

Department of Community Planning and Economic Development – Planning Division
Variance
BZZ 4985

Date: November 4, 2010

Applicant: Stephanie Johnson

Address of Property: 5428 32nd Avenue South

Contact Person and Phone: Stephanie Johnson, (612) 719-2868

Planning Staff and Phone: Shanna Sether, (612) 673-2307

Date Application Deemed Complete: October 4, 2010

End of 60-Day Decision Period: December 3, 2010

Ward: 11 **Neighborhood Organization:** Nokomis East Neighborhood Association

Existing Zoning: R1A Single-Family District

Zoning Plate Number: 39

Proposed Use: New detached garage

Variance to permit a new detached accessory garage to be located not entirely to the rear of an existing single-family dwelling.

Applicable zoning code provisions: Chapter 525, Article IX Variances, Specifically Section 525.520(8) “to permit parking that cannot comply with the location requirements for on-site parking, as specified in Chapter 537...and Chapter 541...”

Background: The subject property is approximately 42 ft. x 149 ft. (6,258 sq. ft.) lot. The subject site consists of an existing single-family dwelling located along the alley. A permit to construct a new 20 ft. by 20 ft. single-family dwelling was approved in 1931. The parking for the subject property is provided to the south of the existing dwelling on an existing gravel parking area.

The applicant is proposing to construct a 12 ft. by 20 ft. detached garage adjacent to the existing dwelling. The ordinance states that detached accessory structures shall be located entirely to the rear of the principal residential structure. The applicant has applied for a variance to allow for the construction of a detached garage that is not located behind the dwelling.

VARIANCE: to permit a new detached accessory garage to be located not entirely to the rear of an existing single-family dwelling.

Findings as 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 applicant has requested a variance to allow for the construction of a detached garage that is not located behind the dwelling. The existing dwelling on the subject property is located along the alley, approximately 9 ft. to the rear property line. The ordinance states that detached accessory structures shall be located entirely to the rear of the principal residential structure. There is no location on the subject property that meets this requirement. If the applicant either moved or tore down their existing structure and located it further to the east, a variance to reduce the required front yard would be required due to the location of another alley house to the north. Staff could find no reasonable alternative to the variance that would not cause undue hardship.

- 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.**

The circumstance upon which the variance is requested is unique to the parcel of land and has not been created by the applicant due to the existing location of the dwelling and the adjacent structure to the north. If the garage were attached to the structure, the garage would meet the location requirements of the zoning ordinance. However, the existing dwelling would not meet the minimum window requirements for an addition, which cannot be varied.

- 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 that the detached garage addition will not alter the essential character of the surrounding neighborhood. The proposed detached garage will be more visible due to the location of the dwelling and is recommending that the materials of the garage complement the materials existing dwelling. In addition, the proposed garage will be 10 feet in height, measured to the midpoint of the gable roof. This is less than the height of the existing dwelling. Detached garage located at the rear of the property is consistent with surrounding properties. Staff believes the location of the garage is not detrimental to the use and enjoyment of the adjacent dwellings. The intent of this ordinance is to allow a reasonable separation from dwellings and garages. Staff does believe the detached garage meets the intent of the ordinance.

- 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 the variance would likely have no impact on the fire safety or be detrimental to the public welfare or endanger the public safety. Granting of the variance will decrease the on-street parking on 32nd Avenue South with the addition of off-street parking.

RECOMMENDATION:

Recommendation of the Community Planning and Economic Development Department – Planning Division for the Variance:

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for a variance to permit a new detached accessory garage to be located not entirely to the rear of an existing single-family dwelling at 5428 32nd Avenue South in the R1A Single-Family Residence District.

Attachments:

- 1) Written descriptions and findings submitted by the applicant
- 2) Copy of e-mail sent to Nokomis East Neighborhood Association and CM Quincy
- 3) Zoning map
- 4) Site plan
- 5) Floor plans
- 6) Photographs