

**Department of Community Planning and Economic Development - Planning Division Report**  
Variance  
BZZ-4915

**Date:** September 16, 2010

**Applicant:** Jason McLean

**Address of Property:** 1116 Vincent Avenue South

**Project Name:** 1116 Vincent Avenue South

**Contact Person:** Jason McLean, (612) 374-1868

**Planning Staff:** Shanna Sether, (612) 673-2307

**Date Application Deemed Complete:** August 16, 2010

**End of 60 Day Decision Period:** October 15, 2010

**Ward:** 7      **Neighborhood Organization:** Bryn Mawr Neighborhood Association

**Existing Zoning:** R1 Single-Family District

**Zoning Plate Number:** 17

**Legal Description:** Not applicable

**Proposed Use:** A four-season enclosure connecting a single family home to the detached garage and a new parking area along Vincent Avenue South

**Concurrent Review:**

- **Variance** to reduce the required front yard along Vincent Avenue South from the setback established by connecting a line between the two adjacent structures of approximately 75 feet to approximately 50 feet to allow for an enclosed walkway
- **Variance** to reduce the required front yard along Vincent Avenue South from the setback established by connecting a line between the two adjacent structures of approximately 75 feet to approximately 10 feet to allow for a parking area

**Zoning code section authorizing the requested variance:** Chapter 525, Article IX Variances, Specifically Section 525.520(1)(1)“to vary the yard requirements, including permitted obstructions into required yards not allowed by the applicable regulations.”

**Background:** The subject site is approximately 50 ft. x 150 ft. (8,862 sq. ft.) and consists of single family dwelling with a detached garage located in the front yard along Vincent Avenue South. The existing detached garage is a two-story garage with a studio on the 2nd floor. The applicant is planning to

eliminate the parking area and change the functionality of the detached garage to instead provide additional habitable space.

The subject property is zoned R1, Single-family District which does not allow for a second dwelling unit on the property in a separate detached structure. A second dwelling unit is prohibited by the zoning ordinance in R1 District. There are no variances that allow for the second dwelling unit on the property. Therefore, the applicant is proposing to remove the kitchen in the existing dwelling and construct a four-season, enclosed walkway connecting the single-family dwelling to the existing detached garage in order to comply with the zoning code provision 535.190.

**535.190. Limit of one (1) principal residential structure per zoning lot.** Except in the case of cluster developments and planned unit developments, not more than one (1) principal residential structure shall be located on a zoning lot, nor shall a principal residential structure be located on the same zoning lot with any other principal structure.

The proposed walkway is located in the required front yard along Vincent Avenue South. The existing dwelling is located approximately 100 ft. to the front property line. The adjacent structure to the south is located 8 feet to the front property line. The adjacent structure to the south, however, is located approximately 90 ft. to the front property line. The minimum front yard setback in the R1 District is 25 ft. However, the required front yard shall be increased where the established front yard of the closest principal building originally designed for residential purposes located on the same block face on either side of the property exceeds the front yard required by the zoning district. In this case, the front yard setback is increased to approximately 75 ft., at the furthest point, based on the location of the adjacent structures.

As previously mentioned, the applicant is planning to remove the existing vehicle space on the first floor and convert that space into additional studio space. The applicant intends on providing a permanent parking area in front of the detached garage, which is also located in the required front yard along Vincent Avenue South. A parking area is not a permitted obstruction in the required front yard; therefore, the applicant has applied for a variance to reduce the required front yard along Vincent Avenue South from the setback established by connecting a line between the two adjacent structures of approximately 75 feet to approximately 10 feet to allow for a parking area.

Staff has received a letter of support from the Bryn Mawr Neighborhood Association. Staff will forward additional comments, if any are received, at the Board of Adjustment meeting.

**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.**

**Both variances:** The applicant is seeking variances to reduce the required front yard along Vincent Avenue South to allow for the conversion of the existing detached garage to additional habitable space. In order to accomplish this, the applicant is proposing to construct an enclosed walkway connecting the single-family dwelling to the detached garage and relocating the existing

parking inside the garage to the parking area in front of the garage. The applicant states the adjacent neighbor to the south recently demolished their garage, which now imposes a 70 ft. setback instead of a 20 ft. setback, based on the previous location of the garage. Strict adherence to the regulations would not allow for the enclosed walkway or the parking area in the required front yard. Based on the submitted information, staff believes that there are reasonable alternatives to the variance where the applicant could add habitable space to the property outside of the required yards and thus would not cause undue hardship.

- 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.**

**Both variances:** There are unique characteristics of the parcel, including the substantial required yard along Vincent Avenue South, the location of the existing structures on the parcel and the steep grade change. However, the circumstances for which the variances are sought are not unique to the parcel of land. The zoning ordinance prohibits two dwelling units in the R1 District; therefore the applicant has proposed to create a connection between the two structures, in order to revert the use to a single-family dwelling. The conversion of the remainder of the garage to habitable space displaces the off-street parking from within the structure to the required front yard, between the garage and Vincent Avenue South. These are circumstances created by the applicant.

- 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.**

**Both variances:** Granting of the variances will likely alter the essential character of the surrounding neighborhood and or will be injurious to the use or enjoyment of other property in the area. The proposed walkway enclosure will not likely be visible, except during the leaf-off months; however, the proposed construction will be out of character with other houses in the vicinity. In addition, the other structures in the vicinity utilize their accessory structures for the parking of vehicles and do not solely rely on parking areas in the required front yard. The spirit and intent of the ordinance is to allow for a single-family dwelling in the R1 District. The applicant is attempting to retain the use as a single-family dwelling by attaching the existing structures and retaining the three components of a dwelling: one kitchen, bathroom(s) and sleeping room(s). In addition, the applicant is proposing to convert garage space to studio space in order to have a two story studio in move the parking area to the front yard.

- 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.**

**Both variances:** Granting the setback variances would likely have no impact on the congestion of area streets or fire safety, nor would the proposed addition to the existing single-family dwelling be detrimental to the public welfare or endanger the public safety. The applicant must work with the Plan Review division of the Regulatory Services Department to ensure that the project complies with the building code.

**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 reduce the required front yard along Vincent Avenue South from the setback established by connecting a line between the two adjacent structures of approximately 75 feet to approximately 50 feet to allow for an enclosed walkway located at 1116 Vincent Avenue South in the R1 Single-Family District.

**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 reduce the required front yard along Vincent Avenue South from the setback established by connecting a line between the two adjacent structures of approximately 75 feet to approximately 10 feet to allow for a parking area located at 1116 Vincent Avenue South in the R1 Single-Family District.

**Attachments:**

- 1) Written descriptions and findings submitted by the applicant
- 2) Copy of e-mail sent to Bryn Mawr Neighborhood Association and CM Goodman
- 3) Correspondence from the neighborhood association and neighbor
- 4) Zoning map
- 5) Site plan
- 6) Photographs