Department of Community Planning and Economic Development – Planning Division Report

Variance Request
BZZ-2485

Date: August 4, 2005

Applicant: Jim Rokala

Address of Property: 1024 Thomas Avenue South

Date Application Deemed Complete: July 12, 2005

End of 60 Day Decision Period: September 10, 2005

Appeal Period Expiration: August 15, 2005

Contact Person and Phone: Kane Loukas, 612-210-6035

Planning Staff and Phone: Molly McCartney, 612-673-5811

Ward: 7 **Neighborhood Organization:** Lowry Hill

Existing Zoning: R1, Single-family District

Proposed Use: Construction of a detached garage in the front of a single-family dwelling

Proposed Variance: A variance to reduce the front yard setback along Thomas Avenue South from the established setback created by the adjacent residential use to 43 ft. for an addition to a single-family dwelling in the R1 Single-family District located at 1024 Thomas Avenue South

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

Background: The subject property is 14,520 sq. ft. (60 ft. by 242 ft.) and consists of a single-family dwelling and an attached garage. The applicant is proposing to construct a 2-story addition that includes an attached garage with living space above. The garage doors will be oriented so that they face east and will not be seen from the street. The proposed addition will be located in the front of the existing building footprint and will project into the required front yard. The applicant will need to receive Public Works approve to move the curb cut in addition to this variance and a building permit.

The block in which the subject site is located has a unique orientation. The six single-family dwellings to the west are through lots, all addressing off Cedar Lake Road with the rear yards facing Thomas Avenue South. The subject site and the two single-family dwellings to the east are also through lots that face Thomas Avenue South with the rear yards facing Wayzata Boulevard. At the rear of the subject site along Wayzata Boulevard, there is a retaining wall and a 20 ft. easement between the property line and

the street. From west to east, Thomas Avenue South curves in a northeast direction, so that neither the front nor rear of the dwellings on this block is aligned similar to a block with typical building setbacks.

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.**

   The applicant has requested a variance to reduce the required front yard setback created by the adjacent residential structure from the established setback created by the adjacent residential uses to 43 ft. to allow for an addition to a single-family dwelling. The subject dwelling is currently setback 99 ft. from the front property line, the rear of the adjacent residential structure to the west is set back 105 ft., and the front of the adjacent residential structure to the east is set back 98 ft. The rear of the property has no street access to Wayzata Boulevard and there is a 20 ft. strip of land owned by the State of Minnesota between the rear property line and street. Without the variance, the proposed addition could not be located in the proposed site, which staff believes is a reasonable use of the property.

2. **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.**

   The conditions upon which the setback variance is requested are unique to the property due to the configuration of the block with properties that are through lots, the orientation of dwellings at either end of the through lots, and the length of the properties on the block. The properties on this block face both Cedar Lake Road and Wayzata Boulevard and Thomas Avenue South; but not all the dwellings face the same street. The subject site and the two dwellings to the east face Thomas Avenue South and the rest of the block to the west face Cedar Lake Road. The properties to the west are not as long as the subject site and these dwellings, as well as detached garages, are closer to Thomas Avenue South. These circumstances have not been created by the applicant.

3. **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.**

   The proposed addition will be keeping with the spirit and intent of the ordinance and will not alter the essential character of the surrounding neighborhood. The block has mixture of attached and detached garages, as well as varying building setbacks along Thomas Avenue South. The applicant also states that the garage doors for the proposed addition will face east and will not be seen from the street and that the design of the addition will be keeping with the character of the neighborhood. The first floor façade has 27 sq. ft. of windows which meets the minimum 15

percent requirement for windows facing a public street. The windows on the second story front wall have 133 sq. ft. of windows.

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.**

   Granting the front yard setback variance would likely have no impact on the congestion of area streets or fire safety, nor would the proposed addition to the existing dwelling be detrimental to the public welfare or endanger the public safety.

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 Thomas Avenue South from the established setback created by the adjacent residential use to 43 ft. for an addition to a single-family dwelling in the R1 Single-family District located at 1024 Thomas Avenue South

1. That the Planning Division review and approve the final site and elevation plans that measure to an architectural or engineering scale.