



**Request for City Council Committee Action
From the Department of Community Planning & Economic Development**

Date: June 10, 2004

To: Council Member Gary Schiff, Zoning and Planning Committee

Prepared by: Carrie Flack, Senior City Planner

Presenter in Committee: Carrie Flack, Senior City Planner

Approved by Neil Anderson, Supervisor, CPED Planning-Development Services

Subject: Appeal of the decision of the Zoning Board of Adjustment by Barbara Knox.

BZZ 1678 - 1507 3rd Street NE – Barbara Knox has appealed the decision of the Zoning Board of Adjustment denying the application for a variance to allow for the construction of a detached garage not entirely located to the rear of a principal residential structure in the R1A District located at 1507 3rd Street NE.

RECOMMENDATION: The Board of Adjustment adopted the staff recommendation and denied the variance to allow for the construction of a detached garage not entirely located to the rear of a principal residential structure.

Previous Directives: N/A

Financial Impact (Check those that apply)

No financial impact - or - Action is within current department budget.

Community Impact

Other: See attached.

Background/Supporting Information

Barbara Knox has filed an appeal of the decision of the Zoning Board of Adjustment. The appeal is associated with the decision of the Zoning Board of Adjustment to deny the requested variance to allow for the construction of a detached garage not entirely located to the rear of a principal residential structure.

The appellant states that the proposed project is consistent with the surrounding properties and that the project received considerable support. In addition, the applicant

believes that the ordinance regarding attached garages versus detached garages is inconsistent with regard to her situation. The applicant's complete statement of appeal is attached.

At the May 6, 2004 Zoning Board of Adjustment meeting, eight (8) Board members were present. All eight members present voted to adopt the staff recommendation and denied the requested variance to allow for the construction of a detached garage not entirely located to the rear of a principal residential structure. The May 6, 2004 Board of Adjustment minutes and the Planning Department staff report are attached.

**Department of Community Planning and Economic Development – Planning Division
Report**

Variance Request
BZZ-1678

Date: May 6, 2004

Applicant: Barbara Knox

Address of Property: 1507 3rd Street Northeast

Date Application Deemed Complete: April 8, 2004

End of 60 Day Decision Period: June 7, 2004

Appeal Period Expiration: May 17, 2004

Contact Person and Phone: Barbara Knox, 612-706-0436

Planning Staff and Phone: Carrie Flack, 612-673-3239

Ward: 3 **Neighborhood Organization:** Sheridan

Existing Zoning: R1A, Single-family District

Proposed Use: Construction of a detached garage

Proposed Variance: A variance to allow for the construction of a detached garage not entirely located to the rear of a principal residential structure.

Zoning code section authorizing the requested variance: (8)

Background: The subject site is 66 ft. x 165 ft. (10,890 sq. ft.). The applicant is proposing to construct a detached garage that is 24 ft. x 24 ft. (576 sq. ft.) on the north side of the existing two family dwelling. The garage will be located 5 ft. from the north interior property line, 20 ft. from the west front property line, 7 ft. from the north façade of the dwelling, and approximately 116 ft. from the east rear property line. The detached garage is proposed to be lap siding or cement board siding and the applicant plans to install window boxes on the south façade. The roof pitch of the garage is 8/12 which matches the roof pitch of the dwelling.

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.

Detached garage not entirely located behind a principal residential structure: The applicant is seeking a variance to allow for the construction of a detached garage that will not be located entirely behind the principal structure on the property. The applicant has stated that because there is not an alley on her block, that many residents have garages located adjacent to their principal dwelling. In addition, the applicant states that there are significant trees and a mature lilac on the property which would need to be removed to comply with the ordinance requirements. Strict adherence to the regulations does not allow for a detached garage to be located adjacent to a principal residential structure which is not a reasonable use of property that is 165 ft. deep.

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.**

Detached garage not entirely located behind a principal residential structure: The circumstances upon which the setback variance is requested are not unique to the parcel of property. While the existing lilac is mature and quite large, it could be removed or relocated to allow for a garage to be constructed entirely behind the dwelling. Staff believes that the lot is quite large (66 ft. x 165 ft.) and that a detached garage could be accommodated behind the principal structure without removing significant trees existing along the north property line.

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.**

Detached garage not entirely located behind a principal residential structure: Granting the variance will not be in keeping with the spirit and intent of the ordinance and will alter the essential character of the area or be injurious to the use or enjoyment of other property in the vicinity. The intent of locating a detached garage entirely behind a principal structure is to prevent garages from dominating the presence of the street-wall. The applicant states that there are several garages located in the neighborhood adjacent to principal dwellings. However, many of these garages are attached garages and are permitted. Staff does not believe that detached garages adjacent to dwellings should be supported due to the intent of current ordinance regulations.

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.**

Detached garage not entirely located behind a principal residential structure: Granting the variance would likely have no impact on congestion of area streets or fire safety, nor would the proposed setback be detrimental to the public welfare or public safety.

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

The Department of Community Planning and Economic Development Planning Division recommends that the Board of Adjustment adopt the findings above and **deny** the variance to allow for the construction of a detached garage not entirely located to the rear of a principal residential structure.

HEARING AGENDA

Minneapolis Board of Adjustment:

Ms. Debra Bloom
Mr. David Fields
Mr. John Finlayson
Mr. Daniel Flo
Mr. Paul Gates
Ms. Marissa Lasky
Mr. Barry Morgan
Mr. Peter Rand

The Board of Adjustment of the City of Minneapolis will meet at **2:00 p.m.**, on **Thursday, May 6, 2004** in **Room 317 City Hall**, Minneapolis, Minnesota, to consider requests for the following:

9. 1507 – 3rd Street Northeast (BZZ-1678, Ward 3)

Barbara Knox has applied for a variance to allow for the construction of a detached garage not entirely located to the rear of a principal residential structure in the R1A Districted located at 1507 3rd Street NE.

Department of CPED Planning Division Recommendation by Ms. Flack:

The CPED Department Planning Division staff recommends **denial** of the variance to allow for the construction of a detached garage not entirely located to the rear of a principal residential structure.

TESTIMONY

Staff presented their report and recommendation to the Board of Adjustment.

Finlayson: Is the applicant present? Care to make a statement? Please state your name and address.

Applicant: Yes, thank you. I am **Barbara Knox** and I live at 1507 – 3rd Street Northeast. I appreciate it and I am sorry that I have to make you talk about garages again. It sounds like you do that a lot. I have several points. I was disappointed to hear that I was going to be denied the variance and I was upset initially. But it was a good process actually for me because I thought it through again. I looked at it, because I do have a very deep lot there is no question that I could have a garage to the rear of the house. So the question in my mind, I went through it again, why do I not want to do that? One of the first things that I discovered was that I wouldn't even need a variance if I chose to attach the garage in the spot that I want to build it. So, by virtue of moving it six feet from the house it becomes a no sell. Obviously, in my mind to maintain the structural integrity of a 125 year old house, you wouldn't slap on an attached garage and block all light out of the side of your house, plus it would be ridiculously expensive. So, ultimately though, it is to maintain the integrity of the lot. My lot, my property is all about my lot. My house is a somewhat deteriorated 125 year old duplex, which I share with my mother. She lives upstairs and my daughter and I live down. It is not a large property, we are fixing it up, but the true beauty of this property is the lot. So, if you look at the way the property lays out, I am very lucky in that my house sits tucked very tightly into one corner of the lot leaving both a large side yard and a large back yard. If I was to locate the garage to the back of the property, I would essentially lose my side yard with a 50 foot long driveway (twelve feet by fifty feet). So one third of my side yard would become concrete. I would have to remove (definitely not relocate) my mature lilac, which I went out and measured today and it spans 30 feet north to south and 24 feet east to west. Likewise the trees existing on the north property line, which staff believes would not need to be removed (I again disagree completely), I went

out and measured those trees as well. Each of them measures, has a circumference 6 ½ feet, and two of the trees have a canopy that spans 35 feet into the yard that would be going south. It would be impossible to construct a garage underneath that. Now, could the trees be removed? Yes. Could the lilac be removed? Yes. Could I put in a 75 foot driveway? Yes. My question is, what is the sense of that when already I have been told I could attach the garage in the exactly the same spot and that would not interfere at all with the street wall and detaching it would. So, looking at those issues and adding to that the financial hardship of adding approximately \$10,000 dollars to the project to remove trees and doing extended driveway from 20 feet to 75 feet, it just would not be a feasible project for us anymore or any longer. Thank you.

Finlayson: Anyone else to testify in favor?

I am **Laura Wolff** and I work for Council Member Samuels and he asked to stop in and let you know that he supports his neighborhoods and supports this application for a variance. Thank you.

Finlayson: Anyone else in favor? Anyone against? I see no one. Close the public portion of this item.

Morgan: Mr. Chair I don't have too much issue with the location of the garage. I don't necessarily think in this situation the garage needs to be pushed clear to the back. We do get into some talks about green space and driveways and issues like that. One concern that I do have with the sketch that was provided is the shape and such of the drive. If there was a car parked on the right hand side of the driveway there will likely be no access to the left hand side of the garage under the current configuration based on the length and depth. I would recommend that the garage be pushed back some distance to accommodate vehicle sizes. But I am trying to think of a way to word a potential change to support the applicant and not the staff recommendation.

Lasky: Could not hear Ms Lasky – voice did not pick up on the recorded tape.

Gates: The question is whether or not the lilacs constitute a hardship. If they don't, then I am not sure of what the hardship would be. I believe that in the past we have saved certain kinds of trees but I don't think these fall into that category. They're not a substantial species, not much contribution to the site or the neighborhood. I am hard pressed to find a hardship on this unless someone else can articulate one. I'll have to support the staff recommendation on this.

Fields: What concerns me about the lilacs (I can get attached too) if the garage is built, one of the nice things about the lilacs is that they are so large and visible from the street. Building a garage whether attached or detached you are not going to see the lilacs. So, in a way the lilac issue is whether the garage goes there or farther back. That's what neutralizes that issue for me.

Finlayson: Further comment or does someone have a motion?

Morgan: In essence, if she built the garage with the front of the garage matching the rear of the house, there would no variance? Correct?

Flack (Staff): The front of the garage or the back of the garage?

Morgan: The front of the garage matching the rear of the house.

Flack: It needs to be entirely behind. As long as it was behind, it could be pretty close.

Lasky: Could not hear Ms Lasky – voice did not pick up on the recorded tape.

Finlayson: I am not hearing a hardship. Does someone have a motion?

Gates: I move the staff recommendation.

Bloom: Seconded the motion.

Finlayson: Please call the roll.

ROLL CALL VOTE:

Yeas: Bloom, Fields, Finlayson, Flo, Gates, Lasky, Morgan, Rand

Nays: None

Recused: None

Absent: None

BOARD OF ADJUSTMENT ACTION:

Mr. Gates moved to adopt the staff recommendation and deny the variance application to allow for the construction of a detached garage not entirely located to the rear of a principal residential structure in the R1A Districted located at 1507 3rd Street NE. Ms. Bloom seconded the motion. Motion passed.