

Department of Community Planning and Economic Development
Variance
BZZ-6153

Date: August 8, 2013

Applicant: Sussel Builders

Address of Property: 4209 Colfax Avenue South

Contact Person and Phone: Mike Russell, (651) 645-0331

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

Date Application Deemed Complete: July 18, 2013

End of 60-Day Decision Period: September 16, 2013

Ward: 13 **Neighborhood Organization:** East Harriet/Farmstead Neighborhood Association

Existing Zoning: R1A Single-Family District

Existing Overlay District: Not applicable

Zoning Plate Number: 30

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

Variance: to reduce the minimum south interior side yard setback from 5 feet to 1 foot 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 42 feet by 134.5 feet (5,648 square feet). The first building permits on the property were to allow for a 26 foot by 30 foot single-family dwelling in 1915. The existing 12 foot by 18 foot detached garage is located 1.3 feet from the south interior side property line and was permitted for construction in 1917.

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 135 feet deep and the rear 20 percent of the lot would be 27 feet. The grade at the rear of the property drops approximately 4 feet 8 inches from the location of the existing garage to the rear property line. The applicant is proposing to remove the existing detached garage and constructing a new 16 foot by 24 foot garage in approximately the same

Department of Community Planning and Economic Development Report
BZZ 6153

location, 1 foot to the south property line. The applicant has proposed this location to avoid issues constructing a garage that will drop 5 feet based on the grade. The proposed detached garage would be located 1 foot to the south interior side property line 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 5 feet. Therefore, the applicant is requesting a variance to reduce the minimum south interior side yard setback from 5 feet to 1 foot to allow for the construction of a new detached garage accessory to an existing single-family dwelling.

Staff has not received correspondence from the East Harriet/Farmstead Neighborhood Association. Staff will forward comments, if any are received, at the Board of Adjustment public hearing.

VARIANCE: to reduce the minimum south interior side yard setback from 5 feet to 1 foot 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 garage, 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 1.3 from the south property line in 1917. The existing and proposed garages are accessed via a driveway and curb cut along Colfax Avenue South and the subject property does not have access to a public alley. Further, the rear 30 feet of the subject property is difficult to access due to an almost 5-foot grade change. 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 is in approximately the same location as the proposed detached garage. Further, the proposed detached garage will be located approximately 20 feet to the adjacent residence to the west. Finally, the adjacent properties along Colfax Avenue South, similarly, have their detached garages located approximately 80-90 feet from the front property line and less than 5 feet from the south 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 Colfax Avenue South. Further, the applicant is proposing to match the stucco exterior materials of the dwelling. 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 south interior side yard setback from 5 feet to approximately 1 foot to allow for the construction of a new detached garage accessory to an existing single-family dwelling located at 4209 Colfax Avenue South in the R1A 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 August 8, 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 Hodges and East Harriet/Farmstead Neighborhood Association
3. Zoning map
4. Existing survey
5. Site plan
6. Building elevations
7. Photos