

**Department of Community Planning and Economic Development – Planning Division****Variance Request  
BZZ-2571****Date:** September 15, 2005**Applicant:** Cher and Scott Harris**Address of Property:** 21 Park Lane**Contact Person and Phone:** Cher and Scott Harris, (612) 823-6977**Planning Staff and Phone:** Tanya Holmgren, (612) 673-5887**Date Application Deemed Complete:** August 22, 2005**End of 60 Day Decision Period:** October 21, 2005**Appeal Period Expiration:** September 26, 2005**Ward:** 7      **Neighborhood Organization:** Cedar Isle Dean Neighborhood Association**Existing Zoning:** R1 Single-family Residential District and SH Shoreland Overlay District**Proposed Use:** A front addition to an existing single-family dwelling.**Proposed Variance:** A variance to reduce the front yard setback established by connecting a line between the front two corners of the two adjacent residential structures along Park Lane from 34 ft. to 19 ft. and a variance to reduce the required north side yard setback from 6 ft. to 3.2 ft. to allow for a second story addition to an existing single-family dwelling at 21 Park Lane in the R1 Single-family Residential District.**Zoning code section authorizing the requested variance:** 525.520 (1)**Background:** The subject property is a pie shaped lot and consists of an existing single-family dwelling with an attached garage. The subject property is approximately 9,020 sq. ft. and narrows from 97.6 ft. to 14 ft. at the rear of the property. The applicant is planning to add onto the existing single-family dwelling without having to reconfigure the interior floor plan. The applicant is proposing to add a second garage stall to an existing garage and a second story addition. Additionally, the applicant is proposing to convert a portion of the existing garage to a mudroom. Due to the proposed addition, the applicant is requesting a variance to reduce the required front yard setback along Park Lane from 34 ft. to 19 ft. and to reduce the required north side yard setback from 6 ft. to 3.2 ft. The applicant submitted plans that show the garage projection more than 5 ft. in front of a habitable portion of the dwelling. The applicant has since revised the plan and second story bedroom addition

will extend an additional 6 in. to bring the garage to no greater than 5 ft. in front of a habitable portion of the dwelling.

Two previous variances have been applied for on this property, both to allow for larger attached garages. The first variance request (V-3112) was denied, the second request for a variance (V-3871) was approved by the Board of Adjustment in 1995 and appealed by a property owner across the street from the subject property, that appeal was granted and the variance was denied.

**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 is seeking a variance to reduce the front yard setback established by connecting a line between the front two corners of the two adjacent residential structures along Park Lane from 34 ft. to 19 ft. to allow for a second story addition to an existing single-family dwelling. The existing dwelling is located 31 ft. from the front property line, the existing garage is located 29 ft. from the front property line. Strict adherence to the regulations regarding the required front yard setback would not allow for the proposed addition to the existing single-family dwelling, nor would it allow for any garage addition to the dwelling, except at the rear, with a long driveway. This alternative would significantly increase the amount of impervious surface on the property and would require two separate garages. An attached garage and an addition to a single-family dwelling are reasonable requests in the R1 district.

**Side yard setback:** The applicant is seeking a variance to reduce the required north interior side yard setback from 6 ft. to 3.2 ft. to allow for a second story addition to an existing single-family dwelling. Strict adherence to the regulations would not allow for the proposed addition to the existing single-family dwelling. A corner of the attached garage is located 3.2 ft. from the property line, the applicants are proposing to match this existing setback. The applicants have suggested it would be possible to meet the 6 ft. setback by notching the corner of the proposed garage, however it would make the addition less useable. An attached garage and an addition to a single-family dwelling are reasonable requests in the R1 district. Staff does recognize a hardship on the pie shaped 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 and side yard setbacks:** The circumstances of the setback variances are unique to the parcel of land due to the location of the existing dwelling, the configuration of the properties in this area, and the configuration of the dwelling on the property. The adjacent property to the north has an attached three car garage that is located 27 ft. from the front property line. The

adjacent property to the south has a tuck-under garage that is located 44 ft. from the front property line. As previously mentioned, the subject property is a pie shaped lot. This is a circumstance that is unique to this parcel and not created by the applicant. The alternative to the variance would cause an undue hardship to the property owner, by not allowing the proposed addition. The location of the existing structures, the configuration of properties, and the curvature of the road are not circumstances created by the applicant. The location of the adjacent dwelling to the west is uniquely setback to 53 ft. from the front property line. The majority of the homes are setback 34 ft. from the front property line. The subject property is also located on a curvilinear street, making it difficult to draw a consistent setback along the street, by connect the front corners of dwellings.

- 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:** Staff believes the addition meets the intent of the ordinance by maintaining the same sightline along Park Lane as the adjacent garage. Staff believes the addition will not substantially alter the essential character of the surrounding neighborhood, because other properties in the immediate area have front facing attached garages and the applicant is proposing to use exterior materials that match the existing dwelling. Staff believes that the addition will likely not be injurious to the use or enjoyment of other property in the vicinity, although the addition will project in front of the existing dwelling, there are other properties across the street that have garages that project in front of the dwelling. Additionally, by including a second story living space the applicants have proposed an addition that is in keeping with the character of the area. The applicant has revised the plans and second story bedroom addition will extend an additional 6 in. to bring the garage to no greater than 5 ft. in front of a habitable portion of the dwelling.

**Side yard setback:** Staff believes the proposed addition would likely not alter the character of the surrounding neighborhood, because the majority of the dwellings in this area have attached garages. The applicant has attempted to integrate the garage addition into the dwelling by including a second story addition above the proposed garage. Examples of other properties in the immediate area that are located at similarly close distances apart on Park Lane are: 4 and 6 Park Lane, 14, 16, 18 Park Lane, 25 and 29 Park Lane, and 34 and 36 Park Lane. Staff recognizes the unique pie shaped lot and the difficulty this lot configuration poses for the property owner. Staff believes that the proposed addition to the dwelling reduces the impact of increased impervious surface so close to Cedar Lake. Staff believes that the addition will likely not be injurious to the use or enjoyment of other property in the vicinity, because a portion of the existing dwelling is located 3.2 ft. from the north interior side property line. Additionally, a relatively small corner of the garage with relatively little building bulk would project into the side yard

- 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.**

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**Front and side yard setbacks:** Granting the front and side yard setback variances 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, because it is matching the setback of the adjacent dwelling.

**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 established by connecting a line between the front two corners of the two adjacent residential structures along Park Lane from 34 ft. to 19 ft. and a variance to reduce the required north side yard setback from 6 ft. to 3.2 ft. to allow for a second story to an existing single-family dwelling at 21 Park Lane in the R1 Single-family Residential District subject to the following conditions:

1. Review and approval of final site and elevation plans by the Planning Department.
2. That the exterior materials of the addition match the exterior materials of the existing dwelling.
3. As required by section 535.90(d) of the zoning code, the garage shall extend no more than five (5) feet closer to the front lot line than the facade of a habitable portion of the dwelling