

Department of Community Planning and Economic Development
Variance
BZZ-6194

Date: September 12, 2013

Applicant: David Thorp

Address of Property: 5252 Knox Avenue South

Contact Person and Phone: David Thorp, (952) 250-3303

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

Date Application Deemed Complete: August 6, 2013

End of 60-Day Decision Period: October 5, 2013

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

Existing Zoning: R1A Single-Family District

Existing Overlay District: SH Shoreland Overlay District

Zoning Plate Number: 36

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

Variance: to reduce the north interior side yard setback from 6 feet to approximately 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 40 feet by 127.6 feet (5,105 square feet). The first building permits on the property were to allow for a 28 foot by 28 foot single-family dwelling and 18 foot by 20 foot detached garage in 1928. The detached garage was constructed 1 foot to the north property line. The applicant recently demolished the detached garage.

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 adjacent structure to the north has an attached garage, which is part of the principal structure, and it is located approximately 30 feet from the rear property line, therefore the proposed garage is required to meet a minimum 6 foot interior side setback. The applicant

is proposing to construct a new 24 foot by 24 foot detached garage in approximately the same location, 1 foot from the northerly property line and have requested a variance accordingly.

The proposed detached garage would be approximately 15 feet 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.

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

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

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.**

Staff recognizes that there are unique circumstances of the property, including the existing location of the adjacent dwelling that contributes to practical difficulties in complying with the ordinances. These circumstances have not been created by the applicant. The single-family dwelling and garage on the adjacent property at 5248 Knox Avenue South were constructed in 1927. A breezeway addition was constructed in 1987 connecting the house and garage. The same setback restrictions would not be in place if the adjacent garage was detached from the principal dwelling. The adjacent structure to the east has an attached garage, which is part of the principal structure and it is located approximately 30 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 less than 6 feet from the interior side yard, because of the location of the adjacent attached garage.

- 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 be constructed in approximately the same location as it has been for 85 years and 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.

- 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. Given that the proposed garage would be located near the neighboring garage—and not habitable space—the impact on the neighboring property will be minimal. The proposed detached garage will be similarly located at the rear of the property, consistent with other properties in the vicinity. The previous 18 foot by 20 foot detached garage was located 1 foot to the north property line for approximately 85 years. Further, the proposed detached garage will require an administrative approval to increase the maximum height from 12 feet to 15 feet. Therefore, the exterior materials and roof pitch and style will be required to match the principal dwelling. The existing dwelling is stucco with an 11/12 pitched gable roof. 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 over 625 feet from Minnehaha Creek. Therefore, the subject site will not be significantly altered to adversely affect the water quality of the creek.

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

The proposed garage will most likely not be visible from Minnehaha Creek. 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 Minnehaha Creek. The proposed project will not require the accommodation of any watercraft of any type on the creek.

Recommendation of the Department of Community Planning and Economic Development:

Department of Community Planning and Economic Development Report
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The Department of Community Planning and Economic Development recommends that the Board of Adjustment adopt staff findings and **approve** the variance to reduce the north interior side yard setback from 6 feet to approximately 1 foot to allow for the construction of a new detached garage accessory to an existing single-family dwelling located at 5252 Knox Avenue South in the R1 Single-Family District and SH Shoreland Overlay 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. The primary roof pitch of the garage is 11/12 and is a gable roof to match the pitch and roof type of the principal structure.
3. Approval of the final site, elevation and floor plans by the Department of Community Planning and Economic Development.
4. All site improvements shall be completed by September 12, 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 Lynnhurst Neighborhood Association
3. Correspondence
4. Zoning map
5. Existing survey
6. Previous site plan
7. Site plan
8. Building elevations
9. Photos