 60 percent of the width of the structure: Granting the variance would likely have no impact on the congestion of area streets or fire safety, nor would the variance be detrimental to the public welfare or endanger the public safety.

Recommendation of the Department of Community Planning and Economic Development:

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 lot area from 5,000 square feet to 4,359 square feet (13 percent), **deny** the variance to allow an attached garage to project more than 5 ft. from the front façade of a dwelling, and **deny** the variance to allow an attached garage to exceed 60 percent of the width of the structure, all to allow for the construction of a new single family dwelling in the R2B zoning district subject to the following conditions:

1. That the Planning Department review and approve final site and elevation plans.
2. That the Public Works Department review and approve any proposed new curb cut.