

Department of Community Planning and Economic Development - Planning Division Report

Variance Request
BZZ-3636

Date: July 12, 2007

Applicant: Claire Aronson (property owner)

Address of Property: 37 Arthur Avenue Southeast

Contact Person and Phone: Claire Aronson, (612) 627-9856

Planning Staff and Phone: Aaron Hanauer, (612) 673-2494

Date Application Deemed Complete: June 14, 2007

Public Hearing: July 12, 2007

Appeal Period Expiration: July 22, 2007

End of 60 Day Decision Period: August 14, 2007

Ward: 2 Neighborhood Organization: Prospect Park

Existing Zoning: R1A Single Family District

Proposed Use: A parking space in the front yard.

Proposed Variances: A variance to vary the yard requirements and allow for a parking space in the front yard setback.

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

Background: The subject property is located on an interior lot and contains a two-and-a-half story Colonial Revival style home built in 1906. The subject property measures 50 ft. by 100 ft. (5,000 sq. ft.). This property does not have off-street parking or alley access. The property does have a shared driveway with the property to the west, 41 Arthur Avenue Southeast. This driveway ends at the rear of the principal structures, and primarily serves 41 Arthur Avenue Southeast by providing access to their front parking space.

The applicant is proposing to construct a front yard parking bay for one car, similar to their neighbor's at 41 Arthur Avenue Southeast. This space would be 24 ft. deep and 10.5 ft. wide at its longest point (approximate size 208 sq. ft.). It would be accessed by the existing driveway. As part of the project, the applicant proposes to keep the boulevard tree, excavate the front yard, landscape, and pave the parking

area. The applicant states that the primary reason for this proposed project is that on-street parking demand has increased in the area to the point of making it difficult to park near their property.

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.**

The requested variance is to allow for a parking space in the front yard. Strict adherence to the off-street parking regulations of the Zoning Code would require parking to be in the rear yard. Staff believes hardship exists since the subject property does not have off-street parking or alley access and was built prior to the zoning code regulations for parking, which now require each residential dwelling unit to have one off-street parking space per dwelling unit. Granting the variance would therefore make the property compliant with the city's off-street parking regulations.

Staff believes the construction of a detached garage is possible, however, the negative environmental impact would be greater than the proposed project. If a detached garage was built, greater excavation, disruption of topography, and tearing down of a large tree would likely take place.

- 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.**

For the requested variance, unique circumstances exist on the subject property that have not been created by the applicant. The subject property, which was built prior to the Zoning Code regulations for off-street parking, does not have off-street parking nor alley access. The Zoning Code now requires that each residential dwelling have at least one off-street parking space.

- 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.**

Staff believes granting the variance will be keeping with the spirit and intent of the ordinance by allowing a residential unit to have an off-street parking space, which is a requirement of the current zoning code. Staff also believes that granting the variance will not substantially alter the essential character of locality in a negative manner for two reasons. First, staff believes the requested variance is the minimum variance of the zoning code to have the home brought into conformity with off-street parking regulations. Second, front facing garages, front yard parking spots, and absence of alleys is more common in Prospect Park compared to other parts of the city due in large part to the area's topography. Staff also believes that granting the variance will not be injurious to the use and enjoyment of other property owners in the vicinity.

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.**

Granting of the variances would have no impact on the congestion of area streets or fire safety, nor would the variances be detrimental to the public welfare or endanger the public safety.

Recommendation of the Department of Community Planning and Economic Development:

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 allow for a parking space in the front yard at 2908 Humboldt Avenue South in the OR1, Neighborhood Office Residence District subject to the following condition:

1. CPED-Planning review and approve final site plan and elevations of the proposed parking space.

Attachments:

- Zoning map (1 page)
- Proposed Use and Description of Project (2 page)
- Applicant photos (3 pages)
- Site plan (1 page)
- Topography (1 page)