

Department of Community Planning and Economic Development
Variance
BZZ 6356

Date: December 12, 2013

Applicant: Urban Homeworks, Inc.

Address of Property: 1012 29th Avenue North and 2900 Dupont Avenue North

Contact Person and Phone: Mahin Hamilton, (612) 808-6507

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

Date Application Deemed Complete: November 19, 2013

End of 60-Day Decision Period: January 18, 2014

Ward: 3 **Neighborhood Organization:** Hawthorne Neighborhood Council

Existing Zoning: R2B Two-Family District

Existing Overlay District: Not applicable

Zoning Plate Number: 8

Proposed Use: Reconstruction of a detached garage

Variance: to allow a detached parking garage not entirely to the rear of the principal residential structure.

Zoning code section authorizing the requested variance: Chapter 525, Article IX Variances, Specifically Section 525.520(8) "To permit parking that cannot comply with the location requirements for on-site parking, as specified in Chapter 537, Accessory Uses and Structures..."

Background: The subject properties are located at 1012 29th Avenue North and 2900 Dupont Avenue North and these parcels are in the process of being combined. The existing dwelling at 1012 29th Avenue North is setback at the rear of the property, based on the existing platting of the parcel. A detached garage also exists at the property 1012 29th Avenue North and is in disrepair. Once combined, the parcels will be approximately 40 feet by 126.4 feet (5,056 square feet). The principal dwelling was constructed in its present location in 1916. The existing detached garage is located approximately 12.5 feet from the dwelling and is not located entirely to the rear of the principal dwelling. The location of the existing detached garage is nonconforming to the standards set forth in section 537.80 of the zoning code:

537.80. Distance from dwelling. No detached accessory building or open parking space shall be located closer than six (6) feet from a dwelling of any type. Detached parking garages serving residential uses shall be located entirely to the rear of the principal residential structure.

The applicant is proposing to demolish the existing detached garage and adjust the location further to the west to accommodate a usable yard between the two structures. The applicants are proposing two different options for the proposed garage; Option 1 would access the proposed detached garage from an existing curb cut along Dupont Avenue North and Option 2 would access the proposed garage via a new curb cut along 29th Avenue North.

Staff has received a letter from the Hawthorne Neighborhood Council and a copy of the letter is attached to the staff report. The Hawthorne Neighborhood Council has indicated that their preference is for Option 1, with the proposed garage accessed via an existing curb cut along Dupont Avenue North. Staff will forward additional comments, if any are received, at the Board of Adjustment meeting.

Findings Required by the Minneapolis Zoning Code:

VARIANCE: to allow a detached parking garage not entirely to the rear of the principal residential 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.

Practical difficulties exist in complying with the ordinance due to circumstances upon which the variances are requested. Unique circumstances exist on the parcel of land due to the existing location of the dwelling and detached garage. The property was previously 62 feet wide and 40 feet deep with frontage along 29th Avenue North. The existing dwelling is located at the rear of the property, approximately 4 feet from the rear property line adjacent to the alley. The existing detached garage is 18 feet wide and 19.5 feet deep and located 12 feet from the dwelling and on the rear (north) property line. The existing dwelling and detached garage have existed on the site since 1916. There is not a location on the property to accommodate a detached garage that is located entirely to the rear of the principal structure, even if the two lots had not been combined. Therefore, staff finds that these circumstances have created practical difficulties in complying with the ordinance and 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.

The applicant is seeking a variance to allow for a new detached garage not located entirely to the rear of the residential structure. The applicant is proposing to construct a 22 foot by 22 foot, detached garage that meets the required setbacks for the lot. The purpose of regulating the location of accessory structures is to ensure compatibility with the built environment and to encourage a traditional urban design. The existing dwelling is located at the rear of the property and was constructed in 1916. There is not a location on the subject property to allow for a detached accessory structure entirely to the rear of the principal dwelling. Staff finds that the

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proposed location of the garage, in the same location as the existing garage, will allow for reasonable use of the 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.**

Staff would typically have concerns about the proposed location of the detached garage on a corner lot, 30 feet from the front property line. However, staff finds that 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, with the recommended design changes. Staff is recommending that the applicant match exterior materials of the existing dwelling and that the garage have additional design features including windows and a dormer with windows, consistent with the existing 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, if the garage is accessed via 29th Avenue North. The subject property has the only curb cut along Dupont Avenue South and staff's preference would be to have the garage accessed via 29th Avenue North, consistent with other curb cuts and alleys in the surrounding area. Further, the consolidation of curb cuts is required per 541.230(1) of the zoning code. The proposed detached garage will require a building permit and compliance with the applicable building and life safety ordinances.

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 allow for a new detached accessory structure (garage) not located entirely to the rear of the principal dwelling for the properties located at 1012 29th Avenue North and 2900 Dupont Avenue North in the R2B Two-Family District, subject to the following conditions of approval:

1. Approval of the final site, elevation and floor plans by the Department of Community Planning and Economic Development.
2. All site improvements shall be completed by December 12, 2015, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.
3. The exterior materials of the proposed garage shall match the existing dwelling.
4. The detached garage shall have windows and a dormer with windows, consistent with the existing dwelling.
5. The detached garage shall be accessed via curb cut along 29th Avenue North.
6. The remaining curb cuts not accessed via driveway shall be closed with a permit issued by the Department of Public Works.

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Attachments:

1. Written descriptions and findings submitted by the applicant
2. Letters to Council Member Hofstede and Hawthorne Neighborhood Council
3. Correspondence
4. Zoning map
5. Site Plan
6. Building elevations
7. Floor plans
8. Photos