

Department of Community Planning and Economic Development – Planning Division Report**Variance Request
BZZ-2700****Date:** December 1, 2005**Applicant:** Ben Rodeck, on behalf of Paul Chen**Address of Property:** 606 Taylor Street Northeast**Contact Person and Phone:** Ben Rodeck, 612-875-6188**Planning Staff and Phone:** Molly McCartney, 612-673-5811**Date Application Deemed Complete:** October 21, 2005**End of 60 Day Decision Period:** December 20, 2005**Appeal Period Expiration:** December 12, 2005**Ward: 1 Neighborhood Organization:** Beltrami Neighborhood Council**Existing Zoning:** R1A, Single-family District**Proposed Use:** Construction of a detached three-stall garage.**Proposed Variance:** A variance to reduce the corner side yard setback from 8 ft. to 6 ft. to allow for a detached garage at a property located at 606 Taylor Street Northeast in the R1A Single-family District.**Zoning code section authorizing the requested variance:** 525.520 (1)

Background: The subject property is an irregularly shaped corner lot that consists of three dwelling units at the corner of Taylor Street Northeast and Polk Street Northeast. The applicant is proposed to build a three-stall detached garage, 18 ft. by 28 ft. (504 sq. ft.), in the northwest corner of the property. The garage will be setback 6 ft. from the property line along Polk Street Northeast. The required setback along Polk is 8 ft. The proposed garage will be 4 ft. 6 in. from the north interior property line. According to the site plan, the neighboring property has a detached garage that encroaches into the subject property, approximately 2 ft. The location of the proposed garage will leave 2 ft. between the adjacent garage and the proposed garage.

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.**

The applicant has requested a variance to reduce the corner side yard setback from 8 ft. to 6 ft. to allow for an 18 ft. by 28 ft. (504 sq. ft.) detached garage. The R1A District requires an 8 ft. setback on the required corner side yard. Without the requested variance, there would not be enough lot width in this area of the property to allow for a garage larger than 16 ft. deep. Staff believes that an 18 ft. by 28 ft. detached garage that encloses three parking spaces is a reasonable use of this 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.**

The conditions upon which the setback variance is requested are unique to the property due to the location of adjacent detached garage to the north. According to the site plan, the adjacent property has a detached garage that encroached 2 ft. into the rear of subject property. The proposed garage is setback 4 ft. 6 in. from the shared property line and 2 ft. 6 in. from the adjacent detached garage. The proposed garage could meet the required corner side yard setback of 8 ft. if the neighbor's garage did not encroach onto the property. The location of the adjacent garage is not a circumstance 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.**

Staff believes that the proposed dwelling will be keeping with the spirit and intent of the ordinance and will not alter the essential character of the surrounding neighborhood as long as any open air off-street parking is not located in the required yards. The site plan submitted by the applicant shows additional open air parking that may be located in the required corner side yard. Open air parking would not be allowed within 8 ft. of the corner 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.**

Granting the front yard setback variance would likely have no impact on the congestion of area streets or fire safety, nor would the proposed dwelling be detrimental to the public welfare or endanger the public safety. The proposed location of the garage does not interfere with the 15 ft. sight triangle at the intersection of the alley and Polk Street Northeast.

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

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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 corner side yard setback from 8 ft. to 6 ft. to allow for a detached garage at a property located at 606 Taylor Street Northeast in the R1A Single-family 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, and
2. That any open-air off-street parking is not located in the required corner side yard.