

Department of Community Planning and Economic Development - Planning Division Report
Variance
BZZ-4438

Date: July 16, 2009

Applicant: Philip Friesen

Address of Property: 2012 Como Avenue SE

Project Name: 2012 Como Avenue SE

Contact Person: Josiah Friesen, (612) 651-643-0687 ext. 10

Planning Staff: Jacob Steen, (612) 673-2264

Date Application Deemed Complete: June 6, 2009

End of 60-Day Decision Period: August 5, 2009

Ward: 2 **Neighborhood Organization:** Southeast Como Improvement Association

Existing Zoning: R1A Single Family District

Zoning Plate Number: 16

Legal Description: Not applicable

Proposed Use: A two car garage to the rear of an existing two-family dwelling.

Variance: to reduce the required rear yard setback from 5 ft. to 1 ft. for to allow for a garage with vehicle doors facing the rear lot line for an existing duplex located at 2012 Como Avenue SE in the R1A Single-Family District.

Zoning code section authorizing the requested variance: Chapter 525, Article IX Variances, Specifically Section 525.520(1) “to vary the yard requirements, including permitted obstructions into required yards not allowed by the applicable regulations.”

Background: The subject property is approximately 42 ft. by 125 ft. (5,250 sq. ft.). The property consists of an existing two story, two-family dwelling with an existing detached single car garage and carport with vehicle doors facing the rear lot line. The dwelling was constructed in 1919 and a building permit was issued in 1952 for a 14 ft. by 20 ft. garage.

The existing single car garage with attached carport is located 1 foot from the rear property line. The rear of the property is at the intersection of a T-shaped alley with the existing vehicle doors of the garage facing a long alleyway. The proposed two car garage would be constructed in the same location as the existing garage and the carport would be moved and reattached in a similar location. The proposed garage

is 21 ft. wide and 22 ft. deep with an 8 ft. 3 in. by 12 ft. 1 in. attached carport. The combined garage and carport account for 568 sq. ft. There is an additional 90 sq. ft. shed on the property bringing the overall accessory structure total to 658 sq. ft., which is less than the 676 sq. ft. permitted by the Chapter 537 of the zoning ordinance. Although the expansion of a nonconforming duplex the R1A Single Family District is prohibited, 531.60(b) of the zoning ordinance allows for an exception for detached accessory structures when accessory to a nonconforming use or structure with four units or fewer.

As of writing this staff report, staff has not received any written correspondence from the Southeast Como Improvement Association. Staff will forward comments, if any are received, at the Board of Adjustment meeting.

Findings Required by the Minneapolis Zoning Code - Variance:

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 is seeking a variance to reduce the required rear yard setback from 5 ft. to 1 ft. to allow for a detached garage with vehicle doors facing the rear lot line for an existing nonconforming duplex in the R1A Single-Family District. The existing single car garage is located in the same location with the vehicle doors facing the alleyway. Re-orienting the garage to face an interior lot line would reduce the number of off-street vehicle parking spaces from four to two by requiring a driveway and apron. In addition, reorienting the garage would increase the amount of impervious surface and dramatically reduce maneuverability. Due to the location of an existing rear stairway leading to the second level of the duplex, a standard 22 ft. x 22 ft. garage cannot comply with the 5 ft. required rear yard setback. Constructing the garage at the 5 ft. setback would reduce the distance between the principal residential structure and the accessory structure to 5 ft. 4 in., which is less than the 6 ft. required by 537.80 of the Minneapolis Code of Ordinance. The Department of Community Planning and Economic Development – Planning Division believes that the garage would allow for reasonable use and would otherwise cause undue hardship due to the constraints of the existing structure and lot.

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 circumstances upon which the setback variance is requested are unique to the parcel of land due to the location of the existing structure. The applicant did not create these circumstances and the alternative to the variance would cause a hardship to the property owner by not allowing for adequate use and access to this property. Additionally, the rear of the lot is oriented towards the intersection of a T-shaped alley which offers significantly more maneuvering space than a traditional City of Minneapolis property where the rear lot line is parallel to the alley. The Department of Community Planning and Economic Development – Planning Division believes that the proposed 1 ft. setback for a garage with the vehicle door facing an alleyway is a reasonable use.

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.

The existing single car garage was constructed in 1952 with the vehicle access door facing the alley. Many of the neighboring properties have similarly oriented garages facing the alley way with a reduced setback. The intent of the required rear yard setback when the vehicle door is facing the alley is to ensure adequate maneuvering space for vehicles exiting and entering the accessory structure. The location of the accessory structure, at the intersection of the T-shaped alley, allows for ample maneuvering space without the constraints of a traditional alley which runs parallel to the rear lot line. The Department of Community Planning and Economic Development – Planning Division believes that the proposed attached garage is 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 the other properties 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 the rear yard setback variance would likely have no adverse impact on the congestion of area streets or fire safety, nor would it be detrimental to the public welfare or endanger the public safety. The Department of Community Planning and Economic Development – Planning Division believes that granting the variance to the rear yard setback will preserve the existing off street parking spaces, effectively reducing on street congestion in the area.

Recommendation of the Department of Community Planning and Economic Development - Variance:

The Department of Community Planning and Economic Development – Planning Division recommends that the Board of Adjustment adopt the above findings and **approve** the variance to reduce the required rear yard setback from 5 ft. to 1 ft. for to allow for a garage with vehicle doors facing the rear lot line for an existing duplex located at 2012 Como Avenue SE in the R1A Single-Family District subject to the following conditions:

1. Review and approval of final site and elevation plans by the Department of Community Planning and Economic Development – Planning Division.

Attachments:

- 1) Written descriptions and findings submitted by the applicant
- 2) Correspondence from neighbors, neighborhood associations, etc.
- 3) Copy of e-mail sent to neighborhood organizations and CM Benson
- 4) Zoning map
- 5) Survey
- 6) Site plan
- 7) Building elevations
- 8) Floor plans
- 9) Photographs