

**Department of Community Planning and Economic Development – Planning Division Report**

Variance Request  
BZZ-2542

**Date:** September 1, 2005

**Applicant:** Ed Agort

**Address of Property:** 4225 50<sup>th</sup> Street East

**Date Application Deemed Complete:** August 5, 2005

**End of 60 Day Decision Period:** September 4, 2005

**Appeal Period Expiration:** September 12, 2005

**Contact Person and Phone:** Ed Agort, 612-703-5111

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

**Ward:** 12      **Neighborhood Organization:** Nokomis East Neighborhood Group

**Existing Zoning:** R1 District, Single-family District

**Proposed Use:** Construction of an attached garage addition to an existing attached garage.

**Proposed Variance:** A variance to reduce the front yard setback along 43<sup>rd</sup> Avenue South from the setback established by the adjacent residential use to 5 ft. to allow for an expansion of an attached garage and a variance to increase the maximum size of accessory structures, including an existing 120 sq. ft. shed, from 676 sq. ft. to 952 sq. ft., for an expansion of an attached garage for a property located in the R1 Single-family District located at 4225 50<sup>th</sup> Street East.

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

**Background:** The subject site is a reverse corner lot with dimensions of 81 ft. x 150 ft. (12,500 sq. ft.) and consists of a two story, single-family dwelling with an attached garage. The garage is currently located on the west side of the dwelling and is 5 ft. from the property line. There is an elevation change between the dwelling and the street of approximately 6 ft. The garage is located at street level, while the dwelling sits above. The current garage is 18 ft. 8 in. wide and 24 ft.; however 6 ft. of the length of the garage is located underneath the dwelling. The existing garage has a flat roof with a 3 ft. parapet and the subject dwelling is a gable roof. There is also a shed located on the southwest corner of the property which measures 120 sq. ft. and is included in the total amount of accessory dwelling size.

The applicant is proposing to construct 20 ft. by 20 ft. addition to the attached garage. The proposed addition will be located adjacent to the existing garage and will also have a flat roof with a 3 ft. parapet.

The length of the garage will be 38 ft. along the street and the applicant is proposing to widen the curb cut to 25 ft., which is permitted by the Zoning Code. The proposed garage will also have a 3 ft. parapet wall and the exterior material will be stucco to match the dwelling. A garage this size on a lot of 12,500 sq. ft. would be permitted under an administrative review to increase the garage size by matching the roof pitch and exterior materials to the dwelling, however, in this case the roof pitches will not match.

The subject site is a reverse corner lot and has two required front yards. The subject site faces East 50<sup>th</sup> Street while the dwelling to the south faces 43<sup>rd</sup> Avenue South. The adjacent dwelling is setback 38 ft. from the front property line as is many of the dwellings along the block. This adjacent dwelling creates a larger setback for the subject site along 43<sup>rd</sup> Avenue South. The subject site and the dwelling to the south also share a driveway. On the subject site, the driveway leads to a large asphalted area and a shed, while on the adjacent site, the driveway leads to an attached garage in the rear of the dwelling and a parking surface. Housing Division records indicate that the subject site was once a lodging house with seven lodging licenses, which may clarify the reason for a larger parking area.

#### **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 (43<sup>rd</sup> Avenue South):** The applicant is seeking a variance to reduce the required front yard setback along 43<sup>rd</sup> Avenue South from the setback established by the adjacent residential structure to 5 ft. to allow for the expansion of an attached garage. Strict adherence to the zoning code requires the addition to be constructed behind the established front yard setback which is 38 ft. from the property line along 43<sup>rd</sup> Avenue South. The property is 80 ft. wide, which leaves 42 ft. between the front yard setback and the interior side property line to construct a garage, either attached or detached. Staff believes that constructing a garage that meets the setback is a reasonable use of the property.

**Attached garage size:** The applicant is seeking a variance to increase the maximum size of accessory structure from 676 sq. ft. 952 sq. ft. The proposed amount of accessory structure includes the existing attached garage that is 448 sq. ft. and a shed which is 120 sq. ft. Because of the size of the property, 12,150 sq. ft., the applicant could apply for an administrative review to increase the accessory structure size to the request amount as long as the roof pitch and exterior materials match the dwelling. In this case, the applicant is proposed to match exterior materials of the garage and residential structure, but will not match the roof pitch of the existing garage (flat roof) and to the roof pitch of the structure (10/12 gable). Staff believes that if the proposed garage is located behind the front yard setback, constructing an attached or detached garage addition that does not match the roof pitch and matches the materials of the existing garage 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.**

**Front yard setback (43<sup>rd</sup> Avenue South):** The conditions upon which the setback variance is requested are unique to the parcel of property due to the setback of the applicant's attached garage as well as the adjacent residential structure. The subject property is a reverse corner lot and a front yard setback is required along both East 50<sup>th</sup> Street and 43<sup>rd</sup> Avenue South. A 25 ft. front yard setback is required in the R1 District and the property is subject to the established setback created by the adjacent residential structure. The adjacent residential structure is set back 38 ft. from the property line along 43<sup>rd</sup> Avenue South. The existing attached garage is located 5 ft. from the property line along 43<sup>rd</sup> Avenue South. While the placement of the dwelling and the classification of the property as a reverse corner lot are circumstances that are unique to the parcel and not created by the applicant, the location of the proposed garage is a circumstance created by the applicant. There is a space 42 ft. deep between the required front setback and the interior property line.

**Attached garage size:** The condition upon which the setback variance is requested is unique to the parcel of property due to the existing attached garage's roof pitch. The subject site is 12,150 sq. ft. and the applicant could construct the garage addition through an administrative review if the roof pitch and exterior materials of the garage match the primary structure. In this case, the applicant is proposing to match the roof pitch of the existing attached garage (flat roof) which does not match the primary structure (10/12 gable). The existing mismatching roof pitches are not a circumstance 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.**

**Front yard setback (43<sup>rd</sup> Avenue South) and attached garage size:** Staff believes that the addition may alter the essential character of the surrounding neighborhood because of the additional building wall that is being added in the required front yard. The applicant is proposing to match the exterior materials to the primary structure and to match the roof pitch of the proposed attached garage to the existing attached garage. There is 34 ft. between the south end of the proposed garage and the shared property line of the dwelling to the south. The existing garage is partially below grade and the applicant states that the addition will not block sight lines or obstruct this property. Many of the dwellings in the area have front facing, two-stall, attached garages as well. While the applicant has taken steps to mitigate the increase bulk of the attached garage addition, staff believes that adding the requested amount of building into a required front yard would be more detrimental the character of the area and the streetscape than building a garage in the permitted location on the site, behind the front yard setback.

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 (43<sup>rd</sup> Avenue South) and attached garage size:** 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 **deny** the variance to reduce the front yard setback along 43<sup>rd</sup> Avenue South from the setback established by the adjacent residential use to 5 ft. to allow for an expansion of an attached garage and **approve** the variance to increase the maximum size of accessory structures from 676 sq. ft. to 893 sq. ft. to allow for an expansion of an attached garage for a property located in the R1 District located at 4225 50<sup>th</sup> Street East, 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.