

Department of Community Planning and Economic Development – Planning Division Report**Variance Request
BZZ-1915**

Date: September 2, 2004

Applicant: Jeffrey Junkins and Michael Dillon

Address of Property: 1925 Ewing Avenue South

Date Application Deemed Complete: August 10, 2004

End of 60 Day Decision Period: October 9, 2004

End of 120 Day Decision Period: December 8, 2004

Appeal Period Expiration: September 13, 2004

Contact Person and Phone: Jeffrey Junkins, and Michael Dillon, 612-377-8479

Planning Staff and Phone: Carrie Flack, 612-673-3239

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

Existing Zoning: R1 District, Single-family District

Proposed Use: Construction of a new single family dwelling and detached garage.

Proposed Variance: A variance to reduce the required front yard setback along Ewing Avenue South from the setback established by connecting a line between the front two corners of the two adjacent residential structures to 58 ft. to allow for the construction of a new single family dwelling; a variance to locate a detached accessory structure between a principal building and a front lot line; a variance to allow a detached accessory structure not entirely located to the rear of a principal building; all to allow for the construction of a new single family dwelling and detached garage on property located at 1925 Ewing Avenue South.

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

Previous Case History: The subject property received a variance to allow a 1 ft. front yard setback for a detached garage in 1978. The detached garage was never constructed.

Background: The subject site is approximately 50 ft. x 187 ft. (9,835 sq. ft.). The applicant is proposing to construct a new single family dwelling and a new two car detached garage in front of the dwelling. The subject site consists of a significant grade change and many of the dwellings along this portion of Ewing Avenue South consist of an increased front yard setback from the R1 District requirement of 25

ft. The adjacent dwelling to the south has a front yard setback of 56 ft. and the adjacent dwelling to the north has a front yard setback of 72 ft. The applicant's are proposing a front yard setback of 58 ft. for the new single family dwelling. In addition, due to the topography, the applicant's are proposing to construct a 24 ft. x 28 ft. two car detached garage in front of the dwelling. It is not uncommon for detached garages to be incorporated into a hillside in front of dwelling when significant grade changes exist. Both the dwelling to the north and the dwelling to the south consist of similar detached garages.

The new single family dwelling is approximately 28 ft. x 40 ft. with a building footprint area of 1,180 sq. ft. The dwelling will be 2 ½ stories in height consisting of 3,260 gross floor area and complies with all other ordinance requirements. The new two car detached garage is 24 ft. x 28 ft. (672 sq. ft.) and will be setback 2 ft. from the front property line and 6 ft. from the north interior property line. The roof pitch of the new garage is 14/12 which matches the roof pitch of the dwelling, also 14/12 and the garage height will be 16 ft. at the midpoint as allowed.

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.**

Established front yard setback: The applicant is seeking a variance to reduce the front yard setback along Ewing Avenue South from the setback established by connecting a line between the two adjacent residential structures to 58 ft. to allow for the construction of a new single family dwelling. The applicant has stated that the topography of the site has limited the placement of the proposed dwelling and detached garage. The proposed new dwelling will be setback 58 ft. The adjacent dwelling to the south has a front yard setback of 56 ft. and the adjacent dwelling to the north has a front yard setback of 72 ft. The R1 District requires 25 ft. A small portion of the new dwelling encroaches in the established setback. Strict adherence to the regulations would not allow for the new dwelling and detached garage to be constructed on the property in the proposed location. Based on the submitted information and existing conditions this request appears reasonable.

Detached garage between principal building and front lot line and not entirely to the rear of the principal building: The applicant is seeking a variance to allow for the construction of a new two car detached garage between the principal structure and the front lot line and a variance to allow a detached garage to be located in front of the principal building. The new garage will be located 2 ft. from the front property line. The block does not have alley access and the adjacent dwellings both consist of detached garages in the front yard along Ewing Avenue South with 1 ft. setbacks from the front property line. The applicant has stated that the topography of the site has limited the placement of the proposed dwelling and detached garage. Strict adherence to the regulations would not allow for the new dwelling and detached garage to be constructed on the property in the proposed location. Based on the submitted information and existing conditions this request appears reasonable.

- 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.**

Established front yard setback: The circumstances upon which the setback variance is requested are unique to the parcel of land and were not created by the applicant. The location of the two adjacent dwellings creates an established setback that is diagonal across the property. If the entire dwelling were placed behind the established line it would not be in as close of an alignment with the adjacent dwellings or it would need to be sited on the property in a slanted manner. In addition, due to the significant grade change on the property, the dwelling was sited in a location that would allow for adequate grading of the site for the new dwelling. Staff does not believe that these circumstances were created by the applicant and are unique to the property.

Detached garage between principal building and front lot line and not entirely to the rear of the principal building: The circumstances upon which the variances are requested are unique to the parcel of land and were not created by the applicant. The lack of an alley and the change in grade from the street to the back yard are unique conditions of this property 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.**

Established front yard setback: Granting the variance would be in keeping with the spirit and intent of the ordinance and would not alter the essential character of the surrounding area. The proposed new single family dwelling will be located in alignment with both the adjacent structures as well as with additional structures on the block.

Detached garage between principal building and front lot line and not entirely to the rear of the principal building: Granting the variance would be in keeping with the spirit and intent of the ordinance and would not alter the essential character of the surrounding area. Staff is generally concerned about the visual impact of locating a garage in the front yard. However, in this particular situation it would be difficult to locate a garage any other place on the property due to the grade change. In addition, the adjacent dwellings to the north and south both have detached garages located in the front yard along Ewing Avenue South. Furthermore, the proposed new garage will not block views to the dwelling since the dwelling will be located at a much higher 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.**

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Established front yard setback: Granting the variance would likely have no impact on congestion of area streets or fire safety, nor would the proposed setback be detrimental to welfare or public safety.

Detached garage between principal building and front lot line and not entirely to the rear of the principal building: Granting the variance would likely have no impact on congestion of area streets or fire safety, nor would the placement of the proposed garage be detrimental to welfare or public safety.

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 required front yard setback along Ewing Avenue South from the setback established by connecting a line between the front two corners of the two adjacent residential structures to 58 ft. to allow for the construction of a new single family dwelling; **approve** the variance to locate a detached accessory structure between a principal building and a front lot line; **approve** the variance to allow a detached accessory structure not entirely located to the rear of a principal building; all to allow for the construction of a new single family dwelling and detached garage on property located at 1925 Ewing Avenue South subject to the following conditions:

1. That the Planning Division review and approve the final site and elevation plans.
2. That the Public Works Department approve the proposed new curb cut.
3. That vehicles not be parked in the driveway as to block the public sidewalk.
4. That the detached garage plans be revised to reflect a maximum height of 16 ft. at the midpoint of the roof.
5. That the site plan be revised to indicate a 6 ft. side yard setback for the detached garage.