

Department of Community Planning and Economic Development – Planning Division Report

Variance Request
BZZ-1853

Date: August 5, 2004

Applicant: Bruce MacDonald

Address of Property: 4916 Hiawatha Avenue

Date Application Deemed Complete: July 9, 2004

End of 60 Day Decision Period: September 7, 04 **End of 120 Day Decision Period:** November 6, 04

Appeal Period Expiration: August 16, 2004

Contact Person and Phone: Bruce MacDonald, 612-722-1528

Planning Staff and Phone: Carrie Flack, 612-673-3239

Ward: 12 **Neighborhood Organization:** Minnehaha

Existing Zoning: R1, Single-family District

Proposed Use: Construction of an detached garage and 2 story addition to an existing single family dwelling

Proposed Variance: A variance to reduce the required interior side yard setback from 6 ft. to 3 ft. to allow for the construction of an attached garage and two-story addition to an existing single family dwelling.

Zoning code section authorizing the requested variance: (1)

Background: The subject site is an irregularly shaped through lot approximately 60 ft. wide with frontage on Hiawatha Avenue and 42nd Street. The southern property line is 145 ft. long and the northern property line is 87 ft. long. A 20 ft. x 42 ft. (1,060 sq. ft.) one and a half story single family dwelling exists on the property with a 17 ft. x 21 ft. (357 sq. ft.) detached garage. The applicant is proposing to construct a 1,672 sq. ft. attached garage with a two-story addition onto the rear of the existing dwelling, which is adjacent to 42nd Street. The addition complies with all setback requirements except for the south interior side yard setback. The R1 District requires a 6 ft. setback and the applicant is proposing a 3 ft. setback. Thus a variance is necessary.

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.**

Interior side yard setback: The applicant is seeking a variance to reduce the required interior side yard setback from 6 ft. to 3 ft. to allow for the construction of a 1,672 sq. ft. attached garage and two-story addition onto the rear of an existing single family dwelling. The applicant has stated that the existing garage is setback 2 ft. from the south interior property line. The applicant further states that in order to have windows in the new addition and garage they must be set back 3 ft. from the south property line to comply with building code requirements. The R1 District requires a 6 ft. side yard setback for the principal structure and a 1 ft. side yard setback for a detached accessory structure. Strict adherence to the regulations would not allow for the proposed design of the new attached garage and two-story addition in the proposed location. Based on the submitted information and existing conditions this request does not seem reasonable. The subject property is 60 ft. wide which is 20 ft. wider than a normal city lot. The property consists of an existing southern side yard of 25.5 ft., an existing northern side yard of 14.5 ft., and an existing rear yard that is 24 ft. Staff believes that the applicant is creating their own hardship with the proposed design of the addition. Staff believes that enough yard is available that would allow for an addition to the existing dwelling in compliance with the required 6 ft. side yard setback.

- 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.**

Interior side yard setback: The circumstances upon which the setback variance is requested are not unique to the parcel of property and have been created by the applicant. The property currently consists of a detached garage that complies with the required side yard setback for a detached accessory structure and a dwelling that complies with all setback requirements. The applicant has proposed an attached garage as part of a 1,672 sq. ft. two-story addition onto the rear of the existing 1,060 sq. ft. dwelling. Staff believes that based on the 60 ft. lot width, the configuration of the garage and dwelling on the property, and the large existing side yards, that a proposed addition could be designed that would allow for an addition to the home and a new two car garage in compliance with the ordinance requirements. Staff believes that the applicant is creating their own hardship with the proposed design of the addition.

- 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.**

Interior side yard setback: Granting the variance will not be in keeping with the spirit and intent of the ordinance and will alter the essential character of the area or be injurious to the use or enjoyment of other property in the vicinity. The property consists of large side yards and a large rear yard. An addition could be successfully designed and added to the existing dwelling in compliance with the setback requirements. A detached garage currently exists on the property that is in compliance with the ordinance setback requirements. A new two-car detached garage could also be constructed on the property that would continue to comply with the ordinance setback requirements. The applicant is proposing an attached garage with a 2 story addition and has created limitations and noncompliance with the ordinance setback requirements due to the configuration of the proposed design. In addition, the majority of dwellings in this area consist of detached garages. The applicant's proposed addition of an attached garage is not consistent with the character of the adjacent properties. Furthermore, the existing dwelling and existing detached garage both consist of a 12/12 roof pitch. The new 2nd story addition to the existing dwelling and over the new attached garage consists of a 5/12 pitch which is a significant characteristic and architectural change to the dwelling. Staff does not believe that the attached garage and new 5/12 roof pitch are consistent with the architecture of the existing dwelling established on the property.

Staff is generally concerned when new construction is located in the side yard, less than the required setback of the District. The side yard setback standards in the City of Minneapolis are minimal and provide protection for property maintenance, access to air and light, and maintain minimum spacing standards between structures for safety and code issues.

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.**

Interior side yard setback: Granting the variance would likely have no impact on congestion of area streets. As previously mentioned above, staff is generally concerned when new construction is located in the required side yard. Staff believes that reducing the minimum side yard setbacks could have an impact on fire safety and be detrimental to the public welfare or 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 reduce the required interior side yard setback from 6 ft. to 3 ft. to allow for the construction of an attached garage and two-story addition to an existing single family dwelling.