

Department of Community Planning and Economic Development – Planning Division Report**Variance Request
BZZ-2188****Date:** February 17, 2005**Applicant:** Michael Eckroth**Address of Property:** 5601 13th Avenue South**Date Application Deemed Complete:** January 26, 2005**End of 60 Day Decision Period:** March 27, 2005**Appeal Period Expiration:** February 28, 2005**Contact Person and Phone:** Stefanie Kuecker, 612-821-2980**Planning Staff and Phone:** Carrie Flack, 612-673-3239**Ward:** 11 **Neighborhood Organization:** Hale, Page, Diamond Lake**Existing Zoning:** R1 District, Single-family District**Proposed Use:** Construction of a two car attached garage to an existing single family dwelling**Proposed Variance:** A variance to reduce the required interior side yard setback from 6 ft. to 1.5 ft. and a variance to reduce the required rear yard setback from 6 ft. to 5 ft. 4 inches both to allow for the construction of a two car attached garage to an existing single family dwelling.**Zoning code section authorizing the requested variance:** 525.520 (1) (1)**Background:** The subject site is 50 ft. x 128 ft. (6,400 sq. ft.) corner lot that consists of an existing single family dwelling with a single car attached garage. The applicant is proposing to convert the existing single car attached garage to additional living space that includes a study, laundry room, and mudroom. A new window will also be added in the existing garage on the south façade. A new two car detached garage would be constructed at the rear of the house that would provide an interior entrance to the house through the mudroom. The new garage would be 20 ft. x 24 ft. (480 sq. ft.). The new garage would be 1.5 ft. from the south interior property line and would be 5 ft. 4 inches from the rear property line. The R1 District requires 6 ft. side yard and rear yard setbacks, thus variances are necessary. The garage would be accessed via expanding the existing driveway off the alley. In addition, an open deck exists at the rear of the dwelling adjacent to the existing attached single car garage. The applicant plans to enclose the deck with screens and a roof. No variances are necessary for the screened porch.**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.**

Interior side yard setback: The applicant has requested a variance to reduce the interior side yard setback from 6 ft. to 1.5 ft. to allow for the construction of a two car attached garage to an existing single family dwelling. The applicant states that adhering to the required 6 ft. setback leaves minimal space for recreation in the backyard and that due to the position and length of the existing dwelling, the backyard is already very small. Strict adherence to the regulations would allow reasonable use of the property. Staff believes constructing one off-street parking space as required for a single family dwelling would comply with the required setback and is a reasonable use of the property. However, strict adherence to the regulations would also allow for the construction of a two car attached garage since the garage could be shifted to comply with the 6 ft. setback. Staff does not believe that the reducing the size of the applicant's backyard is a hardship for the property. Staff believes that locating the new attached garage 1.5 ft. from the interior property line may also impose a hardship on the property to the south with regard to fence regulations. The dwelling is currently located more than 5 ft. from the property line which would allow for a 6 ft. high fence on the property to the south. However, the new attached garage would be setback 1.5 ft. from the property line which would only allow for a 4 ft. high fence on the property to the south.

Rear yard setback: The applicant has requested a variance to reduce the rear yard setback from 6 ft. to 5 ft. 4 inches to allow for the construction of a two car attached garage to an existing single family dwelling. The applicant states that adhering to the required 6 ft. setback leaves minimal space for recreation in the backyard and that due to the position and length of the existing dwelling, the backyard is already very small. As the garage is proposed to be attached to the dwelling, the garage cannot be shifted any further on the property to increase the distance from the rear property line. Strict adherence to the regulations would require that the new garage be reduced from 24 ft. in depth to a standard 22 ft. in depth which still allow 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.**

Interior side yard setback: The conditions upon which the setback variance is requested are not unique to the parcel of land and have been created by the applicant. One off-street parking space is required by ordinance for a single family dwelling. The applicant is proposing to convert an existing single car attached garage that complies with the ordinance to additional living space. Staff believes that a new attached garage can be constructed on the property in compliance with the ordinance. The applicant is proposing to construct a new two car attached garage in such a manner that does not comply with the ordinance and thus has created a hardship.

Rear yard setback: The conditions upon which the setback variance is requested are not unique to the parcel of land and have been created by the applicant. One off-street parking space is required by ordinance for a single family dwelling. The applicant is proposing to convert an existing single car attached garage that complies with the ordinance to additional living space. Staff believes that a new attached garage can be constructed on the property in compliance with the ordinance. The applicant is proposing to construct a new two car attached garage in such a manner that does not comply with the ordinance and thus has created a hardship.

- 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.**

Interior and Rear side yard setbacks: Staff believes that the new two car garage addition will alter the essential character of the surrounding neighborhood or be injurious to the use or enjoyment of other property in the vicinity. As previously mentioned, staff believes that locating the new attached garage 1.5 ft. from the interior property line may impose a hardship on the property to the south with regard to fence regulations. The dwelling is currently located more than 5 ft. from the property line which would allow for a 6 ft. high fence on the property to the south. However, the new attached garage would have a setback 1.5 ft. from the property line which would only allow for a 4 ft. high fence on the property to the south. In addition, the new attached garage increases the wall length of the dwelling by an additional 24 ft. The adjacent property to the south will have a blocked view to the north for the entire length of the property with the exception of the front yard. In addition, because the garage is closer than 3 ft. to the property line, windows cannot be incorporated to break up the south façade.

- 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.**

Interior and Rear side yard setbacks: Granting the variance would likely have no impact on congestion of area streets or fire safety, nor would the proposed addition be detrimental to the public welfare or endanger the public 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 required interior side yard setback from 6 ft. to 1.5 ft and **deny** the variance to reduce the required rear yard setback from 6 ft. to 5 ft. 4 inches both to allow for the construction of a two car attached garage to an existing single family dwelling.