

**Department of Community Planning and Economic Development – Planning Division**  
Variances  
BZZ-4647

**Date:** January 28, 2009

**Applicant:** Clarence and Rosemary Hasbrook

**Addresses of Property:** 1030 24<sup>th</sup> Avenue NE

**Project Name:** 1030 24<sup>th</sup> Avenue NE

**Contact Person and Phone:** Clarence Hasbrook, (612) 781-0235

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

**Date Application Deemed Complete:** December 10, 2009

**End of 60-Day Decision Period:** February 8, 2010

**Ward:** 1      **Neighborhood Organization:** Windom Park Citizens in Action

**Existing Zoning:** R2B Two-Family District

**Zoning Plate Number:** 10

**Legal Description:** Not applicable for this application

**Proposed Use:** An off-street parking area and an accessory structure

**Concurrent Review:**

- Variance to reduce the front yard setback along Taylor Street NE from approximately 20 feet to 11 feet to allow for a shed and a parking area
- Variance to reduce the minimum south interior side yard setback 5 feet to approximately 1 foot to allow for a shed and a parking area
- Variance to reduce the minimum distance between an accessory structure and a dwelling from 6 ft. to 1 ft.
- Variance to reduce the minimum distance between a parking area and a dwelling from 6 ft. to 0 ft.

**Applicable zoning code provisions:** Chapter 525, Article IX Variances, Specifically Section 525.520(1)(1) “to vary the yard requirements, including permitted obstructions into required yards not allowed by the applicable regulations” and 525.520(8)(8) “to permit parking that cannot comply with the location requirements for on-site parking, as specified in Chapter 537, Accessory Uses and Structures....”

**Background:** This project was continued from the January 14, 2009, public hearing after the applicant clarified the use of the proposed project and staff identified additional variances required after notification was sent to the neighborhood organization, affected property owners and *Finance and Commerce*.

The subject property is a reverse corner lot, approximately 40 ft. by 90 ft., (3,600 sq. ft.). The property consists of an existing two and a half story single-family dwelling and a two-car garage attached via covered breezeway. The applicant was granted two variances by the Zoning Board of Adjustment in 1982 to allow for construction of a new detached accessory structure; (1) variance to reduce the front yard setback from 20 ft. to 12 ft. 6 in. and (2) a variance to reduce the minimum distance between the dwelling and the garage from 6 ft. to 5 ft. The applicant has since constructed the breezeway, connecting the detached garage to the principal dwelling; thereby making an attached garage.

The applicant has recently constructed a 7 ft. 6 in. by 14 ft. 6 in., 7 ft. 6 in. tall, shed adjacent to the existing garage. A Zoning Enforcement Inspector sent two violations to the property owner for the location of the shed being too close to the south property line and the existing attached garage. The property owner instead added wheels and an axle to the shed and licensed it as a recreational vehicle through the State of Minnesota. The Zoning Administrator has determined the structure to be a shed and not a vehicle.

The applicant is requesting a variance to allow for the structure in its present location; 11 ft. to the front property line along Taylor Street NE, 1 ft. to the south property line and 1 ft. to the existing attached garage. The lot is a reverse corner with adjacent properties fronting on both 24<sup>th</sup> Avenue NE and Taylor Street NE. The district setback along Taylor Street NE is 20 ft. The applicant has requested a variance from 20 ft. to 11 ft. to allow for the shed. The minimum interior side yard setback for an accessory structure located outside of the rear 40 ft. of the lot and not located entirely to the rear of the adjacent structure is 5 ft. The applicant has requested a variance to reduce the minimum south interior side yard setback from 5 ft. to 1 ft. The zoning code states that “no detached accessory building or open parking space shall be located closer than six (6) feet from a dwelling of any type.” The applicant constructed the addition 5 ft. from dwelling. Therefore, the applicant is requesting a variance to reduce the minimum distance between an accessory structure and a dwelling from 5 ft. to 1 ft. to allow for the shed.

The applicant is also requesting that the paved area in the same location as the shed be considered for a parking area. The paved area for parking is subject to the same location requirements as previously listed for the shed. Therefore, the applicant is requesting a (1) variance to reduce the front yard setback along Taylor Street NE from 20 ft. to 11 ft.; (2) a variance to reduce the minimum south interior side yard setback from 5 ft. to 1 ft. to allow for the parking area; and (3) a variance to reduce the minimum distance between an open parking space and a dwelling from 6 ft. to 0 ft. to allow for the parking area.

As of writing this staff report, staff has not received any correspondence from the Windom Park Citizens in Action neighborhood association. Staff will forward comments, if any are received, at the Board of Adjustment meeting.

**Findings Required by the Minneapolis Zoning Code – Variance to reduce the front yard setback along Taylor Street NE from approximately 20 feet to 11 feet to allow for a shed and a parking area**

- 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.**

**Shed:** The applicant is seeking a variance to reduce the front yard setback along Taylor Street NE from 20 ft. to 11 ft. to allow for a shed on a reverse corner lot. The zoning code allows for a reduction of the required front yard for detached accessory structures, when the entire structure is located at least 5 ft. to the interior side and entirely to the rear of the adjacent building. The shed is located 1 ft. to the interior side and is not entirely to the rear of the adjacent structure. The applicant has stated that strict adherence to the ordinances would create undue hardship for the property owners by not allowing sufficient storage. Strict adherence to the regulations requires a minimum of a 20 ft. front yard setback. Staff believes that reasonable use exists on the property while maintaining the required yards.

**Parking area:** The applicant is seeking a variance to the front yard setback along Taylor Street NE from 20 ft. to 11 ft. to allow for a parking area adjacent to the two-car garage on a reverse corner lot. The applicant has stated that strict adherence to the ordinances would create undue hardship for the property owners by not allowing parking area for vehicles or an existing trailer belonging to the applicant. The minimum parking requirement for a single-family dwelling is one off-street parking space; the property currently has a two-car garage. Strict adherence to the regulations requires a minimum of a 20 ft. front yard setback. Staff believes that reasonable use exists on the property while maintaining the required yards.

- 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.**

**Shed:** The circumstances upon which the variance is requested have been created by the applicant. The applicant has constructed a 7 ft. 6in. by 14 ft. 6in. shed adjacent to the existing garage and it is located within the required front yard. The applicant has stated that strict adherence to the ordinances would create undue hardship for the property owners by not allowing sufficient storage area. Staff cannot find that hardship exists in this case, as additional storage area can be provided within the existing attached garage or on the property, in such a way that would not require a variance.

**Parking area:** The circumstances upon which the variance is requested have been created by the applicant. The applicant has poured the parking area in the required front yard and was not identified in the original variance granted by the Board of Adjustment in 1982. The applicant has stated that strict adherence to the ordinances would create undue hardship for the property owners by not allowing sufficient parking area for vehicles and an existing trailer. Staff cannot find that hardship exists in this case, as there is sufficient off-street parking area available in the two-car garage.

- 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.**

**Shed:** Staff believes that the granting of the variance will not be in keeping with the spirit and intent of the ordinance. The purpose of required yards is to provide for orderly development and use of land and to minimize conflicts among land uses by providing adequate light, air, open space and separation of uses. Further, staff believes that the shed located in the required front may alter the essential character of the surrounding neighborhood and be injurious to the surrounding property. Staff does not believe the location of the shed is appropriate in the proposed location when there is an existing two-car attached garage on the property.

**Parking area:** Staff believes that the granting of the variance will not be in keeping with the spirit and intent of the ordinance. The purpose of required yards is to provide for orderly development and use of land and to minimize conflicts among land uses by providing adequate light, air, open space and separation of uses. Further, staff believes that the parking area in the required front may alter the essential character of the surrounding neighborhood and be injurious to the surrounding property. The property owner, has from time to time, parked an existing trailer on the parking pad, which extends over the public sidewalk. Staff does not believe the location of the additional parking area is appropriate in the required front yard.

- 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.**

**Both variances:** Granting of the variance would likely have no impact on the congestion of area streets, fire safety or be detrimental to the public welfare and safety provided the site plan complies with all applicable building codes and life safety ordinances as well as Public Works standards.

#### **Findings Required by the Minneapolis Zoning Code – Variance to reduce the minimum south interior side yard setback 5 feet to approximately 1 foot to allow for a shed and a parking area**

- 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.**

**Shed:** The applicant is seeking a variance to reduce the minimum south interior side yard from 5 ft. approximately 1ft. to allow for a shed on a reverse corner lot. The zoning code allows for a reduction of the required side yard for detached accessory structures, when the entire structure is located at least 5 ft. to the interior side and entirely to the rear of the adjacent building. The shed is located 1 ft. to the interior side and is not entirely to the rear of the adjacent structure. The applicant has stated that strict adherence to the ordinances would create undue hardship for the property owners by not allowing sufficient storage. Strict adherence to the regulations requires a minimum of a 5 ft. front yard setback. Staff believes that reasonable use exists on the property while maintaining the required yards.

**Parking area:** The applicant is seeking a variance to reduce the minimum south interior side yard from 5 ft. approximately 1ft. to allow for a parking area adjacent to the two-car garage on a

reverse corner lot. The applicant has stated that strict adherence to the ordinances would create undue hardship for the property owners by not allowing parking area for vehicles or an existing trailer belonging to the applicant. The minimum parking requirement for a single-family dwelling is one off-street parking space; the property currently has a two-car garage. Strict adherence to the regulations requires a minimum of a 5 ft. interior side yard setback. Staff believes that reasonable use exists on the property while maintaining the required yards.

- 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.**

**Shed:** The circumstances upon which the variance is requested have been created by the applicant. The applicant has constructed a 7 ft. 6in. by 14 ft. 6in. shed adjacent to the existing garage and it is located within the required south interior side yard. The applicant has stated that strict adherence to the ordinances would create undue hardship for the property owners by not allowing sufficient storage area. Staff cannot find that hardship exists in this case, as additional storage area can be provided within the existing attached garage or on the property, in such a way that would not require a variance.

**Parking area:** The circumstances upon which the variance is requested have been created by the applicant. The applicant has poured the parking area in the required interior side yard and was not identified in the original variance granted by the Board of Adjustment in 1982. The applicant has stated that strict adherence to the ordinances would create undue hardship for the property owners by not allowing sufficient parking area for vehicles and an existing trailer. Staff cannot find that hardship exists in this case, as there is sufficient off-street parking area available in the two-car garage.

- 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.**

**Shed:** Staff believes that the granting of the variance will not be in keeping with the spirit and intent of the ordinance. The purpose of required yards is to provide for orderly development and use of land and to minimize conflicts among land uses by providing adequate light, air, open space and separation of uses. Further, staff believes that the shed located in the required south interior side yard may alter the essential character of the surrounding neighborhood and be injurious to the surrounding property. Staff does not believe the location of the shed, 1 ft. to the property line and directly adjacent to the neighboring dwelling, is appropriate in the proposed location when there is an existing two-car attached garage on the property.

**Parking area:** Staff believes that the granting of the variance will not be in keeping with the spirit and intent of the ordinance. The purpose of required yards is to provide for orderly development and use of land and to minimize conflicts among land uses by providing adequate light, air, open space and separation of uses. Staff does not believe the location of the parking area, 1 ft. to the property line and directly adjacent to the neighboring dwelling, is appropriate in the proposed location when there is an existing two-car attached garage on the property.

- 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.**

**Both variances:** Granting of the variance would likely have no impact on the congestion of area streets or fire safety provided the site plan complies with all applicable building codes and life safety ordinances as well as Public Works standards. However, staff believes that the location of the shed and parking area may be detrimental to the public welfare and safety; the proposed uses are located within the required south interior yard, 1ft. from the shared property line and directly adjacent to the neighboring dwelling.

**Findings Required by the Minneapolis Zoning Code - Variance to reduce the minimum distance between an accessory structure or open parking area and a dwelling:**

- 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.**

**Shed:** Staff believes that the subject property can be put to a reasonable use under the conditions allowed by the official code without causing undue hardship. The applicant has constructed a breezeway connecting the single-family dwelling to the detached garage and it appears as though there is storage area within the breezeway. The applicant then constructed the shed 1 ft. to the existing detached garage. The applicant has stated that strict adherence to the ordinances would create undue hardship for the property owners by not allowing sufficient storage. Strict adherence to the regulations requires a minimum of a 6 ft. separation between the existing detached garage and the shed. Staff believes that reasonable use exists on the property while maintaining the required yards.

**Parking area:** The applicant is seeking a variance to reduce the minimum distance between an open parking area and a dwelling from 6 ft. to 0 ft. The applicant has constructed a breezeway connecting the single-family dwelling to the detached garage, thereby making it an attached garage and part of the principal structure. The applicant has stated that strict adherence to the ordinances would create undue hardship for the property owners by not allowing parking area for vehicles or an existing trailer belonging to the applicant. The minimum parking requirement for a single-family dwelling is one off-street parking space; the property currently has a two-car garage. Strict adherence to the regulations requires a minimum of a 6 ft. separation between the dwelling and the open parking space. Staff believes that reasonable use exists on the property while maintaining the required yards.

- 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.**

**Shed:** The circumstances upon which the variance is requested have been created by the applicant. The applicant has constructed a 7 ft. 6in. by 14 ft. 6 in. shed adjacent to the existing garage and it is located 1 ft. to the existing detached garage. The applicant has stated that strict adherence to the ordinances would create undue hardship for the property owners by not

allowing sufficient storage area. Staff cannot find that hardship exists in this case, as additional storage area can be provided within the existing attached garage or on the property, in such a way that would not require a variance.

**Parking area:** The circumstances upon which the variance is requested have been created by the applicant. The applicant has poured the parking area directly adjacent to the existing detached garage and was not identified in the original variance granted by the Board of Adjustment in 1982. The applicant has stated that strict adherence to the ordinances would create undue hardship for the property owners by not allowing sufficient parking area for vehicles and an existing trailer. Staff cannot find that hardship exists in this case, as there is sufficient off-street parking area available in the two-car garage.

**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.**

**Shed:** Staff believes that the granting of the variance will not be in keeping with the spirit and intent of the ordinance. The purpose of required yards is to provide for orderly development and use of land and to minimize conflicts among land uses by providing adequate light, air, open space and separation of uses. Further, staff believes that the location of the shed may alter the essential character of the surrounding neighborhood and be injurious to the surrounding property. Staff does not believe the location of the shed is appropriate in the proposed location when there is an existing two-car attached garage on the property.

**Parking area:** Staff believes that the granting of the variance will not be in keeping with the spirit and intent of the ordinance. The purpose of required yards is to provide for orderly development and use of land and to minimize conflicts among land uses by providing adequate light, air, open space and separation of uses. Staff does not believe the location of the parking area is appropriate in the proposed location when there is an existing two-car attached garage on the property.

**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.**

**Both variances:** Granting of the variance would likely have no impact on the congestion of area streets, fire safety or be detrimental to the public welfare and safety provided the site plan complies with all applicable building codes and life safety ordinances as well as Public Works standards.

**RECOMMENDATIONS:**

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

The Department of Community Planning and Economic Development—Planning Division recommends that the Board of Adjustment adopt the findings and **deny** the variance to reduce the front yard setback

along Taylor Street NE from approximately 20 feet to 11 feet to allow for a shed for the property located at 1030 24<sup>th</sup> Avenue NE in the R2B Two-Family District.

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

The Department of Community Planning and Economic Development—Planning Division recommends that the Board of Adjustment adopt the findings and **deny** the variance to reduce the front yard setback along Taylor Street NE from approximately 20 feet to 11 feet to allow for a parking area for the property located at 1030 24<sup>th</sup> Avenue NE in the R2B Two-Family District.

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

The Department of Community Planning and Economic Development—Planning Division recommends that the Board of Adjustment adopt the findings and **deny** the variance to reduce the minimum south interior side yard setback 5 feet to approximately 1 foot to allow for a shed for the property located at 1030 24<sup>th</sup> Avenue NE in the R2B Two-Family District.

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

The Department of Community Planning and Economic Development—Planning Division recommends that the Board of Adjustment adopt the findings and **deny** the variance to reduce the minimum south interior side yard setback 5 feet to approximately 1 foot to allow for a parking area for the property located at 1030 24<sup>th</sup> Avenue NE in the R2B Two-Family District.

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

The Department of Community Planning and Economic Development—Planning Division recommends that the Board of Adjustment adopt the findings and **deny** the variance to reduce the minimum distance between an accessory structure and a dwelling from 6 ft. to 1 ft. for the property located at 1030 24<sup>th</sup> Avenue NE in the R2B Two-Family District.

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

The Department of Community Planning and Economic Development—Planning Division recommends that the Board of Adjustment adopt the findings and **deny** the variance to reduce the minimum distance between a parking area and a dwelling from 6 ft. to 0 ft. for the property located at 1030 24<sup>th</sup> Avenue NE in the R2B Two-Family District.

**Attachments:**

- 1) Written descriptions and findings submitted by the applicant
- 2) Copy of e-mail sent to Windom Park Citizens in Action and CM Ostrow
- 3) Correspondence from neighbors
- 4) Copy of 1984 Zoning Board of Adjustment action
- 5) Zoning map
- 6) Site plan
- 7) Photographs