

Department of Community Planning and Economic Development – Planning Division
Variance Request
BZZ-4607

Date: December 3, 2009

Applicant: Mary Rossi and Bob Schuette

Address of Property: 3848 Aldrich Avenue South

Contact Person and Phone: Mary Rossi and Bob Schuette, (612) 822-1490

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

Date Application Deemed Complete: October 22, 2009

End of 60 Day Decision Period: December 21, 2009

Ward: 10 **Neighborhood Organization:** East Harriet Neighborhood Association

Existing Zoning: R2B Two-family Residential District

Proposed Use: A new detached garage to an existing single family house

Concurrent Review:

- Variance to reduce the south interior side yard from 5 ft. to 1 ft.
- Variance to reduce the rear yard from 5 ft. to 1 ft.

Zoning code section authorizing the requested variance: Chapter 525, Article IX Variances, Specifically Section 525.520(1)(1) “to vary the yard requirements, including permitted obstructions into required yards not allowed by the applicable regulations.”

Background: The subject property is an irregular parcel, approximately 4,382 sq. ft. in area and consists of an existing single-family dwelling and a detached garage that is shared with the neighbors located at 810 39th Street West. The applicant is proposing demolish the existing shared detached garage and construct a new 19 ft. by 23 ft. detached garage in the rear of the lot, approximately 1 ft. to the interior and rear sides. The zoning code allows for a reduction of the rear and interior side yard requirements to one (1) ft. when the entire accessory building is located in the rear forty (40) feet provided that the principal structure on the adjoining lot has its rear wall at least forty (40) feet from the rear lot line. The proposed detached garage is located in the rear 40 ft. of the subject property’s lot; however, the proposed detached garage will be located approximately 31 ft. to the rear wall of the dwelling on an adjoining lot located at 810 39th St W. Therefore, the applicant is requesting a variance to reduce the south interior side and rear yard requirements to allow for a detached garage 1 ft. to the aforementioned property lines.

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As of writing this staff report, staff has not received any correspondence from the East Harriet Neighborhood Association. Staff will forward comments, if any are received, at the Board of Adjustment meeting.

Findings Required by the Minneapolis Zoning Code:

VARIANCES to reduce the minimum south interior side yard setback from 5 ft. to approximately 1 ft. and to reduce the minimum rear yard setback from 5 feet to approximately 1 ft. for a new detached garage

- 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.**

Both variances: The applicant is seeking variances to the south interior side and rear yard requirements from 5 ft. to 1 ft. and the rear yard setback to allow for the construction of a new detached garage. There is an existing detached garage on the property that is shared with the adjoining property located at 810 39th Street West. The existing garage is shared and is therefore located on the shared property line. The applicant is proposing to demolish the existing detached garage and construct a new detached garage in approximately the same location. The parcel is of an irregular shape, is substandard in size and lacks alley access. Relocating the proposed garage to meet the minimum interior and rear yard requirements would result in a variance to locate the garage within 6 ft. of the dwelling on the subject property. Staff believes that the proposed location of the detached garage, in the rear 40 ft. of the subject property, and the same distance from the existing garage to the structure on the adjoining lot, will allow for 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.**

Both variances: The circumstances upon which the setback variance is requested are unique to the parcel of land due to its irregular shape, substandard lot size and lack of alley access. These circumstances have not been created by the applicant. The applicant is seeking variances to the south interior side and rear yard requirements from 5 ft. to 1 ft. and the rear yard setback to allow for the construction of a new detached garage. There is an existing detached garage on the property that is shared with the adjoining property located at 810 39th Street West. The existing garage is shared and is therefore located on the shared property line. The applicant is proposing to demolish the existing detached garage and construct a new detached garage in approximately the same location. Relocating the proposed garage to meet the minimum interior and rear yard requirements would result in a variance to locate the garage within 6 ft. of the dwelling on the subject property. Staff believes that the proposed location of the detached

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garage, in the rear 40 ft. of the subject property, and the same distance to the structure on the adjoining lot, will allow for 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.**

Both variances: Staff believes that the granting of the variance will keep with the spirit and intent of the ordinance and the proposed detached garage will not substantially alter the essential character of the surrounding neighborhood or will not be injurious to the use or enjoyment of other property in the vicinity. There is an existing shared detached garage on the shared property line of both properties. The zoning code allows for a reduction of the rear and interior side yard requirements to one (1) ft. when the entire accessory building is located in the rear forty (40) feet provided that the principal structure on the adjoining lot has its rear wall at least forty (40) feet from the rear lot line. The proposed detached garage is located in the rear 40 ft. of the subject property's lot and will be located approximately 31 ft. to the rear wall of the adjoining lot. There are several examples on the block and on the adjacent properties where detached garages are located within 5 ft. of the interior and rear property lines, but are not located within 40 ft. of the rear wall of the structure on the adjoining property.

- 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: Granting the variances would likely have no 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 - 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 south interior side yard setback from 5 feet to approximately 1 foot for new detached garage to an existing single family dwelling for the property located at 3848 Aldrich Avenue South in the R2B Two-Family Residence District.

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 rear yard setback from 5 feet to approximately 1 foot for new detached garage to an existing single family dwelling for the property located at 3848 Aldrich Avenue South in the R2B Two-Family Residence District.

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Attachments:

- 1) Written descriptions and findings submitted by the applicant
- 2) Copy of e-mail sent to East Harriet Neighborhood Association and CM Remington
- 3) Zoning map
- 4) Site plan
- 5) Building elevations
- 6) Floor plans
- 7) Photographs