

Department of Community Planning and Economic Development – Planning Division
Variances
BZZ-5678

Date: August 23, 2012

Applicant: Stephen Benson and Margaret J. Hornbacher

Address of Property: 2910 45th Street West

Contact Person and Phone: Stephen Benson and Margaret J. Hornbacher, (612) 423-6244

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: 13 **Neighborhood Organization:** Linden Hills Neighborhood Council

Existing Zoning: R1A Single-Family District

Proposed Use: A new tuck-under garage with a roof-top deck accessory to an existing single-family dwelling

Concurrent Review:

- Variance to reduce the required front yard setback along 45th Street West from 20 feet to approximately 0 feet to allow for a new tuck-under garage with a roof-top deck to an existing single-family dwelling.
- Variance to reduce the east interior side yard setback from 5 feet to approximately 1 foot to allow for a new tuck-under garage with a roof-top deck to an existing single-family dwelling.
- Variance to allow an attached, front-facing garage to project more than five feet beyond the habitable portion of the 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 approximately 34.75 feet by 84 feet (2,920 square feet) and contains an existing single-family dwelling and detached accessory structure. The dwelling was permitted for construction in 1915 and the garage in 1924. The applicants own and live in the adjacent property at 4448 Vincent Avenue South. The existing detached garage located at 2910 45th Street West is accessed via a drive easement over the adjacent property at 4448 Vincent Avenue South. In 2007, the applicants purchased the property at 2910 45th Street West.

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The applicants are proposing to demolish the existing detached garage at the rear of the property and terminate the existing driveway easement over 4448 Vincent Avenue South. This is to allow for the construction of a new 285 square foot tuck-under garage with a roof-top deck, accessed via 45th Street West. The proposed tuck-under garage and roof-top deck will be located up to the front property line. The minimum required front yard setback in the R1A Single-Family District is 20 feet. Therefore, the applicants have requested a variance to reduce the required front yard setback along 45th Street West from 20 feet to 0 feet for the tuck-under garage and roof-top deck. The proposed garage and deck will also be located 1 foot from the east interior side yard property line where the minimum required yard is 5 feet and have requested a variance to allow for this location. Finally, the tuck-under garage projects more than 5 feet beyond the habitable portion of the dwelling and therefore the location requires a variance.

As of the writing of this staff report, staff has not received any correspondence from the Linden Hills Neighborhood Council. 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 required front yard setback along 45th Street West from 20 feet to approximately 0 feet to allow for a new tuck-under garage with a roof-top deck to an existing single-family dwelling, (2) to reduce the east interior side yard setback from 5 feet to approximately 1 foot to allow for a new tuck-under garage with a roof-top deck to an existing single-family dwelling, and (3) to allow an attached, front-facing garage to project more than five feet beyond the habitable portion of the 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.**

All garage variances: Staff recognizes that there are unique circumstances of the property, including the substandard lot area and lot width, the existing location of the single-family dwelling and the lack of alley access that contribute to practical difficulties in complying with the ordinances. Staff believes that these circumstances have not been created by the applicant. The subject property is substandard as to lot area and lot width for a single-family dwelling in the R1A District. The dwelling was permitted for construction in 1915 and the garage in 1924. The existing detached garage is accessed via a drive easement over the adjacent property at 4448 Vincent Avenue South, due to the lack of an alley. The applicant is proposing to remove the existing detached garage and driveway at the rear of the property to allow for a more reasonable parking area and to reduce the amount of impervious surface on the lot. A tuck-under garage is the only other option to allow for off-street parking on the subject property. In order to accommodate vehicle parking, the minimum size of the stall at the interior is 8.5 feet wide and 18 feet deep.

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Both roof-top deck variances: Staff recognizes that there are unique circumstances of the property, including the substandard lot area and lot width, the existing location of the single-family dwelling, the grade changes on the property and the existing location of the paver patio at the front of the property that contribute to practical difficulties in complying with the ordinances. Staff believes that these circumstances have not been created by the applicant. Staff believes that the location of the tuck-under garage is appropriate. Based on the grade changes on the property and the location of the tuck-under garage, a guard rail would be required around the perimeter of the tuck-under garage. Further, there is an existing paver patio across the front of the property. The proposed roof-top deck will be smaller in area than the existing patio.

- 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.**

All variances: 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 and regulations pertaining to the location of accessory structures is to provide for orderly development and use of land and to minimize conflicts among land uses between principal and accessory uses. The adjacent property to the east, located at 4452 Vincent Avenue South, is a single-family dwelling with an attached garage. The Zoning Board of Adjustment recently approved a X variance to reduce the required front yard along 45th Street West to allow an attached garage and roof-top deck on this property. The new garage would be located up to the front property line, but will be constructed into the existing grade change on the property, which will minimize the visual impacts. The roof-top deck would be located approximately 8.5 feet above the public sidewalk and will be reduced in area compared to the existing paver patio that exists in the front yard today.

- 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.**

All variances: Staff believes that the granting of this 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 exterior materials of the proposed garage will be stone to match the existing retaining wall and compliment the wood siding on the existing dwelling. The applicant is proposing to demolish the existing 18.5 foot by 20 foot detached garage and remove over 200 square feet of driveway at the rear of the site to significantly reduce the amount of impervious surface on the site. In addition, the adjacent structure to the east will similarly have an attached garage with roof-top deck immediately adjacent to the proposed tuck-under garage and roof-top deck. 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.

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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 findings above and **approve** the variance to reduce the required front yard setback along 45th Street West from 20 feet to approximately 0 feet to allow for a new tuck-under garage with a roof-top deck to an existing single-family dwelling for the property located at 2910 45th Street West in the R1A Single-Family District, subject to the following conditions of approval:

1. The exterior materials used for the accessory structure shall complement the exterior materials of the principal structure on the property.
2. Approval of the final site and elevation plans by the Department of Community Planning and Economic Development – Planning Division.
3. All site improvements shall be completed by August 23, 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 reduce the east interior side yard setback from 5 feet to approximately 1 foot to allow for a new tuck-under garage with a roof-top deck to an existing single-family dwelling for the property located at 2910 45th Street West in the R1A Single-Family District, subject to the following conditions of approval:

1. The exterior materials used for the accessory structure shall complement the exterior materials of the principal structure on the property.
2. Approval of the final site and elevation plans by the Department of Community Planning and Economic Development – Planning Division.
3. All site improvements shall be completed by August 23, 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 an attached, front-facing garage to project more than five feet beyond the habitable portion of the

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dwelling for the property located at 2910 45th Street West in the R1A Single-Family District, subject to the following conditions of approval:

1. The exterior materials used for the accessory structure shall complement the exterior materials of the principal structure on the property.
2. Approval of the final site and elevation plans by the Department of Community Planning and Economic Development – Planning Division.
3. All site improvements shall be completed by August 23, 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 Council Member Hodges and Linden Hills Neighborhood Council
- 3) Zoning map
- 4) Survey
- 5) Site plan
- 6) Site plan for 4452 Vincent Avenue South approved by the Board of Adjustment July 26, 2012
- 7) Floor plan
- 8) Building elevations
- 9) Photographs