

**Department of Community Planning and Economic Development – Planning Division**

Variance Request  
BZZ-2314

**Date:** May 19, 2005

**Applicant:** Shawn Moras

**Address of Property:** 5637 13<sup>th</sup> Avenue South

**Contact Person and Phone:** Shawn Moras, (612) 860-5245

**Planning Staff and Phone:** Tanya Holmgren, (612) 673-5887

**Date Application Deemed Complete:** April 15, 2005

**End of 60 Day Decision Period:** June 14, 2005

**Appeal Period Expiration:** May 31, 2005

**Ward:** 11      **Neighborhood Organization:** Diamond Lake Neighborhood Association

**Existing Zoning:** R1, Single-family Residential District

**Proposed Use:** A detached garage.

**Proposed Variance:** A variance to allow for the construction of a detached garage that is not located behind the dwelling.

**Zoning code section authorizing the requested variance:** 525.520 (8)

**Background:** The subject property is approximately 50 ft. x 128 ft. 6,000 sq. ft. lot. The subject site consists of an existing single-family dwelling located at the rear of the property, approximately 1 ft. from the rear property line. A curb cut and a 10 ft. by 34 ft. driveway exist at the front of the property along 13<sup>th</sup> Avenue South to allow for a parking pad. The applicant is proposing to construct a 16 ft. by 20 ft. detached garage with alley facing doors. Garages must maintain a 6 ft. setback from any dwelling. The applicant is proposing 10 ft. separation.

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.

**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 not behind the dwelling:** 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 site is located 1 ft. from 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. A detached garage located in at the rear of the property is a reasonable use of the property.

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 not behind the dwelling:** The circumstance upon which the variance is requested is unique to the parcel of land due to the location of the existing dwelling. If the dwelling were constructed toward the front of the property similar to the majority of the area, the garage would meet the requirements of the zoning ordinance. The location of the existing dwelling at the rear of the property is not a circumstance 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.**

**Garage not behind the dwelling:** Staff believes that the detached garage addition will not alter the essential character of the surrounding neighborhood. 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 adjacent dwelling to the north is also located at the rear of the property and has a small detached garage next to the dwelling. The adjacent garage to the north is approximately 8.5 ft. and the adjacent dwelling is approximately 30 ft. from the dwelling on the subject property. The proposed garage will be located adjacent to a garage on the neighboring property to the south. The intent of this ordinance is to allow a reasonable separation from dwellings and garages, especially between a garage. Staff does believe the detached garage meets the intent of the ordinance. Staff is concerned about the existing curb cut and driveway located along 13<sup>th</sup> Avenue South and believe that if the applicant is granted the variance for the detached garage, the parking pad would no longer be necessary.

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.**

**Garage not behind the dwelling:** Granting the variance would likely have no impact on the congestion of area streets or fire safety, nor would the proposed addition 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 the construction of a detached garage that is not located behind the dwelling subject to the following conditions:

1. That the curb cut located along 13<sup>th</sup> Avenue South is closed after the construction of the garage.
2. That the garage is constructed with an alley facing garage door.
3. That the north side of the garage contain at least one window.