

Community Planning and Economic Development - Planning Division Report

Variance Request
BZZ-2576

Date: September 15, 2005

Applicant: Don Gerlach dba DBR #22 LLC

Address of Property: 2104 Kenwood Parkway

Contact Person and Phone: Don Gerlach 952-894-8351

Planning Staff and Phone: Jim Voll 612-673-3887

Date Application Deemed Complete: August 16, 2005

End of 60 Day Decision Period: October 15, 2005

Appeal Period Expiration: September 26, 2005

Ward: 7 **Neighborhood Organization:** Kenwood

Existing Zoning: R2B Two-family Residential District

Proposed Use: Addition to attach an existing garage to an existing house.

Proposed Variance: A variance application to reduce the west rear yard setback from 5 feet to 2.9 feet to allow an existing detached garage to become an attached garage by way of an addition connecting the single-family dwelling to the garage. The public notice mailed to surrounding property owners stated in error that the required setback is 6 feet, but the R2B District only requires a 5 foot setback.

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

Background: The subject property is approximately 16,000 square feet and consists of an existing single-family dwelling with a detached garage located at the rear of the lot (west side). The applicant is proposing to construct an addition that will connect the detached garage to the existing single-family home making the garage an attached garage. Attached garages are considered part of the principal structure and are subject to the setback requirements for principal structures; they do not qualify for the reduced setbacks allowed for accessory structures meeting certain conditions outlined in the zoning ordinance. A portion of the garage is located 2.9 feet from the rear property line along the alley. The required rear yard in the R2B District is 5 feet. A variance is necessary to reduce the required setback from 5 feet to 2.9 feet to allow the garage to encroach into the setback.

Findings Required by the Minneapolis Zoning Code:

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- 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 is proposing to construct an addition that will connect an existing detached garage to an existing single-family home making the garage an attached garage. Attached garages are considered part of the principal structure and are subject to the setback requirements for principal structures. A portion of the garage is located 2.9 feet from the rear property line along the alley (please see attached site plan). The required rear yard in the R2B District is 5 feet. A variance is necessary to reduce the required setback from 5 feet to 2.9 feet to allow the garage to encroach into the setback. The lot is very large and there is room for an addition without having to attach it to the garage. If the variances were not approved the applicant would still be allowed to use his property in a manner similar to other properties in the area. Strict adherence to the regulations of the zoning ordinance would not cause an undue hardship.

- 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 subject property is a very large and has room to allow an addition without attaching it to the garage. The desire to attach a garage to the principal structure is not a unique circumstance and is a condition that is generally applicable to other properties in the area and the City.

- 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 zoning code allows accessory structures, such as garages and sheds, to be within one foot of the rear property line if they are detached from the principal structure and they are in the rear forty (40) feet or twenty (20) percent of the lot, whichever is greater. Once a garage is attached to the principal structure it is no longer an accessory structure and it is required to meet the same setback as the principal structure. The intent of setbacks is to provide access to light and air, preserve views up and down streets, and to provide reasonable buffers from adjacent properties and rights-of-way. The proposed variance is a small encroachment into the required setback and therefore should not be injurious to surrounding properties.

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- 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 variance would likely have no impact on congestion of area streets or fire safety, nor would the detached garage 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 application to reduce the required west rear yard setback from 5 feet to 2.9 feet to allow for an existing detached garage to become an attached garage by way of an addition connecting the single-family dwelling to the garage for property located at 2104 Kenwood Parkway in the R2B Two-family District and SH Shoreland Overlay District.