

Department of Community Planning and Economic Development - Planning Division Report**Variance Request
BZZ-3435****Date:** March 22, 2007**Applicant:** Robert Sykora (purchaser on contingency of requests for variances)**Address of Property:** 1717 Franklin Avenue Southeast**Contact Person and Phone:** Robert Sykora, (612) 423-3422**Planning Staff and Phone:** Aaron Hanauer, (612) 673-2494**Date Application Deemed Complete:** February 23, 2007**Public Hearing:** March 22, 2007**Appeal Period Expiration:** April 2, 2007**End of 60 Day Decision Period:** April 27, 2007**Ward: 2 Neighborhood Organization:** Prospect Park**Existing Zoning:** R2B, Two-Family District**Proposed Use:** Construction of a three-car tandem, front facing garage and home addition.**Proposed Variances:**

- Variance to reduce the front yard setback from 35 feet to 20 feet.
- Variance to increase the maximum width of a driveway from 25 feet to 37 feet.

Zoning code section authorizing the requested variance: 525.520 (1) (14)**Background:** The subject property, 1717 Franklin Avenue Southeast, is zoned R2B and measures 70 feet x 135 feet. (9,450 square feet). The lot contains a 2½ story, single-family dwelling constructed in 1908. This property does not have off-street parking nor alley access.

The applicant is considering purchasing the subject property contingent on being granted the requested variances. The requested variances are for a proposed remodeling project that consists of building a front-facing, three-car tandem garage (794 square feet) and home addition, as well as enclosing the front porch. In addition, the applicant is proposing a 37 foot wide turnaround driveway that will have two, 12 foot curb cuts.

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: The applicant has requested a variance to reduce the front yard setback from 35 feet to 20 feet to allow for the front facing garage and home addition. Staff recognizes this lot does not have off-street parking nor alley access. However, alternative designs exist that would allow for a front-facing garage and home addition without requiring a variance.

Maximum width of a driveway: Strict adherence to the Zoning Code limits the width of a driveway to 25 feet. The applicant has requested a variance to increase the driveway width to 37 feet. The applicant states that the proposed driveway width is necessary in order for vehicles to maneuver safely and completely in the driveway and avoid backing out on to Franklin Avenue. Franklin Avenue is not a commercial corridor in this part of Minneapolis. Though it is busier than some streets, it is no busier than many other streets where single-family dwellings have only one curb cut. CPED and Public Works staff believe alternative designs exist that will allow maneuvering safely and completely on the subject property and not require this variance.

- 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: The circumstances upon which the front yard setback variance are requested are not unique to this parcel of land and have been created by the applicant. The applicant states and staff recognizes the subject property does not have off-street parking and alley access. Even though these circumstances are unique to the property, staff believes that the applicant has created the need for this variance by building a 794 square foot garage that extends 9 feet beyond the existing, open, front porch. If the applicant chose to leave the front porch open and not build the addition that extends 9 feet beyond the front porch, the applicant would not require a variance for the remodeling project.

Maximum width of a driveway: The circumstances upon which the maximum width of the driveway variance is requested is not unique to this parcel of land and has been created by the applicant. The applicant states and staff recognizes the subject property does not have off-street parking and alley access. Even though these circumstances are unique to the property, staff believes the applicant has created the need for this variance by designing the driveway as proposed. The applicant states that the driveway design is necessary in order to maneuver fully and safely on the subject property and not have to backup onto Franklin Avenue Southeast. CPED and Public Works staff believe the applicant has created the need for the variance and that design alternatives exist that would maintain safety and not require this variance.

- 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: Granting of this variance will have a negative impact on the essential character of the locality by establishing the smallest front yard setback (20 feet) of this block and the eastern adjacent block along Franklin Avenue (see Aerials). Staff also believes that granting of the variance may be injurious to the use and enjoyment of the adjacent property owners (current and future) by allowing the subject property's principal structure to extend 15 feet ahead of the adjacent principal structure at 1721 Franklin Avenue Southeast. It is recognized that the current property owners of 1721 Franklin Avenue Southeast wrote a letter of support for the applicant's request for variances (Attachment 2).

Maximum width of a driveway: Granting of this variance will alter the essential character of the neighborhood in a negative manner for three reasons. First, it would create a large impervious surface in the front yard which is not common in this neighborhood nor in any Minneapolis residential district. Second, it would disrupt the natural topology of this block more than necessary. Third, a 37 foot wide driveway will encourage off-street parking in the front yard which is not allowed under the Zoning Code. Turnaround driveways are not common anywhere in Minneapolis. They are a hallmark of overbuilding and should be discouraged. Allowing this turnaround driveway might cause future applications for turnaround driveways by other property owners around the city.

- 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 of the variances would have no impact on the congestion of area streets or fire safety. However, granting of the variances may inadvertently be detrimental to the public welfare by encouraging this sort of development which would have serious negative impacts if allowed city-wide. The negative impacts include having increased impervious surface, loss of front yard activity, and increased promotion of automobile use over pedestrian and bicycle use.

Recommendation of the Department of Community Planning and Economic Development:

The Department of Community Planning and Economic Development (CPED)–Planning Division recommends that the Board of Adjustment adopt the findings above and

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- **Deny** the variance to reduce the front yard setback from 35 feet to 20 feet.
- **Deny** the variance to increase the maximum width of a driveway from 25 feet to 37 feet.

not allow for the construction of a three-car, front facing garage and home addition as currently proposed at 1717 Franklin Avenue Southeast in the R2B, Two-Family District subject to the following conditions:

Attachments:

- Zoning map (1 page)
- Applicant petition for zoning variance (17 pages)
- Existing and proposed site plan (2 pages)
- Elevations and floor plans (6 pages)
- Aerials of subject property and block (2 pages)
- Letter from Public Works (1 page)