

**Department of Community Planning and Economic Development – Planning Division Report****Variance Request  
BZZ-2986****Date:** June 1, 2006**Applicants:** Steve Holt and Nancy Martinson Holt**Address of Property:** 1401 29<sup>th</sup> Avenue Northeast**Contact Person and Phone:** Steve Holt and Nancy Martinson Holt, 612-788-2678**Planning Staff and Phone:** Molly McCartney, 612-673-5811**Date Application Deemed Complete:** May 1, 2006**Public Hearing Date:** June 1, 2006**Appeal Period Expiration:** June 12, 2006**End of 60 Day Decision Period:** June 30, 2006**Ward:** 1      **Neighborhood Organization:** Audubon Neighborhood Association**Existing Zoning:** R1A Single-family District**Proposed Use:** Construction of an addition to an existing attached garage**Proposed Variances:**

- A variance to reduce the requirement front yard setback along Buchanan Street Northeast from 25 ft. to 0 ft.,
- a variance to extend an attached garage further than 5 ft. from the façade of the habitable portion of the building to 20 ft., and
- a variance to increase the width of an attached garage wall facing the front lot line along Buchanan Street Northeast from 60 percent to 80 percent

all to allow for an addition to an attached garage that faces Buchanan Street Northeast to a single-family dwelling at 1401 29<sup>th</sup> Avenue Northeast in the R1A Single-family District.

**Zoning code section authorizing the requested variance:** 525.520 (1) (28) (28)

**Background:** The subject site is a reverse corner lot with dimensions of 45 ft. x 80 ft. (3,600 sq. ft.) and consists of a two story, single-family dwelling with an attached garage. The house faces 29<sup>th</sup> Avenue Northeast, but the property is a reverse corner lot, and consequently the west elevation of the house and garage also has frontage on Buchanan Street Northeast. The existing garage faces Buchanan

and also projects into the public right of way 4 ft. The building permit for the house was obtained in 1916 (B125220) and a permit for a 14 ft. by 20 ft. garage was obtained in 1930 (B223846). City records show a survey was completed for the house in 1916 that shows there was 16 ft. between the house and property line along Buchanan. There is no record of a survey for the garage building permit. There is a grade change of approximately 8 ft. from the side walk to the first floor of the house and existing garage is located below the first floor of the house with a portion of the garage built into the slope of the property.

The applicant is proposing to replace the existing 14 ft. by 20 ft. attached garage with a 28 ft. by 20 ft. attached garage. A deck would be located on the top of the garage. Currently, there is a deck on the existing garage. The proposed garage would be two-stalls and have a pedestrian door located on the north side of the garage. The proposed garage will also be built into the slope of the property.

Because the garage projects into the public right of way, additional city approvals are required with the Right of Way Office in the Public Works Department. The Zoning Code does not have an enumerated variance to reduce the setback in order to build in the public right of way. The applicant has started the process to obtain an encroachment permit with the Right of Way Office in Public Works.

#### **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 Buchanan Street Northeast:** Strict adherence to the zoning code requires the addition to be constructed behind the established front yard setback which is 25 ft. from the property line along Buchanan. Staff believes that constructing an addition to the existing garage is a reasonable use of the property because there is limited space to construction either an attached or detached garage on the subject site due to the length of the lot (80 ft.), the lack of alley access, and the elevation change from the street to the house.

**Front facing garage more than 5 ft. from the habitable portion of the dwelling:** Strict adherence requires the front facing garages project not more than 5 ft. from the habitable portion of the structure. Staff believes that constructing an addition to the existing garage is a reasonable use of the property because the reverse corner lot status creates two front yards and that the existing garage currently projects 20 ft. from the house. While the true front yard of this property faces 29<sup>th</sup> Avenue Northeast, the west elevation of the house and garage also has frontage on Buchanan Street Northeast.

**Front facing garage more than 60 percent of the width of the building:** Strict adherence to the code requires that front facing garage be not more than 60 percent of the width of the building. In calculating the width of the building, staff included only the western most building wall, which is 35 ft. in length. The entire structure is 46 ft. long. Staff believes that constructing

an addition to the existing garage is a reasonable use of the property because the reverse corner lot status creates two front yards which is more restrictive for attached garages than a corner lot. While the true front yard of this property faces 29<sup>th</sup> Avenue Northeast, the west elevation of the house and garage also has frontage on Buchanan Street Northeast.

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 Buchanan Street Northeast, front facing garage more than 5 ft. from the habitable portion of the dwelling, and front facing garage more than 60 percent of the width of the building:**

The conditions upon which the setback variances are requested are unique to the parcel of property due to the reverse corner lot status, the size of the subject lot, the lack of an alley, and the location of the existing garage. The reverse corner lot creates an additional front to this property which is more restrictive for attached garages than a corner lot. The length of the property (80 ft.) and the lack of an alley limit the location of an attached or detached garage on the lot. The existing attached garage was built in 1930. None of these circumstances have been 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 Buchanan Street Northeast:** Granting the variance will be in keeping with the spirit and intent of the ordinance and will not alter the character of the surrounding area. The impact of the proposed garage will less because it is replacing an existing structure in a similar location and the applicants are proposing to match the exterior materials to the house (stucco).

**Front facing garage more than 5 ft. from the habitable portion of the dwelling and front facing garage more than 60 percent of the width of the building:** The proposed attached garage has additional requirements because the subject site is a reverse corner lot and has two front yards. Because the existing and proposed garage are located on the side of the house and are not true front facing garages, the impact of the proposed garage will not alter the essential character of the surrounding area. In addition, the impact of the proposed garage will less because it is replacing an existing structure in a similar location and the applicants are proposing to match the exterior materials to the house (stucco).

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 Buchanan Street Northeast, front facing garage more than 5 ft. from the habitable portion of the dwelling, and Front facing garage more than 60 percent of the width of the building:** Granting the front yard setback variance would likely have no impact on the congestion of area streets or fire safety, nor would the proposed 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 requirement front yard setback along Buchanan Street Northeast from 20 ft. to 0 ft., **approve** the variance to extend an attached garage further than 5 ft. from the façade of the habitable portion of the building to 20 ft., and **approve** the variance to increase the width of an attached garage wall facing the front lot line along Buchanan Street Northeast from 60 percent to 80 percent, all to allow for an addition to an attached garage that faces Buchanan Street Northeast to a single-family dwelling at 1401 29<sup>th</sup> Avenue Northeast in the R1A Single-family District, subject to the following conditions:

1. That the Planning Division review and approve the final site and elevation plans that measure to an architectural or engineering scale.