

**Department of Community Planning and Economic Development - Planning Division Report**

Variance Request  
BZZ-3083

**Date:** July 20, 2006

**Applicant:** David Harchanko

**Address of Property:** 1610 West Franklin Avenue

**Contact Person and Phone:** David Harchanko, (952) 401-1711

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

**Date Application Deemed Complete:** June 21, 2006

**Public Hearing:** July 20, 2006

**Appeal Period Expiration:** July 31, 2006

**End of 60 Day Decision Period:** August 21, 2006

**Ward:** 7      **Neighborhood Organization:** Lowry Hill Residents, Inc.

**Existing Zoning:** R2 Two-Family District

**Proposed Use:** A garage addition to an existing single-family dwelling.

**Proposed Variance:** The following variances have been requested to allow for the addition of a new attached garage to an existing single family dwelling located at 1610 West Franklin Avenue in the R2 Two-Family District and SH Shoreland Overlay District:

- A variance to allow for an attached garage to project closer than 5 ft. to the front lot line than a habitable portion of the dwelling
- A variance to allow an attached garage to exceed 60 percent of the width of the structure
- A variance to reduce the required front yard setback along Franklin Avenue West from 20 ft. to 0 ft.
- A variance to reduce the east interior side setback from 5 ft. to 0 ft.

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

**Background:** The subject property is approximately 37 ft. by 59 ft. (2,183 sq. ft.). The property consists of an existing one and a half story dwelling with a front facing tuck-under garage. The property is located on an interior lot that was originally platted as the rear 37 ft. of Lot 13. The dwelling was constructed in

1908 and a building permit was issued in 1923 for a 9 ft. by 20 ft. garage under the front porch. The applicant is proposing to construct a new 21 ft. by 22 ft., front-facing attached garage to the structure.

The proposed garage addition on the front of the dwelling facing Franklin Avenue will project 21 ft. past the existing front façade of the dwelling. Attached garages cannot project more than 5 ft. past the front façade of the habitable portion of a dwelling without a variance.

The width of the proposed garage is 22 ft. and the remaining width of the dwelling structure is 10 ft., a total structure width of 32 ft. The façade of the garage comprises approximately 68.75 percent. An attached garage cannot comprise more than 60 percent of the width of the overall structure, without a variance.

The existing dwelling is located 5 ft. from the west property line, 8 ft. from the east property line. The applicant is proposing to attach a new garage to the front of the tuck-under garage and dwelling, 22 ft. in width. The location of the attached garage is proposed to be 0 ft. to the east interior side property line. Therefore, the applicant is requesting a variance to reduce the east interior side setback from 5 ft. to 0 ft. to allow for the new attached garage addition.

The existing dwelling is located approximately 21 ft. from the front property line. The applicant is proposing to add an additional 21 ft. to the front the existing tuck-under garage and dwelling, 0 ft. to the front property line. Therefore, the applicant is seeking a variance to reduce the required front yard setback along Franklin Avenue West from the district setback of 20 ft. to 0 ft. to allow for the addition of the attached garage.

**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.**

**Attached garage projecting 5 ft. past the front façade of a dwelling:** The applicant is seeking a variance to allow an attached garage to project more than 5 ft. from the front façade of a dwelling. The applicant has demonstrated that the existing tuck-under garage is not able to be easily accessed by a vehicle due to the slope of the current driveway and location of the existing open front porch that projects over the driveway. The proposed attached garage projects 21 ft. past the front façade of the new dwelling. The lot is substandard in area and width, making it difficult to reconfigure the property to allow reasonable use. Strict adherence to the regulations would not allow for the proposed garage addition.

**Attached garage exceeding 60 percent of the width of the structure:** The applicant is seeking a variance to allow an attached garage to exceed 60 percent of the width of the structure. The width of the proposed garage is 22 ft. and the remaining width of the dwelling structure is 10 ft., comprising approximately 68.75 percent of the front facade. An attached garage cannot comprise more than 60 percent of the width of the overall structure, without a variance. Strict adherence to the regulations would not allow for the addition of the attached garage as proposed. However, if

the applicant had proposed one-stall instead of two-stalls for the attached garage, a variance would not be required.

**Front yard setback:** The applicant is seeking a variance to reduce the required front yard setback along Franklin Avenue West from the district setback of 20 ft. to 0 ft. to allow for the addition of the proposed attached garage. The proposed attached garage projects 21 ft. past the front façade of the dwelling. The minimum stall depth as defined in the Zoning Ordinance is 18 ft. The applicant is proposing a garage that will be 21 ft. in depth, which will allow for the parking of a vehicle with additional room for storage. Strict adherence to the regulations would not allow for the proposed attached garage as designed. Staff believes that a reasonable alternative does not exist to allow for a new attached garage on the property. A tuck-under garage currently exists on the property.

**Side yard setback:** The applicant is seeking a variance to the east interior side yard setback from 5 ft. to 0 ft. to allow for the construction of a new attached garage to an existing single-family dwelling. The existing dwelling on the subject property is located approximately 8 ft. to the east interior side property line. Strict adherence to the regulations requires a minimum of a 5 ft. interior side setback and would not allow for the garage as proposed. Staff believes that the proposed garage would be injurious to the neighboring property to the east.

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.**

**Attached garage projecting 5 ft. past the front façade of a dwelling:** The conditions upon which the variance is requested are unique to the parcel of land and were not created by the applicant. The applicant is proposing a garage addition to an existing single family dwelling that projects 21 ft. past the front façade of the dwelling. The depth of the lot is only 59 ft. and does not have alley access. The home was constructed in 1908 with the open front porch; the garage was added later in 1923. Strict adherence to the regulations would not allow for the proposed addition to the attached garage. While the existing lot is unique and has hardships, the present conditions were known to the current owner at the time the property was purchased. Staff believes the proposed garage will be intrusive in relation to adjacent neighbors and to the neighborhood in general.

**Attached garage exceeding 60 percent of the width of the structure:** The conditions upon which the variance is requested are unique to the parcel of land and were not created by the applicant due to the lack of alley access and the substandard lot width. However, the need to increase the area of the garage from one stall to two is a circumstance created by the applicant.

**Front yard setback:** The conditions upon which the setback variance is requested are unique to the parcel of land and were created by the applicant. The applicant is proposing a garage addition to the front of an existing single family dwelling that projects 21 ft. past the front façade of the habitable portion of the dwelling. Strict adherence to the regulations would not allow for the

proposed addition to the garage. Staff recognizes the difficulty to allow for a usable parking area given the substandard lot, lack of alley access and the existing location of the single family dwelling and believes that the proposed garage will allow for reasonable use on the property.

**Side yard setback:** The circumstances upon which the setback variance is requested are unique to the parcel of land due to the substandard lot width and the lack of alley access. The applicant did not create these circumstances; however, the alternative to the variance would not cause a hardship to the property owner by not allowing for adequate use and access to this property. Staff does not believe a 0 ft. setback is required in order to accomplish a garage addition to the dwelling that would serve the property owner. The proposal for a two stall instead of a one stall garage is a circumstance that would be created by the applicant.

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.**

**Attached garage projecting 5 ft. past the front façade of a dwelling:** Staff believes that granting the garage variance will alter the essential character of the surrounding neighborhood or be injurious to the use or enjoyment of other property in the vicinity. That said, several of the surrounding properties consist of attached garages that face a public street and project further than 5 ft. past the habitable portion of the dwelling. Staff recognizes that the front facing garage and lack of alley access are existing circumstances and there are other examples in the neighborhood of attached garages facing Franklin Avenue West that project more than 5 ft. beyond the habitable portion of the dwelling. However, the dwelling already has a tuck-under garage. A new garage would further compound the existing problem in this neighborhood.

**Attached garage exceeding 60 percent of the width of the structure:** Staff believes that granting the garage width variance will alter the essential character of the surrounding neighborhood and could be injurious to the use or enjoyment of other property in the vicinity. The intent of the ordinance is to prevent dwellings that present a dominant garage facade along city blocks. The existing dwelling has a one-stall, tuck-under garage, however there is concern that by increasing the garage 21 ft. closer to the front property line it will increase the garage presence along the street.

**Front yard setback:** Staff believes that granting the setback variance will alter the essential character of the surrounding neighborhood and will not be injurious to the use or enjoyment of other property in the vicinity.

**Side yard setbacks:** Staff believes the proposal of the new attached garage located 0 ft. to the east interior side will substantially alter the essential character of the surrounding neighborhood and be injurious to the surrounding property. Staff does recognize the substandard lot width of the property and the difficulty this poses for the property owner, however does not believe that a 0 ft. side yard setback is appropriate for the garage addition.

Staff believes that the proposed attached garage could be injurious to the use or enjoyment of other property in the vicinity if the variance to reduce the interior side yard setback is granted.

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.**

**Attached garage projecting 5 ft. past the front façade of a dwelling:** Granting the variance would not likely have impact on the congestion of area streets or fire safety, nor would the variance be detrimental to the public welfare. West Franklin Avenue is a busy street that connects Uptown to Lake of the Isles and Kenwood Parkway.

**Attached garage exceeding 60 percent of the width of the structure:** Granting the variance would likely have an impact on the congestion of area streets or fire safety, nor would the variance be detrimental to the public welfare or endanger the public safety.

**Front yard setback:** Granting the setback variance would likely have no impact on the congestion of area streets or fire safety, however the variance may be detrimental to the public welfare or endanger the public safety by obstructing the view of the adjacent neighbors from approaching traffic along West Franklin Avenue.

**Side yard setbacks:** Granting the side yard setback variance would likely have 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.

**Recommendation of the Department of Community Planning and Economic Development:**

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 allow for an attached garage to project closer than 5 ft. to the front lot line than a habitable portion of the dwelling
- **deny** variance to allow an attached garage to exceed 60 percent of the width of the structure
- **deny** variance to reduce the required front yard setback along Franklin Avenue West from 20 ft. to 0 ft.
- **deny** variance to reduce the east interior side setback from 5 ft. to 0 ft.

all to allow for the addition of a new attached garage to an existing single family dwelling located at 1610 West Franklin Avenue in the R2 Two-Family District and SH Shoreland Overlay District.