

Department of Community Planning and Economic Development – Planning Division
Variance
BZZ-5788

Date: October 11, 2012

Applicant: Corrigan Custom Homes

Address of Property: 1116 East Minnehaha Parkway

Contact Person and Phone: Jim Corrigan, (952) 261-8100

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

Date Application Deemed Complete: September 19, 2012

End of 60-Day Decision Period: November 18, 2012

Ward: 11 **Neighborhood Organization:** Regina Field Northrop Neighborhood Group

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

Proposed Use: New addition with an attached garage to replace the existing attached garage

Variance: to reduce the required front yard setback along 12th Avenue South from the setback established by connecting a line measured from the adjacent neighbor from 31 feet to approximately 12.8 feet to allow for a new addition with an attached garage.

Applicable zoning code provisions: 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 60 feet by 138 feet (7,599 square feet) and is a reverse corner lot, located at the northwest corner of Minnehaha Parkway East and 12th Avenue South. The property consists of an existing one and a half story dwelling with an attached garage. Both structures were permitted for construction in 1930. The applicant is proposing to raze the existing 18 foot by 20 foot attached garage and construct an addition and a new 20 foot by 23 foot attached garage. The existing attached garage is located approximately 12.8 feet from the east property line. The proposed garage will be located in the same location, 12.8 feet at the closest point from the east property line, and be expanded to the north 6.5 feet and 3 feet to the west. There will also be two shed dormers on the north and south sides of the roof. The adjacent structure to the west has frontage along Minnehaha Parkway East and is setback approximately 40 feet from the front property line. The adjacent property to the north has frontage along 12th Avenue South and is setback approximately 31 feet from the front property line. Due to the platting of the land, the subject parcel is required to meet a minimum required front yard setback of 31 feet along 12th Avenue South, due to the location of the adjacent dwelling to the north.

The applicants attended the neighborhood meeting on Wednesday, September 19, and stated that they received approval. Staff has not yet received correspondence from the Regina, Field Northrop

Neighborhood Group. Staff will forward comments, if any are received, at the Board of Adjustment public hearing.

VARIANCE: to reduce the required front yard setback along 12th Avenue South from the setback established by connecting a line measured from the adjacent neighbor from 31 feet to approximately 12.8 feet to allow for a new addition with an attached garage.

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 circumstances upon which the variance is requested are unique to the parcel of land due to the platting of the land and the location of the adjacent dwelling. These circumstances have not been created by the applicant. The applicant is proposing to replace the existing attached garage with a new attached garage with a larger footprint and additional dormers. The subject property is a reverse corner lot with required front yard setbacks along Minnehaha Parkway East and 12th Avenue South. Further, the adjacent dwelling to the north is setback 31 feet, which is greater than the required front yard setback of 25 feet in the R1 District.

- 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 proposing to replace the existing attached garage with a new attached garage with a larger footprint and additional dormers, which is located in the required front yard setback on a reverse corner lot. The purpose of required yards is to provide for orderly development and use of land and to minimize conflicts among land uses by providing adequate light, air, open space and separation of uses. There is an existing alley between the subject property and the adjacent neighbor to the north. Further, the neighbor's structure is located over 70 feet away from the proposed addition. The location of the expanded garage footprint will allow for reasonable use of the property that is consistent with the zoning code and 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 of these variances would not negatively alter the essential character of the area or be injurious to the use or enjoyment of other property in the vicinity. The added building footprint in the required front yard setback will be 108 square feet from what is presently there. All of the dwellings on this block, facing East Minnehaha Parkway have attached garages and as previously mentioned, the adjacent property to the north will be located over 70 feet from the proposed construction. The proposed addition will be stone and stucco to match and complement the existing dwelling. If granted, the proposed variance will not be detrimental to the health, safety or welfare of the public or those utilizing the property as long as it is constructed to current building codes. The proposed addition will be required to receive a building permit prior to construction.

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 is recommending that necessary precautions and best management practices be utilized during and after construction to help prevent soil erosion and other possible pollution. The project area is flat with no elevation change shown on the survey. 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 proposed addition will not likely be visible from Minnehaha Creek nor will it be out of character with the surrounding developed properties.

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

The subject site does not have direct access to Minnehaha Creek. The proposed project will have no impact on watercraft usage on the creek.

RECOMMENDATION

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 Zoning Board of Adjustment adopt the above findings and **approve** the variance to reduce the required front yard setback along 12th Avenue South from the setback established by connecting a line measured from the adjacent neighbor from 31 feet to approximately 12.8 feet to allow for a new addition with an attached garage for the property located at 1116 East Minnehaha Parkway in the R1 Single-Family District, SH Shoreland Overlay District and AP Airport Overlay District, subject to the following conditions:

1. The exterior materials used for the addition shall complement and be similar to 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 October 11, 2014, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.

Attachments:

CPED - Planning Division Report
BZZ-5788

1. Written descriptions of findings submitted by the applicant
2. Copies of letters sent September 13, 2012, to Council Member Qunicy and Regina, Field Northrop Neighborhood Group
3. Zoning map
4. Survey
5. Site plan
6. Building elevations
7. Floor plans
8. Photos