

Department of Community Planning and Economic Development – Planning Division
Variance
BZZ – 5489

Date: March 22, 2012

Applicant: Steve and Natalie Broshar

Address of Property: 4027 Vincent Avenue South

Contact Person and Phone: Todd Knutson, Todd Knutson Design (612) 251-1041

Planning Staff and Phone: Janelle Widmeier, (612) 673-3156

Date Application Deemed Complete: February 17, 2012

End of 60-Day Decision Period: April 17, 2012

Ward: 13 **Neighborhood Organization:** Linden Hills

Existing Zoning: R1 Single-Family Residence District

Proposed Use: Addition to a single-family dwelling

Concurrent Review: Variance to reduce the front yard setback adjacent to Vincent Avenue South to 21.5 feet to allow a tuck-under garage addition and a 2-level addition above for the property located at 4027 Vincent Avenue South.

Applicable zoning code provisions: Chapter 525, Article IX Variances, Section 525.520 (1) “To vary the yard requirements, including permitted obstructions into required yards not allowed by the applicable regulations.”

Background: The applicant is proposing to build an addition to a single-family dwelling located at the property of 4027 Vincent Avenue South. The addition includes a two-stall, tuck-under garage with two-stories above on the south side of the dwelling.

In the R1 district, the minimum front yard requirement is 25 feet or the established setback of the adjacent residential structures on either side of the property, whichever is greater. From the lot line adjacent to Vincent Avenue South, the dwelling located to the north is set back 22 feet (as measured from the front of the 9 foot deep porch, which is not a permitted obstruction in a required front yard) and the dwelling located to the south is set back 32 feet (as measured from the front wall of the dwelling because the 6-foot deep, open porch is a permitted obstruction). Therefore, the minimum front yard required for the subject property is a diagonal line across the subject property as determined by the established setback. Part of the tuck-under garage and the first and second story addition would extend into the required front yard, which requires a variance. The driveway would be 12 to 20 feet wide (driveways 25 feet or less in width are a permitted obstruction).

The upper floors would be set back 10 feet from the south side lot line. The garage would be located one foot from the side lot line, but would be one foot below the natural grade (subterranean structures

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are not subject to the yard requirements). Conforming to the natural grade, the front wall of the garage and the retaining walls and fence along each side of the driveway would also extend into the front yard.

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

VARIANCE

Findings as Required by the Minneapolis Zoning Code for a Variance:

- 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 applicant has indicated that the garage cannot be located behind the dwelling because the setback on the north side of the dwelling is insufficient for access and the grades behind the dwelling are too steep. Therefore the garage is proposed to be tucked under a first and second story addition on the south side of the dwelling. The front wall of the garage would be located 21.5 feet from the front lot line. The front wall of the first and second floor addition would be located 26.5 feet from the front lot line.

The property is approximately 56 feet wide and 151.5 feet deep with a total lot area of 8,472 square feet. This lot size is typical in this area, but larger than an average residential lot in the City of Minneapolis. The minimum lot size requirement in the R1 district is 6,000 square feet and the minimum lot width requirement in the R1 district is 50 feet. The setbacks of the dwellings fronting Vincent Avenue South on this block vary as illustrated by the two dwellings adjacent to the subject site. On the subject site, there is a grade change of approximately 10 feet from the front to the back of the property. The grade change primarily occurs on the back half of the property with an approximately 13 percent slope. Other properties in the immediate area have minimal to significant grade changes. Properties with grade changes similar to this site have detached garages behind the dwellings. The existing dwelling is located 8.9 feet from the north lot line and 10 to 22 feet from the south lot line. There is a driveway on the north side of the dwelling that slightly encroaches on the adjacent property. Driveways are permitted obstructions in interior side yards and can extend up to the side lot line. The minimum driveway width required by the zoning code is 10 feet; however, a variance to reduce the minimum driveway width to 8 feet is also authorized by the code. If allowed by code, variance or easement, a driveway could be located on the north or south side of the dwelling to allow access to the rear of the property. Staff acknowledges that constructing a garage behind the dwelling would require some modifications to the existing grade. However, there are not unique circumstances on this site that would limit options for a garage on this property to only a tuck-under garage facing the front of the property.

- 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.**

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In general, yard controls are established to provide for the orderly development and use of land and to minimize conflicts among land uses by regulating the dimension and use of yards in order to provide adequate light, air, open space and separation of uses. Policies of the comprehensive plan also support the purpose of the yard ordinances.

The setbacks of the dwellings fronting Vincent Avenue South on this block vary as illustrated by the two dwellings adjacent to the subject site. The upper levels of the addition would be set back 1.5 feet from the front of the dwelling. The request for the upper floors is reasonable and in keeping with the intent of the ordinance and the comprehensive plan.

Although dwelling setbacks on this street vary, the tuck-under garage also requires a steep driveway and tall retaining walls to allow access. The proposed change in grade for the 25 foot long driveway is 6 feet from the back of the sidewalk to the garage door, which is an average slope of 24 percent. The steep slope, coupled with restricted views of the public sidewalk, is of concern for the safety of pedestrians. Also, the front of the garage would be very close to the property to the south even though it would comply with the side yard requirement. Because other options are available that would do not present these safety and separation concerns, the request for the tuck-under garage is not reasonable and is not consistent with the intent of the ordinance and the comprehensive plan.

- 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.**

Granting the variance to allow the upper stories of the addition would not likely affect the character of the area or the general public. Granting the variance to allow the tuck-under garage will likely affect the character of the area and adjacent properties. The subject property is located in a predominantly single-family residential neighborhood. Most properties in the immediate area have a detached garage located behind the dwelling. There are no tuck-under garages on this block face. Even though the addition would comply with the side yard requirement, the front of the garage and a 10 foot tall retaining wall would be one to two feet from the property to the south. Granting the variance could also create safety issues for pedestrians on the public sidewalk. The proposed change in grade for the 25 foot long driveway is 6 feet from the back of the sidewalk to the garage door, which is an average slope of 24 percent. The applicant has indicated that the driveway will be heated to eliminate hazards from freezing conditions. With the steep slope and retaining walls proposed, restricted visibility to the adjacent sidewalks is of concern.

RECOMMENDATION

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

The Department of Community Planning and Economic Development – Planning Division recommends that the Board of Adjustment adopt the above findings and **deny** the variance to reduce the front yard setback adjacent to Vincent Avenue South to 21.5 feet to allow a tuck-under garage addition and **approve** the variance to reduce the front yard setback adjacent to Vincent Avenue South to 26.5 feet to allow a first and second story addition for the property located at 4027 Vincent Avenue South subject to the following condition:

1. Department of Community Planning and Economic Development—Planning Division staff review and approval of the final site plan, building plans and elevations.

Attachments:

1. Applicant’s statement of proposed use and findings
2. Zoning map
3. Plans
4. Photos