

Department of Community Planning and Economic Development – Planning Division
Variance Request
BZZ-5367

Date: October 27, 2011

Applicant: Osla Thomason

Address of Property: 2600 2nd Avenue South

Contact Person and Phone: Osla Thomason, (612) 871-4840

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

Date Application Deemed Complete: October 6, 2011

End of 60 Day Decision Period: December 4, 2011

Ward: 6 **Neighborhood Organization:** Whittier Alliance

Existing Zoning: R2B Two -Family Residence District

Proposed Use: A new detached garage to an existing single family house

Variance: to reduce the west interior side yard from 5 ft. to 1 ft. to allow for the construction of a new garage.

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 subject property is approximately 35 ft. 5 in. by 88 ft. (3,124 sq. ft. in area) and consists of a two and a half-story single-family dwelling on a reverse corner lot, with frontage along 2nd Avenue South and 26th Street East. There is an existing 18 ft. 6 in. by 20 ft. 4 in. detached garage, located 1 ft. from the west and south property lines. The applicant is proposing to rebuild a 20 ft. by 24 ft. garage in the same location, 1 ft. from the west and south interior side property lines.

The zoning code allows for a reduction of the side yard requirements to one ft. when the entire accessory building is located in the rear 40 feet provided that the accessory building is located entirely to the rear wall of the principal structure on the adjacent lot. The proposed detached garage is located in the rear 40 ft. of the subject property’s lot and entirely behind the neighbor’s structure to the south, therefore, the minimum setback provided along the south property line is 1 ft. and the proposed garage would be in compliance with this setback requirement. However, the proposed garage will not be located behind the adjacent structure located at 131-133 26th Street East and must therefore meet a minimum west interior side yard setback of 5 ft. Therefore, the applicant is requesting a variance to reduce the required west interior yard from 5 ft. to 1 ft.

CPED Planning Division Report

BZZ-5367

The applicant is proposing to increase the maximum height of the accessory structure from 12 ft. at the midpoint to approximately 14 ft. The applicant will be required to submit for an administrative review to increase the maximum height of the detached garage, in order to be approved at the proposed height.

As of writing this staff report, staff has not received any correspondence from the Whittier Alliance. Staff will forward comments, if any are received, at the Board of Adjustment meeting.

Findings Required by the Minneapolis Zoning Code:

VARIANCES to reduce the minimum west interior side yard setback from 5 feet to approximately 1 ft. for a new 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.**

The circumstances upon which the setback variance is requested are unique to the parcel of land due to its lot type (reverse corner lot), substandard lot size and lack of alley access and have created practical difficulties. The applicant is proposing to construct the garage in the same location as the existing garage, but expanding it 3 ft. 8 in. to the north and 1 ft. 6 in. to the east. There is an existing detached garage on the property that is already located 1 ft. from the west interior side property line. These circumstances have not been created by the applicant.

- 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 a variance to reduce the west interior side yard to allow for the construction of a new garage. The applicant is proposing to construct the garage in the same location as the existing garage, but expanding it 3 ft. 8 in. to the north and 1 ft. 6 in. to the east. There is an existing detached garage on the property that is already located 1 ft. from the west interior side property line. The lot is a reverse corner lot and is substandard in size and lacks alley access. Staff believes that the proposed location of the garage, in the rear 40 ft. of the subject property, and in the same location as the existing garage, 1 ft. to the west interior side, will allow for reasonable use of the property.

- 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 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. There is an existing detached garage located 1 ft. from the west interior side property line. The zoning code allows for a reduction of the interior side yard requirements to one (1) ft. when the entire accessory building is located in the rear forty (40) feet and located entirely to the rear of the principal structure on the adjoining lot. The proposed garage will be located approximately 18 ft. from

CPED Planning Division Report

BZZ-5367

the neighbor's residential structure on the adjoining lot to the west. The adjacent property has a 17 ft. wide driveway between their residential structure and the property line. The proposed detached garage will match the existing dwelling's 12/12 roof pitch, exterior materials of hardi-board siding and dormer. 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.

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 west interior side yard from 5 ft. to 1 ft. to allow for a new detached garage accessory to an existing single-family dwelling on a reverse corner lot located at 2600 2nd Avenue South in the R2B Two-Family District, subject to the following conditions of approval:

1. CPED-Planning and all other applicable City departments review and approve the final plans.
2. The applicant shall apply for an administrative review to increase the maximum height of the detached garage, in order to be approved at the proposed height.

Attachments:

- 1) Written descriptions and findings submitted by the applicant
- 2) Copy of e-mail sent to Whittier Alliance and CM Lilligren
- 3) Correspondence from adjacent neighbor
- 4) Zoning map
- 5) Site plan
- 6) Elevations
- 7) Photographs