



**LAND USE APPLICATION SUMMARY**

*Property Location:* 2022 West 53<sup>rd</sup> Street  
*Project Name:* 2022 West 53<sup>rd</sup> Street Garage Addition  
*Prepared By:* Lisa Steiner, Senior City Planner, (612) 673-3950  
*Applicant:* Thomas Loper  
*Project Contact:* Thomas Loper  
*Request:* To expand an attached garage.  
*Required Applications:*

<b>Variance</b>	To reduce the minimum interior side yard requirement adjacent to the west lot line from 7 feet to 7 inches.
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**SITE DATA**

<b>Existing Zoning</b>	RI Single Family District SH Shoreland Overlay District FP Floodplain Overlay District
<b>Lot Area</b>	8,091 square feet
<b>Ward</b>	13
<b>Neighborhood</b>	Lynnhurst
<b>Designated Future Land Use</b>	Urban Neighborhood
<b>Land Use Features</b>	2 blocks from Community Corridor (Penn Avenue South)
<b>Small Area Plan</b>	None

<b>Date Application Deemed Complete</b>	September 19, 2016	<b>Date Extension Letter Sent</b>	Not applicable
<b>End of 60-Day Decision Period</b>	November 16, 2016	<b>End of 120-Day Decision Period</b>	Not applicable

## BACKGROUND

**SITE DESCRIPTION AND PRESENT USE.** The existing use is a 1½ -story single-family dwelling with a one-stall attached garage. The garage is accessed by a ribbon driveway from West 53<sup>rd</sup> Street. The home was permitted for construction with the attached garage in 1939.

**SURROUNDING PROPERTIES AND NEIGHBORHOOD.** The surrounding properties are predominately single-family dwellings. The subject property is located directly south of Minnehaha Creek and is located 5 blocks south of Lake Harriet. The property to the west is owned by Minneapolis Public Works Right-of-Way and is an unbuildable lot as a sewer line exists below ground in this location.

**PROJECT DESCRIPTION.** The applicant is proposing to construct a 308 square foot addition to a single-family home to expand an existing attached garage on the west side of the dwelling to change it from a one-stall garage to a two-stall tandem garage. The total size of the garage would be 566 square feet. The applicant would also construct a higher new pitched roof over the garage in a style similar to the main house. A car lift would be incorporated in the addition which the applicant has indicated would be utilized to allow for additional storage. The required minimum interior side yard is 7 feet. The existing garage is located 7 inches from the west property line. The proposed addition would have the same setback as the existing garage. A variance is required to reduce the yard requirement.

The applicant is proposing three 5 square foot windows in the west elevation of the garage. While typically the building code would not allow new window openings 7 inches from a property line, because the adjacent property is public right-of-way, the building code would allow openings. Even if the new windows were not included in the project, the west elevation would still comply with the general window requirement of five percent, as 30 square feet of windows are required and there are 30 square feet of existing windows in the west elevation of the home.

**PUBLIC COMMENTS.** Letters received from the Minneapolis Park and Recreation Board and Lynnhurst neighborhood are attached for reference. Any additional correspondence received prior to the public meeting will be forwarded on to the Zoning Board of Adjustment for consideration.

## ANALYSIS

### VARIANCE

The Department of Community Planning and Economic Development has analyzed the application for a variance to reduce the minimum interior side yard requirement adjacent to the west lot line from 7 feet to 7 inches to allow an addition to an attached garage based on the following findings:

1. *Practical difficulties exist in complying with the ordinance because of circumstances unique to the property. The unique circumstances were not created by persons presently having an interest in the property and are not based on economic considerations alone.*

Practical difficulties exist in complying with the ordinance due to circumstances unique to the property. The applicant is proposing to construct an addition that would be set back 7 inches from the west interior side lot line to expand the existing one-stall garage into a 2-stall tandem garage. Because of the property's lot width, the minimum interior side yard requirement is 7 feet. The existing attached garage is set back 7 inches. The area where the addition is proposed is currently occupied by a 100 square foot shed. The existing home is located 12 feet from the west property

line. There is not sufficient width to construct a new attached garage and comply with the 7 foot yard requirement. While a detached garage further to the rear of the property would be an option, this would likely require the removal of existing trees at the rear of the lot and would increase the amount of impervious surface on the site, which is inconsistent with the intent of the SH Shoreland Overlay District.

Additionally, the adjacent property to the east is owned by Minneapolis Public Works Right-of-Way. The property has a sewer line which would not allow for construction on that property. The nearest home is located west of this right-of-way property, over 33 feet from the subject site. This is a unique circumstance as the property most impacted by the variance request is an unbuildable public lot.

2. *The property owner or authorized applicant proposes to use the property in a reasonable manner that will be in keeping with the spirit and intent of the ordinance and the comprehensive plan.*

In general, yard controls are established to provide for the orderly development and use of land and to minimize conflicts among land uses by regulating the dimension and use of yards in order to provide adequate light, air, open space and separation of uses. Because of the small size of the garage addition, it would have little effect on the adjacent property. The 308 square foot addition would be one story in height. The height of the roof would be raised to better connect to the existing home. It would match the setback of the existing garage. The overall length of the garage would be 45 feet and the garage is setback 36 feet from the front of the dwelling. Although the addition would be 7 inches from the side lot line, it would be over 33 feet from the adjacent residential structure. The immediately adjacent property is public right-of-way and is an unbuildable 30-foot wide lot due to the underground sewer line.

As the proposed addition would replace an existing 100 square foot shed, the increase in amount of impervious surface on the site is only 208 square feet, or 2.6 percent. The proposed location allows for the retention of existing trees to the rear of the property as well. Constructing a detached garage that complies with the setback requirements would likely require additional impervious surface area on the site and the removal of these trees.

The addition would comply with all other district regulations and would not have any impacts on the adjacent properties access to light, air and open space. Therefore, the proposal is reasonable and is in keeping with the spirit and intent of the ordinance and the comprehensive plan.

3. *The proposed variance will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. If granted, the proposed variance will not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties.*

The granting of the variance would not affect the character of the area or be injurious to the use or enjoyment of other property in the vicinity. The surrounding properties are predominately single-family dwellings. Properties to the west of the subject property have detached tandem garages and many of the nearby properties have attached garages. The design of the addition would be compatible with the existing structure. Brick and lap siding is proposed to match the existing structure and the roof would be altered to be similar to the front gable of the main house. The variance request would most impact the immediately adjacent property to the west. This property is public right-of-way and is unbuildable due to the existence of a sewer line. While the variance from this shared property line would reduce the required setback from 7 feet to 7 inches, the nearest residential property is over 33 feet away from the proposed addition. Therefore, the impact of the variance is anticipated to be minimal. If granted, the proposed variance will not be detrimental to the health, safety or welfare of the public or those utilizing the property provided the proposed addition is constructed to current building codes.

### **Additional Standards for Variances within the SH Shoreland Overlay District**

In addition, the Zoning Board of Adjustment shall consider, but not be limited to, the following factors when considering conditional use permit or variance requests within the SH Shoreland Overlay District:

1. *The prevention of soil erosion or other possible pollution of public waters, both during and after construction.*

The site is immediately south of Minnehaha Creek. Where the addition is proposed, the site is relatively flat and no on-site trees would be impacted. The addition would only minimally increase the amount of impervious surfaces on site and would still be well below the maximum amount of impervious surface area allowed. The variance would only minimally impact the amount of runoff which could contribute to water pollution.

2. *Limiting the visibility of structures and other development from protected waters.*

While obscured by vegetation, the site is visible from the protected waters. However, there is a significant difference in elevation as Minnehaha Creek is approximately 10 feet lower in elevation than the existing property. The proposed addition would be only minimally visible.

3. *The suitability of the protected water to safely accommodate the types, uses and numbers of watercraft that the development may generate.*

This standard is not applicable for the proposed development.

## **RECOMMENDATIONS**

The Department of Community Planning and Economic Development recommends that the Zoning Board of Adjustment adopt staff findings for the application by Thomas Loper for the property located at 2022 West 53<sup>rd</sup> Street:

### **A. Variance to reduce the minimum interior side yard requirement.**

Recommended motion: **Approve** the application to reduce the minimum interior side yard requirement adjacent to the west lot line from 7 feet to 7 inches to allow an addition to an attached garage, subject to the following conditions:

1. Approval of the final site, elevation and floor plans by the Department of Community Planning and Economic Development.
2. All site improvements shall be completed by October 13, 2018, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.

## **ATTACHMENTS**

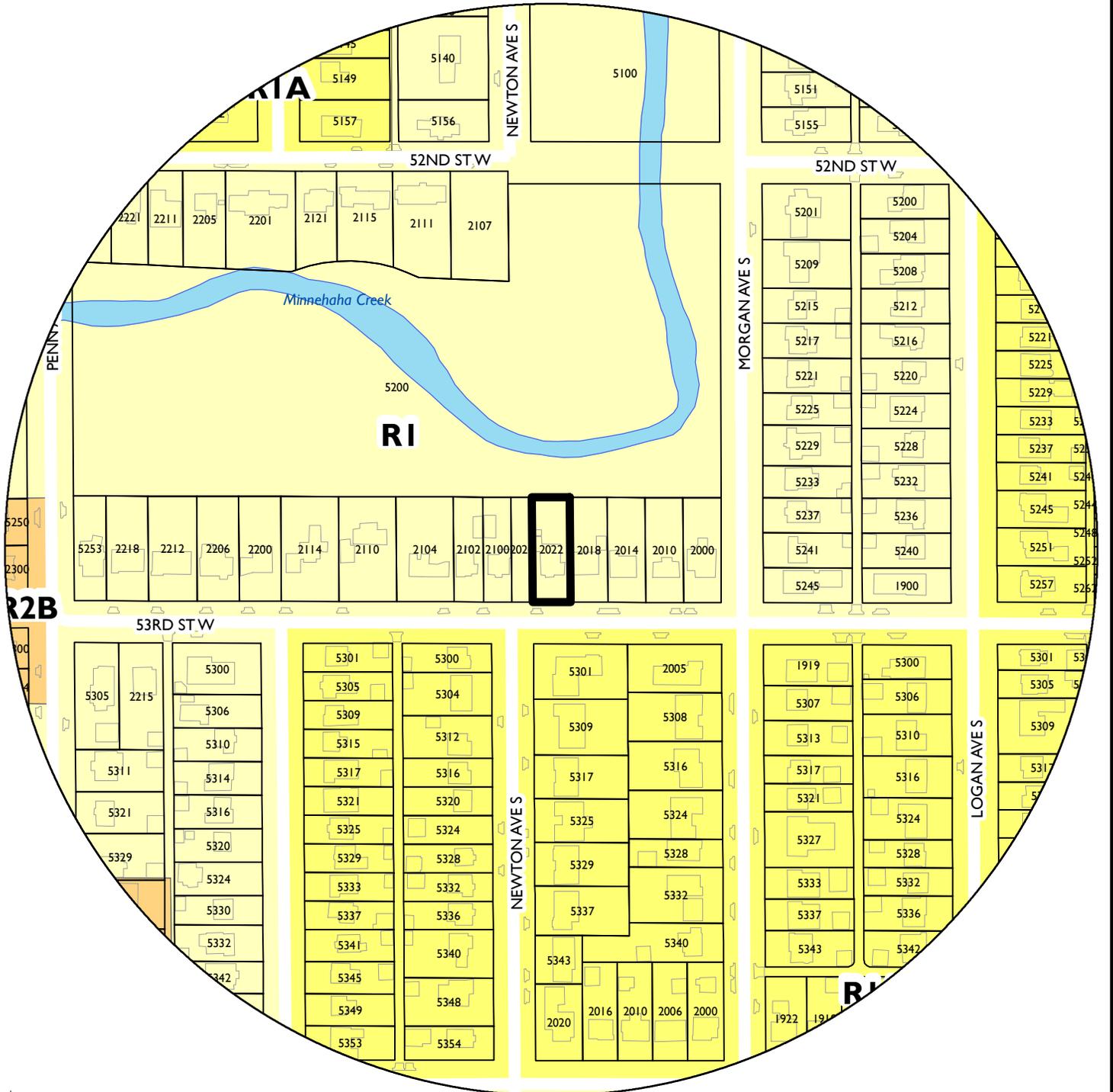
1. Zoning map
2. Oblique aerial photo
3. Written description and findings submitted by applicant
4. Survey
5. Plans and elevations
6. Photos
7. Public comments

Thomas Loper

13th

NAME OF APPLICANT

WARD



PROPERTY ADDRESS

2022 West 53rd Street

FILE NUMBER

BZZ-7914



04/02/2015

© 2015 Pictometry

**THOMAS S. LOPER, D.D.S.**  
2022 WEST 53<sup>RD</sup> STREET  
MINNEAPOLIS, MN 55419  
PHONE: (612) 910-5919  
thomas.loper@gmail.com

September 6, 2016

Lynnhurst Neighborhood Assn.  
Councilwoman Linea Palmisano  
Friends & Neighbors

Ladies and Gentlemen:

I am the owner of the single-family residence at 2022 West 53<sup>rd</sup> Street, Minneapolis. I want to construct an addition to my existing garage to expand it from a single-car to a tandem garage. One problem is that the West wall of my existing garage is within approximately 6 inches of my lot line. I seek a variance to the side-yard set back ordinance to permit the construction of the addition.

The proposed plan specifies that the new West wall of the addition would simply be extended directly behind the existing structure in the same plane (and the same distance from my lot line) as the existing garage wall. The extended wall of the addition would be no closer to the lot line or to the structures on the adjacent residential lot than is the present garage.

In fact, my house is situated in such a way that there is slightly more than 30 feet between the West wall of my garage and the East line of the next residential property at 2100 West 53<sup>rd</sup> Street. The 30 feet in between is a lot burdened with an easement in favor of the City of Minneapolis for storm sewer and other purposes and there is a sewer culvert that runs beneath that 30-foot strip of land. Because of the existing easement, the 30 foot strip of land is unbuildable. I maintain that strip with lawn and plantings.

The result is that although my garage is too close to my lot line according to existing setback regulations, there is actually more than three times the required space between my existing garage with the proposed addition and the neighboring residential lot. The health, safety and aesthetic purposes of the City's setback requirements will not be compromised or frustrated by a variance to construct the addition to my garage and my home and the neighborhood will benefit from the additional off-street parking afforded by the expansion of my garage.

Very truly yours,



Thomas S. Loper

## Variance

- (1) Practical difficulties exist in complying with the ordinance because of circumstances unique to the property. The unique circumstances were not created by persons presently having an interest in the property and are not based on economic considerations alone.**

  - a. The west 30 feet of lot 11 were originally created as an easement to allow for an underground culvert/storm sewer system running from the street to Minnehaha Creek. The easement allowed the installation of a storm sewer running from 53<sup>rd</sup> St. W to Minnehaha Creek. The current garage is constructed within one foot of the property line. The practical difficulty is the current garage built in 1939 is within one foot of the property line. There are no applicable economic considerations to this situation.
- (2) The property owner or authorized applicant proposes to use the property in a reasonable manner that will be in keeping with the spirit and intent of the ordinance and the comprehensive plan.**

  - a. The purpose of the setback ordinance is to protect the health and safety of the public by assuring that structures on adjoining lots are not too close together. Because of the 30-foot easement between my residence at 2022 West 53<sup>rd</sup> and the residence at 2100 West 53<sup>rd</sup> Street there is now and will be in the future several times the required distance between the residential structures on these adjacent properties.
- (3) The proposed variance will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the Vicinity. If granted, the proposed variance will not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties.**

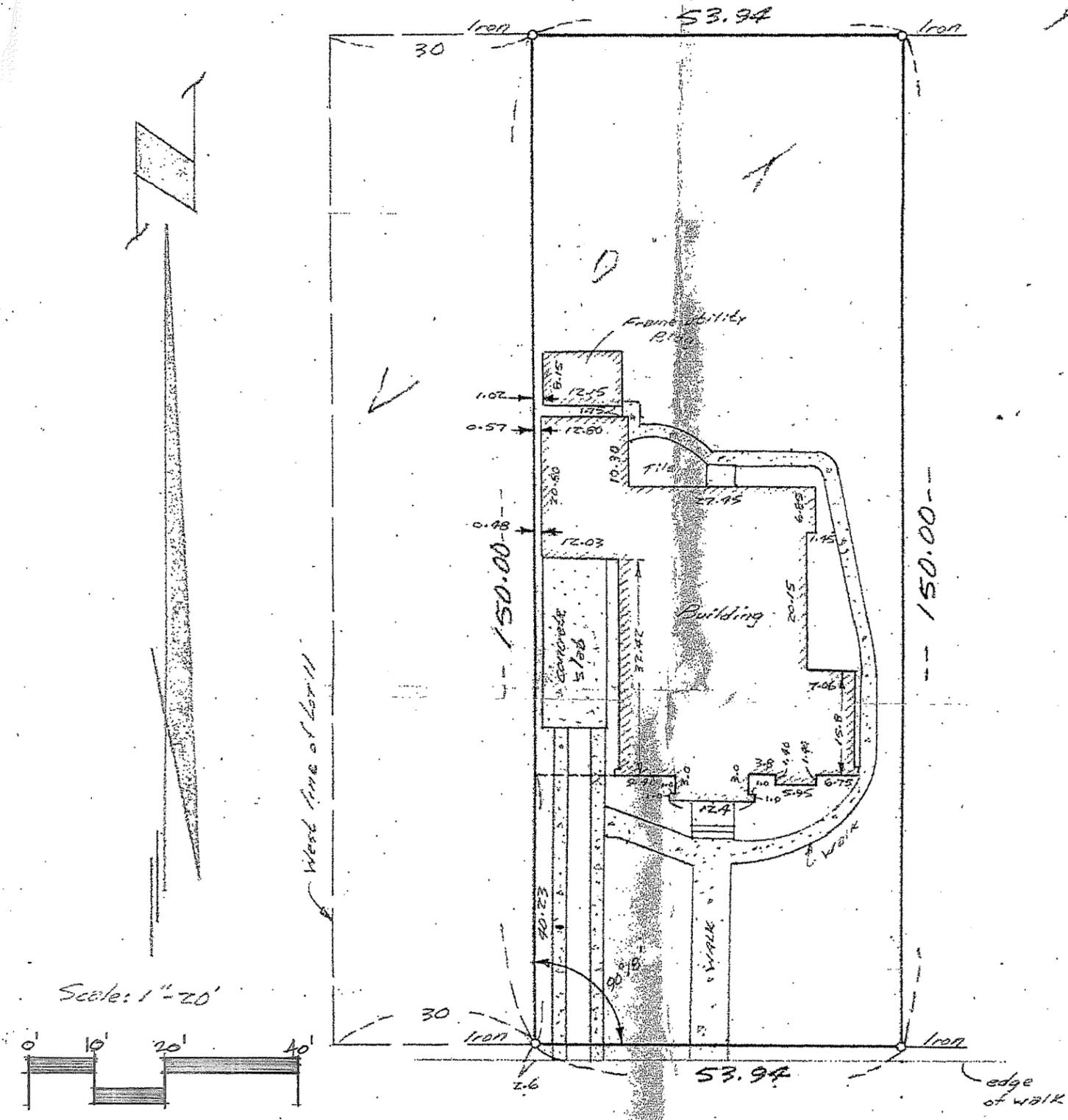
  - a. The appearance of the garage from the street will be largely unchanged since the width of the structure will not change. The existing storage shed to the north of the garage will be removed and the new addition to the garage will be placed where the storage shed is currently. The 30 foot easement between the properties at 2022 and 2100 West 53<sup>rd</sup> Street will be unchanged. The trees and plants on the easement that I already maintain will remain unchanged. The proposed tandem garage will be similar in size to the tandem garages already on the property of the neighbors adjacent to the west side. The required setback from Minnehaha Creek to the north is not a factor.

**SHORELAND OVERLAY DISTRICT OR MISSISSIPPI RIVER CRITICAL AREA OVERLAY DISTRICT VARIANCE:**

In addition, the following findings must be addressed for a variance required by the Shoreland Overlay District or the Mississippi River Critical Area Overlay District:

- (1) The prevention of soil erosion or other possible pollution of public waters, both during and after construction.**
  - a. The construction site in question is below grade of the public park bordering Minnehaha Creek. Thus, all construction debris and runoff will run away from Minnehaha Creek.
- (2) Limiting the visibility of structures and other development from protected waters.**
  - a. Minnehaha Creek runs approximately 15 to 20 feet below the level of the berm on the creek side of the public land to the north of my property. No structures are visible from Minnehaha creek since the creek is so far below the level of the berm.
- (3) The suitability of the protected water to safely accommodate the types, uses and numbers of watercraft that the development may generate.**
  - a. Since the construction of the garage addition will have no impact on Minnehaha Creek or the public land to the creek's south, the construction will have no effect on the waterway or any watercraft. Secondly, Minnehaha Creek cannot accommodate any watercraft other than small canoes and kayaks.

11



W. 53RD ST.

SURVEY FOR: Wallace and Dorothy Johnson

DESCRIPTION:  
The East 53.94 feet of the West 83.94 feet of the South 150 feet of Lot 11, Auditor's Subdivision Number 191, Hennepin County, Minnesota.

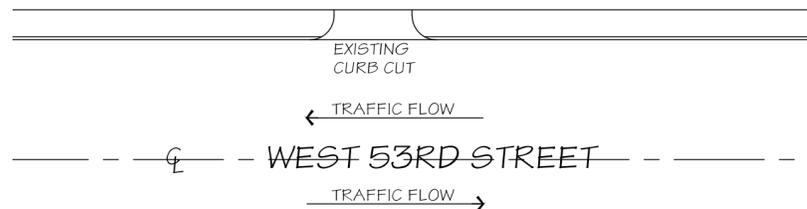
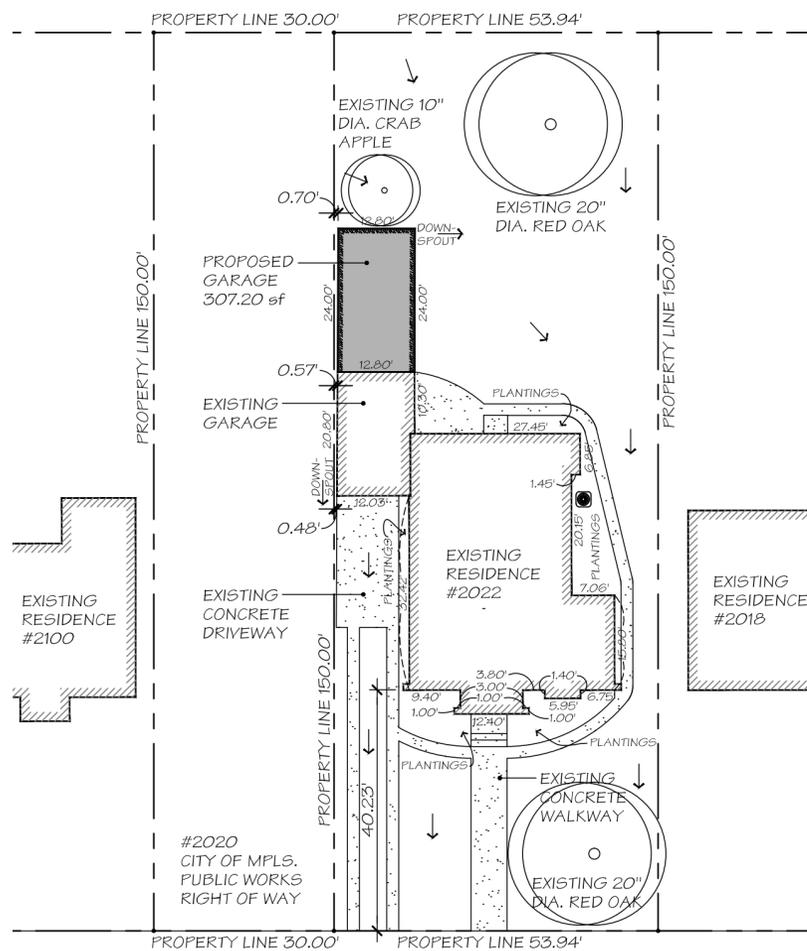
We hereby certify that this is a true and correct representation of a survey of the boundaries of the land above described and of the location of all buildings, if any, thereon, and all visible encroachments, if any, from or on said land.

Dated this 11th day of July, 1983.

EGAN, FIELD & NOWAK, INC.  
Surveyors

by *Harmon A. Nickerson*  
Minnesota Registration No. 9053

CITY OF MPLS. PARK BD.



1 SITE PLAN  
SCALE: 1"= 20'-0"

ZONING REQUIREMENTS:

- \* LOT COVERAGE 45% MAXIMUM OF LOT AREA = 3,640.95 sf
- \* IMPERIOUS SURFACE 60% MAXIMUM OF LOT AREA = 4,854.60 sf
- \* GARAGES 676 sf OR 10% OF LOT AREA BUT NOT TO EXCEED 1,000 sf
- \* PRINCIPAL STRUCTURE HEIGHT 30'-0" MAXIMUM MEASURED FROM MID POINT BETWEEN RIDGE AND EAVE TO GRADE LOCATION 10'-0" FROM FRONT WALL.
- \* REQUIRED SETBACK FROM PROPERTY LINE TO GARAGE WALL 1.00' WITH NO ROOF OVERHANG.

EXISTING SITE CALCULATIONS:

RESIDENCE	1,330.40 sf
GARAGE	258.72 sf
SHED	99.02 sf
DRIVEWAY	429.01 sf
WALKWAY	521.20 sf
TOTAL:	2,638.35 sf
SITE AREA	8,091.00 sf

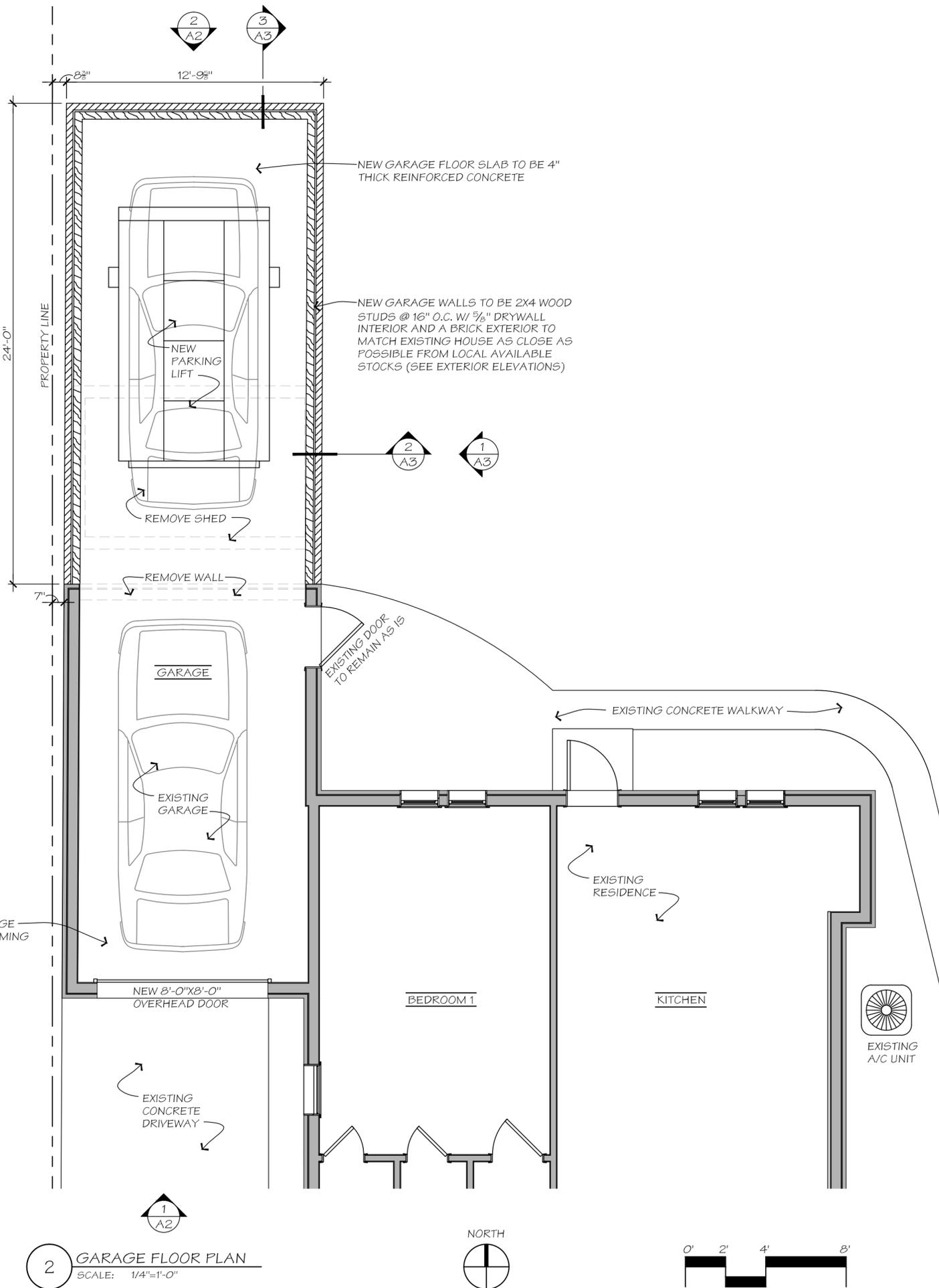
- \* LOT COVERAGE 20.9% = 1,688.14 sf (TOTAL OF ALL STRUCTURES)
- \* IMPERIOUS SURFACE 32.6% OF LOT AREA = 2,638.35 sf
- \* GARAGE & SHED 357.74 sf OR 10% OF LOT AREA (809.10 sf) BUT NOT TO EXCEED 1,000 sf
- \* GARAGE HEIGHT 9'-1" MEASURED FROM MID POINT BETWEEN RIDGE AND EAVE TO GRADE LOCATION 10'-0" FROM FRONT WALL.
- \* SETBACK FROM PROPERTY LINE TO GARAGE WALL 0.48' TO 0.57' WITH NO ROOF OVERHANG.

PROPOSED SITE CALCULATIONS:

RESIDENCE	1,330.40 sf
GARAGE	565.92 sf
SHED (REMOVED)	0.00 sf
DRIVEWAY	429.01 sf
WALKWAY	521.20 sf
TOTAL:	2,846.53 sf
SITE AREA	8,091.00 sf

- \* LOT COVERAGE 23.4% = 1,896.32 sf (TOTAL OF ALL STRUCTURES)
- \* IMPERIOUS SURFACE 35.2% OF LOT AREA = 2,846.53 sf
- \* ATTACHED GARAGE 565.92 sf
- \* ATTACHED GARAGE HEIGHT 14'-11" MEASURED FROM MID POINT BETWEEN RIDGE AND EAVE TO GRADE LOCATION 10'-0" FROM FRONT WALL.
- \* SETBACK FROM PROPERTY LINE TO GARAGE WALL 0.57' TO 0.70' WITH NO ROOF OVERHANG.

VARIANCE REQUIRED

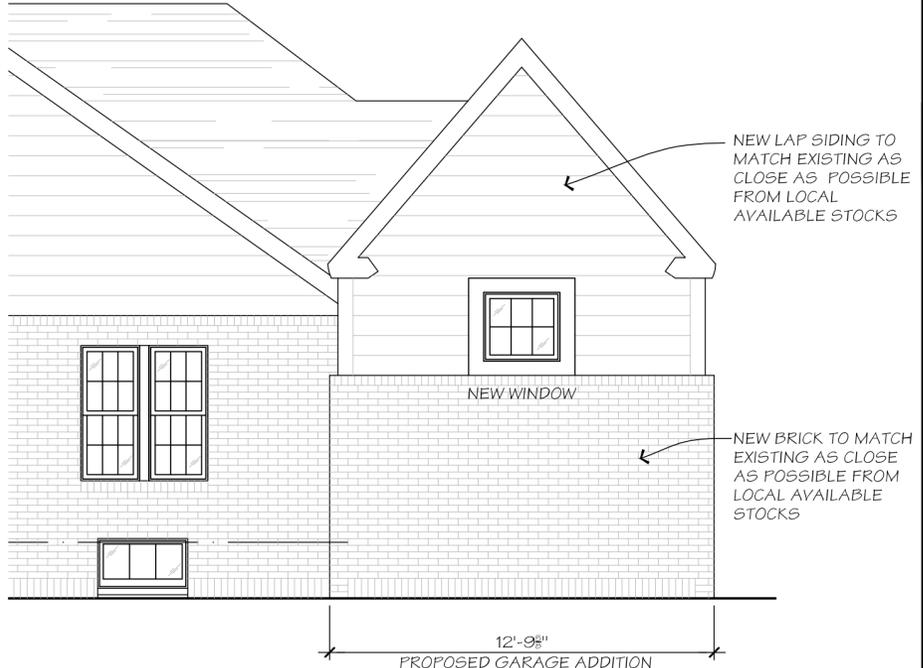


2 GARAGE FLOOR PLAN  
SCALE: 1/4"=1'-0"

**RESIDENTIAL DESIGN • BUILD • REMODEL**  
**Plekkenpol BUILDERS, INC.**  
 401 East 78th Street, Bloomington, MN 55431  
 tel: 952-888-2225 fax: 952-888-2259

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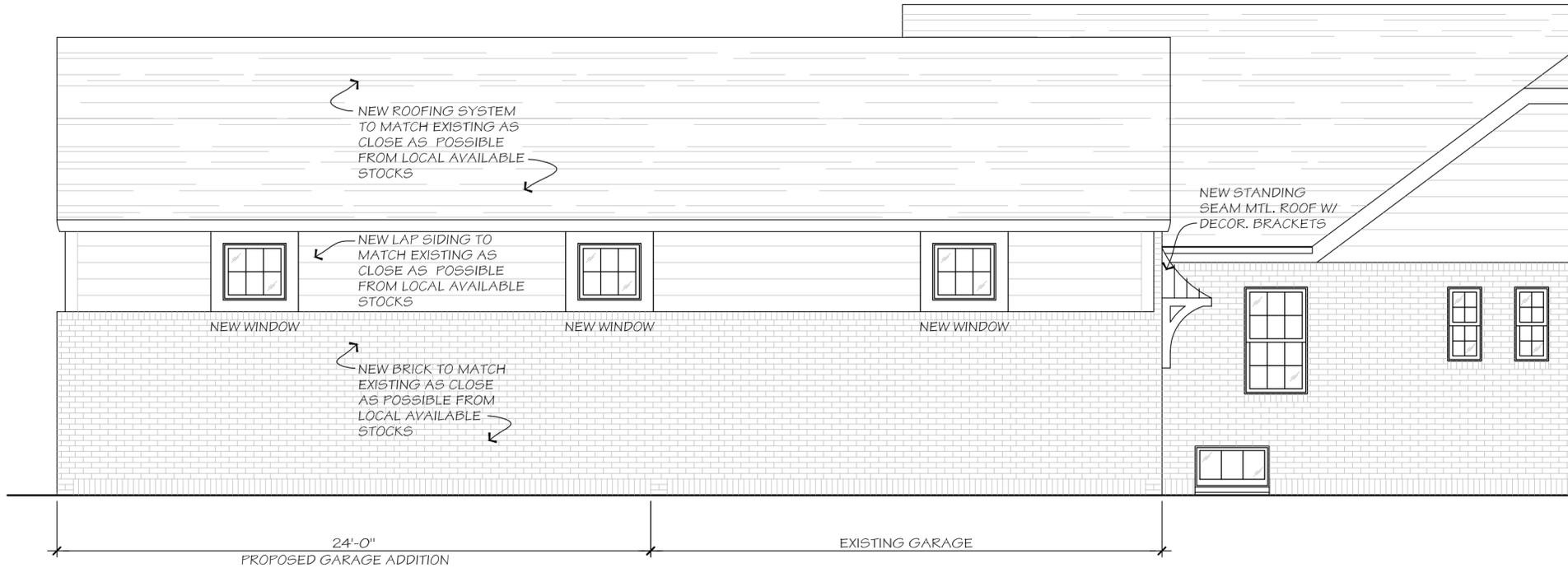
REVISED: 9/2/16  
 DRAWN: DS  
 CHECKED: EM  
 JOB #: 7942  
 GARAGE ADDITION  
 LOPER, THOMAS  
 2022 WEST 53RD STREET, MINNEAPOLIS, MN 55419  
 8/8/16  
 SHEET NO. A1  
 1 of 3  
 MN LIC. #8C001797



1 SOUTH ELEVATION  
SCALE: 1/4"=1'-0"



2 NORTH ELEVATION  
SCALE: 1/4"=1'-0"



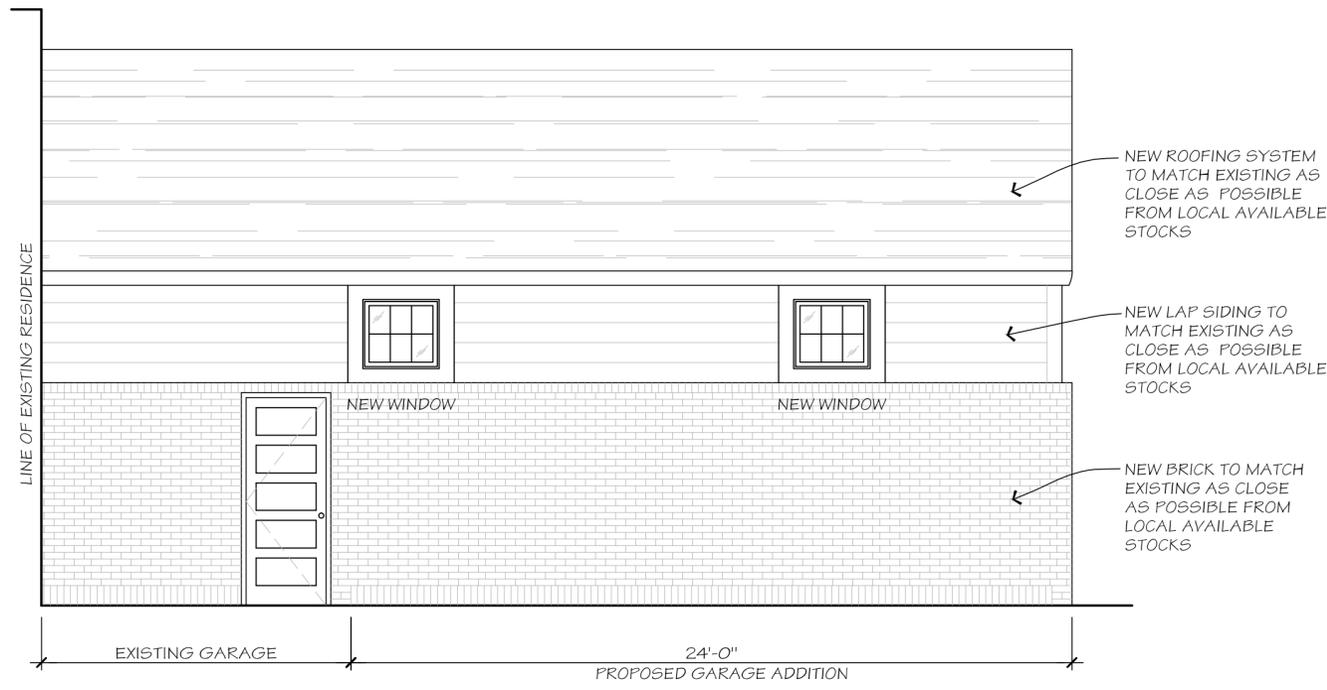
3 WEST ELEVATION  
SCALE: 1/4"=1'-0"



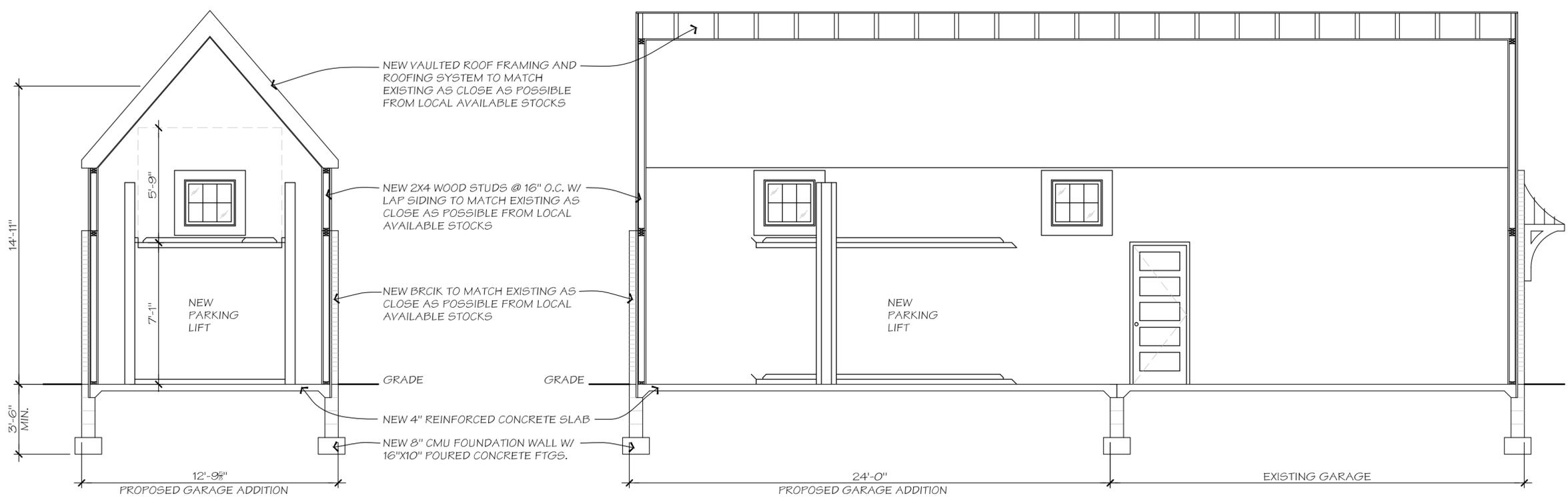
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 401 East 78th Street, Bloomington, MN 55430  
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REVISED: 9/2/16  
 DRAWN: DS  
 CHECKED: EM  
 JOB #: 7942  
 GARAGE ADDITION  
 LOPER, THOMAS  
 2022 WEST 53RD STREET, MINNEAPOLIS, MN 55419  
 8/8/16  
 SHEET NO. A2  
 2 of 3  
 MN LIC. #8C001797



1 EAST ELEVATION  
SCALE: 1/4"=1'-0"



2 SECTION W-E  
SCALE: 1/4"=1'-0"

3 SECTION N-S  
SCALE: 1/4"=1'-0"

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REVISED: 9/2/16  
 DRAWN: DS  
 CHECKED: EM  
 JOB #: 7942  
 GARAGE ADDITION  
 LOPER, THOMAS  
 2022 WEST 53RD STREET, MINNEAPOLIS, MN 55419  
 8/8/16  
 SHEET NO. A3  
 3 of 3  
 MN LIC. #8C001797



S-W CORNER OF HOUSE + FRONT OF GARAGE



FRONT OF HOUSE

S-ELEVATION



W. ELEVATION OF HOUSE



W. ELEVATION OF GARAGE



NE CORNER OF GARAGE



H. ELEVATION OF HOUSE



N-W CORNER OF GARAGE



BACK YARD LOOKING WEST



BACKYARD LOOKING N-W



BACKYARD LOOKING N.



**Minneapolis  
Park & Recreation Board**

*Administrative Offices*  
2117 West River Road  
Minneapolis, MN 55411-2227

*Operations Center*  
3800 Bryant Avenue South  
Minneapolis, MN 55409-1000

*Phone*  
612-230-6400

*Fax:*  
612-230-6500

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Pamela French

September 28, 2016

Lisa Steiner, Senior City Planner  
City of Minneapolis  
250 South 4<sup>th</sup> Street, Room 300  
Minneapolis, MN 55415

Re: 2022 West 53<sup>rd</sup> Street BZZ-7914

Dear Ms. Steiner:

The Minneapolis Park and Recreation Board (MPRB) has received notice of the construction of a garage at the address listed above. This lot adjoins public parkland owned and operated by MPRB. Though it appears this project does not intend to use parkland in any way, we want to ensure that all construction activities are performed on private property and that parkland is adequately protected. MPRB therefore requests that the City of Minneapolis consider approval of this project contingent on the following (these requirements may already apply to this project, in which case MPRB restates its support for them):

- The applicant should have prepared a survey of the property lines, in particular the property line between the applicant and MPRB property. The property lines should be obviously marked in the field during construction, to ensure no encroachment on public parkland occurs.
- The applicant should provide adequate erosion protection within the private property, to ensure no erosion, siltation, or other impact occurs on park property.

Thank you for your consideration.

Sincerely,

Adam Regn Arvidson, PLA, FASLA  
Director of Strategic Planning  
612-230-6470

[aarvidson@minneapolisparcs.org](mailto:aarvidson@minneapolisparcs.org)

4633 Aldrich Avenue South  
Minneapolis, MN 55419

October 4, 2016

RE: Variance request for 2022 West 53<sup>rd</sup> Street

I have reviewed a request for variance from Thomas Loper for a side yard/garage variance at 2022 W 53<sup>rd</sup> St. This is a unique situation as there is apparently a small lot next door (owned by the city) under which a drainage pipe runs. This lot can never be built on, but runs up to the edge of the existing garage. Therefore, even though the proposed garage extension is no closer to the lot line than the existing portion, it is in violation of the setback requirement. As the lot will always be vacant, building the garage extension will not affect the open space between the houses the zoning law was created to protect.

My response to the criteria for variance is:

1. Does it set a precedent? No. This is a unique situation with a rare city-owned half lot between the houses. Open space desired by the city is maintained.
2. Do the neighbors object? No. I have documents with signatures.
3. Does it enhance the property? Yes. It adds parking space without changing the appearance of the house from the street. An improved roofline will mirror the architectural details of the house and be more aesthetically pleasing.

On behalf of the Lynnhurst Neighborhood Association, I have no objection to the granting of this variance.

Sincerely,  
Michael O'Brien  
LYNAS Variance Chairperson