

Department of Community Planning and Economic Development – Planning Division Report

Variance Request
BZZ-2618

Date: October 6, 2005

Applicant: Michael Raeker, on behalf of Denise Bryn

Address of Property: 500 Main Street Northeast

Date Application Deemed Complete: September 13, 2005

End of 60 Day Decision Period: November 12, 2005

Appeal Period Expiration: October 17, 2005

Contact Person and Phone: Michael Raeker, 612-673-2624

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

Ward: 3 **Neighborhood Organization:** St. Anthony West Neighborhood Organization

Existing Zoning: R5 Multiple-family and the MR Mississippi River Critical River Overlay District

Proposed Use: Construction of a detached garage

Proposed Variance: A variance to reduce the front yard setback along Marshall Street Northeast from 15 ft to 3 ft. on a through lot and a variance to reduce the north side yard setback from 5 ft. to 1 ft. on a through lot to allow for a detached garage for a single-family dwelling at 500 Main Street Northeast in the R5 Multiple-family and the MR Mississippi River Critical River Overlay District.

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

Background: The subject site is a through lot that faces both Main Street Northeast and Marshall Street Northeast with a lot size of 9,900 sq. ft. and consists of a two story, single-family dwelling with an attached garage. The applicant is proposing to construct a new detached garage measuring 32 ft. by 30 ft. (990 sq. ft.) and convert the attached garage into storage or habitable space. The applicant has submitted an application for an administrative review to increase the garage size from 676 sq. ft. to 990 sq. ft. The proposed detached garage will match exterior material (tan vinyl siding) and the roof pitch (4/12) of the primary structure. There is also a small storage shed located where the proposed garage will be placed that will be removed.

The proposed garage will be setback 3 ft. from the property line along Marshall Street Northeast and 1 ft. from the north interior property line. The dwelling to the north, 510 Main Street Northeast, faces Main Street North and has a front facing, attached garage with no structure in the rear of the property.

The properties north of 510 Main Street Northeast face Marshall Street Northeast for the rest of the block and have front facing, attached garages. Marshall Street Northeast curve to the northwest from the subject site. To the south of the subject site is a small parcel owned by the Minneapolis Park Board called Pioneer Triangle.

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 (Marshall Street Northeast): The applicant is seeking a variance to reduce the required front yard setback along Marshall Street Northeast from the district setback of 15 ft. to 3 ft. to allow for the construction of a detached garage. Strict adherence to the zoning code requires the addition to be constructed behind the front yard setback of 15 ft. from the property line along Marshall. The property is 175 ft. in length on the north side of the lot and 66 ft. wide, which would leave an area to construct a detached garage behind the setback along Marshall and still be 6 ft. from the dwelling. However, adhering to the setbacks may not allow the applicant to build a 990 sq. ft. garage, which is allowed per an administrative review to increase the garage size for a lot this size. The applicant states that the proposed location is desired in order to preserve existing vegetation, including trees. Staff believes that constructing a garage that meets the setback is a reasonable use of the property.

Interior side yard setback: The applicant is seeking a variance to reduce the interior side yard setback from 5 ft. to 1 ft. along the north property line. For the garage to be built behind the front yard setback along Marshall, more than 6 ft. from the dwelling and meet the 5 ft. side yard setback, the result would be 19 ft., much less than the 30 ft. width of the proposed garage. Staff believes that if the proposed garage is located behind the front yard setback along Marshall, constructing a detached garage setback 1 ft. from the north property line that matches the roof pitch and 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 (Marshall Street Northeast): The conditions upon which the setback variance is requested are unique to the parcel of property due to the through lot statue of the property and the location of the adjacent dwellings to the north. The subject property is a through lot with a front yard setback required along both Main Street Northeast and Marshall Street Northeast. The dwelling immediately adjacent also faces Main Street Northeast; however the rest of the block has dwellings facing Marshall. From the subject site and north, the road and block curves northwesterly, so that the “rear” of the subject site is not located in line with the

dwellings that face Marshall and does not interfere with sightlines. While the classification of the property as a through lot and the location of the adjacent dwellings 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 between the required front setback and the dwelling to locate a garage smaller than the 990 sq. ft. garage requested.

Interior side yard setback: The condition upon which the setback variance is requested is unique to the parcel of property due to the existing location of the dwelling and the required front yard setback along Marshall. For the garage to be built behind the front yard setback along Marshall, more than 6 ft from the dwelling and meet the 5 ft. side yard setback, the result would be 19 ft., much less than the 30 ft. width of the proposed garage. The front yard setback along Marshall and the location and size of the dwelling are not circumstances 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 (Marshall Street Northeast): Staff believes that granting the 3 ft. front yard setback for the detached garage may alter the essential character of the surrounding neighborhood because there are no other detached garages or other structures located along Marshall that is 3 ft. from the property line. While the subject site is considered to have two front yards, the proposed location for the detached garage does function more like a rear yard than a front yard at this portion of the block. In addition, the proposed garage will match the exterior materials (tan vinyl) and roof pitch (4/12) of the dwelling. The applicant also states that the proposed location of the garage was chosen to preserve garden areas in the middle of the lot and in the boulevard. The applicant states that the property has been awarded a Blooming Boulevard Award from the Committee on Urban Environment (CUE) for the last 5 years.

Interior side yard setback: Staff believes that granting a 1 ft. setback for the proposed detached garage will not alter the essential character of the surrounding neighborhood because the garage would result in minimal impact to the adjacent residential property. The adjacent property owner has a front facing, attached garage with no accessory structure in the rear yard. While the subject site is considered to have two front yards, the proposed location for the detached garage does function more like a rear yard than a front yard at this portion of the block.

- 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 (Marshall Street Northeast): 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. The applicant states that there are safety concerns with speeding vehicles along Marshall which could be mitigated with a detached garage at the proposed location. The

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applicant states that a detached garage would enable vehicles to be backed into the garage and then driven forward into Marshall instead of backing into Marshall.

Interior side yard setback: 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 Marshall Street Northeast from 15 ft to 3 ft. on a through lot and **approve** the variance to reduce the north side yard setback from 5 ft. to 1 ft. on a through lot to allow for a detached garage for a single-family dwelling at 500 Main Street NE in the R5 Multiple-family and the MR Mississippi River Critical River Overlay District.

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