

Department of Community Planning and Economic Development - Planning Division
Variance Application
BZZ - 2635

Date: October 20, 2005

Applicant: Nick Smaby

Address Of Property: 5311 Russell Avenue South

Contact Person And Phone: Nick Smaby 952-924-0043

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

Date Application Deemed Complete: September 20, 2005

End of 60 Day Decision Period: November 19, 2005

Appeal Period Expiration: October 31, 2005

Ward: 13 **Neighborhood Organization:** Fulton

Existing Zoning: R1 Single-Family Residential District

Proposed Use: Single-family home

Proposed Variances: A variance to reduce the required front yard setback established by connecting a line between the two front corners of the two adjacent residential structures from 49 feet to 12 feet; a variance to reduce the required west interior side yard setback from six feet to one foot three inches; and a variance to allow a garage to extend five feet closer to the front lot line than the façade of the house.

Zoning code section authorizing the requested variance: 525.520(1)(28)

Background: The subject property contains a single-family home with a tuck-under garage. The applicant proposes to convert this garage to storage for the house and to add a new tuck-under garage in front of the house that will be built into the existing grade of the front yard. The required setback in the R1 District is 25 feet and the required side yard setback is six feet. However, the established front yard of the two adjacent residential structures is 49 feet and by ordinance the front yard setback is the greater of the district setback or the established setback. Therefore, the applicant is applying for a variance to reduce the required front yard setback along Russell Avenue South from 49 feet to 12 feet to allow the addition. The applicant is requesting that the six foot side yard be reduced to one-foot three-inches, but staff is recommending that it be setback three feet. A variance is necessary to allow the garage to extend out more than five feet from the front of the habitable part of the structure.

Findings Required by the Minneapolis Zoning Code:

- 1. The property cannot be put to a reasonable use under the conditions allowed and strict adherence to the regulations of this zoning ordinance would cause undue hardship.**

Front yard setback and garage more than five feet from facade: The lot has no alley, there is a grade change at the front of the lot, and the house covers most of the lot width. These factors make it difficult to locate a two car garage any where else on the lot and a re a hardship. Denying the variance would prevent the applicant from reasonably using his property in a manner similar to other properties in the area.

Side yard setback: While staff believes that locating the garage in front of the house is reasonable in this case, it should be located at least three feet from the interior lot line. The plans show a railing on top of the garage. The building code does not permit decks or railings within three feet of the property line. There appears to be room on the site to move the garage an additional one-foot nine-inches to meet a three foot setback.

- 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 and garage more than five feet from facade: The lot has no alley, there is a grade change at the front of the lot, and the house covers most of the lot width. These are conditions not generally applicable to other properties in the residential districts.

Side yard setback: While staff believes that the unique conditions of the site justify locating the garage in the front yard, it does not appear that they necessitate the garage being located one-foot nine-inches from the property line. However, staff does believe that they create conditions that would support reducing the setback to three feet.

- 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 and garage more than five feet from facade: The intent of setbacks is to provide a uniform building line down a block face, to preserve views up and down the street, and to ensure access to light and air. The intent of the requirement to locate a garage with in five feet of the habitable portion of the structure is to prevent garages from dominating the front façade of residential structures. Because the applicant proposes a garage that will be built into the grade similar to other garages in the area, the proposed variance does not circumvent the intent of the ordinance.

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Side yard setback: The intent of setbacks is to provide a uniform building line down a block face, to preserve views up and down the street, and to ensure access to light and air. Because the applicant proposes a garage that will be built into the grade similar to other garages in the area, the proposed variance does not circumvent the intent of the ordinance.

- 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.**

The variance should have no effect on congestion as it will not increase traffic demand at the site. The variance should not be detrimental to the public welfare or safety and will not increase the danger of fire, if the garage is located three feet from the property line.

Recommendation of the Community Planning and Economic Development Department - Planning Division:

The Community Planning and Economic Development Department - Planning Division recommends that the Board of Adjustment adopt the above findings and **approve** the variance application to reduce the required front yard setback from 49 feet to 12 feet; to **approve** the variance application to reduce the required west interior side yard setback from six feet to **three** feet; and to **approve** the variance application to allow a garage to extend more than five feet from the façade of the house for property located at 5311 Russell Avenue South in the R1 Single-family and SH Shoreland Overlay Districts subject to the following conditions:

1. Review and approval of final site and elevation plans by the Planning Department.