

**Department of Community Planning and Economic Development – Planning Division Report****Variance Request  
BZZ-2473****Date:** August 4, 2005**Applicant:** Kane Loukas**Address of Property:** 813 Kenwood Parkway**Date Application Deemed Complete:** July 8, 2005**End of 60 Day Decision Period:** September 6, 2005**Appeal Period Expiration:** August 15, 2005**Contact Person and Phone:** Kane Loukas, 651-210-6035**Planning Staff and Phone:** Molly McCartney, 612-673-5811**Ward:** 7      **Neighborhood Organization:** Lowry Hill**Existing Zoning:** R2, Two-family District**Proposed Use:** Construction of a detached garage in the front yard with a rooftop deck

**Proposed Variance:** A variance to reduce the front yard setback along Kenwood Parkway from the setback established by connecting a line between the two adjacent residential structure to zero feet for a detached garage, a variance to reduce the southeast interior side yard setback from 5 ft. to 2 ft. for a detached garage, a variance to allow a detached garage to be constructed between the principal structure and the front lot line, a variance to allow a detached garage to be constructed that is not located entirely to the rear of the principal residential structure, and a variance to increase the maximum permitted width a driveway from 25 ft. to 30 ft. for a property in the R2 Two-family District located at 813 Kenwood Parkway.

**Zoning code section authorizing the requested variance:** 525.520 (1), (1), (8), (8)

**Background:** Identical variances were applied for in June 2003, by previous property owners, William and Krista Cavanaugh. It has been more than one year since the variances were approved and the garage was never built, therefore, the current property owner must reapply for the same variances. The design and layout of the proposed garage is the same as the previous application.

The subject property is 4,545 sq. ft. and consists of a single-family dwelling and a detached attached garage located in front of the principal residential structure. There is also a roof top deck on the existing garage. The applicant is proposing to demolish the existing two-car garage and reconstruct a new, three

car garage, along with the roof top deck, and widen the curb cut. The proposed garage does not meet the required front or side yard setbacks as well as the location requirements for a detached garage. In addition to these variances, a Public Works approval will be required for the curb cut and an encroachment permit will be needed for any work being done in the public right of way.

**Findings Required by the Minneapolis Zoning Code:**

- 1. The property cannot be put to a reasonable use under the conditions allowed by the official controls and strict adherence to the regulations of this zoning ordinance would cause undue hardship.**

**Front yard setback:** The applicant has requested a variance to reduce the required front yard along Kenwood Parkway from the setback established by connecting a line between the two adjacent residential structures to zero feet to allow for the construction of a new detached garage. The applicant has indicated that there is no alley on this block and that because of the change in grade in the back yard from the street to the rear of the lot, it would be difficult to construct a garage in the back yard with a driveway to the street. Due to the grade of the site, the dwelling is located toward the rear of property and there is minimal building area in the rear to locate a detached garage.

**Southeast interior side yard setback:** The applicant is seeking a variance to reduce the southeast interior side yard setback from 5 ft. to 2 ft. to allow for a new detached garage to be constructed. The applicant has indicated that the proposed garage would maintain the existing side yard setback.

**Garage location (between principal structure and the front lot line):** The applicant is seeking a variance to allow a detached garage to be constructed between the principal residential structure and the front lot line. The applicants have indicated that because of the lack of an alley, the grade change from the street to the rear of the property, and the placement of the house on the lot, that it would be difficult to construct a garage anywhere else on the lot than in the front yard.

**Garage location (located entirely to the rear of the principal residential structure):** The applicant is seeking a variance to allow a detached garage to be constructed between the principal residential structure and the front lot line. The applicants have indicated that because of the lack of an alley, the grade change from the street to the rear of the property, and the placement of the house on the lot, that it would be difficult to construct a garage anywhere else on the lot than in the front yard.

**Driveway width:** The applicants are seeking a variance to increase the maximum permitted width of a driveway from 25 ft. to 30 ft. The proposed garage is a three-car garage that is 30 ft. in width. The proposed width between the edges of the garage doors is 26 ft. Based on the actual width of the garage doors, Staff believes that a driveway that meets the maximum width of 26 ft. wide is a reasonable use of the property.

- The circumstances are unique to the parcel of land for which the variance is sought and have not been created by any persons presently having an interest in the property. Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of the ordinance.**

**Front yard setback:** The lack of an alley, the change in grade from the street to the rear of the property, and the location of the dwelling on the property are unique circumstances of this property.

**Southeast interior side yard setback:** The location of the existing garage in the front yard is a unique condition of this property. The front yard would be more obstructed if the garage were to meet this side yard setback.

**Garage location (between principal structure and the front lot line):** The lack of an alley, the change in grade from the street to the rear of the property, and the location of the dwelling on the property are unique circumstances of this property.

**Garage location (located entirely to the rear of the principal residential structure):** The lack of an alley, the change in grade from the street to the rear of the property, and the location of the dwelling on the property are unique circumstances of this property.

**Driveway width:** The width between the garage doors is 26 ft., less than the requested 30 ft. wide driveway. Staff believes that a driveway that is wider than the width of the garage doors is not a circumstance unique to this parcel of land.

- The granting of the variance will be in keeping with the spirit and intent of the ordinance and will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity.**

**Front yard setback:** Staff is generally concerned about the visual impact of locating a garage in the front yard. In this particular situation, the applicant is replacing an existing garage and it would be difficult to locate a garage any other place on the property. In addition, the two adjacent residential structures have attached garages facing Kenwood Parkway. In order to lessen the visual impact of a 676 sq. ft. garage in the front yard, the proposed detached garage should use similar exterior materials as the principal residential structure to more closely match the existing character of the surrounding area.

**Southeast interior side yard setback:** Staff believes that granting of this variance would not alter the essential character of the surrounding neighborhoods because the proposed garage will maintain the existing side yard setback of the current garage. In order to lessen the visual impact of a 676 sq. ft. garage in the side yard, the proposed detached garage should use similar exterior materials as the principal residential structure to more closely match the existing character of the surrounding area.

**Garage location (between principal structure and the front lot line):** Staff is generally concerned about the visual impact of locating a garage in the front yard. In this particular situation, the applicant is replacing an existing garage and it would be difficult to locate a garage any other place on the property. In addition, the two adjacent residential structures have attached garages facing Kenwood Parkway. In order to lessen the impact of a three stall, 676 sq. ft. detached garage in the front yard and the ensuing vehicle/pedestrian conflicts, no parking should be allowed in the driveway,

**Garage location (located entirely to the rear of the principal residential structure):** Staff is generally concerned about the visual impact of locating a garage in the front yard. In this particular situation, the applicant is replacing an existing garage and it would be difficult to locate a garage any other place on the property. In addition, the two adjacent residential structures have attached garages facing Kenwood Parkway. In order to lessen the impact of a three stall, 676 sq. ft. detached garage in the front yard and the ensuing vehicle/pedestrian conflicts, no parking should be allowed in the driveway,

**Driveway width:** Staff believes that a driveway wider than the maximum permitted 25 ft. and that is wider than the garage doors would not meet the intent of the ordinance and have an impact to the surrounding area. The driveway is wider than what is needed to maneuver vehicles into the garage and creates a large curb cut that will impact the public right of way and sidewalk. The curb cut should be reduced to eliminate potential vehicle/pedestrian conflicts along the sidewalk.

4. **The proposed variance will not substantially increase the congestion of the public streets, or increase the danger of fire, or be detrimental to the public welfare or endanger the public safety.**

**Front yard setback:** Granting the variance would likely have no impact on congestion of area streets or fire safety, not would the proposed setback be detrimental to welfare or public safety.

**Southeast interior side yard setback:** Granting the variance would likely have no impact on congestion of area streets or fire safety, not would the proposed setback be detrimental to welfare or public safety.

**Garage location (between principal structure and the front lot line):** Granting the variance would likely have no impact on congestion of area streets or fire safety, not would the proposed setback be detrimental to welfare or public safety, provided that no parking is allowed in the driveway to reduce the vehicle/pedestrian conflicts along the public sidewalk.

**Garage location (located entirely to the rear of the principal residential structure):** Granting the variance would likely have no impact on congestion of area streets or fire safety, not would the proposed setback be detrimental to welfare or public safety, provided that no parking is allowed in the driveway to reduce the vehicle/pedestrian conflicts along the public sidewalk.

**CPED Planning Division Report**  
BZZ-2473

**Driveway width:** Granting the variance would likely have no impact on congestion of area streets or fire safety, however, the proposed driveway width would be detrimental to welfare or public safety. The width of the proposed driveway is larger than the width of the garage doors and can create a conflict for vehicles and pedestrians along the public sidewalk.

**Recommendation of the Department of Community Planning and Economic Development Planning Division:**

The Department of Community Planning and Economic Development Planning Division recommends that the Board of Adjustment adopt the findings above and **approve** the variance to reduce the front yard setback along Kenwood Parkway from the setback established by connecting a line between the two adjacent residential structure to zero feet for a detached garage, **approve** the variance to reduce the southeast interior side yard setback from 5 ft. to 2 ft. for a detached garage, **approve** the variance to allow a detached garage to be constructed between the principal structure and the front lot line, **approve** the variance to allow a detached garage to be constructed that is not located entirely to the rear of the principal residential structure, and **approve** the variance to increase the maximum permitted width a driveway from 25 ft. to **26 ft.** for a property in the R2 Two-family District located at 813 Kenwood Parkway, subject to the following conditions:

1. That the Planning Division review and approve the final site and elevation plans that measure to an architectural or engineering scale,
2. No vehicles shall be parking in the driveway as to obstruct pedestrian traffic on the public sidewalk, and
3. The exterior materials of the detached garage shall be similar to the exterior materials of the principal residential structure.