

Department of Community Planning and Economic Development – Planning Division
Variance
BZZ 5281

Date: October 6, 2011

Applicant: David and Jane Gregerson

Address of Property: 2200 49th Street West

Contact Person and Phone: David Gregerson, (612) 927-9477

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

Date Application Deemed Complete: August 30, 2011

End of 60-Day Decision Period: October 28, 2011

Ward: 13 **Neighborhood Organization:** Lynnhurst Neighborhood Association

Existing Zoning: R1 Single Family District and SH Shoreland Overlay District.

Proposed Use: New attached garage

Variance: to reduce the minimum north interior side yard from 6 ft. to 3 ft. to allow for a new attached garage to an existing single-family dwelling on a reverse corner lot

Zoning code section authorizing the requested variance: Chapter 525, Article IX Variances, Specifically Section 525.520(1) “to vary the yard requirements, including permitted obstructions into required yards not allowed by the applicable regulations”.

Background: The lot is an irregularly shaped parcel approximately 83 ft. by 118 ft., on average, (11,924 sq. ft.) and consists of an existing single-family dwelling with an attached garage. The applicant is proposing to remodel and construct new additions to the existing structure. First, the applicant is proposing to demolish the existing 20 ft. 3 in. by 21 ft. attached garage and construct a first floor pantry, kitchen, bathroom and mudroom within the same footprint as the attached garage. Second, the applicant is proposing to construct a 23 ft. 5 in. by 21 ft. (495 sq. ft.) addition, north of the existing structure to allow for a new attached garage and a new driveway. Finally, the applicant is proposing to add a second floor addition, approximately 21 ft. by 21 ft. over the existing footprint of the attached garage and a portion of the new attached garage.

The proposed attached garage addition will be located 3 ft. to the north interior property line. The applicants have stated that the variance is required to maintain access to the garage and allow for the preservation of one to two mature oak trees located on the property. The minimum interior side yard

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requirement in the R1 District is 6 ft. Therefore, the applicant has requested a variance to reduce the north interior side yard from 6 ft. to 3 ft. to accommodate the proposed attached garage addition.

Staff has received a letter from the Lynnhurst Neighborhood Association Variance Chair stating that the neighborhood association does not object to the proposed variance; a copy is attached to the staff report. Staff will forward additional comments, if any are received, at the Board of Adjustment meeting.

Findings Required by the Minneapolis Zoning Code:

VARIANCES to reduce the interior side yard from 6 ft. to 3 ft. for a new attached garage

- 1. Practical difficulties exist in complying with the ordinance because of circumstances unique to the property. The unique circumstances were not created by persons presently having an interest in the property and are not based on economic considerations alone.**

Staff recognizes that there are unique circumstances of the property, including the location of the existing house, the increased required front yards because it is a reverse corner lot, the location of the oak trees and lack of alley access that contribute to a practical difficulty in complying with a minimum 6 ft. setback on the north interior side. The applicant is proposing to demolish the existing 20 ft. 3 in. by 21 ft. attached garage to allow for a habitable addition in its place and also construct a new 23 ft. 5 in. by 21 ft. attached garage addition. In addition, the applicant is proposing a 19 ft. wide driveway leading into the garage, adjacent to one of the existing oak trees that may be lost if the garage location is modified.

- 2. The property owner or authorized applicant proposes to use the property in a reasonable manner that will be in keeping with the spirit and intent of the ordinance and the comprehensive plan.**

The applicant is seeking variance to allow for the construction of a new attached garage 3 ft. to the north interior property line. The purpose of yard requirements is to provide for orderly development and use of land and to minimize conflicts among land uses by governing the location of accessory uses and structures. The adjacent neighbor to the north is located over 150 ft. from the proposed addition and should not conflict with their current land use. Staff believes that the applicant is proposing to use their property in a reasonable manner.

- 3. The proposed variance will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. If granted, the proposed variance will not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties.**

Staff believes that the granting of this variance would not negatively alter the essential character or be injurious to the use or enjoyment of other the adjacent property. As previously mentioned, the adjacent neighbor to the north is located over 150 ft. from the proposed addition and should not conflict with their current land use. Further, granting of the variance will not increase the danger of fire safety or be detrimental to the public welfare or endanger the public safety.

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Findings required by the Minneapolis Zoning Code for development in the Shoreland Overlay District:

- 1. The prevention of soil erosion or other possible pollution of public waters, both during and after construction.**
Staff believes the proposed project will prevent soil erosion and other possible pollution during and after construction. Permits will be reviewed and issued before any work may begin on the subject property. Any potential pollution hazards are reduced by the 400 feet of distance between the subject site and Lake Harriet.

- 2. Limiting the visibility of structures and other development from protected waters.**
Staff believes the proposed development will not permit site lines from Lake Harriet. The proposed attached garage will be in constructed along the same building face as the existing structure.

- 3. The suitability of the protected water to safely accommodate types, uses and numbers of watercraft that the development may generate.**
The subject site does not have direct access to Lake Harriet and will not require the accommodation of any additional watercraft of any type on the lake.

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** a variance to reduce the north interior side yard from 6 ft. to 3 ft. to allow for a new attached garage to an existing single-family dwelling located at 2200 49th Street West on a reverse corner lot in the R1 Single-Family District and SH Shoreland Overlay District.

Attachments:

- 1) Written descriptions and findings submitted by the applicant
- 2) Copy of e-mail sent to the Lynnhurst Neighborhood Association and CM Hodges
- 3) Copy of letter from Lynnhurst Neighborhood Association
- 4) Zoning map
- 5) Site plan
- 6) Floor plans
- 7) Elevations
- 8) Photographs