

Department of Community Planning and Economic Development – Planning Division
Variance
BZZ-5677

Date: August 23, 2012

Applicants: William Olive and Danika Hoffmann

Addresses of Property: 1901 East River Terrace

Contact Person and Phone: William Olive and Danika Hoffmann, (612) 481-XXXX

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

Date Application Deemed Complete: July 26, 2012

End of 60-Day Decision Period: September 24, 2012

Ward: 2 Neighborhood Organization: Prospect Park/East River Road Improvement Association

Existing Zoning: R1 Single-Family District, MR Mississippi River Critical Area Overlay District and UA University Area Overlay District

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

Variance: to reduce the minimum southeast interior side yard from 6 feet to 1 foot to allow for a new detached garage accessory to the existing single-family dwelling

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 subject property is approximately 75 feet by 127 feet (9,600 square feet) and the property includes a single-family dwelling with an existing driveway that accesses a paved parking area towards the rear of the property. The applicants are proposing to construct a new 22 foot by 22 foot detached garage 1 foot from the southeast interior side property line (the eave will be setback 1 foot from the property line, the wall will be setback 1 foot 6 inches from the property line). The proposed detached garage is not located in the rear 40 feet or 20% of the lot and must therefore adhere to the minimum interior side yard of 6 feet. Therefore, the applicants are requesting a variance to reduce the minimum southeast interior side yard setback from 6 feet to 1 foot to allow for the construction of the new detached garage, measured from the edge of the eave.

Staff has not received any correspondence from the Prospect Park/East River Road Improvement Association (PPERRIA). Staff will forward comments, if any are received, to the Board of Adjustment at the public hearing.

Findings Required by the Minneapolis Zoning Code:

VARIANCE: variance to reduce the minimum southeast interior side yard from 6 feet to approximately 1 foot to allow for a new detached garage accessory to the existing single-family 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.**

Practical difficulties do not exist in complying with the ordinance because of circumstances unique to the property. The applicant has reviewed two alternative locations for the proposed garage that would not require a variance. According to the applicant, if the structure was located in the rear 40 feet of the lot, 1 foot from the southeast interior side property line, issues would arise due to an existing steep slope that descends towards the subject property from the adjacent railroad property and a retaining wall located approximately 10 feet from the rear property line. Given the location of the retaining wall there is 30 additional feet in which the applicants could construct a 22-foot deep garage. The second option would be to locate the garage a minimum of 6 feet from the southeast interior property line, outside of the rear 40 feet of the property. A new detached garage must meet a minimum 6 foot separation from the deck that is attached to the dwelling. Given the location and shape of the deck there are many viable options for the location of the garage while still meeting the required separation between the garage and the deck and the garage and the southeast interior side yard. Finally, according to the applicant there would be issues related to drainage on the property if the garage were to be located in the rear 40 feet or closer to the house. The applicant has provided a drawing that indicates the existing drainage 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.**

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 subject property and the adjacent property to the southeast are both 75 feet wide. The adjacent dwelling at 1909 East River Terrace is located nearer to their southeast property line and would be located at least 40 feet from the proposed detached garage and dense vegetation exists along the shared property line minimizing any potential impacts. While locating the proposed garage may be reasonable given the location of the dwelling on the adjacent property there are no practical difficulties in meeting the zoning code requirements.

- 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.**

Department of Community Planning and Economic Development – Planning Division
BZZ-5677

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. The subject property and the adjacent property to the southeast are both 75 feet wide. The adjacent dwelling at 1909 East River Terrace is located nearer to their southeast property line and would be located at least 40 feet from the proposed detached garage and dense vegetation exists along the shared property line minimizing any potential impacts. The proposed detached garage would be clad with 4 inch hardiboard siding and shakes to match the exterior materials of the dwelling. The roof would be a 4/12 gable roof, unlike the 8/12 gable roof of the dwelling to minimize the height and allow more stormwater to be directed on-site. Finally, granting of the variance will not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties, as long as it is constructed to current building codes.

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 **deny** the variance to reduce the minimum southeast interior side yard from 6 feet to approximately 1 foot to allow for a new detached garage accessory to the existing single-family dwelling located at 1901 East River Terrace in the R1 Single-Family District, MR Mississippi River Critical Area Overlay District and UA University Area Overlay District.

Attachments:

1. Written descriptions and findings submitted by the applicant
2. July 26, 2012, e-mails to Council Member Gordon and PPERRIA
3. Zoning map
4. Survey/site plans
5. Floor plans
6. Elevations
7. Photos