

**Department of Community Planning and Economic Development – Planning Division Report****Variance Request  
BZZ-3698****Date:** August 9, 2007**Applicant:** Anne Kurhajec**Address of Property:** 100 Arthur Avenue Southeast**Contact Person and Phone:** Anne Kurhajec, 612-331-1816**Planning Staff and Phone:** Molly McCartney, 612-673-5811**Date Application Deemed Complete:** July 5, 2007**End of 60 Day Decision Period:** September 3, 2007**Appeal Period Expiration:** July 22, 2007**Ward: 2      Neighborhood Organization:** Prospect Park**Existing Zoning:** R1A Single-family Residential District**Proposed Use:** Construction of a detached garage**Proposed Variance:** A variance to reduce the minimum front yard setback along Williams Avenue Southeast from 20 ft. to 11 ft. to allow for a detached garage 100 Arthur Avenue Southeast in the R1A Single-family District.**Zoning code section authorizing the requested variance:** 525.520 (1)**Background:** The subject property is a single family home on a through lot located at 100 Arthur Avenue Southeast. The home addresses off of Arthur but has frontage on Williams Avenue Southeast as well. The applicants are applying to rebuild a detached garage in the rear of the property. The previous garage was destroyed by a fallen tree. Due to the through lot status, a detached garage is required to meet a front yard setback off of Williams. The applicants would like to rebuild a garage in a similar location to the previous garage, 11 ft. from the property line along Williams. The proposed garage will be 24 ft by 24 ft. and be 12 ft. tall at the midpoint of the roof.

The subject site is located in Prospect Park, which is a neighborhood with significant topographic changes, many curvilinear streets, and nontraditional lot configurations. Much like the rest of the neighborhood, the subject site does not have an alley. The home is between 10 ft and 12 ft. higher than the garage. The seven homes to the east and eight homes to the south on Arthur Avenue Southeast have

## CPED Planning Division Report

BZZ-3698

similar lot configurations with the homes addressing off of Arthur and detached garages in the rear off of Williams. Across Williams is a Minneapolis Public Housing Glendale Townhome apartment complex. The apartments closest to the subject site are setback much further from the property line along Williams.

The subject site is also in a potential historic district of Prospect Park. In 2000, the City of Minneapolis and the Prospect Park and East River Road (PPERRIA) Improvement Association commissioned a historic survey that concluded that there is the potential for a historic district to be listed both locally and the National Register of Historic Places. The subject site existing within the potential historic district.

### 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.**

Strict adherence to the zoning code prevents the proposed detached garage to be rebuilt 11 ft from the property line along Williams Avenue South. Due to the previous garage location, the steep terrain between the house, and the lot configurations of the surrounding homes, the proposed location of the garage is a reasonable use of this 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.**

The circumstances are unique to parcel of land due to the significant topographic changes of the area, curvilinear streets, and nontraditional lot configuration. In addition, this block does not have an alley and most of the homes addressing off Arthur Avenue Southeast have detached garages off Williams Avenue Southeast. None of these reasons have been 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.**

Granting the variance will be in keeping with the spirit and intent of the ordinance. The increased setback for through lot properties prevents the location of buildings that would project into front yard setback, if any of the surrounding homes addressed or faces the rear side. In this case, the subject site and surrounding area all have similar lot configurations, with the homes addressing off Arthur and the rear of the homes along Williams. The apartment complex across Williams is setback much further from the front lot line and has parking in the interior of that site.

## CPED Planning Division Report

BZZ-3698

- 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.**

The proposed variance would likely have no impact on 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 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 minimum front yard setback along Williams Avenue Southeast from 20 ft. to 11 ft. to allow for a detached garage 100 Arthur Avenue Southeast in the R1A Single-family District., subject to the following conditions:

1. CPED–Planning Division review and approve the final site plan, floor plans, and elevation. All drawings will be measured to an architect or engineer’s scale.



