

**Department of Community Planning and Economic Development – Planning Division****Variance Request  
BZZ-4606**

**Date:** December 3, 2009

**Applicant:** Eric Wulfsberg

**Address of Property:** 3600 Holmes Avenue South

**Contact Person and Phone:** Eric Wulfsberg, (612) 822-9752

**Planning Staff and Phone:** Robert Clarksen, (612) 673-5877

**Date Application Deemed Complete:** October 23, 2009

**End of 60 Day Decision Period:** December 14, 2009

**Ward: 10     Neighborhood Organization:** East Calhoun Community Organization

**Existing Zoning:** R1A Single Family Residential District, SH Shoreland Overlay District

**Proposed Use:** A new 26'6" x 25' detached garage in the corner side setback area.

**Proposed Variance:** A variance to reduce the corner side yard setback along West 33<sup>rd</sup> Street from 8 feet to 2 feet to construct a new detached accessory structure on an existing single family lot at 3300 Holmes Avenue South, in the R1A Single Family Residential District.

**Zoning code section authorizing the requested variance:** 525.520 (1) To vary the yard requirements, including permitting obstructions into required yards not allowed by the applicable regulations.

**Background:** The subject property is a 32' by 129' (4128 square feet) corner lot. The property is improved with an existing two story single family dwelling built in 1909, and an existing detached garage that is undersized by current standards (18' x 22'6" wide) which matches the exterior of the existing home. The applicant proposes to replace this structure with a new garage that is 26'6" x 25', and would include storage trusses on the upper level complete with dormers and architectural details which will continue to reflect the principal structure. Due to the width of the lot, the existing garage is nonconforming to the corner side yard setback along the north side (West 33<sup>rd</sup> Street) of the property.

The R1A section of the Zoning Ordinance allows a detached accessory structure in the rear 40' of residential lots where a minimum 8 foot corner side yard can be provided. Due to the narrow width of the subject property, it would be virtually impossible to meet the setbacks required and still construct a garage of reasonable size without obtaining a variance.

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The height of the garage measures to 14'6", which exceeds the 12' permitted height in the zoning code. The proposed height of the garage can be approved administratively by staff should the variance be granted, as the pitch of the roof and exterior materials will match the principal structure as required by section 537.50 of the zoning code.

**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 existing garage is nonconforming to the corner side yard setback, and measures 18' x 22'6" wide, which is undersized by current standards. The applicant has proposed a new garage with dimensions of 26'6" x 25' that will require a variance to the corner side yard setback due to the narrow width of the subject property. The applicant suggests that it would be virtually impossible to meet the setbacks required by the zoning code and still construct a garage of reasonable size. Staff agrees with the applicant's position as the existing structure is smaller than the proposed but it also does not comply with the corner side yard setback, and also would require a variance to be constructed as is pursuant to today's code. Staff believes it is unlikely the property could be put to a reasonable use (constructing a new garage) without granting the requested variance, and that the applicant has established an undue hardship. In the area around uptown, smaller lots are somewhat more common especially at street corners where lots were often divided to allow construction of dwellings at what was formerly the rear of the lot. The situation with this property is slightly different, but it is similar in the fact that a lot of typical size would likely accommodate the applicants request without a variance. The applicant has noted the existing home is approximately 1 foot from the north property line due to the narrowness of the parcel.

- 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 request is sought are unique to the parcel of land and have not been created by anyone with a present or economic interest in the property. A typical residential lot in the R1A district is 40 feet wide, however the subject property is undersized by City standards at 32 feet. The placement of the existing and proposed structures on the property are characteristic of other single family lots in the area, with the exception of the setback from the corner side setback along West 33<sup>rd</sup> Street which would be reduced if the request is approved.

Any alteration or new construction of a detached garage which results in an increase in size will not comply with the setback requirements of the R1A zoning district. Due to the narrow width of the subject property, it would be virtually impossible to meet the setbacks required and still construct a garage of reasonable size without obtaining a variance. Given this circumstance, it is unlikely the property could be put to a reasonable use (constructing a new garage) without first obtaining a setback variance from the City.

**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.**

The granting of the variance will be consistent with the spirit and intent of the ordinance and should not alter the character of the surrounding area. It is not uncommon for corner lots in the uptown area to be of substandard size, as there are many examples of lots where homes were built in what was formerly the rear of a standard lot. Given this context, the garage proposed by the applicant should fit in to the surrounding neighborhoods and add to the quality of the area.

The applicant identified the following qualities of the project in statements provided to staff:

- A desire to build a garage that is consistent in character with the current garage, dwelling, and neighborhood. The design will include elements that reflect the character of the existing single family dwelling on the property, such as an 18" eave, decorative buttresses and the roof pitch.
- The project will incorporate dormers on the North and East side of the building, and identical exterior materials to complement the architectural details of the home.
- The proposed garage will be relocated away from the neighboring garage on south side of subject property, and an existing utility pole that touches current garage.
- The site plan will create space on south side for trash/recycling bins, which will reduce impacts on the 33<sup>rd</sup> Street public realm.
- Add lighting to rear of garage along alley side to improve safety and visibility.

CPED staff believe these improvements will provide significant benefits which will have a positive impact upon 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.**

Granting the variance may improve the congestion of streets in the area as the applicant will be more likely to store at least two vehicles in the proposed building. Granting the variance may also have positive impacts on public safety due to the improved lighting along the alley at the rear of the proposed building. Granting the variance is not likely to increase the likelihood of fire danger as the new garage will be further from the existing garage on the neighboring property. The building code does require a rated wall construction when a building is within 3 feet of a property line.

In terms of public safety, the proposed garage will further limit site lines to 33<sup>rd</sup> Street from the alley. However, the existing apartment building located west of the subject site is actually closer to the street, and this causes a more imminent potential traffic issue as vehicles approaching from this direction are closer to the site. Given that westbound traffic on 33<sup>rd</sup> should be at limited speeds, and the garage will be further back than the existing apartment building, the field of view should not to the extent of causing a traffic hazard. Staff is concerned about the potential impacts

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related to parking of vehicles in front of the garage or across the sidewalk. A condition of approval has been included to prohibit any parked vehicles in front of the garage to ensure there will be no interference with the pedestrian experience along West 33<sup>rd</sup> Street.

**ADDITIONAL FINDINGS FOR THE VARIANCE PER THE SHORELAND OVERLAY DISTRICT:**

**1. The prevention of soil erosion or other possible pollution of public waters, both during and after construction.**

The property lies within the Shoreland Overlay district and is situated 3 blocks from Lake Calhoun. . The site is relatively flat, and minimal earthwork should be required to complete the project. Staff does not anticipate any adverse effects of the proposed construction upon any protected bodies of water. However, the applicant will be required to obtain a soil erosion control permit to protect against any negative hydrological impacts of the project.

**2. Limiting the visibility of structures and other development from the protected waters.**

As noted previously, the property is situated 3 blocks from Lake Calhoun. The project consists of a garage measuring to 14' maximum height on a relatively flat site. Staff does not anticipate any adverse effects of the construction related to views of the protected water from the area as Lake Calhoun is not visible from the subject site. Furthermore, a 3 story multiple family dwelling which was built prior to 1950 is across the alley from the project. The proposed garage is consistent with the surrounding land uses and structures.

**3. The suitability of the protected water to safely accommodate the types, uses and numbers of watercraft that the development may generate.**

The proposed variance should have no impact on watercraft or navigation of any protected waters.

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**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 corner side yard setback from 8 feet to 2 feet to allow a detached garage 3300 Holmes Avenue in the R1A Single Family Residential District, subject to the following conditions:

1. No vehicles shall be parked in the driveway between the garage door and the curb along West 33<sup>rd</sup> Street.
2. Community Planning and Economic Development Department – Planning Division staff review and approval of the site and elevation plans.

**Attachments:**

- 1) Emails to East Calhoun Neighborhood Association and CM Remington
- 2) Zoning map
- 3) Site plan
- 4) Building Elevations
- 5) Photographs