

## GENERAL INFORMATION

Applicant: Daniel Hogan

Location: 7617 West 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

Existing Land Use and Zoning: Single Family; zoned R-1 (PD)

Surrounding Land Use and Zoning: Single Family Residential, Planned Development; zoned R-1 (PD)

Comprehensive Plan Designation: Low Density Residential

## CHRONOLOGY

Hearing Examiner Agenda: 04/12/2016 - Public Hearing scheduled

## DEADLINE FOR AGENCY ACTION

Application Date: 03/09/2016  
60 Days: 05/08/2016  
Extension Letter Mailed: No  
120 Days: 07/07/2016

## STAFF CONTACT

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## PROPOSAL

The applicant is proposing to construct a 388 square foot garage addition to the approximate 400 square foot existing attached garage. The garage addition would add 12 feet 6 inches in width and approximately 31 feet in depth. The applicant is requesting a variance to decrease the setback for a side yard abutting a street from 30 feet to 25 feet. Based on the survey submitted, the garage addition would be 25 feet at the rear of the garage and 33 feet at the front of the

garage from the side yard abutting the street, 36 feet from the front property line and 40 feet from the rear property line. Less than 100 square feet of the 387 square foot garage addition would encroach into the required setback. The building materials would match the exterior of the existing garage and the house.

## **ANALYSIS**

The applicant has an existing two stall garage located on the south side of the house. The existing garage is 20 feet deep and would extend approximately 5.5 feet in front of the proposed addition. The proposed garage addition would abut both West 84<sup>th</sup> Street and a cul-de-sac which requires a 30 foot setback. The southwest corner of the garage addition would be 25 feet from the right-of-way for the cul-de-sac. The proposed location is the most reasonable location for a garage addition given the existing garage and driveway location. The applicant has provided an affidavit of consent from the owners of the adjacent property to the southwest, 7615 West 84<sup>th</sup> Street, expressing their support for the requested variance.

According to the City's assessing records, the first floor area of the home is 1,732 square feet. The City Code limits the garage size at 1,120 square feet or the first floor living space, whichever is less. The garage addition would increase the total garage space to 831 which is far below the allowed maximum garage size.

The City Code requires the garage to be no taller than the house. According to the building plans and the applicant's project description, the height of the garage will match the existing house at the roof line.

The applicant proposes a driveway that is wider than the curb cut at the front property line. City Code requires the driveway to be no larger than the curb cut width within 5 feet of the property line. The applicant must alter the proposed driveway or obtain a right-of-way permit to expand the curb cut.

The property meets the impervious surface coverage requirement. The property is allowed 4,967.9 square feet of impervious surface (35% lot coverage). As noted on the survey, the foundation foot print of the home and garage, plus the driveway, sidewalk and front steps plus the garage addition and driveway would be a total of 3,845 square feet of impervious surface. This is well within the maximum impervious surface requirement.

## **FINDINGS**

### **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.

**RECOMMENDATION**

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 84<sup>th</sup> Street for the following reasons:

- 1) The granting of the variances would not unduly interfere with the general intent and purpose of the Ordinance.
- 2) The granting of the variances would not adversely affect the health, safety and general welfare of the residents or the public.
- 3) The garage addition must be constructed as shown on the approved plans in Case File PL201600034.
- 4) Exterior building materials must be consistent with those used on the existing dwelling and garage.
- 5) Building plans shall be approved by the Building and Inspections Department.
- 6) A driveway permit is required for any driveway expansion.