

Department of Community Planning and Economic Development – Planning Division Report

Variance Request
BZZ-4024

Date: May 22, 2008

Applicant: Mark and Carolyn Muchow

Address of Property: 4557 Portland Avenue

Contact Person and Phone: Mark and Carolyn Muchow, 612-825-8850

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

Date Application Deemed Complete: April 17, 2008

Publication Date: May 16, 2008

Hearing Date: May 22, 2008

Appeal Period Expiration: June 2, 2007

End of 60 Day Decision Period: June 17, 2008

Ward: 8 **Neighborhood Organization:** Field, Regina, Northrup Neighborhood Group

Existing Zoning: R1A Single-family Residential District

Proposed Use: Construction of a rear single story addition, including an attached garage to an existing single family dwelling

Proposed Variance: A variance to reduce the minimum corner side yard setback from 8 ft. to 6 in. to allow for a rear single story addition, including an attached garage to an existing attached garage at 4557 Portland Avenue South in the R1A Single-family District.

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

Background: The subject property is an existing single family dwelling on a corner lot at the intersection of Portland Avenue and East 46th Street. The lot measures 35 ft. by 118 ft. (4,100 sq. ft.). The house does have an attached, single stall garage that accesses off East 46th Street.

The applicants are proposing to rebuild the existing single-stall attached garage by expanding the size, as well as changing the garage access from East 46th Street to the rear alley. The proposed garage size is 676 sq. ft., replacing a 230 sq. ft. garage. The applicants are proposing to eliminate the curb cut on East

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46th Street and instead face the garage doors to the alley along with installing a new driveway. The proposed garage would have two windows along the south elevation along East 46th Street. The rear addition would have a pitched roof similar to the existing pitch of the main gable of the house and the proposed exterior material, stucco, matches the existing home as well. The proposed project would meet the requirements for maximum floor area ratio, minimum window requirements, as well as building and lot coverage maximum. The proposed south side of the garage is in the same location as the existing south side of the garage.

The existing home and attached garage is located very near the south, corner side property line. The home has two projections on the south side, the side that is along the corner side yard. The first projection, toward the west of the home, is approximately 1 ft. from the property line. The house then juts in to be approximately 4.5 ft. – 5 ft. from the property line. There is another projection, which is the existing garage that is approximately 6 in. from the property line. The applicant have obtained and supplied a survey to Planning staff for the property. The home is in the Tudor Revival style, and the floor plan, including the attached garage, is consistent with that style of home.

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 proposed rear addition to the property that follows the same line of the existing building. The addition is not possible under the zoning code due to the required corner side yard setback; however, much of the existing home is also located in the required yard. Due to the smaller width of the property, 34 ft., locating the garage addition within a corner side yard setback is a reasonable use for a single family house.

- 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 are unique to parcel of land due to the lot size and width as well as the close proximity of the building to the corner side yard, including and attached garage. The home and attached garage were built in 1933, prior to ownership by the current homeowners. The location of the home and attached garage is not a circumstance 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.**

Granting the variance will be in keeping with the spirit and intent of the ordinance. The increased setback for corner lots prevents buildings from encroaching into the corner side yard setback. In this case, the addition will continue the existing line of the home along this setback.

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While the addition will create additional building in the corner side yard setback, the building expansion is further away from the property to the north. By setting the addition away from the north property line, the neighbors to the north will have less of a shadowing impact from the building as well as impacts due to vehicle traffic.

The proposed addition is keeping with the character and style of the home, including matching the roof pitch of the addition, materials, and window pattern. The proposed roof pitch matches the main gable of this Tudor Revival home, and the stucco materials will also match. The applicants are proposed to include two windows along the south elevation of the property, which seems to be keeping with the window pattern of the home.

- 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 proposed variance would likely have a positive impact on decreasing congestion and enhancing public safety. Currently, the garage is 6 in. from property line which is 3.5 from the public sidewalk. This is a very short driveway that makes it difficult for drivers or pedestrians to be prepared for each other. In addition, there is a Metro Transit bus stop at the corner of this block, so pedestrian activity is present. Moving the garage and driveway to the alley will improve the pedestrian safety at this corner.

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 minimum corner side yard setback from 8 ft. to 6 in. to allow for a rear single story addition, including an attached garage to an existing attached garage at 4557 Portland Avenue South in the R1A Single-family District, subject to the following conditions:

1. CPED–Planning Division review and approve the final site plan, floor plans, and elevation. All drawings will be measured to an architect or engineer’s scale.