

Department of Community Planning and Economic Development – Planning Division
Variance
BZZ-5863

Date: December 13, 2012

Applicant: Rehkamp Larson Architects, Inc.

Address of Property: 3400 29th Street West

Contact Person and Phone: Sarah Nymo, (612) 285-7275

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

Date Application Deemed Complete: November 16, 2012

End of 60 Day Decision Period: January 15, 2013

Ward: 7 Neighborhood Organization: Cedar-Isles-Dean Neighborhood Association

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

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

Variance: to reduce the northerly interior side yard setback from 6 feet to 1 foot to allow for a new detached accessory structure.

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”.

Background: The subject property is approximately 45 feet by 140 feet (6,310 square feet) and contains an existing single-family dwelling and detached garage. In 1947, the dwelling was moved to this property from 3420 West 29th Street. The detached garage was permitted for construction in 1972. The existing garage faces northeast and is accessed via a driveway adjacent to an alley. The adjacent property at 2828 St. Louis Avenue was constructed in 2011. The property owners have stated that they have had difficulty accessing their existing garage and are proposing to demolish the existing garage and construct a new detached garage on the opposite side of the rear yard, with the door facing the alley. The adjacent structure to the east has an attached garage, which is part of the principal structure, and it is located 20 feet from the rear property line. The zoning code allows for a minimum interior side yard setback of 1 foot for a detached garage that is located in the rear 40 feet as long as it is located entirely to the rear of the adjacent structure. The applicants are not able to construct a detached garage entirely to the rear of the adjacent structure so the proposed garage is required to meet a minimum 6 foot setback. The applicants are proposing to locate the new detached garage 1 foot from the northerly property line and have requested a variance accordingly.

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The proposed detached garage would be approximately 14 feet 9 inches in height, measured to the midpoint of the gable roof. The proposed height of the garage exceeds the maximum height of 12 feet. Therefore, if the applicant receives approval for the variance to construct the detached garage in this location, the applicant would have to apply for an administrative review to increase the maximum height of the detached accessory structure.

As of the writing of this staff report, staff has not received any correspondence from the Cedar-Isles-Dean Neighborhood Association. Staff will forward comments, if any are received, at the Board of Adjustment meeting.

Findings Required by the Minneapolis Zoning Code:

VARIANCE: to reduce the northerly interior side yard setback from 6 feet to 1 foot to allow for a new detached accessory structure

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.

Staff recognizes that there are unique circumstances of the property, including the existing location of the adjacent dwelling and garage and the narrow lot width that contribute to practical difficulties in complying with the ordinances. These circumstances have not been created by the applicant. The adjacent property at 2828 St. Louis Avenue was constructed in 2011. The property owners have stated that they have had difficulty accessing their existing garage and are proposing to demolish the existing garage and construct a new detached garage on the opposite side of the rear yard, with the door facing the alley. The adjacent structure to the east has an attached garage, which is part of the principal structure and it is located 20 feet from the rear property line. The zoning code allows for a minimum interior side yard setback of 1 foot for a detached garage that is located in the rear 40 feet as long as it is located entirely to the rear of the adjacent structure. The applicants are not able to construct a detached garage entirely to the rear of the adjacent structure so the proposed garage is required to meet a minimum 6 foot setback. The subject property is also narrower in width than what is required in the R1 Single Family District. The lot is 45 feet in width and the district requirement is 50 feet.

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.

Staff finds that the applicant is proposing to use the property in a reasonable manner that is consistent with the zoning code and the 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 detached garage will similarly be located in the rear 40 feet as other garages in the area and adjacent to an attached garage on the neighboring property.

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- 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.**

The proposed variance will not substantially alter the essential character of the surrounding neighborhood or be injurious to the use and enjoyment of property in the vicinity. The proposed detached garage will be similarly located at the rear of the property, consistent with other properties in the vicinity. Further, the proposed site plan shows a 133 square foot (2%) decrease in impervious surface on the site. Finally, if granted the proposed variance will not be detrimental to the health, safety or welfare of the general public. The proposed structure 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 is recommending that the applicant use best management practices during and after construction to help prevent soil erosion and other possible pollution. There are no existing steep slopes on or near the subject property. Further, the property is located almost 1,000 feet from Cedar Lake. Therefore, the subject site will not be significantly altered to adversely affect the water quality of the lake.

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

The proposed garage will most likely not be visible from Cedar Lake. The proposed improvements will not 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 Cedar Lake. The proposed project will not require the accommodation of any watercraft of any type on the lake.

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 northerly interior side yard setback from 6 feet to 1 foot to allow for a new detached accessory structure for the property located at 3400 29th Street West in the R1 Single-Family District and SH Shoreland Overlay District, subject to the following conditions of approval:

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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.
2. The primary roof pitch of the garage is 9/12 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 December 13, 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 Goodman and Cedar-Isles-Dean Neighborhood Association
- 3) Zoning map
- 4) Survey
- 5) Site plan
- 6) Floor plans
- 7) Building elevations
- 8) Photographs