

**Department of Community Planning and Economic Development – Planning Division**

Variance Request  
BZZ-4147

**Date:** October 16, 2008

**Applicant:** Mark Larson, on behalf of Jeff Von Arx and Jennifer Goldman

**Address of Property:** 2732 Kenilworth Place

**Contact Person and Phone:** Mark Larson, 612-285-7275

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

**Date Application Deemed Complete:** September 23, 2008

**Publication Date:** October 10, 2008

**Hearing Date:** October 16, 2008

**Appeal Period Expiration:** October 27, 2008

**End of 60 Day Decision Period:** October 21, 2008

**Ward:** 7      **Neighborhood Organization:** Kenwood Isles Area Association

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

**Proposed Use:** Rear, two-story addition and new detached garage

**Proposed Variances:**

- a variance to reduce the front yard setback to from 20 ft. to 0 ft. along Upton Avenue South to allow for a two-story rear addition and detached garage, and
- a variance to allow a detached garage to be located 3 ft. from the primary residential structure at 2732 Kenilworth Place in the R1A Single-family Residence District and SH Shoreland Overlay District.

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

**Background:** The subject property is a two and one-half story, single-family home with an existing rear, detached garage at the northeast corner of the intersection of Kenilworth Place and Upton Avenue South. The lot (4,900 sq. ft.) is a triangular through lot and the rear of the property abuts Upton Avenue. The home to the east of the subject site also is a through lot with the rear on Upton Avenue. The homes across Upton Avenue face this street and the rear of the subject property.

This property has two front yard setbacks along Kenilworth Place and Upton Avenue with much of the existing home and garage are within 20 ft. front yard setback along Upton Avenue. The northwest corners of the home and the garage are on the property line along Upton. There is a large, 16 ft. interior boulevard between the property line and street curb and no sidewalk along this frontage. There is an existing deck on the home that crosses the property line into the right of way that is not being changed at this time.

The applicant is proposing to build a two-story addition to the rear of the home and replace the detached garage. The proposed addition would terminate under the ridgeline of the existing roof and the addition would not affect the existing details on the half-story of the house. The addition would contain livable space for a bathroom, mudroom, and kitchen area on the first floor and expanded bedroom space on the second floor. The proposed garage, 20 ft by 20 ft, is 16 ft. in height at the midpoint of the roof line, and the structure would be 3 ft. in distance to the home. The proposed materials of both the addition and garage is to be stucco to match the house. The garage is located in the rear 40 ft. of the lot and would not need a setback variance for the reduce 1 ft. side yard setback. The maximum building lot coverage is below the maximum (36 percent) and below the impervious surface maximum (50 percent).

**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.**

**Front yard setback along Upton Avenue South:** Strict adherence to the zoning code prohibits the addition to the home as well as the replacement garage because of the 20 ft. front yard setback along Upton Avenue South. Due to the small lot size, triangular shape and two front yard setbacks, there is limited space on the property for any addition. The code does create hardship for the reasonable use on this property due to these site conditions.

**Distance between primary residential structure and detached garage:** Strict adherence to the code requires that the detached garage be located a minimum of 6 ft. from the primary residential structure. Due to the small lot size, triangular shape and two front yard setbacks, there is limited space on the property for replacing the detached garage. The code does create hardship in that there is limited space to locate a detached garage on the site.

- 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.**

**Front yard setback along Upton Avenue South and distance between primary residential structure and detached garage:** Due to the small lot size, triangular shape, and two front yard setbacks, there is limited space on the property for any building addition and detached garage. These conditions are unique and were not 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.**

**Front yard setback along Upton Avenue South:** Granting of the variance will be in keeping with the intent of the ordinance and does not alter the character of the neighborhood. The addition does add building mass to the rear of the property that faces the front yards of homes along Upton Avenue South. However, the adjacent property has a similar layout with a detached garage along Upton Avenue South as well. A very large right of way boulevard visually buffers the building on the subject site and the homes across Upton Avenue South.

**Distance between primary residential structure and detached garage:** Granting of the variance will be in keeping with the intent of the ordinance and does not alter the character of the neighborhood. The ordinance requires the 6 ft. distance between the house and the primary residential structure is to require a distance between buildings for safety and access as well as break up the mass of the two structures. The proposed garage is 3 ft. from the home, which does add to the overall building bulk on the site, in a relatively small area. The home to the east is most impacted by the proposed reduce setback. The adjacent home's building wall runs almost the entire length of the subject home and proposed garage, so the visual impact would not block backyard views. However, the garage should have additional fenestration or landscaping to break up the visual monotony of the garage wall. Because the garage is closer than 3 ft. to the property line, windows and doors would not be permitted by the building code on this elevation, so the addition of a trellis, landscaping or other building feature could be incorporated into this elevation.

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.**

**Front yard setback along Upton Avenue South and distance between primary residential structure and detached garage:** The proposed addition and detached garage would not increase street congestion or be detrimental to public safety. The garage is located far enough from Upton Avenue South for safe vehicular access. The window on the east elevation of the garage is not permitted by the building code, which prohibits window and door openings on structures that are closer than 3 ft. to a shared interior property line.

**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 following variances:

- a variance to reduce the front yard setback to from 20 ft. to 0 ft. along Upton Avenue South to allow for a two-story rear addition and detached garage, and
- a variance to allow a detached garage to be located 3 ft. from the primary residential structure

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at 2732 Kenilworth Place in the R1A Single-family Residence District and SH Shoreland Overlay District, subject to the following conditions:

1. The east elevation of the detached garage shall have additional fenestration or landscaping along the property line,
2. Final site, elevation, and floor plans are approved by CPED-Planning staff.