

Department of Community Planning and Economic Development - Planning Division Report
Variances
BZZ-4526

Date: September 17, 2009

Applicant: Eric Carlson

Address of Property: 2300 Pierce Street NE

Project Name: 2300 Pierce Street NE

Contact Person and Phone: Eric Carlson, (612) 845-0199

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

Date Application Deemed Complete: August 21, 2009

End of 60-Day Decision Period: October 20, 2009

Ward: 1 Neighborhood Organization: Windom Park Citizens in Action

Existing Zoning: R2B Two-Family District

Zoning Plate Number: 10

Legal Description: Not applicable for this application

Proposed Use: New detached garage and front porch addition

Concurrent Review:

- Variance to reduce the minimum distance between an accessory structure and a dwelling from 6 ft. to approximately 2 ft. 4 in. to allow for the construction of a new detached garage
- Variance to reduce the minimum front yard setback along 23rd Avenue NE to allow for a 10 ft. by 14 ft. deck

Applicable zoning code provisions: Chapter 525, Article IX Variances, Specifically Section 525.520(8) (1) “to vary the yard requirements, including permitted obstructions into required yards not allowed by the applicable regulations.”

Background: The subject property is an substandard, reverse corner lot, located at the northwest corner of Pierce Street NE and 23rd Avenue NE. The lot is approximately 46.3 ft. by 90.9 ft. (4,208 sq. ft.). The property consists of an existing two and a half story duplex with an 18 ft. by 21 ft. detached garage; both were established in 1924. The adjacent property to the north has frontage along Pierce Street NE and the adjacent property to the west has frontage along 23rd Avenue NE. Due to the platting of the land and the

location of the adjacent structure, the subject parcel is a reverse corner lot. The applicant is proposing to demolish the existing detached garage and construct a new 22 ft. by 26 ft. detached garage. Due to the constraints of the lot, the applicant is proposing to locate the garage outside all of the required yards; however, it will be located closer than 6 ft. to the existing duplex. Therefore, the applicant is requesting a variance to reduce the minimum distance between an accessory building and a dwelling from 6 ft. to approximately 2 ft. 4 in.

The applicant is also proposing to remove an the remainder of an open front porch along the south façade and replace it with a 10 ft. by 14 ft. deck. The proposed deck would be located approximately 3 ft. 9 in. to the front property line along 23rd Avenue NE. The adjacent dwelling to the west has frontage along 23rd Avenue NE and is located approximately 13 ft. 9 in. to the front property line. The minimum front yard setback in the R2B District is 20 ft. Therefore, the applicant is proposing to reduce the required front yard setback along 23rd Avenue NE from 20 ft. to approximately 3 ft. 9 in. to allow for a 10 ft. by 14 ft. deck.

Staff has received an e-mail from the Windom Park Citizens in Action stating support for the proposed project. Staff will forward any additional comments, if any are received, at the Board of Adjustment meeting.

Findings Required by the Minneapolis Zoning Code - Variance:

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.**

Garage located within 6 ft. of a dwelling: The applicant is seeking a variance to reduce the required distance between the proposed garage and a dwelling. The existing detached garage is 18.3 ft. wide and is located 6.1 ft. to the existing duplex. The applicant intends on widening the garage to 22 ft. to allow for two vehicles and storage space to reasonable occupy the structure. Strict adherence to the regulations requires would only allow for any expansion of the existing garage by 1 ft. The applicant has met all of the required interior side and front yard setbacks with the proposed garage. Further, if the applicant were to attach the garage to the dwelling, a variance would be required to reduce the west interior side property line and would not follow the traditional urban design of the neighborhood of having a detached garage. The substandard size of the lot and greater required setbacks along the front yards has created the circumstances for the variance and strict adherence to the regulations would cause undue hardship. Staff believes that the proposed garage is a reasonable use of the property.

Front yard to allow for a deck: The applicant is seeking a variance to reduce the front yard setback along 23rd Avenue NE to allow for a new 10 ft. by 14 ft. deck in place of an existing stoop. The structure originally had a two-level, open front porch (see attached photos) near the proposed location of the deck. Open front porches are permitted obstructions in the required front yard, as long as they do not extend further than 6 feet into the required yard and are no greater than 8 feet in depth; whereas, decks are not permitted obstructions. Strict adherence to the regulations requires a minimum of a 20 ft. front yard setback and would not allow for the deck as proposed. Although either the porch or deck would require a variance to reduce the front yard setback along 23rd Avenue NE, staff believes that a porch, 8 ft. in depth and 14ft. wide would allow for reasonable use of the property. The porch shall be a covered structure and may have

handrails, not exceeding 3 ft. in height and the finish of the porch shall match the finish of the dwelling or the trim on the dwelling.

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.**

Garage located within 6 ft. of a dwelling: The circumstances upon which the variance is sought are unique to the parcel of land and have not been created by the applicant. The applicant is seeking a variance to reduce the required distance between the proposed garage and a dwelling. The existing detached garage is 18.3 ft. wide and is located 6.1 ft. to the existing duplex. The applicant intends on widening the garage to 22 ft. to allow for two vehicles and storage space to reasonable occupy the structure. Strict adherence to the regulations requires would only allow for any expansion of the existing garage by 1 ft. The applicant has met all of the required interior side and front yard setbacks with the proposed garage. Further, if the applicant were to attach the garage to the dwelling, a variance would be required to reduce the west interior side property line and would not follow the traditional urban design of the neighborhood of having a detached garage. The substandard size of the lot and greater required setbacks along the front yards has created the circumstances for the variance and strict adherence to the regulations would cause undue hardship. Staff believes that the proposed garage in this location is a reasonable use of the property.

Front yard to allow for a deck: The circumstances upon which the variance is sought are unique to the parcel of land and have not been created by the applicant. The applicant is seeking a variance to reduce the front yard setback along 23rd Avenue NE to allow for a new 10 ft. by 14 ft. deck in place of an existing stoop. The structure originally had a two-level, open front porch (see attached photos) near the proposed location of the deck. Open front porches are permitted obstructions in the required front yard, as long as they do not extend further than 6 feet into the required yard and are no greater than 8 feet in depth; whereas, decks are not permitted obstructions. Strict adherence to the regulations requires a minimum of a 20 ft. front yard setback and would not allow for the deck as proposed. Although either the porch or deck would require a variance to reduce the front yard setback along 23rd Avenue NE, staff believes that a porch, 8 ft. in depth and 14ft. wide would allow for reasonable use of the property. The porch shall be a covered structure and may have handrails, not exceeding 3 ft. in height and the finish of the porch shall match the finish of the dwelling or the trim on the dwelling.

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.**

Garage located within 6 ft. of a dwelling: Staff believes the new detached garage located within 6 ft. to the dwelling will not alter the essential character of the surrounding neighborhood or be injurious to the use or enjoyment of other property in the vicinity. The purpose of yard requirements is to provide for orderly development and use of land and to minimize conflicts

among land uses by governing the location of accessory uses and structures. The subject property is on a reverse corner lot, with frontage on both Pierce Street NE and 23rd Avenue NE. In addition, the lot is substandard in area and depth, which does not allow for adequate area to locate a detached garage greater than 485 sq. ft. of floor area; where the zoning code allows for up to 676 sqft. of floor area. Staff believes that the proposed garage location meets the intent of the ordinance.

Front yard to allow for a deck: Staff believes the proposed variance will not likely be injurious to the use of the adjacent property, because the adjacent structure is located approximately 32 ft. away and is approximately 4 ft. lower. However, staff believes the proposed deck located may alter the essential character of the surrounding neighborhood and instead is recommending that the applicant be granted the setback variance in order to allow for an 8 ft. by 14 ft. open front porch. Open front porches are permitted obstructions in the required front yard, as long as they do not extend further than 6 feet into the required yard and are no greater than 8 feet in depth; whereas, decks are not permitted obstructions. The openness of a porch would reduce the visual impact of adding bulk to the front yard, maintain the original character of the dwelling and the surrounding properties and add additional visual surveillance and increase opportunities to connect with neighborhoods. The porch shall be a covered structure and may have handrails, not exceeding 3 ft. in height and the finish of the porch shall match the finish of the dwelling or the trim on 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.

Both variances: The proposed garage and porch to the existing duplex will not increase street congestion or be detrimental to public safety. The materials and design shall be durable and in keeping with the architectural character of the property. According to the building code/plan review department, a one-hour fire rated wall will be required on the new detached garage on three sides, the north, east and west, due to the proposed location of the garage being within 3 ft. of two property lines and the existing duplex.

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 distance between an accessory structure and a dwelling from 6 ft. to approximately 2 ft. 4 in. to allow for the construction of a new detached garage to an existing duplex located at 2300 Pierce Street NE in the R2B Two-Family, subject to the following condition of approval:

1. Community Planning and Economic Development Department – Planning Division staff review and approval of the site and elevation plans.

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 front yard setback along 23rd Avenue NE to allow for a 8 ft. by 14 ft. porch to an existing duplex for the property located at 2300 Pierce Street NE in the R2B Two-Family, subject to the following conditions of approval:

1. Community Planning and Economic Development Department – Planning Division staff review and approval of the site and elevation plans.
2. The finish of the porch shall match the finish or the trim of the existing dwelling.

Attachments:

- 1) Written descriptions and findings submitted by the applicant
- 2) Copy of e-mail sent to Windom Park Citizens in Action and CM Ostrow
- 3) Copy of an e-mail received from Windom Park Citizens in Action
- 4) Zoning map
- 5) Site plan
- 6) Building elevations
- 7) Floor plans
- 8) Photographs