

City of Bloomington, Minnesota
DEPARTMENT OF COMMUNITY DEVELOPMENT

CASE: PL2016-34
APPLICANT: Dan and Jodi Hogan
LOCATION: 7617 W 84th Street
REQUEST: Variance to reduce the side yard setback for a yard abutting a street from 30 feet to 25 feet for a garage addition

Variance Findings – Section 2.98.01 (b)(2)(A-C)

A) That the variance is in harmony with the general purposes and intent of the ordinance;

- The requested variance for the existing two-car garage expansion with a minor encroachment is consistent with the general purpose and intent of the City Code. The requested setback of 5 feet for a portion of the structure is minimal and is not anticipated to negatively impact abutting properties. The variance is in harmony with the general purposes and intent of the ordinance.

B) That the variance is consistent with the comprehensive plan;

- The variance is not in conflict with the Comprehensive Plan.

C) When the applicant for the variance establishes that there are practical difficulties in complying with the zoning ordinance.

- Due to the unique property configuration, the applicant does have a practical difficulty in complying with the zoning ordinance. The property line along the cul-de-sac or the side yard adjoining a street makes it difficult to accommodate a 30 foot setback. The proposed location is the most reasonable use note permitted by an official control.

Practical difficulties as used in connection with the granting of the variance, means that:

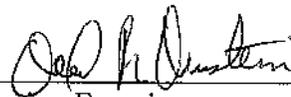
- (i) The property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance;
 - The garage expansion to accommodate parking and storage is a reasonable property use and the encroachment would not be permitted without the granting of the setback variance.
- (ii) The plight of the landowner is due to circumstances unique to the property not created by the landowner; and

- The owner did not create the unique lot shape as a result of an adjacent cul-de-sac. These are circumstances unique to the property.
- (iii) The variance if granted will not alter the essential character of the locality.
- Three-car garages are consistent with the single-family homes in this area. Allowing the variance will not alter the essential character of the neighborhood. The adjacent neighbor has provided an affidavit of consent expressing their support for the requested variance.

DECISION OF THE HEARING EXAMINER

In Case PL2016-34, having been able to make the required findings, I move to approve a variance to reduce the side yard setback for a yard abutting a street from 30 feet to 25 feet for a garage addition at 7617 West 84th Street for the following reasons:

1. The garage addition must be constructed as shown on the approved plans in Case File PL2016-34.
2. Exterior building materials must be consistent with those used on the existing dwelling and garage.
3. Building plans shall be approved by the Building and Inspections Department.
4. A driveway permit is required for any driveway expansion.



Hearing Examiner
April 12, 2016