



CPED STAFF REPORT

Prepared for the Board of Adjustment

BOA Agenda Item #4
April 17, 2014
BZZ-6485

LAND USE APPLICATION SUMMARY

Property Location: 2120 49th Street West
Project Name: 2120 49th Street West Detached Garage
Prepared By: [Shanna Sether](#), City Planner, (612) 673-2307
Applicant: Joe and Christy McElroy
Project Contact: Joe and Christy McElroy
Request: Add a new detached garage accessory to an existing single-family dwelling.
Required Applications:

Variance	To reduce the front yard setback along Oliver Avenue South from approximately 39 feet to approximately 10.7 feet to allow for a new detached garage accessory to an existing single-family dwelling on a reverse corner lot.
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SITE DATA

Existing Zoning	RI Single-Family District SH Shoreland Overlay District
Lot Area	7,422 square feet / .17 acres
Ward(s)	13
Neighborhood(s)	Lynnhurst Neighborhood Association
Designated Future Land Use	Urban Neighborhood
Land Use Features	Not applicable.
Small Area Plan(s)	Not applicable.

Date Application Deemed Complete	March 20, 2014	Date Extension Letter Sent	
End of 60-Day Decision Period	May 19, 2014	End of 120-Day Decision Period	

BACKGROUND

SITE DESCRIPTION AND PRESENT USE. The subject property is an irregular shaped parcel, approximately 7,422 square feet in area and the existing land use is a single-family dwelling with a tuck-under garage accessed from Oliver Avenue South. The existing dwelling was permitted for construction in 1920 and the tuck-under garage was added in 1980. The subject property is a reverse corner lot with frontage along 49th Street West and Oliver Avenue South. The property is west of Lake Harriet and is located in the SH Shoreland Overlay District; however, the property is not located within 40 feet of a steep slope.

SURROUNDING PROPERTIES AND NEIGHBORHOOD. The surrounding properties are predominately single-family dwellings, with a one two-family dwelling in the immediate area. The property is one block south of Lake Harriet.

PROJECT DESCRIPTION. The applicant is proposing to convert the existing tuck-under garage to habitable space, remove the existing driveway and curb cut to allow for a new detached garage at the rear of the site accessed from the alley.

PUBLIC COMMENTS. Staff has not received correspondence regarding the requested variances. Any correspondence received prior to the public meeting will be forwarded on to the Board of Adjustment for consideration.

ANALYSIS

VARIANCE

The Department of Community Planning and Economic Development has analyzed the application for a variance to reduce the front yard setback along Oliver Avenue South from approximately 39 feet to approximately 10.7 feet to allow for a new detached garage accessory to an existing single-family dwelling on a reverse corner lot, based on the following [findings](#):

- I. *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 variances are requested are unique to the parcel of land due to the platting of the land, the irregular shape of the parcel and the location of the adjacent dwelling. The applicant is proposing to construct a two-car detached garage accessory to the existing dwelling. The minimum corner side yard setback in the RI District is 10 feet, but is increased to 16 feet 9 inches because the subject property is on a reverse corner lot. The width of the property along the north property line is 37.4 feet in width, which would only allow for a 19 foot wide garage, adhering to the required front and interior side yard setbacks. Because the proposed garage will not meet the 16 foot 9 inch distance and due to the platting of the parcel, the setback is increased to approximately 39 feet along Oliver Avenue South. Staff finds that these circumstances create a practical difficulty that was 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 two-car detached garage accessory to the existing dwelling on a reverse corner lot. The purpose of required yards is to provide for orderly development and use of land and to minimize conflicts among land uses by providing adequate light, air, open space and separation of uses. The neighboring dwelling to the north is located approximately 49 feet to the proposed detached garage and a public alley is located between the two properties. Staff finds that the applicant is proposing to use the property in a reasonable manner consistent with the spirit and intent of the ordinance and the 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.*

Staff finds that the granting of these variances would not be injurious to the use or enjoyment of other property in the vicinity. As previously mentioned the adjacent home on the neighboring lot to the north is located approximately 49 feet away from the proposed detached garage. The applicant is proposing to remove the existing tuck-under garage, driveway and curb cut along Oliver Avenue South and create habitable space within the dwelling. The new detached garage will have a hip roof and stucco as an exterior material; both to match the existing single-family dwelling.

If granted, the proposed variance will not be detrimental to the health, safety or welfare of the public or those utilizing the property as long as the proposed garage is constructed to current building codes. In addition, the proposed garage will be required to receive a building permit prior to construction.

FINDINGS REQUIRED BY THE MINNEAPOLIS CODE FOR DEVELOPMENT IN THE SHORELAND OVERLAY DISTRICT

1. *Prevention of soil erosion or other possible pollution of public waters, both during and after construction.*

Staff finds that the proposed project will prevent soil erosion and other possible pollution during and after construction. The applicant will provide an erosion control plan, if 500 square feet of earth is disturbed. Any erosion control measures are required be in place prior to and during construction and after determination that the site has been permanently stabilized. After construction, the area adjacent to the addition will be fully landscaped. Further, the proposed project will remove impervious surface and a curb cut along Oliver Avenue South and replace it with a smaller driveway at the rear of the property, adjacent to the alley. The increase in impervious surface will be 770 square feet, which is 10% of the lot area. Therefore, the subject site will not be significantly altered to adversely affect the water quality of Lake Harriet.

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

The project area is not located on or near the top of a steep slope, but is located within the SH Shoreland Overlay District. The proposed construction is located approximately 300 feet from Lake Harriet. The area between Lake Harriet and the subject property is developed with single-family dwellings and park land. Staff finds that the visibility of the proposed additions will be limited due to

the existing topography and natural vegetation and will appear as it has for many years. Any views of the property from Lake Harriet will be consistent with what has existed on this property for many years.

3. *The suitability of the protected water to safely accommodate types, uses and numbers of watercraft that the development may generate.*

The subject property is located over 300 feet from Lake Harriet and does not have access to the lake directly.

RECOMMENDATIONS

Recommendation of the Department of Community Planning and Economic Development for the Variance:

The Department of Community Planning and Economic Development recommends that the Board of Adjustment adopt the above findings and **approve** the application for a variance to reduce the front yard setback along Oliver Avenue South from approximately 39 feet to approximately 10.7 feet to allow for a new detached garage accessory to an existing single-family dwelling on a reverse corner lot located at 2120 49th Street West in the R1 Single-Family District and SH Shoreland Overlay District, subject to the following conditions:

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 April 17, 2016, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.
3. The exterior materials used for the detached garage shall be consistent with the exterior materials of the principal structure on the property.
4. The existing tuck-under garage shall be converted to habitable space.
5. The existing curb cut and driveway along Oliver Avenue South shall be removed.

ATTACHMENTS

1. Written description and findings submitted by applicant
2. Zoning map
3. Site plan
4. Site survey
5. Plans
6. Building elevations
7. Renderings
8. Photos
9. Oblique aerials
10. Correspondence