

Department of Community Planning and Economic Development
Variance Request
BZZ-6018

Date: May 23, 2013

Applicant: Tim Brandvold

Address of Property: 3835 Thomas Avenue S

Contact Person and Phone: Tim Brandvold, 612-965-9666

CPED Staff and Phone: Chris Vrchota, (612) 673-5467

Date Application Deemed Complete: April 25, 2013

End of 60 Day Decision Period: June 24, 2013

Ward: 13 **Neighborhood:** Linden Hills

Existing Zoning: R1/Single-Family Residential

Proposed Use: New Single-Family Dwelling with Detached Garage

Proposed Variances: Variance to reduce the required interior side yard setback along the north side lot line from 6 feet to 1 foot to allow for the construction of a new detached accessory structure.

Zoning code section authorizing the requested variance: 525.520 (1)

Background: The subject property measures 37.5' x 115', totaling 4,255 square feet. The property currently contains a 1.5 story single-family dwelling. The Applicant is proposing to demolish the existing house and construct a new 2-story dwelling with a detached garage. As designed, the proposed house would achieve at least the 15 points required to obtain Administrative Site Plan approval.

The Applicant is proposing to locate the new detached garage 1 foot from the north side property line. No variances are sought or have been identified as needed for the proposed house. Some house plans have been included in the packet for informational and reference purposes only.

Findings 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 Applicant is requesting a variance to construct a new detached garage 1 foot from the north side lot line. Section 535.280(d) of the Zoning Ordinance allows the interior side yard setback for a detached accessory structure to be reduced to 1 foot when the entire accessory structure is

located in the rear 40 feet or 20% of the lot (whichever is greater), provided that the rear wall of the principal structure on the adjoining lot is at least 40 feet from the rear lot line. The rear wall of the house on the lot to the north of the subject property is approximately 32 feet from the rear lot line.

The subject property is smaller than a standard R1 lot, both in area and width. The minimum area for a lot in the R1 district is 6,000 s.f.; the subject property is 4,255. The minimum width for a property in the R1 district is 50 feet; the subject property is 37.5. The size of the lot limits the options for placing a new house and garage on the lot. Moving the garage to meet the 6 foot required interior side yard setback would severely limit the amount of useable space in the rear yard, creating a practical difficulty. The size of the lot and the location of the house on the lot to the north are unique circumstances to the property that were not 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.**

The Applicant is proposing to construct a new 22x22 detached garage to coincide with the construction of a new single-family dwelling on the lot. Per section 530.300 of the Minneapolis Zoning Code, new single family dwellings constructed after November 1, 2009 are required to provide at least one off-street parking space in an enclosed structure.

The ordinance was created to maintain a minimum separation between detached accessory structures and adjacent residences. While the rear wall of the house on the lot to the north is only 32 feet from the rear lot line, the house itself is over 41 feet from the interior side lot line separating the properties. The detached garage accessory to the neighboring house will be substantially closer to the new house on the subject property than the new detached garage will be to the house to the north. The proposed construction of the garage 1 foot from the side lot line is both reasonable and in keeping with the spirit and intent of the ordinance 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.**

Construction of a detached garage accessory to a single-family dwelling would not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. The Applicant has provided photos and an area map showing existing garages on the block that they believe do not meet the standard for which the variance is being sought. (**Note:** This information, provided by the Applicant, has not been verified by staff.) Granting the setback variance will not be detrimental to the health, safety or welfare of the general public or of those utilizing the property or nearby properties.

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 the findings above and approve variance to reduce the required interior side yard setback along the north side lot line from 6 feet to 1 foot to allow for the construction of a new detached accessory structure, subject to the following conditions:

1. The applicant shall apply to obtain necessary approvals for administrative site plan review.
2. CPED staff review and approve the final site plan, building plans, and elevations.
3. All site improvements shall be completed by May 23, 2015, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.

Attachments

1. Statement of proposed use- Submitted by Applicant
2. Variance findings- Submitted by Applicant
3. Emails to neighborhood organization and Council member- Submitted by Applicant
4. Zoning map
5. Survey, Site Plan, Building Plans and Elevations- Submitted by Applicant
6. Area maps showing similar garages in area- Submitted by Applicant
7. Photographs- Submitted by Applicant
8. Letter from Linden Hills Neighborhood Council