

**Department of Community Planning and Economic Development – Planning Division Report****Variance Request  
BZZ-2200****Date:** April 7, 2005**Applicant:** Tim Nelson**Address of Property:** 521 West 27<sup>th</sup> Street**Date Application Deemed Complete:** March 9, 2005**End of 60 Day Decision Period:** May 8, 2005**Appeal Period Expiration:** April 18, 2005**Contact Person and Phone:** Tim Nelson, 612-940-4784**Planning Staff and Phone:** Molly McCartney, 612-673-5811**Ward:** 6      **Neighborhood Organization:** Whittier**Existing Zoning:** R2B District, Two-family District**Proposed Use:** Construction of a detached accessory structure.

**Proposed Variance:** A variance to increase the maximum size of a detached garage from 676 sq. ft. to 726 sq. ft.; a variance to reduce the required front yard setback from 13 ft. to 7 ft.; a variance to reduce the required side yard setback from 5 ft. to 2 ft., and a variance to allow parking not entirely behind the principal structure to allow for the construction of a two-car detached garage on property located at 521 West 27<sup>th</sup> Street in the R2B, Two-family District.

**Zoning code section authorizing the requested variance:** 525.520 (1), 525.520 (8)

**Background:** The subject property is approximately 3,396 sq. ft. (40 ft. by 85 ft.) and consists of a 2.5-story single family dwelling and a one-stall, detached garage on a reverse corner lot. The applicant is proposing to construct a two-stall, detached garage measuring 726 sq. ft. (22 ft. by 33 ft.). The proposed garage height will be 16 ft. at the midpoint. The applicant is applying for an administrative review in increase the height of the garage from 12 ft. to 16 ft. between the peak and the eave. The exterior materials (lap siding) and roof pitch (10/12) of the garage will match the dwelling. The applicant would use the new garage for storing vehicles and the half-story for storage space.

The applicant is also seeking variances to reduce front yard setback from 13 ft to 7 ft. and to reduce the interior side yard setback from 5 ft. to 2 ft. The subject property has two front yards along West 27<sup>th</sup> Street and Garfield Avenue. The dwelling faces and addresses off West 27<sup>th</sup> Street and has a 9.8 ft.

setback from the property line along Garfield Avenue. The adjacent dwelling to the south faces Garfield Avenue and is setback 17 ft. from the front property line. The interior boulevard between the sidewalk and property line is 2.5 ft. The required setback for an accessory structure on a reverse corner lot is equal to two-thirds the front yard setback of the adjacent use, which is 13 ft in this situation. The subject property's rear property line is in fact the adjacent property's interior side yard. The required side yard setback for an accessory structure not located entirely behind an adjacent dwelling is 5 ft. Because the subject site is a small lot and has two front yards, there is limited space for a garage to be located entirely behind the primary structure, thus a variance to allow parking not entirely behind the principal structure is required.

Staff is recommending approval of front and side yard setback variances that are different than the applicant's request. Staff believes that increasing these setbacks will lessen the impact on the surrounding area. The staff recommendation is for the garage to be set back to 10 ft. from the front property line along Garfield and set back 3 ft. from the interior side yard. A 10 ft. setback for the garage will be similar to the setback of the principal structure along Garfield Avenue. The proposed garage has windows on the southern elevation that faces the interior property line. The building code requirement would not permit the windows in this location. Openings (windows, etc.) are not permitted in walls closer than 3 feet to property lines not adjacent to a public right-of-way. *Section 302.1 2000 IRC*

#### **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.**

**Maximum permitted floor area:** The applicant is seeking a variance to increase the maximum permitted floor area for a detached garage from 676 sq. ft. to 726 sq. ft. The applicant states the new detached garage would be used for vehicles and storage space. Strict adherence to the zoning code requires one off-street parking space and does not allow for a detached accessory structure more than 676 sq. ft. Based on the requested size of the garage and the size of the lot, staff believes that the proposed garage is unreasonable and that reasonable use of the property exists without a 726 sq. ft.

**Front yard setback:** The applicant is seeking a variance to reduce the required front yard setback on a reverse corner lot for a detached garage from 13 ft to 7 ft. The subject property has two front yards along West 27<sup>th</sup> Street and Garfield Avenue. The dwelling faces and addresses off West 27<sup>th</sup> Street. The adjacent dwelling to the north faces Garfield Avenue and is setback 17 ft. from the front property line. Strict adherence to the zoning code would require an accessory structure on a reverse corner lot to adhere to a setback equal to two-thirds of the required front yard. The proposed garage would be required to be located entirely behind the required front yard setback of 13 ft. Staff believes the request is a reasonable use of the property if the proposed garage meets the maximum permitted size.

**Side yard setback:** The applicant is seeking a variance to reduce the required interior side yard setback for a detached garage from 5 ft. to 2 ft. The subject property's rear yard is in fact the

interior side yard of the adjacent dwelling. Strict adherence to the zoning code would require a garage not located entirely behind adjacent dwellings to have a 5 ft. setback. The subject property is smaller than typical lots and has less room to locate a detached garage. Staff believes the request is a reasonable use of the property if the proposed garage meets the maximum permitted size.

**Garage not entirely behind dwelling:** The applicant has requested a variance to allow for the construction of a detached two-car garage to allow parking not entirely behind the principal structure on a reverse corner lot. Strict adherence to the regulations would not allow for the construction of a detached two-car garage on the property. There is limited space on the lot that meets the definition of entirely behind the structure due to the small size of the lot, the two required front yards, and the lack of a rear yard on 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.**

**Maximum permitted floor area:** The conditions upon which the variance is requested are not unique to the parcel. The zoning ordinance requires one off-street parking space and allows up to 676 sq. ft. of accessory structure on a standard size lot. Lack of storage space for vehicles or other storage needs is not a unique circumstance to this parcel of land. The circumstances on which the accessory structure is being requested have been created by the applicant.

**Front yard setback:** The conditions upon which the variance is requested are unique to the parcel and have not been created by the applicant. Because the subject property is a reverse corner lot, the required front yard setback for an accessory structure is larger than on a corner or interior lot. In addition, the subject property is smaller than typical lots and has less room to locate a detached garage. The lot measures 3,396 sq. ft., much less than an average-sized lot of 5,000 sq. ft. The platting of the lot is not a circumstance created by the applicant.

**Side yard setback:** The conditions upon which the variance is requested are unique to the parcel and has not been created by the applicant. Because the subject property is a reverse corner lot, the subject property's rear setback is in fact the adjacent property's interior side yard and imposes a larger setback. In addition, the subject property is smaller than typical lots and has less room to locate a detached garage. The lot measures 3,396 sq. ft., much less than an average size lot of 5,000 sq. ft. The platting of the lot is not a circumstance created by the applicant.

**Garage not entirely behind dwelling:** The condition upon which the setback variance is requested is unique to the parcel and has not been created by the applicant. The location of the existing dwelling and the two required front yards makes it difficult for the property to meet the regulation requiring one parking space per dwelling unit. There is limited space on the property to allow for parking entire behind the primary structure.

- 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.**

**Maximum permitted floor area:** Granting the variance will alter the essential character of the surrounding neighborhood and will not be in keeping with the spirit and intent of the ordinance. The subject property is smaller, 3,396 sq. ft., than most lots in Minneapolis, which are typically 5,000 sq. ft. The proposed garage and existing dwelling would occupy forty-five percent of this lot, which is less than the maximum building coverage of sixty-five percent. The applicant states that the detached garage will have similar exterior materials and roof pitch to the dwelling, lap siding and a 10/12 pitch. The applicant has provided evidence of larger garages in the surrounding area; however, many of these seem to be historic barns that have been converted into garages. Staff believes that if the proposed garage will alter the character of the surrounding area because of the small size of the lot and the close proximity to the neighboring dwelling.

**Front yard setback:** Granting the variance will not alter the essential character of the surrounding neighborhood and will be in keeping with the spirit and intent of the ordinance, if the garage is built to the maximum allowed size, 676 sq. ft. Staff also believes that a setback along Garfield closer to the setback of the dwelling (9.8 ft), would be more characteristic of the surrounding area. The proposed location of the detached garage would be closer to the street than all of the dwellings along Garfield Avenue. An increased setback to 10 ft. along with matching the exterior material and roof pitch to the dwelling would decrease the negative impacts of the proposed garage on the surrounding area.

**Side yard setback:** Granting the variance will not alter the essential character of the surrounding neighborhood and will be in keeping with the spirit and intent of the ordinance, if the garage is built to the maximum allowed size, 676 sq. ft. Building code would prevent the windows from being placed on this wall if the structure was only 2 ft. from the property line. Staff believes that the addition of windows on this elevation will help to mitigate any negative impacts that a structure in the required front yard will have on the surrounding area. Staff believes that if the proposed garage meets the maximum allowed size, a 10 ft setback along Garfield Avenue, the exterior materials and roof pitch match the dwelling, and a 3 ft side yard setback would not alter the character of the surrounding area.

**Garage not entirely behind dwelling:** Staff believes that the detached garage will not alter the essential character of the surrounding neighborhood, if the garage is built to the maximum allowed size, 676 sq. ft. Staff believes the variance meets the intent of the ordinance and will not be injurious to the use or enjoyment of other property in the vicinity because the applicant is complying with the parking requirement and will match the exterior materials and roof pitch to the dwelling.

- 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.**

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**Maximum permitted floor area:** Granting the variance would likely have no impact on the congestion of area streets or fire safety, nor would the proposed structure be detrimental to the public welfare or endanger the public safety. The applicant states that the detached garage would alleviate on-street parking congestion.

**Front yard setback:** Provided the detached garage is built to the maximum permitted size of 676 sq. ft., granting the side yard setback variance would likely have no impact on the congestion of area streets or fire safety, nor would the proposed addition to the existing dwelling be detrimental to the public welfare or endanger the public safety.

**Side yard setback:** Provided the detached garage is built to the maximum permitted size of 676 sq. ft., granting the side yard setback variance would likely have no impact on the congestion of area streets or fire safety, nor would the proposed addition to the existing dwelling be detrimental to the public welfare or endanger the public safety.

**Garage not entirely behind dwelling:** Granting the parking location variance would likely have no impact on congestion of area streets or fire safety. Nor would the proposed detached two-car garage be detrimental to the public welfare or endanger the public safety since complying with the parking requirement.

**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 increase the maximum size of a detached garage from 676 sq. ft. to 726 sq. ft.; **approve** the variance to **reduce the required front yard setback from 13 ft. to 10 ft.**; **approve** the variance to **reduce the required side yard setback from 5 ft. to 3 ft.**; and **approve** a variance to allow parking not entirely behind the principal structure to allow for the construction of a two-car detached garage on property located at 521 West 27<sup>th</sup> Street in the R2B, Two-family District.