

Department of Community Planning and Economic Development – Planning Division Report**Variance Request
BZZ-4127****Date:** July 31, 2008**Applicant:** Ian Campbell, on behalf of Ayla Reel**Address of Property:** 813 Kenwood Parkway**Contact Person and Phone:** Ian Campbell, 612-702-2257**Planning Staff and Phone:** Molly McCartney, 612-673-5811**Date Application Deemed Complete:** July 10, 2008**Publication Date:** July 24, 2008**Hearing Date:** July 31, 2008**Appeal Period Expiration:** August 11, 2008**End of 60 Day Decision Period:** September 9, 2008**Ward:** 7 **Neighborhood Organization:** Lowry Hill**Existing Zoning:** R2, Two-family District**Proposed Use:** Construction of a detached garage in the front yard with a rooftop deck**Proposed Variances:**

- A variance to reduce the front yard setback along Kenwood Parkway from the setback established by connecting a line between the two adjacent residential structure to zero feet for a detached garage,
 - A variance to reduce the southeast interior side yard setback from 5 ft. to 2 ft. for a detached garage,
 - A variance to allow a detached garage to be constructed between the principal structure and the front lot line,
 - A variance to allow a detached garage to be constructed that is not located entirely to the rear of the principal residential structure, and
 - A variance to increase the maximum permitted width a driveway from 25 ft. to 30 ft.
- to allow for the construction of a 3-car, detached garage in the front yard at 813 Kenwood Parkway located in the R2 Two-family District.

Zoning code section authorizing the requested variance: 525.520 (1), (1), (8), (8)

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Background: The proposed variances are to allow for the construction of a detached garage located in the front yard of a property at 813 Kenwood Parkway. A two-car garage has been located in a similar location as proposed in this variance. That previous garage was torn down approximately 3 years ago after similar variances were applied for in 2005.

This site has had the identical variance as this report applied for in 2005 as 2003. The most recent variances were granted on August 4, 2005 (see attached Action, 8/4/05). All the variances were granted by the Board, with the exception that the driveway width expansion was granted only to 26 ft. The property owners at that time began work on an interior renovation as well; however, the site was abandoned after the previous garage had been demolished with no new construction. A new property owner is now applying for the same variances. In 2003, the same variances were applied for as well, and those property owners sold the house prior to construction too. The design and layout of the proposed garage is the same as the previous application.

In both re-application situations, the variances had expired after one year from approvals. The previous applicant had requested a one-year extension which was granted, but expired in August 2007.

The subject property is an irregularly shaped lot, measuring 50 ft. by 118 ft. by 44 ft. by 99 ft. (4,545 sq. ft.) and consists of a single-family dwelling and with a previous detached garage that was located in front of the principal residential structure. There was also a roof top deck on the existing garage. The current applicant is proposing to reconstruct a new, three car garage, along with the roof top deck, and widen the curb cut. The proposed garage does not meet the required front or side yard setbacks as well as the location requirements for a detached garage. In addition to these variances, a Public Works approval will be required for the curb cut and an encroachment permit will be needed for any work being done in the public right of way.

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.**

Front yard setback: The applicant has requested a variance to reduce the required front yard along Kenwood Parkway from the setback established by connecting a line between the two adjacent residential structures to zero feet to allow for the construction of a new detached garage. There is hardship on this property due to the size of the lot and location of the house. There is not enough space for a driveway on the side of the house and not enough space between the house and rear property line to locate a garage due to the size of the lot and location of the house on the lot. In addition, there is no alley on this block and that because of the change in grade in the back yard from the street to the rear of the lot; it would be difficult to construct a garage in the back yard with a driveway to the street. The request for a garage in the front yard setback is reasonable.

Southeast interior side yard setback: The applicant is seeking a variance to reduce the southeast interior side yard setback from 5 ft. to 2 ft. to allow for a new detached garage to be constructed. The applicant has indicated that the proposed garage would maintain the side yard

setback of the previous garage. The request for the location in the side yard setback is reasonable given the previous location of the garage.

Garage location (between principal structure and the front lot line and not located entirely to the rear of the principal residential structure): The applicant is seeking a variance to allow a detached garage to be constructed between the principal residential structure and the front lot line. The applicants have indicated that because of the lack of an alley, the grade change from the street to the rear of the property, and the placement of the house on the lot, that it would be difficult to construct a garage anywhere else on the lot than in the front yard.

Driveway width: The applicants are seeking a variance to increase the maximum permitted width of a driveway from 25 ft. to 30 ft. The proposed garage is a three-car garage that is 30 ft. in width. The proposed width between the edges of the garage doors is 26 ft. Based on the actual width of the garage doors, Staff believes that a driveway that meets the maximum width of 26 ft. wide 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.**

Front yard setback: The lack of an alley, the change in grade from the street to the rear of the property, and the location of the dwelling on the property are unique circumstances of this property.

Southeast interior side yard setback: The location of the existing garage in the front yard is a unique condition of this property. The front yard would be more obstructed if the garage were to meet this side yard setback.

Garage location (between principal structure and the front lot line and not located entirely to the rear of the principal residential structure): The lack of an alley, the change in grade from the street to the rear of the property, and the location of the dwelling on the property are unique circumstances of this property.

Driveway width: The width between the garage doors is 26 ft., less than the requested 30 ft. wide driveway. Staff believes that a driveway that is wider than the width of the garage doors is not a circumstance unique to this parcel of land.

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.**

Front yard setback: Staff is generally concerned about the visual impact of locating a garage in the front yard. In this particular situation, the applicant is replacing an existing garage and it would be difficult to locate a garage any other place on the property. In addition, the two adjacent residential structures have attached garages facing Kenwood Parkway. In order to

lessen the visual impact of a 676 sq. ft. garage in the front yard, the proposed detached garage should use similar exterior materials as the principal residential structure to more closely match the existing character of the surrounding area.

Southeast interior side yard setback: Staff believes that granting of this variance would not alter the essential character of the surrounding neighborhoods because the proposed garage will maintain the existing side yard setback of the current garage. In order to lessen the visual impact of a 676 sq. ft. garage in the side yard, the proposed detached garage should use similar exterior materials as the principal residential structure to more closely match the existing character of the surrounding area.

Garage location (between principal structure and the front lot line and located entirely to the rear of the principal residential structure): Staff is generally concerned about the visual impact of locating a garage in the front yard. In this particular situation, the applicant is replacing an existing garage and it would be difficult to locate a garage any other place on the property. In addition, the two adjacent residential structures have attached garages facing Kenwood Parkway. In order to lessen the impact of a three stall, 676 sq. ft. detached garage in the front yard and the ensuing vehicle/pedestrian conflicts, no parking should be allowed in the driveway,

Driveway width: Staff believes that a driveway wider than the maximum permitted 25 ft. and that is wider than the garage doors would not meet the intent of the ordinance and have an impact to the surrounding area. The driveway is wider than what is needed to maneuver vehicles into the garage and creates a large curb cut that will impact the public right of way and sidewalk. The curb cut should be reduced to eliminate potential vehicle/pedestrian conflicts along the sidewalk.

- 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.**

Front yard setback: Granting the variance would likely have no impact on congestion of area streets or fire safety, not would the proposed setback be detrimental to welfare or public safety.

Southeast interior side yard setback: Granting the variance would likely have no impact on congestion of area streets or fire safety, not would the proposed setback be detrimental to welfare or public safety.

Garage location (between principal structure and the front lot line and not located entirely to the rear of the principal residential structure): Granting the variance would likely have no impact on congestion of area streets or fire safety, not would the proposed setback be detrimental to welfare or public safety, provided that no parking is allowed in the driveway to reduce the vehicle/pedestrian conflicts along the public sidewalk.

Driveway width: The proposed driveway width would be detrimental to welfare or public safety. The width of the proposed driveway is larger than the width of the garage doors and can

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create a greater conflict for vehicles and pedestrians along the public sidewalk. Granting the variance would likely have no impact on congestion of area streets or fire 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 **approve** the variance to reduce the front yard setback along Kenwood Parkway from the setback established by connecting a line between the two adjacent residential structure to zero feet for a detached garage, **approve** the variance to reduce the southeast interior side yard setback from 5 ft. to 2 ft. for a detached garage, **approve** the variance to allow a detached garage to be constructed between the principal structure and the front lot line, **approve** the variance to allow a detached garage to be constructed that is not located entirely to the rear of the principal residential structure, and **approve** the variance to increase the maximum permitted width a driveway from 25 ft. to **26 ft.** for a property in the R2 Two-family District located at 813 Kenwood Parkway, subject to the following conditions:

1. No vehicles shall be parking in the driveway as to obstruct pedestrian traffic on the public sidewalk, and
2. The exterior materials of the detached garage shall be similar to the exterior materials of the principal residential structure,
3. The garage and primary residential structure remain detached, and
4. The curb cut must be approved by City of Minneapolis, Public Works Department, and
5. That the Planning Division review and approve the final site and elevation plans that measure to an architectural or engineering scale.