

**Department of Community Planning and Economic Development**  
Variance  
BZZ 5924

**Date:** February 28, 2013

**Applicant:** James Kalina

**Address of Property:** 2512 22<sup>nd</sup> Avenue NE

**Contact Person and Phone:** James Kalina, (612) 789-4682

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

**Date Application Deemed Complete:** January 25, 2013

**End of 60-Day Decision Period:** March 26, 2013

**Ward:** 1      **Neighborhood Organization:** Windom Park Citizens in Action

**Existing Zoning:** R1 Single-Family District

**Existing Overlay District:** Not applicable

**Zoning Plate Number:** 11

**Proposed Use:** New detached garage accessory to an existing single-family dwelling

**Variance:** to reduce the minimum west interior side yard setback from 6 feet to approximately 1 foot 6 inches to allow for the construction of a new detached garage accessory to an existing single-family dwelling.

**Applicable zoning code provisions:** Chapter 525, Article IX Variances, Specifically Section 525.520(1) "to vary the minimum yard requirements" and Chapter 546 Residence Districts

**Background:** The subject property is approximately 50 feet by 190 feet (9,500 square feet). The first building permits on the property were to allow for a 32 foot by 32 foot single-family dwelling. The existing 14 foot by 20 foot detached garage is located 1.2 feet from the west interior side property line and was permitted for construction in 1949.

The applicant is proposing to remove the existing 14 foot by 20 foot detached garage and 10 foot by 20 foot concrete parking pat and construct a new 22 foot by 24 foot garage in approximately the same location. The interior side yard requirements for a detached accessory building may be reduce to one (1) foot when the entire accessory building is located in the rear forty (40) feet or rear twenty (20) percent of the lot, whichever is greater, provided that the principal structure on the adjoining lot as a rear wall at least forty (40) feet from the rear lot line. The subject property is 190 feet deep and the rear 20 percent

of the lot would be 38 feet. The proposed detached garage would be located 1 foot 6 inches to the west interior side yard and would be located entirely to the rear of the principal structures on the subject and adjacent property. However, the proposed garage will not be located in the rear 40 feet of the lot and the proposed garage must maintain a minimum interior side yard setback of 6 feet. Therefore, the applicant is requesting a variance to reduce the minimum west interior side yard setback from 6 feet to 1 foot 6 inches to allow for the construction of a new

Staff has not received correspondence from the Windom Park Citizens in Action. Staff will forward comments, if any are received, at the Board of Adjustment public hearing.

**VARIANCE:** to reduce the minimum west interior side yard setback from 6 feet to approximately 1 foot 6 inches to allow for the construction of a new detached garage accessory to an existing single-family dwelling.

**Findings as required by the Minneapolis Zoning Code:**

- 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 existing location of the detached and parking area, the lack of alley access and the change of grade of the property at the rear. Staff finds that these circumstances have created practical difficulties in complying with the ordinance. The existing garage was constructed 1.2 from the west property line in 1949. The existing and proposed garages are accessed via a driveway and curb cut along 22<sup>nd</sup> Avenue NE and the subject property does not have access to a public alley. Further, the rear 66 feet of the subject property is not accessible due to a six-foot grade change. Further, staff finds that these circumstances have not been created by the applicant.

- 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 proposed location of the detached garage will allow for a reasonable use of the property that will be in keeping with the spirit and intent of the ordinance and comprehensive plan. The purpose of yard requirements is to provide for orderly development and use of land and to minimize conflicts among land uses in order to provide adequate light, air, open space and separation of uses. The existing detached garage and parking pad are in approximately the same location as the proposed detached garage. Further, the proposed detached garage will be located approximately 30 feet to the adjacent residence to the west. Finally, the adjacent properties along 22<sup>nd</sup> Avenue NE, similarly, have their detached garages located approximately 90-100 feet from the front property line and less than 6 feet from the interior side property lines.

- 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.**

Staff finds 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. As previously mentioned, the proposed detached garage will be located in approximately the same location as the existing detached garage and parking and in a similar location relative to the adjacent properties along 22<sup>nd</sup> Avenue NE. Finally, alternative locations to meet the minimum 6 foot setback would most likely require the removal of an existing mature maple tree or difficulty maneuvering a vehicle into the new detached garage. Further, the applicant is proposing to match the exterior materials of the dwelling, which is white lap siding. 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. The proposed detached garage will require a building permit and compliance with the applicable building codes.

**Recommendation of the Department of Community Planning and Economic Development:**

The Department of Community Planning and Economic Development recommends that the Board of Adjustment adopt staff findings and **approve** the variance to reduce the minimum west interior side yard setback from 6 feet to approximately 1 foot 6 inches to allow for the construction of a new detached garage accessory to an existing single-family dwelling located at 2512 22<sup>nd</sup> Avenue NE in the R1 Single-Family District, subject to the following conditions of approval:

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. Approval of the final site, elevation and floor plans by the Department of Community Planning and Economic Development.
3. All site improvements shall be completed by February 28, 2015, 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. E-mails to Council Member Reich and Windom Park Citizens in Action
3. Correspondence
4. Zoning map
5. Existing survey
6. Site plan
7. Building elevations
8. Photos