

Department of Community Planning and Economic Development – Planning Division

Variance Request
BZZ-4190

Date: October 16, 2008

Applicant: Cheryl Burrington

Address of Property: 3547 Dupont Avenue North

Contact Person and Phone: Cheryl Burrington, 612-521-1335

Planning Staff and Phone: Molly McCartney, 612-672-5811

Date Application Deemed Complete: September 9, 2008

Publication Date: October 10, 2008

Hearing Date: October 16, 2008

Appeal Period Expiration: October 27, 2008

End of 60 Day Decision Period: November 10, 2008

Ward: 4 **Neighborhood Organization:** Folwell Neighborhood Association

Existing Zoning: R2B Two-family Residence District

Proposed Use: Tuck under attached garage and deck

Proposed Variances:

- a variance to reduce the front yard setback from the setback established by the two adjacent residential structures to 10 ft. and
 - a variance to reduce the side yard setback from 5 ft. to 3 ft.
- to allow for a tuck under attached garage and deck at 3547 Dupont Avenue North in the R1A Single-family Residence District.

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

Background: The subject property is a single-family home with existing single-stall tuck-under garage that is located entirely under the footprint of the existing homes that faces the front of the property. The driveway from the street has is large retaining walls on both sides. The retaining wall has failed and is a state of disrepair. The applicant is proposing to build a new attached front facing garage in front of the existing garage and convert that to habitable space. The propose single-stall garage would project 19 ft

in front of the house. The garage would mostly be below grade and have a deck on top. Both of these improvements require a setback variance because they project into the front yard.

The subject property is the one of the only homes with a front facing garage and curb cut from the street. There is an alley on the block, and most homes on the block have a detached garage in the back yard. This home was built in 1960 with the existing garage.

The homes on the block have a consistent front yard setback, however, the two adjacent homes have more variation. The property to the south is set back 19 ft. to the sidewalk and the home to the north is set back 27 ft. to the sidewalk. The subject home is set back 27 ft. to the sidewalk.

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.**

A variance to reduce the front yard setback from the setback established by the two adjacent residential structures to 10 ft.

Reasonable use of a property includes the ability to park vehicles off-street on the property. This property had been using a tuck-under garage for that purpose until the retaining walls along the driveway failed. Because the property has design alternatives in the back yard for a garage or parking area, staff is finding that the front yard setback requirement in the zoning code does not prevent a hardship for the reasonable use of the property.

A variance to reduce the side yard setback from 5 ft. to 3 ft.

Reasonable use of a property includes the ability to park vehicles off-street on the property. This property had been using a tuck-under garage for that purpose until the retaining walls along the driveway failed. Because the property has design alternatives in the back yard for a garage or parking area, staff is finding that the front yard setback requirement in the zoning code does not prevent a hardship for the reasonable use of 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.**

A variance to reduce the front yard setback from the setback established by the two adjacent residential structures to 10 ft.

There are unique circumstances that have not been created by the applicant, including the failure of the retaining walls, as well as the original design of the property that is inconsistent with the overall residential development pattern. However, the property has design alternatives in the back yard for a garage or parking area, staff is finding that the front yard setback requirement in the zoning code does not prevent reasonable use of the property.

A variance to reduce the side yard setback from 5 ft. to 3 ft.

There are unique circumstances that have not been created by the applicant, including the failure of the retaining walls, as well as the original design of the property that is inconsistent with the overall residential development pattern. However, the property has design alternatives in the back yard for a garage or parking area, staff is finding that the side yard setback requirement in the zoning code does not prevent reasonable use of the property.

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.**

A variance to reduce the front yard setback from the setback established by the two adjacent residential structures to 10 ft. and a variance to reduce the side yard setback from 5 ft. to 3 ft.

The granting of the variance would alter the character of the neighborhood by adding additional building bulk to the required front and side yards. The subject block does not have front facing attached garages that project into the required front yards and the back yard appears to have adequate access for a detached garage.

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.**

A variance to reduce the front yard setback from the setback established by the two adjacent residential structures to 10 ft. and a variance to reduce the side yard setback from 5 ft. to 3 ft.

The proposed garage and porch may be detrimental to public safety. The retaining wall prevents clearly visibility of vehicles backing out to the street from the garage, and moving the garage closer to the public sidewalk may increase that risk. However, the addition of the front yard patio gathering spaces does add additional visual surveillance and increase opportunities to connect with neighborhoods.

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 following variances:

- a variance to reduce the front yard setback from the setback established by the two adjacent residential structures to 10 ft., and
 - a variance to reduce the side yard setback from 5 ft. to 3 ft.
- to allow for a tuck under attached garage and deck at 3547 Dupont Avenue North in the R1A Single-family Residence District.