

Department of Community Planning and Economic Development – Planning Division

Variance Request
BZZ-3627

Date: July 12, 2007

Applicant: Chris Koch & Jean Hawkins-Koch

Address of Property: 2307 53rd Avenue North

Contact Person and Phone: Chris Koch, (612) 823-7743

Planning Staff and Phone: Brian Schaffer, (612) 673-2670

Date Application Deemed Complete: June 19, 2007

Public Hearing: July 12, 2007

Appeal Period Expiration: July 22, 2007

End of 60 Day Decision Period: August 18, 2007

Ward: 4 **Neighborhood Organization:** Shingle Creek Neighborhood Association

Existing Zoning: R1A Single Family District
 SH Shoreland Overlay District
 FP Floodplain Overlay District

Proposed Use: A new single family dwelling with an attached front facing garage.

Proposed Variance: A variance to increase the distance an attached garage is allowed to project in front of a dwelling from 5 feet to 21 feet and a variance to reduce the established front yard setback to 20 feet to allow for the construction of a new single family home with an attached garage at 2307 53rd Avenue North located in the R1A Single Family District, the SH Shoreland Overlay District, and the FP Floodplain Overlay District.

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

Background: The size of the subject site is 60 feet by 121 feet (7,338 square feet). The subject site is currently vacant and was recently created by subdividing the parcel to the east at 5255 Queen Avenue North.

The applicants are proposing to construct a single family dwelling on the subject site the habitable portion the proposed home will be 41 feet from the front property with an attached front facing garage

20 feet from the front property line. The zoning ordinance prohibits an attached garage from projecting more than five feet in front of the habitable portion of a dwelling. The proposed garage projects approximately 21 feet in front of the dwelling. A variance is required to allow for the garage to project more than five feet in front of the proposed dwelling.

The proposed dwelling and attached garage is located 20 feet from the front property line and meets the required front yard setback of 20 feet for the R1A District. The front yard setback established by the front corners of the two adjacent residential structures along 53rd Avenue North is approximately 41 feet. The adjacent dwelling to the east is located 20 feet from the front property line along 53rd Avenue North and the adjacent dwelling to the west is located approximately 52 feet from the front property line. A variance is required to reduce the established front yard setback to 20 feet to allow for the proposed dwelling and attached garage.

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.**

Garage Projection: The applicant has requested a variance to increase the distance an attached garage is allowed to project in front of a dwelling from 5 feet to 21 feet to allow for a new single family dwelling and attached garage. The subject site does not have alley access and will require a curb cut and either a detached garage to the rear of the proposed dwelling or an attached garage. The applicants state that “building a detached garage would cause undue hardship on the homeowners by essentially mandating a larger house; it would cause undue hardship on the users of the trail system as a detached garage backing up to the trail would detract from the trail’s beauty.”

Staff does not believe there is undue hardship caused by the zoning ordinance and believes alternative designs exist that would not require a variance. The applicant has stated that a design option is to have a detached garage at the rear of the property. Staff recognizes that placing a detached garage at the rear of the property bordering the trail would have a walled-off effect and would not be in keeping with CPTED (Crime Prevention through Environmental Design) principles. Proposing a design that meets these design principles is reasonable. However, staff believes that alternative designs for an attached garage exist that do not require a variance and still accommodate the applicants’ desire to preserve the rear of the property.

Front Yard Setback: The applicant has requested a variance to reduce the established front yard setback along 53rd Avenue North from 41 to 20 feet to allow for the construction of a single family dwelling with an attached garage. The adjacent single family dwelling to the east, at 5253 Queen Avenue North is located approximately 52 feet from the front property line along 53rd Avenue North. This adjacent property also has a detached garage located approximately 18 feet from the property line along 53rd Avenue North. The adjacent dwelling to the east is located 20 feet from the front property line. Strict adherence to the regulations would require that the entire dwelling is constructed behind the established front yard setback which is approximately 52 feet.

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Staff believes that constructing the proposed dwelling would be a reasonable use of the property and be consistent with the setback of the homes and garage along the 53rd Avenue North.

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.**

Garage Projection: The conditions upon which the garage projection variance is requested are unique. The parcel is located along Shingle Creek and a regional trail system and does not have alley access. The parcel, however, is 60 feet wide; 20 feet wider than the minimum lot width for a parcel in the R1A District.

Front Yard Setback: The conditions upon which the variance is requested are unique. The dwelling to the east is setback 52 feet and has a detached garage setback 18 feet from 53rd Avenue North. The location of the adjacent dwelling to the east compared to the rest of the residential structures along 53rd Avenue North creates the unique circumstances that cause the 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.**

Garage Projection: Staff believes the proposed attached garage will alter the essential character of the surrounding neighborhood. The adjacent property to the east has a detached garage that is located 18 feet from the front property line. The proposed attached garage will be along the east side of the subject site. Attached garages are not an uncommon on this block of the 53rd Avenue North, both the property to the west and the properties to the north have attached garages. However, no where on the immediately adjacent blocks are there attached garages that project in front of the dwelling as far as is proposed.

Staff does not believe the variance will be in keeping with the intent of the ordinance. The intent of not permitting garages to project more than five feet in front of the habitable portion of a dwelling is to keep the traditional pedestrian scale of neighborhood and to keep eyes on the street. The proposed design does not reflect the intent of the ordinance.

Front Yard Setback: Staff believes the construction of a new single-family dwelling will not alter the essential character of the surrounding neighborhood. The proposed dwelling is placed at a similar setback of existing dwellings located along 53rd Avenue North. Staff believes that the proposed setback will not be injurious to the use or enjoyment of other property 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.**

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Granting the variances 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

- **Deny** the variance to increase the distance an attached garage is allowed to project in front of a dwelling from 5 feet to 21 feet.
- **Approve** the variance to decrease the established front yard setback along 53rd Avenue North to 20 feet.

To allow for the construction of a new single family home with an attached garage at 2307 53rd Avenue North located in the R1A Single Family District, the SH Shoreland Overlay District, and the FP Floodplain Overlay District.