

Department of Community Planning and Economic Development – Planning Division Report**Variance Request
BZZ-3224****Date:** October 19, 2006**Applicant:** Chad S. Babcock**Address of Property:** 510 27th Street West**Contact Person and Phone:** Chad Babcock (651) 308-9706**Planning Staff and Phone:** Brian Schaffer, (612) 673-2670**Date Application Deemed Complete:** September 14, 2006**Public Hearing:** October 19, 2006**Appeal Period Expiration:** October 30, 2006**End of 60 Day Decision Period:** November 17, 2006**Ward: 6 Neighborhood Organization:** Whittier Alliance**Proposed Use:** An attached single car garage, with a roof top deck.**Proposed Variance:** A variance to reduce the north side (rear) yard setback from 5 feet to 1 foot 7 inches to allow for the construction of an attached one stall garage with a roof top deck to a single-family dwelling located at 510 27th Street West in the R2B, Two-Family District.**Zoning code section authorizing the requested variance:** 525.520 (1)**Background:** The subject site is a 40 feet x 55 feet (2,185 sq. ft.) interior lot. The applicant is proposing to construct a 13 feet wide by 18 feet 11 inch long attached garage with a roof top deck above the garage on the rear of the dwelling. The applicant is also proposing to construct a roughly 5 ft. by 5 ft. half bathroom on the rear of the dwelling. The proposed bathroom will be located roughly 9 feet from the rear property line and the proposed attached garage and roof top deck will be located 1 foot 7 inches from the rear property line. The standard district setback is 5 feet.

The subject property currently contains a curb cut which leads to a parking area on the east side of the dwelling. The location of the parking area does not comply with the Zoning Ordinance.

The subject property currently has 43 percent building coverage. The proposed addition would result in a 55 percent building coverage, which is below the maximum building coverage of 60 percent. The current impervious surface coverage is 59 percent. The proposed addition will result in a 71 percent

impervious surface coverage, which is just below the maximum impervious surface coverage of 75 percent.

The Building Code does not allow any openings in a residential structure where the exterior wall is closer than three (3) feet to a property line. The Zoning Code requires that a minimum of 5 percent of the wall on each floor of a single family dwelling that face an interior side or rear lot line shall be windows.

535.90. Minimum size and width, principal entrance and windows, and location of attached garage requirements for residential uses.

(c) *Windows.* Not less than fifteen (15) percent of the walls on each floor of single and two-family dwellings and multiple-family dwellings of three (3) and four (4) units that face a public street shall be windows. Not less than five (5) percent of the walls on each floor of single and two-family dwellings and multiple-family dwellings of three (3) and four (4) units that face a rear or interior side lot line shall be windows. Half stories shall not be subject to the minimum window requirement.

The proposed garage includes a window along the north elevation, which is 1 foot 7 inches from the property line. The proposed window would not be allowed per the Building Code. To satisfy the five percent minimum window requirement the north wall shall have nine square feet of windows. The only wall along the first floor of the north elevation is the proposed half bathroom addition.

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 rear (north) yard setback from 5 feet to 1 foot 7 inches to allow for a single stall attached garage and roof top deck. The subject property is 2,185 square feet and the standard lot area for the district is 5,000 square feet. The Zoning Ordinance requires one off street parking location per dwelling unit. The subject property currently has a curb cut and parking area on the east side of the dwelling. The location of the parking area does not comply with the Zoning Ordinance. Any location for a parking area or garage on the property will require a variance. Staff believes the attached garage is a reasonable use of the property and recognizes the hardship created by the size of the property and strict adherence to the Zoning Ordinance.

- 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 circumstance upon which the setback variance is requested is unique to the parcel of land due to the size of the property. As previously mentioned, the parcel is 2,185 square feet. This is a circumstance that is unique to this parcel and not 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 the attached garage and roof top deck will not alter the essential character of the surrounding neighborhood. The parcels to the west of the subject dwelling have parking pads facing the subject property. The impact of the proposed attached garage and roof top deck will likely be most experienced by neighboring property to the north. The proposed garage and roof top deck will be adjacent to the parking area and driveway of the property to the north, 2644 Harriet Ave.

The maximum allowed impervious surface coverage in the R2B District is 75 percent. The impervious surface coverage of the parcel is estimated by Staff to be 71 percent of the lot area, which is just below the maximum. Increased impervious surface coverage leads to less onsite storm water management and can increase flooding potential to adjacent streets and property in the vicinity. Staff believes that the construction of the proposed garage and roof top deck will not alter the essential character of the surrounding neighborhood nor will the proposed addition be injurious to the use or enjoyment of other property in the vicinity.

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 variances would likely have no impact on the congestion of area streets or fire safety, nor would the variances be detrimental to the public welfare or endanger the public safety.

Recommendation of the Department of Community Planning and Economic Development:

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 north side (rear) yard setback from 5 feet to 1 foot 7 inches to allow for the construction of an attached one stall garage with a roof top deck to a single-family dwelling located at 510 27th Street West in the R2B, Two-Family District with the following conditions:

1. The proposed structure shall meet the minimum window requirement of five percent along the first floor of the north building wall.
2. The existing curb cut and parking area to the east of the dwelling shall be removed.
3. Review and approval of final site, landscaping and elevation plans by CPED-Planning staff.