



**Request for City Council Committee Action from the Department of Community Planning
& Economic Development – Planning Division**

Date: September 18, 2008

To: Council Member Gary Schiff, Chair, Zoning and Planning Committee
Members of the Committee

Referral to: Zoning and Planning Committee

Subject: Appeal of the Board of Adjustment action **approving** the variances at 813 Kenwood Parkway to allow for a new detached garage. The appeal has been submitted by neighboring property owners, Lisa Niforopulos and Warner Bruntjen.

Recommendation: The Board of Adjustment **approved** the following variances to allow for a new detached garage in the front yard at 813 Kenwood Parkway by Ian Campbell, on behalf of Ayla Reed:

- A variance to reduce the front yard setback along Kenwood Parkway from the setback established by connecting a line between the two adjacent residential structure to zero feet,
- A variance to reduce the southeast interior side yard setback from 5 ft. to 2 ft. both to allow for a new detached garage to be constructed,
- A variance to allow a detached garage to be constructed between the principal structure and the front lot line,
- A variance to allow a detached garage to be constructed that is not located entirely to the rear of the principal residential structure, and
- A variance to increase the maximum permitted width of a driveway from 25 ft. to 27 ft. 6 in., subject to the following conditions:
 1. No vehicles shall be parking in the driveway as to obstruct pedestrian traffic on the public sidewalk, and
 2. The exterior materials of the detached garage shall be similar to the exterior materials of the principal residential structure,
 3. The garage and primary residential structure remain detached, and
 4. The curb cut must be approved by City of Minneapolis, Public Works Department, and
 5. That the Planning Division review and approve the final site and elevation plans that measure to an architectural or engineering scale.

Previous Directives: N/A

Prepared or Submitted by: Molly McCartney, Senior Planner, 612-673-5811

Approved by: Jack Byers, Planning Supervisor, 612-673-2634

Presenters in Committee: Molly McCartney, Senior Planner

Financial Impact (Check those that apply)

- No financial impact (If checked, go directly to Background/Supporting Information).
- Action requires an appropriation increase to the _____ Capital Budget or _____ Operating Budget.
- Action provides increased revenue for appropriation increase.
- Action requires use of contingency or reserves.
- Business Plan: _____ Action is within the plan. _____ Action requires a change to plan.
- Other financial impact (Explain):
- Request provided to department's finance contact when provided to the Committee Coordinator.

Community Impact (use any categories that apply)

Ward: 7

Neighborhood Notification: The Lowry Hill Neighborhood was notified on July 10, 2008.

City Goals: See staff report.

Comprehensive Plan: See staff report.

Zoning Code: See staff report.

Living Wage/Job Linkage: Not applicable.

End of 60/120-day Decision Period: On August 13, 2008, the applicant was sent a letter by Planning staff extending the decision period to no later than November 10, 2008.

Other: Not applicable.

Background/Supporting Information Attached: Lisa Niforopoulos and Warner Bruntjen have filed an appeal of the decision of the Zoning Board of Adjustment **approving** variances for 813 Kenwood Parkway to allow for a detached garage in the front yard. The Zoning Board of Adjustment voted 5-2 to approve the variances on July 31, 2008. The appellants' appeal statement is included in the staff report.

Minneapolis Zoning Board of Adjustment
ACTIONS

Thursday, July 31, 2008
4:30 p.m., **Room 317** City Hall

Board Membership: Mr. Matt Ditzler, Mr. John Finlayson, Mr. Paul Gates, Mr. Chris Koch, Ms. Marissa Lasky, Ms. Alissa Luepke Pier, Mr. Bruce Manning and Mr. Matt Perry, Mr. Dick Sandberg

813 Kenwood Parkway (BZZ-4127, Ward 7):

Ian Campbell, on behalf of Ayla Reel, has applied for the following variances:

- A variance to reduce the front yard setback along Kenwood Parkway from the setback established by connecting a line between the two adjacent residential structure to zero feet,
- A variance to reduce the southeast interior side yard setback from 5 ft. to 2 ft. both to allow for a new detached garage to be constructed,
- A variance to allow a detached garage to be constructed between the principal structure and the front lot line,
- A variance to allow a detached garage to be constructed that is not located entirely to the rear of the principal residential structure, and
- A variance to increase the maximum permitted width of a driveway from 25 ft. to 30 ft.

to allow for a detached garage in the front yard at 813 Kenwood Parkway in the R2 Two-Family Residential District and SH Shoreland Overlay District.

CPED Department Planning Division Recommendation by Ms. McCartney:

Mr. Perry moved and Mr. Sandberg seconded the motion to adopt staff recommendation and

- **Approve** the variance to reduce the front yard setback along Kenwood Parkway from the setback established by connecting a line between the two adjacent residential structure to zero feet for a detached garage,
- **Approve** the variance to reduce the southeast interior side yard setback from 5 ft. to 2 ft. for a detached garage,
- **Approve** the variance to allow a detached garage to be constructed between the principal structure and the front lot line,
- **Approve** the variance to allow a detached garage to be constructed that is not located entirely to the rear of the principal residential structure, and

Notwithstanding staff recommendation Mr. Perry moved and Mr. Sandberg seconded the motion to

- **Approve** the variance to increase the maximum permitted width a driveway from 25 ft. to **27 ft. 6 in.** for a property in the R2 Two-family District located at 813 Kenwood Parkway, subject to the following conditions:
 1. No vehicles shall be parking in the driveway as to obstruct pedestrian traffic on the public sidewalk, and
 2. The exterior materials of the detached garage shall be similar to the exterior materials of the principal residential structure,
 3. The garage and primary residential structure remain detached, and
 4. The curb cut must be approved by City of Minneapolis, Public Works Department, and
 5. That the Planning Division review and approve the final site and elevation plans that measure to an architectural or engineering scale.

Roll Call Vote:

Yeas: Ditzler, Finlayson, Koch, Perry and Sandberg

Nays: Lasky and Manning

Recused: Luepke Pier

Absent:

**Board of Adjustment
Hearing Testimony and Actions**

Thursday, July 31st, 2008
4:30 p.m., **Room 317** City Hall

Board Membership: Mr. Matt Ditzler, Mr. John Finlayson, Mr. Paul Gates, Mr. Chris Koch, Ms. Marissa Lasky, Ms. Alissa Luepke Pier, Mr. Bruce Manning, Mr. Matt Perry, Mr. Dick Sandberg

The Board of Adjustment of the City of Minneapolis will meet to consider requests for the following:

3. **813 Kenwood Parkway (BZZ-4127, Ward 7):**

Ian Campbell, on behalf of Ayla Recel, has applied for the following variances:

- A variance to reduce the front yard setback along Kenwood Parkway from the setback established by connecting a line between the two adjacent residential structure to zero feet,
- A variance to reduce the southeast interior side yard setback from 5 ft. to 2 ft. both to allow for a new detached garage to be constructed,
- A variance to allow a detached garage to be constructed between the principal structure and the front lot line,
- A variance to allow a detached garage to be constructed that is not located entirely to the rear of the principal residential structure, and
- A variance to increase the maximum permitted width of a driveway from 25 ft. to 30 ft.

to allow for a detached garage in the front yard at 813 Kenwood Parkway in the R2 Two-Family Residential District and SH Shoreland Overlay District.

CPED Department Planning Division Recommendation by Ms. McCartney:

Mr. Perry moved and Mr. Sandberg seconded the motion to adopt staff recommendation and

- **Approve** the variance to reduce the front yard setback along Kenwood Parkway from the setback established by connecting a line between the two adjacent residential structure to zero feet for a detached garage,
- **Approve** the variance to reduce the southeast interior side yard setback from 5 ft. to 2 ft. for a detached garage,
- **Approve** the variance to allow a detached garage to be constructed between the principal structure and the front lot line,
- **Approve** the variance to allow a detached garage to be constructed that is not located entirely to the rear of the principal residential structure, and

Notwithstanding staff recommendation Mr. Perry moved and Mr. Sandberg seconded the motion to

- **Approve** the variance to increase the maximum permitted width a driveway from 25 ft. to **27 ft. 6 in.** for a property in the R2 Two-family District located at 813 Kenwood Parkway, subject to the following conditions:
 1. No vehicles shall be parking in the driveway as to obstruct pedestrian traffic on the public sidewalk, and
 2. The exterior materials of the detached garage shall be similar to the exterior materials of the principal residential structure,

3. The garage and primary residential structure remain detached, and
4. The curb cut must be approved by City of Minneapolis, Public Works Department, and
5. That the Planning Division review and approve the final site and elevation plans that measure to an architectural or engineering scale.

Roll Call Vote:

Yeas: Ditzler, Finlayson, Koch, Perry and Sandberg

Nays: Lasky and Manning

Recused: Luepke Pier

Absent:

TESTIMONY

Mr. Gates: Thank you Ms. McCartney. Before we go on, let the record show that Ms. Luepke Pier has joined us. Because you did not have the benefit of the full staff presentation I'll ask you to abstain from the vote on this one. Thanks.

Mr. Gates: I have a question for you Ms. McCartney, with regard to the driveway variance; staff is recommending a 26 foot width – not a 30 foot width. I did the math on it and came up with 27 feet six inches between the edges of the two...the outer edges of the garage doors. I don't know if my math is correct or not, but if it is, seemingly then they would be driving off of a 26 foot wide driveway. Do you want to look at that?

Ms. McCartney (staff): Chair Gates, thank you for pointing that out. I know that these elevations are ... have been reduced, I don't know if that had anything to do with the measurement of mine or yours.

Mr. Gates: Yeah, I was just going off of the stated dimensions on the plan and came up with 27 feet six.

Ms. McCartney (staff): Are you looking at the site plan or the elevation?

Mr. Gates: The sheets aren't labeled so there...it's difficult... but there's a foundation plan, yes, that's the one.

Ms. McCartney (staff): Chair Gates, thanks for pointing that out, I think when we looked at this the larger garage door is 16 feet wide, the smaller one is nine feet, that's 25 and then perhaps we did miss some of the measurements in between, I think we were just looking at the garage door width and maybe just taking those two six inch measurements and not the other ten and eight inch measurement on the other side.

Mr. Gates: Yes, the ten and eighteen inches...

Ms. McCartney (staff): Yes, that would be 27 and-a-half then.

Mr. Gates: Right. So as long as we understand that that is the correct...

Ms. McCartney (staff): It is possible to have a smaller curb cut and have your driveway...

Mr. Gates: That's true, although what staff is saying is that it is not the curb cut that is at issue, that's for Public Works to decide, right, it's actually the driveway width that is regulated by the zoning variance, so, if we approve a variance for 26 feet wide then that's all they get. Right?

Ms. Lasky: We could find differently.

Mr. Gates: We could find differently, yes. All right, thank you, that was my question. Is the applicant here? I'm sorry, are there other questions for staff?

Mr. Manning: Ms. McCartney, if I might, is this actually an attached garage just to have an underground tunnel?

Ms. McCartney (staff): Chair Gates and Board Member Manning, Board Members, the previous plans did include an underground connection between the house and the garage, I think at that time we had made the findings that it...it's sub-terrain and we wouldn't necessarily consider it attached. We do look at a lot of above ground attachments for garages and homes, and while we do regulate some things about basements and basement heights above ground, we try not to get into the business of...

Mr. Manning: My question I suppose is the staff recommendation...

Ms. McCartney (staff): I don't think the staff recommendation intended to prevent any underground connections, but just that they can't connect above ground. The house and the garage, just trying to maintain the different...the break up of the mass between a detached garage and its principal structure.

Mr. Manning: So, under the staff recommendation item 3, to redefine...

Ms. McCartney (staff): Would exempt a sub-terrain connection.

Mr. Manning: My other question is, it appears to me that on page four of the staff report the staff is recommending the garage be similar exterior materials as the principal structure. It appears to my eye that the drawing and the ...are not, maybe they are. Did the staff consider those similar materials?

Ms. McCartney (staff): Right, the home has a wood lap siding and the garage has some wood singles and a stucco finish, these are the similar conditions to the previous one and we didn't really have a problem with that. We could ask for just the wood lap siding again this time. I think looking at it then and looking at it now, it's durable materials that have some esthetic qualities to them. Stucco is used in other homes along the block as well as wood.

Mr. Perry: Thank you Mr. Chair, I want to follow up on the Chairs question about the driveway width. Would you explain to me again what you typically measure from in the driveway...I'm sorry on the garage to determine the driveway width? I'm thinking of a case where you had a service door maybe on the front, does that count? Is it the structure itself, or is it just the drive...the garage doors?

Ms. McCartney (staff): Since the driveway is for driving things on, we've usually measured it...well, when we're looking at situations where the driveway width is in question, it's pretty consistent that we look at the distance between the two openings...the openings for approving a larger garages or working with larger driveway widths.

Mr. Perry: Thank you very much; thank you Mr. Chair.

Mr. Koch: It's the Molly show tonight. Thank you. Just to clarify that, the garage that was torn down, was it a two or three car garage?

Ms. McCartney (staff): The previous garage appeared to be a two car garage, because of its measurements. In the front it was 18.4 feet wide in the back it was about 19 and-a-half.

Mr. Koch: Okay, and then ...

Ms. McCartney (staff): It's a two unit ... it's a duplex, so each unit would be required to have an off street parking...we feel that asking for additional parking spaces is reasonable.

Mr. Koch: Would the applicant need a variance if there was a two car garage and a parking space? Can you have a parking space in your front yard?

Ms. McCartney (staff): You can have a parking space in your front yard through a variance process, so, you could do it, it would have very similar variances to the detached.

Mr. Koch: Okay.

Ms. McCartney (staff): A parking...parking facility or... it's the same purposes, I think in the front yard, having it enclosed might have some positive qualities for neighborhoods as opposed to just having cars parked in the front yards.

Mr. Koch: That was my question. Thanks.

Mr. Gates: Thanks Ms. McCartney. Now, is the applicant here? Do you care to speak?

Mr. Campbell: Good evening Mr. Chair, Board Members. My name is Ian Campbell, I am the contractor representing the home owner. Ayla Recel on the project, and this project started obviously like Molly was saying, in 2003 and was...has been going on for the last five years. Through those five years I understand the neighborhood has obviously gone through maybe some traumatic times with the way that everything has turned out, but with the home owner here wanting to finish the project and make all the neighbors happy, we're trying to go through the same process that was accepted two years ago from the original owner. So, I'm here basically to answer any questions that you may have on behalf of the home owner, because she may not know the actual code requirements or different questions that you may ask.

Mr. Gates: Sure, thanks very much. Do we have questions for the applicant?

Ms. Lasky: When we say siding material to match the home, are you going to be changing the lap siding to something that matches the garage siding?

Mr. Campbell: Well, actually to be clear with the siding, it's actually cedar siding, it's not...you know if you want to be cedar shakes, it's not a lap siding unless you want to get technical you could figure it's lap siding, but it is cedar siding and that's kind of the exterior of the garage as well. There are a few architectural changes that may or may not come up in the process of building the garage out with the home owner, but if there are requests from the Board or say the Neighborhood

to change the way that everything is decided in the process of the garage to maybe help influence the neighborhoods character, that would be definitely taken into consideration.

Ms. Lasky: I'll be a stickler on it because we ... I've been on the Board a long time and we weren't as careful as we've become, and we saw some garages that were less than desirable and if this passes I will want a friendly amendment that says that the house really has to coordinate, and this does not in my mind ... these don't look like they go together. Either the house needs to coordinate with the garage or the garage needs to coordinate with the house. It is very attractive and interesting, but they don't coordinate...the materials.

Mr. Campbell: Right, with that said, the...

Ms. Lasky: It's a requirement of staff, but I think staff's interpretation is probably a little more liberal than mine, just because it is cedar does not seem to match.

Mr. Campbell: Correct, well the cedar...you're talking about the siding cedar and stucco...you're saying that ...

Ms. Lasky: I don't have any problem with it being stucco with the cedar, but the cedar material on the house as it appears in the picture does not seem to match the effect on the garage. I'll defer to the architect on our board.

Ms. Recel: I'm Ayla Recel, I'm the home owner. Looking at the drawing though, I do plan to have it match the house much more then what the drawing represents, because I agree that I don't think that it matches it 100%, so I do plan to have the exact same siding and same color as the house. I may add a little stone in the front to make it more beautiful if you will, but it will not look like that picture exactly. Close, but better.

Mr. Gates: Any further questions for the applicant? I see none, thank you.

Mr. Campbell: Okay, thank you.

Mr. Gates: Is there anyone else here to speak in favor of the application?

Ms. Green: Hi Chairman and Board Members, I'm, Dawn Green, I'm with Edina Realty and I helped Ayla purchase this property. As you know it was a foreclosure, it's unfortunate that we have a home owner here. She is going to owner occupy the duplex. The upper floor is 2000 square feet, the first floor is 1500, which is why we are asking for a three car garage, because there probably will be multiple people living in that upper level. Ayla is fully funded, she is putting \$120,000 dollars into this garage, she has the money, it's available, it's not going to fall through, and here is someone that really wants to beautify the neighborhood.

Mr. Gates: Okay, thanks very much. Anyone else here to speak in favor? Anyone here to speak in opposition? Sure, come up in order please.

Mr. Bruntjen: Hello Mr. Chairman, Board, my name is Warner Bruntjen, I live at 807 Kenwood Parkway.

Ms. Niforopulos: And I'm his wife Lisa Niforopulos, and Warner and I are concerned because the proposed garage obviously is adjacent to our home. The previous owner of 815 Kenwood Parkway as has been discussed here; began and eventually abandoned a similar garage project and as a

result, 813 Kenwood Parkway has sat unoccupied for nearly three years, so Warner and I welcome the new neighbor and we recognize that 813 Kenwood Parkway needs a garage on the front of its property. It's the only place to put it, but we're concerned that a three car garage would be too large in comparison with other garages on our street. That the garage would make it tough for us in particular to see the Parkway, especially when we are trying to back cars out of our garage and the garages' is 30 foot wide driveway, well if the variance is passed, would gobble up the already scant on street parking. So, I guess the point I'd like to make is that I'm opposed to the first, second and last variance, because they would allow for a garage that would disrupt my neighborhood in three ways, the character of my neighborhood along my stretch of the Parkway and I'm counting from Waverly Place down to Summit Place there are no garages that sit right along the sidewalk that have three stalls, or that have a 30 foot wide driveway. Secondly this garage as planned would disrupt my neighborhood safety wise, a garage set so close to the sidewalk would as I've mentioned obscure views of the Parkway and parking wise – a 30 foot wide driveway, I feel, would result in fewer on street parking spots. So, I believe that Ayla Recel could use and enjoy her property if she built a smaller garage, setback reasonably from the sidewalk and we actually created and distributed a petition along our stretch of the Parkway and there is unanimous opposition to this garage as planned.

Mr. Bruntjen: This is a picture from up the Parkway here. This little nook right here, that's where I have my breakfast every morning; 30 feet is going to be somewhere around here for the edge of the garage and it's going to be 14 ½ feet tall and come all the way back. Now I know the garage itself is only going to be 11 ½ foot tall, but there is a balcony that goes around the upside portion ... the west side of that garage and there is three and a half more feet of obstructed view on top of that, so it ends being like a 14 ½ foot tall blockage, so every morning I'm not going to be able to see up the Parkway like I can right now and backing out of the driveway like we stated before. I've got a ton of pictures here, but all of it shows that there is 12 residence here along Kenwood Parkway and our house is probably the worst offender being our driveway is probably 15 feet away from or 10 to 15 feet away from the sidewalk itself, so we're the closest, but every single garage is either tucked under the house like ours, right there, or set back like the next neighbors and tucked under. So, they're all...and there's a 10 foot, you know out of all the driveways there's two 10 foot driveways and the rest of them are 20 feet or less. So we're going from this smaller average to a 30 foot driveway, or 26 or 27 ½ ...I'm not sure what it's going to end up being, but it just seems...Here is our house. The property line, the iron is actually in our garden here somewhere for the property line, so two feet away from our property is right on the edge and it goes all the way up right there...or, that is the property line, I'm sorry, and the garage itself would be like right here, so, it's going to be within eight feet of our home. Since the old garage was removed, our basement has never leaked in the past three years. I know it's not a huge concern to you guys, or to...to me it is massive and so, one of my concerns is living on the side of that hill, having all of that water come down the hill and flow into that nook that eight foot nook between our house and that garage might create some water issues and I know the builder and Ayla have done wonderful things to address that and I'm ecstatic to have a garage put in there finally. I think it's too big, too close and not set far enough back.

Mr. Gates: All right thank you both. Are there comments or questions for the speakers? I see none, thank you. Is there anyone else here to speak in opposition?

Mr. Levin: My name is Gary Levin, I live at 825 Kenwood Parkway, I'm probably the longest resident on the block, I have lived there some 36 years. My issue is similar and as most of the points have been recited by both Warner and Lisa, but I'll repeat at the sake of repeating you'll know that I also have similar concerns. The traffic disruption is clearly going to be a problem. What the pictures don't show is that this is right around a very dangerous corner. So dangerous that I

have suggested that the City in fact put in speed bumps, however; they won't do that when the curves is so, so treacherous. Folks backing out of this garage would be doing so right around the corner with people who go theoretically 25 miles per hour, because that is the Parkway speed limit, but on ... doing a calculation and looking ... the young folks who go to Blake School go much faster, as do folks who are cutting through the neighborhood, coming down Waverly Place and going on Kenwood Parkway to take the short cut to downtown by Parade Stadium. So, there is, number one, a true traffic hazard there...backing into that area. A traffic hazard not only to the people who live there, but certainly to the people coming by. I myself nearly hit a bicyclist just the other day. Again, a lot of people ride bikes by there a lot of people walk and run on that path, all of whom would be in danger even more by having a garage at all on the property. Unsightliness... that's already been discussed, it's clearly out of character with the neighborhood. It just does not fit, somebody else said that. There's noise, there has been noise from that patio in the past and in fact one of the residents who lives two houses away did talk about that noise. If this were once again an entertainment area we would be encountering even more noise. There is another property right next door to mine where they party on the roof of this place and it...again, it's going to add more noise to the neighborhood. 11 out of 12 people and because there's one house unsold, say they don't want the garage. There is a sightline issue for the peaceful enjoyment of this family...of their home. Clearly this is going to be blocking off their view of Kenwood Parkway. It was approved for the original owner because it was an owner that we all knew and all trusted. That person it turns out, simply wanted the variance so that she could sell her property...was able to do so and you've heard the history of it beyond that point. We're going to lose more parking with the curb cut. We're not going to reduce the problem; we're going to lose more parking with the curb cut. Chairman spoke earlier talking about altering the central character of the neighborhood. This garage clearly would do that. Reasonable use...there are many, many homes in the City of Minneapolis that don't have garages. People are still able to enjoy their properties or reasonably use them without garages. I couldn't because I lost several cars that were hit where I live on the corner. My solution was to lift my house, pour new footings, jack hammer out my recreation room and make that a new garage. That was the way I solved the problem. My second garage is identical in character to the existing garage, moved back from the street and enables me to have both cars off the street. It worked for me, there are alternative solutions and I think we should be looking at some of those.

Mr. Gates: Thank you very much.

Mr. Perry: I have a question sir.

Mr. Gates: We have a question sir.

Mr. Perry: Thank you Mr. Chair, are you saying you're opposed to any garage at all, or are you saying that you are opposed to a three car garage?

Mr. Levin: I'm clearly opposed to a three car garage and preference for safety purposes would be not to have any garage at all on the property.

Mr. Perry: Thank you for the clarity.

Ms. Lasky: Looking at the survey from 2003 and there was a garage on the site correct?

Mr. Levin: There was, that's correct.

Ms. Lasky: And how long was that garage there?

Mr. Levin: I don't know, I believe it was an after thought, but it had been there most of the time that I lived there, I don't recall it being built however. It may have been there before is what I'm saying.

Ms. Lasky: So you are used to having the garage there and it wasn't a problem for you the years that ...

Mr. Levin: No, it was a terrible problem because it was always in a state of disrepair.

Ms. Lasky: But other than the disrepair...you were accustomed to having a garage on that site.

Mr. Levin: I was accustomed to having a garage on the site, that's correct.

Mr. Gates: Okay, thank you very much.

Mr. Koch: Your property is in relation two houses away, three houses away from this property, or?

Mr. Levin: My house is two houses away from this property.

Mr. Koch: Okay, thank you.

Mr. Levin: I would just add one thing parenthetically, when we're talking about character of the neighborhood, I'm the house that is directly across the street from the Mini Wiseman Museum that was built on Waverly. At that point and time there was very little concern as to what the exterior platting would be, so, should this pass we'd be very concerned as to what the platting might be for a any size garage, if any.

Mr. Gates: All right, thank you sir. Further comments in opposition to the variances?

Ms. Phommasourah: Mr. Chairman and Board Members, I'm Arouna Phommasourah, and I live two houses down from where the property will be built...

Mr. Gates: Is that 801?

Ms. Phommasourah: It is 801, correct. And my only concern is that with a three car garage being set so close to the sidewalk that it would stick out too much because it is so wide and it would not necessarily, even though it would have materials that would be in character with the neighborhood, it might just ... I don't know, be too big as opposed to the other...when you are driving down the block and the driveways are set back. Or they're one or two garages and driving down then and having that expansive ... just a really big structure so close to the sidewalk just seems like it would kind of stick out a little too much. Although, I do agree with the rest of my neighbors that we ... we welcome Ms. Recel and her desire to improve the property.

Mr. Gates: All right, thank you for your comments. Further comment? I see none; we'll close the public hearing on this item and hear from the Board.

Ms. Lasky: I actually have a question for the Chair. If the original garage location was maintained, could the applicant do a piggy back garage, three car garage in that location? An "L" shape or something that would...

Mr. Gates: Well, I'm not the expert on the Code here, I could conjecture, but actually staff would have to make that determination upon that.

Ms. Lasky: From an architectural standpoint, it's possible to maintain a two car front and a piggy back...

Mr. Gates: I see, you're not asking about the legality of it, but simply the ...

Ms. Lasky: ... Possibility from an architectural standpoint?

Mr. Gates: Sure, anything of that nature I'm sure could be done, but that probably isn't the issue here before us.

Mr. Ditzler: I'll try to get the ball rolling here. A couple of thoughts, clearly this is one of the more unique sites I think we've seen in a while, just from the fact that it's size, it's shape, it's typography...and one other aspect in here, I just want to confirm with staff...this lot is currently zoned R2B? Is that correct?

Ms. McCartney (staff): Chair Gates and Board Member Ditzler, I was wrong it is zoned R2 which is two family district which allows single and two family homes.

Mr. Ditzler: Okay, and what is the difference between R2 and R2B?

Ms. McCartney (staff): Lot size and lot width. R2 has a minimum requirement of 6000 square feet and a R2B has a 5000...or for existing duplexes, existing lot size of 5000 square feet and 40 and 50 for lot width.

Mr. Ditzler: That answers some of my question, because I think for me, part of the issue here too is that this is a two family ...this is a two family lot. That's what it's zoned for and I am sympathetic to some of the neighbors concerns about it, but there is double the population on this lot than there will be on any of the people who testified in opposition to it. That's what it is zoned for, that's what it will be used for and I think that lends a little bit of consideration when looking for a garage of this size and the garage size is what is allowed if the lot were a standard size in Minneapolis anyway at 676. So, I'm not making a motion either way, but these are the things that...I think we need to get the measurements right, I think staff has actually done a really good job in their conditions, I like the conditions a lot. I think that they have done their best to try to mitigate that this doesn't become anything else other than what has been proposed, so I think that is good as well and on face value, I'm tending to support it.

Mr. Gates: Thank you Mr. Ditzler.

Mr. Finlayson: I am also supporting the variance as requested, with the caveat as you said adjusting the exact width of the driveway to match the garage doors.

Mr. Gates: All right, thank you.

Mr. Koch: You know ... I need some help being convinced. You guys make great points, but ... a driveway... a 30 foot driveway, the curb cut actually by Code has to go out an additional five feet on each side, so it's really a 40 foot curb cut, so there's 40 feet of parking space being taken up on the street for a 30 foot wide driveway. Isn't that correct?

Ms. McCartney (staff): I can address the boards Chair Gates.

Mr. Gates: Ms. McCartney.

Ms McCartney (staff): That is a good point, the curb cut on that southeast side does not have to be expanded, that was where the location of that garage was, so, the curb cut is getting larger on the west side...the northwest side, and yes, the standards that Public Works uses is that the radius of the curb cut or where the curb starts to curve in...that needs to be five feet, so that...so from when it starts to curve to when it gets straight is five foot, so yeah...that could be taken into consideration.

Mr. Koch: You essentially you are taking your width of your driveway and adding 10 feet?

Ms. McCartney (staff): From where the curb starts to curve, yes, right.

Mr. Koch: Theoretically, people don't park where it starts to curve right, I mean, you can be towed if I'm parking in front of someone's.

Mr. McCartney (staff): It has the potential to create some conflict between the two cars. Another thing, parking lot dimensions that we typically use for parking lots or parking areas is eight-and-a-half feet wide by 18 feet long, just to give you some sort of relationship between the three cars off... if there are three cars off site, what's the corresponding ... what's the space on the road that it potentially would take up and meet...and it would for sure remove one off street parking space, I don't think it necessarily would take up two, but depending on how the people are parked on the block I guess it... that has to be considered too.

Mr. Koch: Okay.

Mr. Gates: Mr. Koch...

Mr. Koch: I'm not ready to weigh either way yet.

Mr. Perry: I'm not ready to weigh in yet either, but I would like to ask staff a question, I remember voting on this, but I do not recall whether we had included or whether that last request included a three car garage.

Mr. McCartney (staff): Chair Gates and Board Members, the last request was for the exact same size and design.

Mr. Perry: Thank you very much.

Ms. Lasky: I'll be the poster child three car garages and duplexes as you well know, but this one's giving me heart burn. Was there no way to set this garage back further so there would be a safety buffer zone for backup?

Ms. McCartney: I'll just put up again the previous site plan. I have a couple of photos actually of the site when it was disturbed. Here's the subjects home and here's the neighboring home at 807 I believe...off the front yard with that silt fence in front which I'm sure did absolutely nothing. So that's ... you know there is...obviously they were able to dig it out once before... and again, maybe another shot of... this is in your packet I believe. Again, a shot... on the block they do have that tuck under garage as well. I'm sure...with enough structural support and money it's possible.

Mr. Ditzler: I want to address Board Member Koch's concern too, because I have it as well, because I don't really...every time we come up with driveway width and curb cuts, I can't wrap my head around it either, but one thing that I do notice that staff does often times is put in that it has to be approved by Public Works, because they do know. I don't know, but they know, so any time I see that in there I feel better about it because they are the experts and they would know. I also wanted to make a point too that this property currently right now is out of...it's in violation, because there is no parking I believe Ms. McCartney said that, so I think currently as it sits right now it's in violation, so, I think we talk about intent as well regarding the applicant and it appears to be that the applicant is attempting to rectify the situation.

Mr. Manning: I haven't gone one way or the other, but this appears to be a situation where actually if the neighborhood gets what it's asking for it may come to regret it. There seems to be a home owner here who's willing to rescue this property which has been an eye sore and nuisance for quite a while, both by Ms. McCartney's own record, and by the fact that I drive by it from time to time. I share the concern that I'm wondering if one could go back to the drawing board to scoot this back further into the ditch than from it is currently located, but it seems to me we've got money and a plan and a reasonable use of a two family zoned home here, so, the neighborhood has spoken very clearly, I just wonder other than wishing it were a garden... what they expect.

Mr. Perry: Thank you Mr. Chair, I ... if I recall correctly, I voted against this the last time, but the Board made compelling arguments that we should have this a three car garage and have it placed where it was. I don't see any new data before me than when we approved it the last time and I want to respect the decision that the Board made the last time and so, I am going to move that we adopt staff finding with the condition that the measurement of the driveway is aligned with the interior...how they normally measure driveways relative to the garage.

Mr. Sandberg: I will second that.

Mr. Gates: I'm not quite clear on that condition that you put on there.

Mr. Perry: I just want to make certain since I can not... it tried to do the arithmetic with the drawings that I have, I don't know that 26 feet or 27 feet or 30 feet is sufficient, but I would like to have that measurement be what we allow to be in line with what we typically allow where you are measuring from the interior of the... the interior door openings on either side.

Mr. Gates: Well, okay, I think I understand the spirit of your condition there, although, I would suggest that the applicant came in asking for a precise number which is 30 feet and the staff gave a precise number of 26 feet and I would hate to see the variance be granted in such a way that it...that the driveway width could somehow fluctuate if for any reason there was to be fluctuation in the width of those doors. So I wonder if you can't refine that a little bit...to put a number on it.

Mr. Perry: Sure, same motion without any conditions on the driveway, in other words adopt staff recommendation as written.

Mr. Ditzler: To 26?

Mr. Perry: Yes, 26.

Mr. Gates: And do we have a second for that?

Mr. Sandberg: I'll second that.

Mr. Gates: Is there further comment?

Mr. Koch: I would just like to comment. Ms. Recel, I just want you to embrace the passion and spirit that your new neighbors have shown in protecting their homes. It's a hard thing to come up against a new neighbor who is obviously improving the neighborhood and saying we don't like what you're doing, but we like you. So if you can just kind of detach what they're trying to do to protect what makes ... why you bought the house from who they are as people, I mean... it's none of my business, but it's hard what you guys are doing here, so, regardless of the outcome just know that you're living in a great place that people love and they are protecting it.

Mr. Gates: Before we take a vote on this motion, I guess I'd like to ask the applicant, because I've heard a couple of comments from Board Members regarding a little bit of concern about that front yard issue. Someone suggested maybe that the whole thing could be slid further towards the house. Is there a comment on that as to why that might be a problem ... from the applicant?

Mr. Campbell: Let me just pull out the site plan here so we can all see it. This is the existing one and then this is the new one. Anyway, from what it shows right now, the back of the garage to the house foundation is 21 feet. I guess we would have to double check and re-measure things to make sure that it would actually be able to be moved back, but I believe obviously all these documents that we've been using...we wanted to go with the same thing that had been okayed before because we wanted an easy process. The home owner who bought the home, obviously liked this the way that everything has been, that's why we have gone with the way that everything has been in the past, because we wanted everything to move forward, and because everything has been approved, you know, everyone was happy. Obviously I understand where some of the home owners might be coming in to conflict with the way that everything is set up, but if you look at the way the site plan is now, compared to the site plan before, it actually ... the garage was set up closer in the front corner than this one is now, so for people backing up, I think it's ... it shouldn't be an issue and obviously, something needs to be built there. It's like asking for a house with no garage, you know, maybe we just take out the kitchen too, because it hasn't been finished...so, obviously there needs to be a garage there, there's not enough parking on the street for the home owner or another person living below her to park on the street, so that's why we have requested and we've gone along with the process to make sure that we can have extra parking, also, if I can say one other thing, about the stalls on the street, the way that it is set up, I'm sorry I don't have any pictures of the way that it is, because some of these issues have been brought up that I didn't know would be addressed, the way that it is set up where the curb cut is actually down here, at the end of the driveway, up to where it is now, is 20 feet, so, if we're asking for an additional say six or seven feet, most cars are not six or seven feet unless you have a compact car parking in there, so, the six or seven feet along that area, I don't think would be affected all that much, plus, you're gaining an extra stall that that one person that might not have been able to park there anyway or whatever, now has a spot to park. With the detached/attached, I know I believe Mr. Manning had mentioned something before hand...the attached garage/ detached garage, I noticed that in here and obviously, it is sub-terrain, so it is underground, so I don't, moving this thing back, sorry, I don't know exactly where I went with that, but ... moving this thing back, I believe it was set to where it's at right now, because of the way that it was designed, with stairs, with the exterior grade, with being able to use the space. The other thing that ... one of the existing home owners had mentioned was possibly, like financially...

Mr. Gates: I don't want to go into that right now. Finances are not an issue here and we're not suggesting that you do elaborate means here to get a garage. But to summarize, if I heard correctly, you don't know of any reason why it couldn't be closer to the house.

Mr. Campbell: It may be able to move...be moved a little bit. But because of the way that the stairs are set up, it might not be able to be. We'd have to double check.

Mr. Gates: Very good, thank you.

Mr. Ditzler: Regarding the motion, staff has recognized an error in their measurement, so...what do we do?

Mr. Gates: Well, we have a motion and it has been seconded and there...I don't hear any desire to alter that, so, you can vote yeah or nay on that particular motion.

Mr. Manning: Two things, I suspect the motion will and should fail because of staff error and we can make a second motion afterwards. The other issue that I would be inclined to support this variance as requested and support the motion if I knew the thing couldn't be scooted back. And I don't know how to deal with that dilemma. I certainly welcome any guidance, although as the current motion, I'm not supporting it because of the 26 foot, 27 ½ foot issue.

Ms. Lasky: I may be the only one who would like to see a continuance, because I am not satisfied that this hasn't been investigated enough to move this garage back other than it was convenient to follow the original application, and I'm very unhappy and I probably supported the original application because I've been here long enough, but I'm very unhappy with the fact that the neighbors aren't happy. Etc. etc. I will still support the three car garage because it being a duplex, but if this could be scooted back or there's some engineering reason why it can't, I haven't seen that support, and so, I will not support the motion.

Mr. Gates: All right, thanks Ms. Lasky.

Mr. Finlayson: I will not be supporting the motion as stated because of the width of the driveway versus the garage doors. But I would support something that matches, I also would say that this is not the Board of redesign, which this appears to be turning into. I think a reasonable request has been made, again, and I think we ought to support it rather than try to redesign it.

Mr. Gates: Okay, Mr. Perry, one final comment and then we'll take a vote here.

Mr. Perry: Yes, I would be open to a friendly amendment on the garage width. I stated it pretty inarticulately and if someone could help so that it could take into account the fact that there are measurements in error I would appreciate it.

Mr. Sandberg: Could we say 27 ½ feet instead of 26 feet?

Mr. Gates: We could.

Mr. Sandberg: That would match the presented drawing.

Mr. Perry: I accept that as a friendly amendment.

Mr. Sandberg: Second.

Mr. Gates: All right, so we have a motion to approve the staff recommendation with the exception that the driveway width ... the variance is granted to 27 feet six inches. Please call the roll.

Ditzler: Yes

Finlayson: Yes

Koch: Yes

Luepke Pier: Abstain

Lasky: No

Manning: No

Perry: Yes

Sandberg: Yes

Mr. Gates: Thank you all for coming down. The neighbors can talk to staff if they want about other avenues that they could explore, but the variances have been passed, so best of luck to the applicant.

Department of Community Planning and Economic Development – Planning Division Report

Variance Request
BZZ-4127

Date: July 31, 2008

Applicant: Ian Campbell, on behalf of Ayla Reel

Address of Property: 813 Kenwood Parkway

Contact Person and Phone: Ian Campbell, 612-702-2257

Planning Staff and Phone: Molly McCartney, 612-673-5811

Date Application Deemed Complete: July 10, 2008

Publication Date: July 24, 2008

Hearing Date: July 31, 2008

Appeal Period Expiration: August 11, 2008

End of 60 Day Decision Period: September 9, 2008

Ward: 7 **Neighborhood Organization:** Lowry Hill

Existing Zoning: R2, Two-family District

Proposed Use: Construction of a detached garage in the front yard with a rooftop deck

Proposed Variances:

- A variance to reduce the front yard setback along Kenwood Parkway from the setback established by connecting a line between the two adjacent residential structure to zero feet for a detached garage,
 - A variance to reduce the southeast interior side yard setback from 5 ft. to 2 ft. for a detached garage,
 - A variance to allow a detached garage to be constructed between the principal structure and the front lot line,
 - A variance to allow a detached garage to be constructed that is not located entirely to the rear of the principal residential structure, and
 - A variance to increase the maximum permitted width a driveway from 25 ft. to 30 ft.
- to allow for the construction of a 3-car, detached garage in the front yard at 813 Kenwood Parkway located in the R2 Two-family District.

Zoning code section authorizing the requested variance: 525.520 (1), (1), (8), (8)

CPED Planning Division Report

BZZ-4127

Background: The proposed variances are to allow for the construction of a detached garage located in the front yard of a property at 813 Kenwood Parkway. A two-car garage has been located in a similar location as proposed in this variance. That previous garage was torn down approximately 3 years ago after similar variances were applied for in 2005.

This site has had the identical variance as this report applied for in 2005 as 2003. The most recent variances were granted on August 4, 2005 (see attached Action, 8/4/05). All the variances were granted by the Board, with the exception that the driveway width expansion was granted only to 26 ft. The property owners at that time began work on an interior renovation as well; however, the site was abandoned after the previous garage had been demolished with no new construction. A new property owner is now applying for the same variances. In 2003, the same variances were applied for as well, and those property owners sold the house prior to construction too. The design and layout of the proposed garage is the same as the previous application.

In both re-application situations, the variances had expired after one year from approvals. The previous applicant had requested a one-year extension which was granted, but expired in August 2007.

The subject property is an irregularly shaped lot, measuring 50 ft. by 118 ft. by 44 ft. by 99 ft. (4,545 sq. ft.) and consists of a single-family dwelling and with a previous detached garage that was located in front of the principal residential structure. There was also a roof top deck on the existing garage. The current applicant is proposing to reconstruct a new, three car garage, along with the roof top deck, and widen the curb cut. The proposed garage does not meet the required front or side yard setbacks as well as the location requirements for a detached garage. In addition to these variances, a Public Works approval will be required for the curb cut and an encroachment permit will be needed for any work being done in the public right of way.

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: The applicant has requested a variance to reduce the required front yard along Kenwood Parkway from the setback established by connecting a line between the two adjacent residential structures to zero feet to allow for the construction of a new detached garage. There is hardship on this property due to the size of the lot and location of the house. There is not enough space for a driveway on the side of the house and not enough space between the house and rear property line to locate a garage due to the size of the lot and location of the house on the lot. In addition, there is no alley on this block and that because of the change in grade in the back yard from the street to the rear of the lot; it would be difficult to construct a garage in the back yard with a driveway to the street. The request for a garage in the front yard setback is reasonable.

Southeast interior side yard setback: The applicant is seeking a variance to reduce the southeast interior side yard setback from 5 ft. to 2 ft. to allow for a new detached garage to be

CPED Planning Division Report

BZZ-4127

constructed. The applicant has indicated that the proposed garage would maintain the side yard setback of the previous garage. The request for the location in the side yard setback is reasonable given the previous location of the garage.

Garage location (between principal structure and the front lot line and not located entirely to the rear of the principal residential structure): The applicant is seeking a variance to allow a detached garage to be constructed between the principal residential structure and the front lot line. The applicants have indicated that because of the lack of an alley, the grade change from the street to the rear of the property, and the placement of the house on the lot, that it would be difficult to construct a garage anywhere else on the lot than in the front yard.

Driveway width: The applicants are seeking a variance to increase the maximum permitted width of a driveway from 25 ft. to 30 ft. The proposed garage is a three-car garage that is 30 ft. in width. The proposed width between the edges of the garage doors is 26 ft. Based on the actual width of the garage doors, Staff believes that a driveway that meets the maximum width of 26 ft. wide is a reasonable use of the 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.**

Front yard setback: The lack of an alley, the change in grade from the street to the rear of the property, and the location of the dwelling on the property are unique circumstances of this property.

Southeast interior side yard setback: The location of the existing garage in the front yard is a unique condition of this property. The front yard would be more obstructed if the garage were to meet this side yard setback.

Garage location (between principal structure and the front lot line and not located entirely to the rear of the principal residential structure): The lack of an alley, the change in grade from the street to the rear of the property, and the location of the dwelling on the property are unique circumstances of this property.

Driveway width: The width between the garage doors is 26 ft., less than the requested 30 ft. wide driveway. Staff believes that a driveway that is wider than the width of the garage doors is not a circumstance unique to this parcel of land.

- 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: Staff is generally concerned about the visual impact of locating a garage in the front yard. In this particular situation, the applicant is replacing an existing garage and it

CPED Planning Division Report

BZZ-4127

would be difficult to locate a garage any other place on the property. In addition, the two adjacent residential structures have attached garages facing Kenwood Parkway. In order to lessen the visual impact of a 676 sq. ft. garage in the front yard, the proposed detached garage should use similar exterior materials as the principal residential structure to more closely match the existing character of the surrounding area.

Southeast interior side yard setback: Staff believes that granting of this variance would not alter the essential character of the surrounding neighborhoods because the proposed garage will maintain the existing side yard setback of the current garage. In order to lessen the visual impact of a 676 sq. ft. garage in the side yard, the proposed detached garage should use similar exterior materials as the principal residential structure to more closely match the existing character of the surrounding area.

Garage location (between principal structure and the front lot line and located entirely to the rear of the principal residential structure): Staff is generally concerned about the visual impact of locating a garage in the front yard. In this particular situation, the applicant is replacing an existing garage and it would be difficult to locate a garage any other place on the property. In addition, the two adjacent residential structures have attached garages facing Kenwood Parkway. In order to lessen the impact of a three stall, 676 sq. ft. detached garage in the front yard and the ensuing vehicle/pedestrian conflicts, no parking should be allowed in the driveway,

Driveway width: Staff believes that a driveway wider than the maximum permitted 25 ft. and that is wider than the garage doors would not meet the intent of the ordinance and have an impact to the surrounding area. The driveway is wider than what is needed to maneuver vehicles into the garage and creates a large curb cut that will impact the public right of way and sidewalk. The curb cut should be reduced to eliminate potential vehicle/pedestrian conflicts along the sidewalk.

- 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.**

Front yard setback: Granting the variance would likely have no impact on congestion of area streets or fire safety, not would the proposed setback be detrimental to welfare or public safety.

Southeast interior side yard setback: Granting the variance would likely have no impact on congestion of area streets or fire safety, not would the proposed setback be detrimental to welfare or public safety.

Garage location (between principal structure and the front lot line and not located entirely to the rear of the principal residential structure): Granting the variance would likely have no impact on congestion of area streets or fire safety, not would the proposed setback be detrimental to welfare or public safety, provided that no parking is allowed in the driveway to reduce the vehicle/pedestrian conflicts along the public sidewalk.

CPED Planning Division Report

BZZ-4127

Driveway width: The proposed driveway width would be detrimental to welfare or public safety. The width of the proposed driveway is larger than the width of the garage doors and can create a greater conflict for vehicles and pedestrians along the public sidewalk. Granting the variance would likely have no impact on congestion of area streets or fire 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 **approve** the variance to reduce the front yard setback along Kenwood Parkway from the setback established by connecting a line between the two adjacent residential structure to zero feet for a detached garage, **approve** the variance to reduce the southeast interior side yard setback from 5 ft. to 2 ft. for a detached garage, **approve** the variance to allow a detached garage to be constructed between the principal structure and the front lot line, **approve** the variance to allow a detached garage to be constructed that is not located entirely to the rear of the principal residential structure, and **approve** the variance to increase the maximum permitted width a driveway from 25 ft. to **26 ft.** for a property in the R2 Two-family District located at 813 Kenwood Parkway, subject to the following conditions:

1. No vehicles shall be parking in the driveway as to obstruct pedestrian traffic on the public sidewalk, and
2. The exterior materials of the detached garage shall be similar to the exterior materials of the principal residential structure,
3. The garage and primary residential structure remain detached, and
4. The curb cut must be approved by City of Minneapolis, Public Works Department, and
5. That the Planning Division review and approve the final site and elevation plans that measure to an architectural or engineering scale.