

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

Variance Request  
BZZ-3671

**Date:** August 9, 2007

**Applicant:** Tim McGann

**Address of Property:** 1709 Irving Avenue South

**Contact Person and Phone:** Tim Quigley, (612) 692-8850

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

**Date Application Deemed Complete:** June 29, 2007

**Hearing Date:** August 9, 2007

**Appeal Period Expiration:** August 20, 2007

**End of 60 Day Decision Period:** August 28, 2007

**Ward: 7      Neighborhood Organization:** Lowry Hill

**Existing Zoning:** R2/ Two Family District; SH/ Shoreland Overlay District

**Proposed Use:** Two-stall detached garage

**Proposed Variance:** To reduce the side yard setback from 5 feet to 1.5 feet

**Zoning code section authorizing the requested variance:**

**Background:** The lot at 1709 Irving Avenue South is 50 feet wide and 120 feet deep (6,000 SF). There is a 1.5 story home with one-stall detached garage behind the home. The driveway extends from Irving Ave along the north side of the home to the garage. There is no alley behind the parcel. The home is in a potential local historic district.

The applicant would like to construct a 576 SF two-stall garage at the rear of the property. The proposal is to build 1.5 feet from the side yard property line. This is within the setback of 5 feet. The distance from the proposed garage to the property line is allowed by code, down to 1 foot, under most conditions, however not in this case. The zoning code states,

**535.280 Obstruction in required yards** (d) Interior side yards for detached buildings accessory to dwelling. The interior side yard requirement for detached accessory building may be reduced to one (1) foot when the entire accessory building is located in the rear forty (40) feet or rear twenty (20) percent of the lot, whichever is greater, *provided that the principal structure on the adjoining lot has its rear wall at least forty (40) feet from the rear lot line.* (Italics added).

The wall of adjoining home at 1505 Mount Curve Ave is approximately 10 feet from the rear lot line of the subject property. Therefore, a reduction in the side yard setback below 5 feet is not allowed without a variance. A wood fence estimated to be about 6 feet tall is located along the north property line of 1709 Irving Ave S (see photos K and L in appendix B).

### **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.**

A two-stall garage is a reasonable use for a single family residence. Strict adherence to the zoning code would require the garage to move south 3.5 feet. According to the applicant, it would not be possible to safely pull a car in, and especially to back a car out of the southern garage stall. This conclusion cannot clearly be drawn from the site plan drawings. But, giving deference to the applicant, the inability to safely negotiate a car in and out of the proposed garage if it were 3.5 feet further south qualifies as a hardship. No alternative locations for a two-stall garage were identified.

- 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 are two unique qualities to the lot which relate to the proposed position of the garage. First, the home at 1505 Mount Curve Avenue (to the northeast) is on an oddly shaped lot. The structure on this property is located near the rear lot line of 1709 Irving and the 1505 Mount Curve Avenue lot shares an interior property line with 1709 Irving Avenue S. The unique platting and home location creates the need for the variance and was not created by the applicant.

Second, the lot at 1709 Irving Avenue S is 15 feet shorter than lots on the block. If the lot at 1709 Irving Avenue S were like others on the block, the garage could be moved further away from the house and meet the 5 foot setback requirements. A garage

which is further setback would give greater room to turn a car into the southern parking stall.

- 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 ordinance is to separate principal structures in adjoining lots from garages and provide a degree of privacy to property owners. There are no windows on the north wall of the garage. Photographs do not show windows on the part of the 1505 Mount Curve structure which would face the approximate location of the proposed garage. The aforementioned fence and lack of windows help meet the intent of the ordinance.

The garage is designed to match the architectural style of the home. The home was built in 1901 and therefore is a part of the original character of the neighborhood. Consequently the garage fits with the character of the neighborhood.

Usable space behind the home at 1505 Mount Curve Avenue is limited and it is unlikely one would spend time outside near the garage where noise or fumes from the garage or automobiles would impact the residents of this property. The proposed garage would be further away from the property at 1701 Irving Avenue S than the existing garage. Noise or fumes would decrease if the garage is relocated as proposed. The proposed garage would not be located along any shared property line with 1701 Irving Avenue S. The criteria of this finding are met.

- 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.**

No aspect of the project identified would impact public street congestion. The proposed project would allow one additional car to park off-street, so congestion could decrease. No aspect of the proposed project is likely to increase the danger of fire or be detrimental to the public welfare or endanger the 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 **approve** the variance application to construct a two-stall detached garage with the following condition:

1. CPED-Planning staff review and approve site plans and elevation drawings.

Appendix A: Maps and aerial photographs

Appendix B: Application material including photographs

## Appendix A

## Appendix B

## Appendix C