

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

Variance Request
BZZ-3446

Date: April 19, 2007

Applicant: Jayson Smith

Address of Property: 4423/4425 Thomas Avenue South

Contact Person and Phone: Patrick Freet, (612) 823-1632

Planning Staff and Phone: Erik Carlson, (612) 673-5348

Date Application Deemed Complete: March 20, 2007

Hearing Date: April 30, 2007

Appeal Period Expiration: April 29, 2007

End of 60 Day Decision Period: July 18, 2007

Ward: 13 **Neighborhood Organization:** Linden Hills Neighborhood Council

Existing Zoning: R2B Two-Family District and Shoreland Overlay District

Proposed Use: Two-Family Residence

Proposed Variance: To increase the maximum parking floor area requirement from 676 square feet to 1,416 feet

Zoning code section authorizing the requested variance: 525.520(3)

Background: The existing lot at 4423 Thomas Avenue South is 6,480 square feet and contains an existing 2.5 story duplex built in 1910 with a building footprint of 1,280 square feet. Currently there is no garage. All parking is on-street.

The property owner plans to raze this structure and construct a new duplex on the lot with addresses 4423 and 4425 Thomas Avenue South. Each unit would contain three bedrooms. This proposed structure would be 2.5 stories measured from the front facade with a footprint of approximately 2,945 square feet including a terrace over a new underground parking area located at the rear of the structure.

Tenants of the building would enter the underground parking area from Thomas Avenue down a sloping concrete driveway along the southern edge of the property. The parking area is 1,416 square feet, room enough for four automobiles and a 25 foot drive aisle. The maximum floor area for single and two-family dwellings of attached accessory uses designed or intended to be used for the parking of vehicles is 676 square feet or 10 percent of the lot area, which ever is greater, not to exceed 1,000 square feet. The applicant seeks to increase the allowable square feet of the parking area by 740 square feet.

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.**

The property can be put to reasonable use under the conditions allowed by the official controls. The space above ground for a detached garage is limited by the established front yard setback which is 36 feet—16 feet greater than the required setback of 20 feet.

Alternative designs which comply with the zoning ordinance exist. It is possible to build a four-stall detached garage under the current zoning ordinance if the length of the house were 25 feet shorter and there were no terrace. It is also possible to construct a two-stall underground parking garage. Not allowing four attached parking stalls would not be a hardship. Street parking is available in front of the lot. A bus line is 1½ blocks away and a bike path which links with a regional network is also close by. Additionally, there is a commercial node a 5 minute walk away.

- 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.**

There is an alley adjacent to the lot but there is no alley access to the property. The alley behind the home is currently raised approximately 10 feet above the elevation of the property. As such, there is currently no access to the alley and all car maneuvering must take place on the property instead of the partially in the alley. However, the lack of alley access it not a unique circumstance for south Minneapolis where over a thousand homes do not back up to an alley and comply with parking area requirements.

- 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 intent of the zoning ordinance addressing parking area is to limit the massing of structures and promote good urban design. This detached garage design is below ground and mitigates visual impacts of this structure. The parking area without the drive aisle is 630 square feet, below the maximum allowable under the zoning code. The parking design also moves the parking to the back of the house which is a desirable when compared to other options on lots with no alley access such as garages at the front of homes and tuck-under garages both of which alter the primary facades of buildings.

Because the visual impacts of the parking area are negated through design and the actual area in which cars would be parked is less than the maximum allowed, the proposed project 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.**

Approving the variance may decrease congestion of public streets assuming as more cars could park off street. The project would not increase the danger of fire or be detrimental to the public welfare or endanger public safety.

Recommendation of the Department of Community Planning and Economic Development

The Department of Community Planning and Economic Development recommends the Board of Adjustment adopt the findings above and **deny** the variance application to increase the parking area from 676 feet to 1,416 feet.