

Department of Community Planning and Economic Development – Planning Division
Variances
BZZ-5810

Date: November 8, 2012

Applicant: House Lift, Inc.

Address of Property: 4913 Girard Avenue South

Contact Person and Phone: Paul Larson, (612) 821-1100

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

Date Application Deemed Complete: October 5, 2012

End of 60 Day Decision Period: December 4, 2012

Ward: 13 **Neighborhood Organization:** Lynnhurst Neighborhood Association

Existing Zoning: R1 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 Girard Avenue South from the setback established by connecting a line between the two adjacent neighbors from approximately 33 feet 9 inches to approximately 13 feet 6 inches 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 40 feet by 135 feet (5,403 square feet) and has an existing single-family dwelling that was permitted for construction in 1914. The subject property has never had access to off-street parking. The existing dwelling is located 3 feet from the north property line and 5 feet from the south property line, which does not leave enough room on either side of the house for a driveway. In addition, the property does not have access to a public alley.

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The applicants are proposing to construct a new 14 foot by 19 foot tuck-under garage with a roof-top deck, accessed via Girard Avenue South. The proposed tuck-under garage and roof-top deck will be located 13 feet 6 inches from the front property line. The minimum required front yard setback in the R1A Single-Family District is 20 feet or the established, whichever is greater. The required front yard setback established by connecting the closest corners of the adjacent structures is approximately 33 feet 9 inches. Therefore, the applicants have requested a variance to reduce the required front yard setback along Girard Avenue South from the setback established by connecting a line between the two adjacent neighbors from approximately 33 feet 9 inches to approximately 13 feet 6 inches to allow for a new tuck-under garage with a roof-top deck. In addition, the tuck-under garage projects more than 5 feet beyond the habitable portion of the dwelling and the location requires a variance.

Staff has received a letter of support from the Lynnhurst Neighborhood Association; a copy of the letter is attached to the staff report. Staff will forward additional comments, if any are received, at the Board of Adjustment meeting.

Findings Required by the Minneapolis Zoning Code:

VARIANCE: (1) to reduce the front yard setback along Girard Avenue South from the setback established by connecting a line between the two adjacent neighbors from approximately 33 feet 9 inches to approximately 13 feet 6 inches to allow for a new tuck-under garage with a roof-top deck and (2) 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.**

Both garage variances: Staff recognizes that there are unique circumstances of the property, including the substandard lot area, 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 to lot area required for a parcel for a single-family dwelling in the R1A District. Further, the location of the existing single-family dwelling prohibits a driveway from accessing the rear of the property and the property does not have access to an alley. There is not another location on the property to allow for off-street parking that meets the zoning code.

Roof-top deck variances: Staff recognizes that there are unique circumstances of the property, including the existing location of the single-family dwelling and the steep slope 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. These circumstances have led the applicants to propose a tuck-under garage in the front yard which Staff believes is appropriate. Based on the steep slope and the location of the tuck-under garage, a guard rail would be required around the perimeter of the tuck-under garage.

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- 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 locations 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 new garage would be built into the existing slope on the property, which will minimize the visual impacts. The roof-top deck would be located above the proposed tuck-under garage and will have a landscape planter along the front edge of it to buffer the patio from the public sidewalk.

- 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 proposed exterior materials of the garage will be cement-based siding and stucco to match the existing siding and stucco on the dwelling. The applicant has stated that the proposed garage design will allow for sightlines of the adjacent public sidewalk and on-coming traffic on Girard Avenue South. 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.

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 Girard Avenue South from the setback established by connecting a line between the two adjacent neighbors from approximately 33 feet 9 inches to approximately 13 feet 6 inches to allow for a new tuck-under garage with a roof-top deck to an existing single-family dwelling for the property located at 4913 Girard Avenue South in the R1 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.

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3. All site improvements shall be completed by November 8, 2014, 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 dwelling for the property located at 4913 Girard Avenue South in the R1 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 November 8, 2014, 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 Lynnhurst Neighborhood Association
- 3) Letter from Lynnhurst Neighborhood Association
- 4) Zoning map
- 5) Survey
- 6) Site plan
- 7) Floor plan
- 8) Building elevations
- 9) Photographs