



**CITY OF COLUMBIA HEIGHTS
PLANNING COMMISSION
PLANNING REPORT**

CASE NUMBER: 2020-1101
DATE: November 4, 2020
TO: Columbia Heights Planning Commission
APPLICANT: Ivan Barbecho
DEVELOPMENT: Proposed Residential Garage
LOCATION: 1329 41st Ave NE (PID 36-30-24-24-0114)
REQUEST: Variance to side yard setback and minimum width standard
PREPARED BY: Elizabeth Hammond, City Planner

INTRODUCTION

Ivan Barbecho is requesting a Variance for a proposed accessory structure to be located at 1329 41 St Ave NE. The application and narrative are attached for your consideration. The applicant seeks the following:

1. Variance to allow the accessory structure to be 19.95 feet wide. City Code Section 9.106 (C) (1) (m) requires that "Accessory structures shall be no less than 20 by 20 in size"
2. Variance to allow the garage to be within 0 feet from the property line. City code section 9.109 (C) requires that the minimum required setback is 5 feet (based on the R2A district standards).

ZONING ORDINANCE

The property is located in the R2A One and Two Family Residential Zoning District, as are the properties to the east and west and south. Properties to the north are located in the R-2B Built as Duplex District. The use of the property as a residential home complies with the Zoning Code.

COMPREHENSIVE PLAN

The Comprehensive Plan guides this area for residential development. The proposed garage is consistent with the goals and intent of the Comprehensive Plan.

DESIGN GUIDELINES

This property is not located in a Design Guidelines District.

SITE PLAN

The applicant has submitted a Certificate of Survey and site pictures, illustrating the proposed location of the garage and relation to the adjacent property lines.

FINDINGS OF FACT

The City Council shall make each of the following findings before granting a variance from the provisions of this article:

- (a) Because of the particular physical surroundings, or the shape, configuration, topography, or other conditions of the specific parcel of land involved, strict adherence to the provisions of this article would cause practical difficulties in conforming to the zoning ordinance. The applicant, however, is proposing to use the property in a reasonable manner not permitted by the zoning ordinance.

This is correct. The shape of the lot and the existing location of the house, cause a practical difficulty in adhering to provisions of the code. The lot gets narrow as it gets closer to the street. The garage will meet the setback requirement farther north about midway on the east side and at the northeast corner, but in order to have the garage meet the side yard setback on the front southeast corner, it would need to be moved farther back to the north and would not line up with the existing house. The existing driveway actually goes over the property line to the east adjacent to an alleyway easement. This is an existing condition not caused by the current owner, and makes it so that access to the property is confined. There is also a significant grade change as you go north on the property, making it impractical to place the garage farther north on the property.

- (b) The conditions upon which the variance is based are unique to the specific parcel of land involved and are generally not applicable to other properties within the same zoning classification.

This is correct. Due to the topography of this lot, the adjacent alleyway easement, and the existing driveway location and the location of the house, the situation is unique to this parcel.

- (c) The practical difficulties are caused by the provisions of this article and have not been created by any person currently having a legal interest in the property.

This is correct.

- (d) The granting of the variance is in harmony with the general purpose and intent of the Comprehensive Plan.

This is correct.

- (e) The granting of the variance will not be materially detrimental to the public welfare or materially injurious to the enjoyment, use, development or value of property or improvements in the vicinity.

This is correct. The granting of the Variance will result in a new two car garage for the property. I received a call from a neighbor expressing support for the Variance, the improvements the current owners have been making, and for the fact that it will provide a new two car garage on the block and improve the value of the neighborhood. In addition to the phone call, I received an email from a neighbor who supports the project (attached).

RECOMMENDATION

Staff recommends that the Planning Commission recommend approval to the City Council, of the proposed Variances.

Motion: Move to waive the reading of the draft resolution attached.

Motion: Move to recommend that the Planning Commission recommend to the City Council approval the Variances for the proposed garage to be located at 1329 41st Ave NE, subject to certain conditions of approval.

1. The applicant will meet the requirements of the Building Official Report dated, October 23, 2020 and obtain a Building Permit for the project prior to starting construction.
2. The applicant will meet the requirements of the Assistant City Engineer Report dated, October 29, 2020.

ATTACHMENTS

Draft Resolution

Application

Applicant's Narrative

Pictures

Survey and Elevation Drawing

Building Official Report dated, October 23, 2020

Assistant City Engineer Report dated, October 29, 2020

Email from Neighbor dated, October 19, 2020