

Department of Community Planning and Economic Development – Planning Division
Variances
BZZ-5594

Date: July 12, 2012

Applicant: John Kelly

Address of Property: 121 Elmwood Place East

Contact Person and Phone: John Kelly, (612) 22-5450

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

Date Application Deemed Complete: May 25, 2012

End of 60 Day Decision Period: July 24, 2012

Ward: 11 **Neighborhood Organization:** Tangletown Neighborhood Association

Existing Zoning: R1 Single-Family District, SH Shoreland Overlay District, and AP Airport Overlay District

Zoning Plate Number: 37

Legal Description: Not applicable

Proposed Use: A new detached garage accessory to an existing single-family dwelling.

Concurrent Review:

- Variance to reduce the interior side yard setback from 6 feet to approximately 1 foot.
- Variance to allow for a detached garage located not entirely to the rear of the principal dwelling.

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” and Section 525.520(8) “to permit parking that cannot comply with the location requirement for on-site parking...” and Chapter 537 Accessory Uses and Structures.

Background: The subject property is an irregularly shaped parcel, 15,203 square feet in area and has an existing single-family dwelling and detached accessory structure. The dwelling was permitted for construction in 1908 and the garage in 1910. At the time of construction, the subject property was a through lot with frontage on both Elmwood Place East and Luverne Avenue. The property was subdivided in 1974 around the same time that a single-family dwelling was moved to the adjoining property to the south at 57 Luverne Avenue.

CPED Planning Division Report
BZZ-5594

Prior to the construction of Interstate 35W, Elmwood Place East continued east to Minnehaha Parkway, adjacent to Minnehaha Creek. The front of the principal dwelling faces east towards the sound wall and Interstate 35W. Elmwood Place East currently dead ends at a cul-de-sac in front of the existing property. At the time of construction, the front of the dwelling would have faced Minnehaha Parkway and Minnehaha Creek.

The existing detached garage is located between the principal dwelling and the front lot line, approximately 1 foot 4 inches from the west property line. The applicant is proposing to demolish the existing 21 foot by 29 foot detached garage and construct a new 24 foot by 40 foot detached garage. The proposed garage would be built in approximately the same location, with extensions out approximately 3 feet to the east and 10 feet to the north towards Elmwood Place East. A detached garage is permitted to be located 1 foot to the interior side yard if (1) it is located in the rear 40 feet or 20% of the lot and (2) it is located behind the principal structure on the adjoining lot. In this case, the proposed garage would not be located in the rear 40 feet or 20% of the lot or be located entirely to the rear of the principal structure on the adjoining lot. Therefore, the proposed garage is required to meet the minimum interior side yard setback for the R1 District, which is 6 feet. The proposed garage would be located 1 foot from the west interior side yard property line and requires a variance for the proposed location. Additionally, the zoning code does not allow detached garages that are not located entirely to the rear of the principal dwelling. The proposed garage would be located between the principal structure and the front lot line and therefore requires an additional variance.

The proposed garage has a floor area of approximately 960 square feet in area. The subject property is over 15,000 square feet in area. The proposed garage will also exceed the maximum height of 12 feet. The proposed garage will be 18 feet in height, measured at the midpoint of the gable roof. If the variances are approved, the applicant will be required to submit an application for administrative review to increase the maximum floor area and height of a detached accessory structure.

As of the writing of this staff report, staff has not received any correspondence from the Hale Page Diamond Lake Neighborhood Association. Staff will forward comments, if any are received, at the Board of Adjustment meeting.

Findings Required by the Minneapolis Zoning Code:

VARIANCE: (1) to reduce the west interior side yard from 6 feet to approximately 1 foot to allow for a new detached garage; and (2) to allow for a detached garage not located entirely to the rear of the principal dwelling

- 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.**

Both variances: Staff recognizes that there are unique circumstances of the property, including the existing location of the detached garage, driveway and curb cut, the lack of alley access and the proximity to a steep slope in the southeast corner of the lot that contribute to practical

CPED Planning Division Report

BZZ-5594

difficulties in complying with the ordinance. Staff believes that these circumstances have not been created by the applicant. The existing dwelling was built in 1908 and the garage was built in 1910. According to the Sanborn Fire Insurance Map from 1912, when constructed the dwelling would have faced east towards Minnehaha Parkway and Minnehaha Creek, and the garage would have been located towards the rear of the dwelling. Further, if the garage were relocated to the rear of the existing dwelling, a variance would be needed to allow for development within 40 feet of the top of the steep slope that exists in the southeast corner of the property. In addition, there would be a significant increase in the impervious surface to construct a new driveway 160 feet from the public street to the rear of the property. The proposed garage door would be reoriented to face Elmwood Place East and the driveway would connect directly to the garage from the public street. The applicant also proposes to remove the existing parking area between the dwelling and the public street. This would significantly reduce the impervious surface in front of the existing dwelling.

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.

Side yard setback: Staff believes that the applicant is proposing to use the property in a reasonable manner that is consistent with the zoning code and comprehensive plan. The purpose of yard requirements is to provide for orderly development and use of land and to minimize conflicts among land uses between principal and accessory uses. The existing dwelling on the subject property is approximately 3 feet 4 inches to the west property line. Adjusting the garage to meet the minimum 6 foot interior side yard setback would block one-half of the dwelling from view from the public street. A detached garage is permitted to be located 1 foot to the interior side yard if (1) it is located in the rear 40 feet or 20% of the lot and (2) it is located behind the principal structure on the adjoining lot. According to the Sanborn Fire Insurance Map from 1912, when constructed the dwelling would have faced east towards Minnehaha Parkway and Minnehaha Creek, and the garage would have been located to the rear of the dwelling. The applicant is proposing to demolish the existing 21 foot by 29 foot detached garage and construct a new 24 foot by 40 foot detached garage in approximately the same location, but extending out approximately 3 feet to the east and 10 feet to the north towards Elmwood Place East. In addition, the adjacent structure to the west would be located over 30 feet from the proposed garage and dense vegetation exists along the shared property line minimizing any potential impacts.

Location of detached garage: Staff believes that the applicant is proposing to use the property in a reasonable manner that is consistent with the zoning code and comprehensive plan. The purpose of regulating the location of accessory structures is to provide for the orderly development and use of land and to minimize conflicts among land uses. According to the Sanborn Fire Insurance Map from 1912, when constructed the dwelling would have faced east towards Minnehaha Parkway and Minnehaha Creek, and the garage would have been located to the rear of the dwelling. The applicant is proposing to demolish the existing 21 foot by 29 foot detached garage and construct a new 24 foot by 40 foot detached garage in approximately the same location, but extending out approximately 3 feet to the east and 10 feet to the north towards Elmwood Place East. Further, if the garage were relocated to the rear of the existing

CPED Planning Division Report

BZZ-5594

dwelling, a variance to allow for development on or within 40 feet of the top of the steep slope would be required. In addition, there would be a significant increase in the impervious surface to construct a new driveway 160 feet from the public street to the rear of the property. The proposed garage door would be reoriented to face Elmwood Place East and the driveway would connect directly to the garage from the public street. The applicant proposes to remove the existing parking area between the dwelling and the public street. This would significantly reduce the impervious surface in front of the existing dwelling.

- 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.**

Both variances: Staff believes that the granting of this variance will not alter the essential character or be injurious to the use or enjoyment of other property in the vicinity. The garage exterior materials will be 4 inch vinyl lap siding with a 3 foot high brick veneer at the base and a gable roof with a 10/12 pitch to match the existing dwelling. The applicant is proposing to demolish the existing 21 foot by 29 foot detached garage and construct a new 24 foot by 40 foot detached garage in approximately the same location, but with a greater footprint. The front of the principal dwelling faces east towards the sound wall and Interstate 35W. Elmwood Place East currently dead ends at a cul-de-sac in front of the existing property. In addition, the adjacent structure to the west would be located over 30 feet from the proposed garage and dense vegetation exists along the shared property line. Finally, if granted the proposed variances will not be detrimental to the health, safety or welfare of the general public. The proposed garage will require a building permit and compliance with the applicable building codes.

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 that the proposed project would have no impact on soil erosion or pollute public waters during and after construction. The applicant has demonstrated that the necessary precautions will be taken during construction and the proposed construction area is not near any steep slopes. Therefore, the subject site will not be significantly altered to adversely affect the water quality of Minnehaha Creek.

- 2. Limiting the visibility of structures and other development from protected waters.**

The subject property is located at the end of a cul-de-sac and Interstate 35W and a sound wall separate the property from the creek. The proposed garage would not be visible from Minnehaha Creek.

CPED Planning Division Report
BZZ-5594

3. The suitability of the protected water to safely accommodate types, uses and numbers of watercraft that the development may generate.

This development would not impact watercraft usage on Minnehaha Creek.

RECOMMENDATIONS

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 above findings and **approve** the variance to reduce the west interior side yard setback from 6 feet to approximately 1 foot to allow for the construction of a new approximately 960 square foot detached garage accessory to an existing single-family dwelling located at 121 Elmwood Place East in the R1 Single-Family District, SH Shoreland Overlay District, and AP Airport Overlay District, subject to the following conditions of approval:

1. The exterior materials used for the accessory structure shall complement and be similar to the exterior materials of the principal structure on the property and have a minimum of 3 feet in height of brick at the base of the garage.
2. The primary roof pitch of the garage is 10/12 and is a gable roof to match the pitch and roof type of the principal structure.
3. Approval of the final site and elevation plans by the Department of Community Planning and Economic Development – Planning Division.
4. All site improvements shall be completed by July 12, 2013, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.

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 allow for a new accessory detached garage that is not located entirely to the rear of an existing single-family dwelling located at 121 Elmwood Place East in the R1 Single-Family District, SH Shoreland Overlay District, and AP Airport Overlay District subject to the following conditions of approval:

1. The exterior materials used for the accessory structure shall complement and be similar to the exterior materials of the principal structure on the property and have a minimum of 3 feet in height of brick at the base of the garage.
2. The primary roof pitch of the garage is 10/12 and is a gable roof to match the pitch and roof type of the principal structure.

CPED Planning Division Report

BZZ-5594

3. Approval of the final site and elevation plans by the Department of Community Planning and Economic Development – Planning Division.
4. All site improvements shall be completed by July 12, 2013, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.

Attachments:

- 1) Written descriptions and findings submitted by the applicant
- 2) Copy of e-mails sent to Hale Page Diamond Lake Neighborhood Association and CM Quincy
- 3) Zoning map
- 4) Sanborn Map (1912)
- 5) Survey
- 6) Site plan
- 7) Building elevations
- 8) Photographs