

Department of Community Planning and Economic Development – Planning Division
Conditional Use Permit and Variance
BZZ-2634

Date: October 17, 2005

Applicant: John Montague

Address of Property: 1913 Ewing Avenue South

Project Name: Montague Garage

Contact Person and Phone: John Montague, (612) 743-4760

Planning Staff and Phone: Lonnie Nichols, (612) 673-5468

Date Application Deemed Complete: September 22, 2005

End of 60-Day Decision Period: November 21, 2005

End of 120-Day Decision Period: Not applicable at this time.

Ward: 7 **Neighborhood Organization:** Bryn Mawr

Existing Zoning: R1 (Single-family Residential) and SH (Shoreland Overlay) Districts

Proposed Zoning: No change proposed, not applicable for this application.

Zoning Plate Number: 17

Legal Description: No change proposed, not applicable for this application.

Proposed Use: Single family home located at the top of a steep slope with recent second-story addition and proposed new attached garage with existing detached garage built into hillside at bottom of property fronting the street.

Concurrent Review: Conditional Use Permit and Variance to permit development in the SH (Shoreland Overlay) District on a steep slope or bluff, or within forty (40) feet of the top of a steep slope or bluff. Setback Variance from 6 to 2 feet for attached garage wall on interior lot line, and variance for total garage size (attached + detached) exceeding 1000 square feet.

Applicable zoning code provisions: Chapter 525, Article VII, Conditional Use Permits; Chapter 525, Article IX Variances, specifically Section 525.520(17) “to permit development in the SH (Shoreland Overlay) District on a steep slope or bluff, or within forty (40) feet of the top of a steep slope or bluff, and Section 525.520(22) to vary the development standards of Chapter 536, Specific Development

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Standards and Chapter 537, Accessory Uses and Structures...; Chapter 535, Regulations of General Appropriation, specifically Section 535.100 “maximum floor area...”; Chapter 537, Accessory Uses and Structures, specifically Section 537.60(b)(1) “maximum floor area”; and Chapter 551, Article VI, Shoreland Overlay District.

Background: An application was filed for a conditional use permit to construct an attached garage to an existing home within 40 feet of the top of a steep slope and for a variance to reduce the interior side yard setback to 2 feet where 6 is required for the property located at 1913 Ewing Avenue South in the R1 (Single Family Residential) and SH (Shoreland Overlay) districts. Upon further review it was determined that the applicant would also be required to file application for a variance for development to construct an attached garage to an existing home within 40 feet of the top of a steep slope and a variance for garage size over the maximum floor area permitted for the sum total area of the proposed new attached garage in combination with the existing detached garage built into the hillside fronting the street. The applicant was issued a building permit (BIRE 3036994) by the City this summer for a second story addition to the existing home that included an attached garage. The applicant completed the second story addition, but has stopped work on the remaining construction (approved by permit) while in pursuit of the said applications to relocate the garage wall three feet into the side yard setback and expand the area of the attached garage by approximately 70 square feet. The applicant has indicated that the side yard setback would be three (3) feet instead of two (2) feet from the property line. The project has been re-noticed for the October 31, 2005, CPC hearing.

RECOMMENDATIONS

Recommendation of the Department of Community Planning and Economic Development – Planning Division for the Conditional Use Permit:

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **continue** the conditional use permit for development to construct an attached garage to an existing home within 40 feet of the top of a steep slope located at 1913 Ewing Avenue South to October 31, 2005.

Recommendation of the Department of Community Planning and Economic Development – Planning Division for the variance:

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **continue** the variance to reduce the yard setback from the required 6 feet to a minimum of 2 feet for an attached garage located at 1913 Ewing Avenue South to October 31, 2005.

Attachments: Not applicable at this time.