

**Department of Community Planning and Economic Development - Planning Division Report****Variance Request  
BZZ-3223****Date:** October 19, 2006**Applicant:** Jeremiah Battles**Address of Property:** 2525 West 40<sup>th</sup> Street**Contact Person and Phone:** Jeremiah Battles, (612) 927-5913**Planning Staff and Phone:** Shanna Sether, (612) 673-2307**Date Application Deemed Complete:** September 14, 2006**Public Hearing:** October 19, 2006**Appeal Period Expiration:** October 31, 2006**End of 60 Day Decision Period:** November 13, 2006**Ward:** 13      **Neighborhood Organization:** Fulton Neighborhood Association**Existing Zoning:** R1 Single Family District**Proposed Use:** A garage addition with a roof-top deck to an existing single-family dwelling.**Proposed Variance:**

- A variance to reduce the front yard setback along 40<sup>th</sup> Street West from 37 ft. to 10 ft. 6 in.
- A variance to allow for a roof-top deck to exceed 50 sq. ft. in the required front yard.
- A variance to allow for the garage to project closer than 5 ft. to the front lot line than a habitable portion of the dwelling.
- A variance to allow an attached garage to exceed 60 percent of the width of the structure.

**Zoning code section authorizing the requested variance:** 525.520 (1) (8)**Background:** The subject property is approximately 46 ft. by 98 ft. (4,508 sq. ft.). The property consists of an existing one and a half story dwelling with a front facing, one-stall, tuck-under garage. The property is located on an interior lot without an alley. The dwelling was constructed in 1905. The applicant is proposing to construct a new 22 ft. by 23 ft., front-facing attached garage with a roof-top deck to the

structure. The applicant is also proposing to construct a new 6 foot-deep, open-front porch, which is a permitted obstruction in the required front yard and does not require an additional variance.

The owner previously received a series of variances to allow for the construction of an 18 ft. by 25 ft. attached garage with a roof-top deck in 1995. The owner did not request a permit for project and the variance was expired after one year of the date of approval.

The existing dwelling is located approximately 33 ft. from the front property line. The applicant is proposing to add an additional 23 ft. to the front the existing tuck-under garage and dwelling, 10 ft. to the front property line. The adjacent structure to the west is located approximately 39 ft. to the front property line and the adjacent structure to the west is located approximately 29 ft. Therefore, the applicant is seeking a variance to reduce the established front yard setback by connecting the two corners of the adjacent properties along 40th Street West from 37 ft. to 10 ft. to allow for the addition of the attached garage.

The proposed garage will have a roof-top deck above it for approximately 17 ft. by 22 ft. A deck is a permitted obstruction in the required front yard, as long as the entire deck is not greater than 50 sqft. The proposed deck is 374 sqft. Therefore, the applicant is requesting a variance allow for a roof-top deck to exceed 50 sq. ft. in the required front yard.

The proposed garage addition on the front of the dwelling facing 40<sup>th</sup> Street West will project 23 ft. past the existing front façade of the dwelling. Attached garages cannot project more than 5 ft. past the front façade of the habitable portion of a dwelling without a variance.

The width of the proposed garage is 22 ft. and the remaining width of the dwelling structure is 10 ft., a total structure width of 32 ft. The façade of the garage comprises approximately 68.75 percent. An attached garage cannot comprise more than 60 percent of the width of the overall structure, without a variance.

#### **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 for the garage and roof-top deck:** The applicant is seeking a variance to reduce the required front yard setback along 40<sup>th</sup> Street West from the established setback of 37 ft. to 10 ft. to allow for the addition of the proposed attached garage and roof-top deck. The proposed attached garage projects 23 ft. past the front façade of the dwelling, which is nonconforming to the front yard setback. The structure currently has a 1-stall tuck-under garage built into the home. The lot does not have access to an alley to locate parking on the site without requiring a substantial change in the existing structure or variance. The minimum stall depth as defined in the Zoning Ordinance is 18 ft. The applicant is proposing a garage that will be 23 ft. in depth, which will

allow for the parking of a vehicle with additional room for storage. Strict adherence to the regulations would not allow for the proposed attached garage as designed. Staff believes that the proposed garage with a roof-top deck is a reasonable use of the property.

**Attached garage projecting 5 ft. past the front façade of a dwelling:** The applicant is seeking a variance to allow an attached garage to project more than 5 ft. from the front façade of a dwelling. The applicant has demonstrated that the existing tuck-under garage is not able to be easily accessed by a vehicle, because it is so small in size that it will not accommodate a vehicle. The proposed attached garage projects 23 ft. past the front façade of the new dwelling. The lot is substandard in area and the existing structure is located 4 ft. to the west and 5 ft. to the east making it difficult to reconfigure the property to allow reasonable use. Strict adherence to the regulations would not allow for the proposed garage addition with the roof-top deck. Staff believes that the proposed garage and roof-top deck would allow for reasonable use of the property.

**Attached garage exceeding 60 percent of the width of the structure:** The applicant is seeking a variance to allow an attached garage to exceed 60 percent of the width of the structure. The width of the proposed garage is 22 ft. and the remaining width of the dwelling structure is 10 ft., comprising approximately 68.75 percent of the front facade. An attached garage cannot comprise more than 60 percent of the width of the overall structure, without a variance. Strict adherence to the regulations would not allow for the addition of the attached garage as proposed and would not allow for reasonable use of the property.

- 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 for the garage and roof-top deck:** The conditions upon which the setback variance is requested are unique to the parcel of land and were created by the applicant. The applicant is proposing a garage addition to the front of an existing single family dwelling that projects 23 ft. past the front façade of the habitable portion of the dwelling. Strict adherence to the regulations would not allow for the proposed addition to the garage. Staff recognizes the difficulty to allow for a usable parking area given the substandard lot, lack of alley access and the existing location of the single family dwelling and believes that the proposed garage and roof-top deck will allow for reasonable use on the property.

**Attached garage projecting 5 ft. past the front façade of a dwelling:** The conditions upon which the variance is requested are unique to the parcel of land and were not created by the applicant. The applicant is proposing a garage addition to an existing single family dwelling that projects 23 ft. past the front façade of the dwelling. The lot is substandard in size and does not have alley access. The home was constructed in 1905 and is located 4 ft. to the west interior property line and 5 ft. to the east property line, which is not wide enough to allow for a new driveway to access the rear of the lot to allow for parking area. Strict adherence to the regulations

would not allow for the proposed addition to the attached garage. Due to the substandard lot, lack of an alley and the location of the existing single family home, Staff believes that the proposed attached garage and roof-top deck will allow for reasonable use.

**Attached garage exceeding 60 percent of the width of the structure:** The conditions upon which the variance is requested are unique to the parcel of land and were not created by the applicant due to the lack of alley access and the substandard lot width.

- 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 for the garage and roof-top deck:** Staff believes that granting the setback variance will not alter the essential character of the surrounding neighborhood and will not be injurious to the use or enjoyment of other property in the vicinity. The applicant has submitted several pictures of other front-facing attached garages with roof-top decks in the neighborhood (see attached).

**Attached garage projecting 5 ft. past the front façade of a dwelling:** Staff believes that granting the garage variance will not alter the essential character of the surrounding neighborhood or be injurious to the use or enjoyment of other property in the vicinity. Several of the surrounding properties consist of attached garages that face a public street and project further than 5 ft. past the habitable portion of the dwelling. Staff recognizes that the front facing garage and lack of alley access are existing circumstances and there are other examples in the neighborhood of attached garages facing the public street that project more than 5 ft. beyond the habitable portion of the dwelling.

**Attached garage exceeding 60 percent of the width of the structure:** Staff believes that granting the garage width variance will not alter the essential character of the surrounding neighborhood or be injurious to the use or enjoyment of other property in the vicinity. The existing dwelling has a one-stall, tuck-under garage, which is not usable. The proposed garage is similar to other garages found in the neighborhood.

- 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.**

**All variances:** Granting of the requested variances would likely have no impact on the congestion of area streets or fire safety, nor would the variance 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 front yard setback along 40<sup>th</sup> Street West from 37 ft. to 10 ft. 6 in.
- **Approve** the variance to allow for a roof-top deck to exceed 50 sq. ft. in the required front yard.
- **Approve** the variance to allow for the garage to project closer than 5 ft. to the front lot line than a habitable portion of the dwelling.
- **Approve** the variance to allow an attached garage to exceed 60 percent of the width of the structure.

all to allow for the addition of a new attached garage to an existing single family dwelling located at 2525 West 40<sup>th</sup> Street in the R1 Single Family District subject to the following conditions:

1. Review and approval of final site and elevation plans by the Planning Department.
2. That the exterior materials of the attached garage shall match the existing dwelling.