

Department of Community Planning and Economic Development

Variance Request
BZZ-6354

Date: January 9, 2014

Applicant: Maurice Jamaledin

Address of Property: 3801 Pillsbury Avenue

Contact Person and Phone: Maurice Jamaledin, 612-708-7938

CPED Staff and Phone: John Smoley, Ph.D., 612-673-2830

Date Application Deemed Complete: December 13, 2013

End of 60 Day Decision Period: February 11, 2014

Ward: 8 Neighborhood Organization: Kingfield Neighborhood Association

Existing Zoning: R1A/Single Family District

Proposed Use: A new single-family dwelling and detached garage

Proposed Variance: Maurice Jamaledin has applied for the following applications to allow a new single-family dwelling and detached garage at 3801 Pillsbury Avenue in the R1A/Single Family District:

- Variance to reduce the required front yard single-family dwelling setback on a reverse corner lot along West 38th Street from the established front yard to 9.30 feet;
- Variance to reduce the required detached garage setback on a reverse corner lot along West 38th Street from 13.33 feet to 8 feet; and
- Variance to construct a detached garage within five feet of a rear lot line that coincides with the west side lot line of a property in a residence district.

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

Background: The subject property is a vacant reverse corner lot. The applicant is proposing to construct a new single family residence with related features and a detached garage in the required (reverse corner) front yard along West 38th Street.

City of Minneapolis Zoning Code section 535.260 stipulates that reverse corner lots must maintain required front yards along both lot lines that abut the street. In the R1A/Single Family zoning district, the required front yard for single family residences is 20 feet. The applicant proposes to construct his home 9.30 feet from the reverse corner front property line.

The applicant proposes to construct his detached garage 8 feet from the reverse corner front property line and 3 feet from the rear property line. Zoning Code section 535.280(f) permits accessory buildings on this reverse corner lot to be no closer to the reverse corner front property line than 13.33 feet: a distance equal to two-thirds of the depth of the required front yard specified in the yard requirements table of the district of the adjacent property to the rear (R1A). Furthermore, an accessory building is not permitted within five (5) feet of a rear lot line that coincides with the side lot line of a property in a residence district, like the property to the rear.

The Applicant has not yet submitted an application for a site plan review, but the submitted plans meet the criteria contained in Zoning Code Chapter 530, Site Plan Review by achieving **21 points** as follows:

- a) Not less than one (1) off-street parking space per dwelling unit is provided in an enclosed structure that is detached from the principal structure (5 points);
- b) The structure includes a basement as defined by the building code (5 points);
- c) The primary exterior building materials are masonry, brick, stone, stucco, wood, cement based siding, and/or glass (4 points);
- d) Not less than 10% of the walls on each floor that face a rear or interior side lot line, not including walls on half stories, are windows (3 points);
- e) The pitch of the primary roof line is 6/12 or steeper. However, the points shall be awarded for a building with a flat roof where there is at least one existing building with a flat roof or a hip roof with a primary roof line of less than 6/12 where there is at least one (1) existing building with a hip roof with a similar pitch within one hundred (100) feet of the site (2 points);
- f) The structure includes an open, covered front porch of at least seventy (70) square feet that is not enclosed with windows, screens, or walls, provided there is at least one existing open front porch within one hundred (100) feet of the site. The porch may include handrails not more than three (3) feet in height and not more than fifty (50) percent opaque. The finish of the porch shall match the finish of the dwelling or the trim on the dwelling. For the purpose of this section, raw or unfinished lumber shall not be permitted on an open front porch (1 point);
- g) The development includes at least one deciduous tree in the front yard (1 point);

Analysis: As conditioned, the proposed residence complies with the City of Minneapolis' Zoning Code in all areas but the required front yard.

Public Comment: As of the publication of this report, staff had received no comments on the proposal.

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.**

Practical difficulties exist in complying with the ordinance because of circumstances unique to the property. The subject property is a reverse corner lot and a substandard in terms of lot area and width.

The applicant is proposing to construct a new single family residence and related features in the required (reverse corner) front yard along West 38th Street. City of Minneapolis Zoning Code

section 535.260 stipulates that reverse corner lots must maintain required front yards along both lot lines that abut the street. In the R1A zone, the required front yard for single family residences is 20 feet. Strict adherence to this provision would permit only 1040 square feet of buildable area on this substandard, 4033 square foot, 38.30 foot wide lot, rendering the lot unbuildable (since the Zoning Code's minimum 22 foot residence width would not be met).

The applicant proposes to construct his front-loaded detached garage 3 feet from the rear property line. An accessory building on a reverse corner lot is not permitted within five (5) feet of a rear lot line that coincides with the side lot line of a property in a residence district, like the property to the rear. The applicant could move the proposed garage further back from the rear property line, but the garage is a very reasonable 22 feet in width. Were the applicant to propose a 26 foot wide garage, as is permitted by the Zoning Code, the garage would not meet the Zoning Code's required 6 setback from the proposed residence (see survey in Attachment B).

The applicant proposes to construct his detached garage 8 feet from the reverse corner front property line. Practical difficulties that warrant this particular variance do not exist since the proposed garage is detached, not attached. Accessory buildings on this reverse corner lot are permitted up to 13.33 feet from the reverse corner front property line: a distance equal to two-thirds of the depth of the required front yard specified in the yard requirements table of the district of the adjacent property to the rear (R1A). The proposed 22' deep detached garage could be constructed at this depth without a variance (see survey in Attachment B).

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.

Building the home with a 9.30 foot reverse corner front setback is a reasonable request. The spirit of the established front setback requirement of the Zoning Code is to maintain a regular street-front experience. *The Minneapolis Plan for Sustainable Growth* has similar policies. Requiring the subject property to meet the Zoning Code's required 20 foot front yard will create an aberration to the pedestrian experience along this block face by requiring an unusually large front setback in comparison to neighboring residences on this block face (see survey and aerial photographs in Attachment C). This is not in keeping with the spirit or intent of the ordinance or the comprehensive plan.

Building the garage with an 8 foot reverse corner front setback is not a reasonable request, since the proposed 22' deep detached garage could be constructed outside of the required front yard without a variance (see survey in Attachment B).

Building the proposed garage with a 3 foot rear setback is a reasonable request. The applicant could move the proposed garage further back from the rear property line, but the garage is only 22 feet wide. Were the applicant to propose a 26 foot wide garage, as is permitted by the Zoning Code, the garage would not meet the Zoning code's required 6 setback from the proposed residence (see survey in Attachment B). The proposed home could technically be moved six feet closer to Pillsbury Avenue, since the proposed home's open front porch, proposed to lie outside of the required front yard, is a permitted obstruction in the required front yard. This would

create enough space for even a 26 foot wide garage to comply with the Zoning Code's setback requirements, but this would only be occur because the adjacent homes have already enclosed their open front porches prior to the institution of current front yard regulations (see street view photograph in Attachment C). Encouraging a new home to project its porch further forward than those of adjacent homes, however technically permissible, would violate the spirit and intent of the Zoning Code and comprehensive plan by creating an aberration more injurious to the character of the block face than permitting the garage to remain in its proposed location. Furthermore, the residence to the east maintains a generous interior side setback of 10 feet, and the applicant will be required to landscape the space between the proposed garage and the eastern property line.

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 granting of the variance to permit the home to be located within 20 feet of the reverse corner front property line will maintain the essential character of the locality by roughly maintaining the established setback of the block face. Aerial photographs indicate that no other properties on this block face meet the required 20 foot setback (see survey and Attachment C). The proposed setback is greater than the established setback of all other properties along this block face with the exception of the immediately adjacent residence, which lies 10 feet from the property along West 38th Street: a mere 0.70 feet further back (see survey and Attachment C). The applicant's proposed setback is also greater than the 8 foot corner side setback that would normally be required of this property, were it not a reverse corner lot. The Applicant could construct a residence in the buildable portion of the lot, but its setback would at least double every other residence on this block face, making it highly out of character with the remainder of the block (see survey and Attachment C).

The proposed variance to build the garage with a 3 foot rear setback will maintain the essential character of the locality and will not be injurious to the use or enjoyment of other property in the vicinity. Aerial photographs indicate that many detached garages lie very close to interior side and rear property lines on this block and in the city in general (see Attachment C). Furthermore, the primary exterior materials of the garage and residence, fiber cement siding, shall match, thereby helping to unify the proposed development and more readily integrate it into the neighborhood (see elevations in Attachment B).

The proposed variance to build the garage with an 8 foot reverse corner front setback will not maintain the essential character of the locality and will be injurious to the use or enjoyment of other property in the vicinity, since it will sit two feet further forward than the adjacent residence (see survey in Attachment B).

The proposed variances will not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties. The residence and garage will not result in the creation of increased on-street parking, second dwelling units, or new construction exempt from safety provisions in adopted Building and Fire 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 the findings above and **approve** the Variance to reduce the required front setback on a reverse corner lot along West 38th Street from the established front yard to 9.30 feet to allow a new single-family dwelling at 3801 Pillsbury Avenue in the R1A/Single Family District subject to the following conditions:

- 1) Final site and elevation plans must be approved by CPED staff.
- 2) Reduce the width of the proposed stairway in the required front yard to no more than 6 feet.

The Department of Community Planning and Economic Development recommends that the Board of Adjustment adopt the findings above and **deny** the Variance to reduce the required detached garage setback on a reverse corner lot along West 38th Street from 13.33 feet to 8 feet to allow a new detached garage at 3801 Pillsbury Avenue in the R1A/Single Family District.

The Department of Community Planning and Economic Development recommends that the Board of Adjustment adopt the findings above and **approve** the Variance to construct a detached garage within five feet of a rear lot line that coincides with the west side lot line of a property in a residence district, at 3801 Pillsbury Avenue in the R1A/Single Family District subject to the following conditions:

- 1) Final site and elevation plans must be approved by CPED staff.
- 2) Reduce the height of the proposed garage to 12' maximum or demonstrate approval of an application for an Administrative Review of Accessory Structures to Increase Height or Floor Area.
- 3) Widen the existing curb cut to match the width of the proposed driveway.

Attachment A: Vicinity Map

Attachment B: Plans

Attachment C: Photographs