

Department of Community Planning and Economic Development – Planning Division

Variance Request
BZZ-2571

Date: October 6, 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: Molly McCartney, (612) 673-5811

Date Application Deemed Complete: August 22, 2005

End of 60 Day Decision Period: October 21, 2005

End of 120 Day Decision Period: December 20, 2005

Appeal Period Expiration: October 17, 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 two-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: This application was continued from the September 15, 2005, Board of Adjustment meeting.

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 façade of the existing attached garage projects further than the façade of the habitable space and is 30 ft. from the front property line. The habitable space of the dwelling is 32 ft. from the front property line. The applicant is proposing to enlarge the attached garage to include a second stall and to construct a second story addition. A portion of the existing garage will be

converted to a mudroom. The second story will have a 6 ft. deck on the west side of the addition, which is the front façade. The applicants have stated the proposed addition will match the details of the existing dwelling, including roof pitch (8/12), exterior materials (white shakes) and roofing material. 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.

Two previous variances have been applied for on this property, both to allow for larger attached garages. The first request for a variance was denied, the second request for a variance 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. The addition, if constructed with materials that match the existing dwelling, will not substantially alter the essential character of the surrounding neighborhood because other properties in the immediate area have front facing attached garages. The addition, if constructed with materials that match the existing dwelling, will likely not be injurious to the use or enjoyment of other property in the vicinity. However, 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 applicants have stated the proposed addition will match the details of the existing dwelling, including roof pitch (8/12), exterior materials (white shakes) and roofing material.

The garage will project 6 ft. in front of the habitable space on the second floor. Garages are prohibited from projecting more than 5 ft. from habitable space per 535.90(d) of the zoning code, which states:

535.90. (d) Attached garage facing the front lot line. Attached accessory uses designed or intended for the parking of vehicles accessory to single and two-family dwellings and multiple-family dwellings of three (3) and four (4) units shall extend no more than five (5) feet closer to the front lot line than the facade of a habitable portion of the dwelling when the garage door or doors face the front lot line.

There is no enumerated variance to adjust this provision of the zoning code. The applicant can reduce the depth of the open deck or the garage by 1 ft. to satisfy this requirement.

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 small portion of the addition that will project into the required yard will likely not be injurious to the use or enjoyment of other property in the vicinity, because the addition is a portion of the existing dwelling is located 3.2 ft. from the north interior side property line.

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 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 two story addition to an existing single-family dwelling at 21 Park Lane in the R1 Single-family Residential District 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. 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