



## PLANNING COMMISSION MEETING

AGENDA SECTION	PUBLIC HEARING
MEETING DATE	MAY 04, 2021

ITEM:	VARIANCE FOR AN ACCESSORY STRUCTURE/GARAGE IN RESIDENTIAL FRONT YARD		
DEPARTMENT: COMMUNITY DEVELOPMENT		BY/DATE: Minerva Hark / May 04, 2021	

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**CASE NUMBER:** 2021-0501  
**DATE:** May 4, 2021  
**TO:** Columbia Heights Planning Commission  
**APPLICANT:** Jason Norden  
**DEVELOPMENT:** Proposed Residential Garage  
**LOCATION:** 3919 Reservoir Boulevard NE (PID 36-30-24-33-0046)  
**REQUEST:** Variance to allow for an accessory structure (detached garage) in the front yard  
**PREPARED BY:** Minerva Hark, City Planner

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### INTRODUCTION

Jason Norden is requesting a Variance for a proposed accessory structure to be located at 3919 Reservoir Boulevard NE. The application and narrative are attached for your consideration. The applicant seeks the following:

1. Variance to allow the accessory structure to be constructed and located within the front yard. City Code Section 9.106 (C) (1) (b) stipulates that "No accessory structure shall be constructed or located within any front yard," while City Code Section 9.106 (C) (1) (c) stipulates that "Accessory structures for one- and two-family dwellings shall be...behind the principal structure building line in the front yard."

### ZONING ORDINANCE

The property is located in the R-2A One- and Two-Family Residential Zoning District, as are the properties to the north and east. Properties to the south and west are located in the R-2B Built as Duplex District, as well as the R-2A One- and Two-Family Residential Zoning 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 Site Plan illustrating the proposed size and location of the new garage and its relation to adjacent properties and structures.

#### **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 existing single-family home on the lot was built 5 feet from the rear property line, and aerial imagery supports that the structure has been there since at least the year 1938. The development of this lot occurred prior to today's zoning regulations, and does not provide reasonable space for the construction of a standard detached garage behind the principal structure's front building line. There is an existing substandard garage constructed in the rear of the property that is currently being used as storage. Even if this existing structure were to be removed, there would not be adequate space to construct a standard garage in its place. This is an existing condition not caused by the current owner. The proposed garage would conform to all current setback requirements, and will be served by the existing driveway accessed from Reservoir Boulevard.*

- (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 existing layout of the lot and its 5-foot rear yard setback, 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. The Comprehensive Plan calls for reinvestment, renovation, and modernization of the City's single-family housing stock.*

- (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 this Variance will result in a new, functioning two car garage for the property that will enhance the overall functionality and aesthetic of the site. This will provide more adequate on-site parking that conforms to current setback requirements. It will contribute to the improved value of the neighborhood.*

#### **RECOMMENDATION**

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

**RECOMMENDED MOTION(S):**

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 Variance for the proposed detached garage to be located at 3919 Reservoir Boulevard NE, subject to the following conditions of approval:

1. The applicant shall meet the requirements of the Building Official's Memorandum dated April 8, 2021, and obtain a Building Permit for the project prior to starting construction.
2. The applicant shall meet the requirements of the Public Works Department's Memorandum dated April 26, 2021.
3. A Certificate of Survey and Elevation Plans shall be submitted as part of the Building Permit Application for the construction of the proposed detached garage.
4. The lot shall be limited to two detached accessory structures.
5. The new detached garage shall be set back a minimum of three feet from the side lot line, a minimum of three feet from the rear lot line, and a minimum of five feet from any other building or structure on the same lot.
6. The combination of accessory structures, storage shed, and attached garages on the lot shall not exceed 1,000 square feet in area.
7. The height of the proposed detached garage shall comply with City Code.
8. The exterior color and design of the proposed detached garage shall be similar to the principal structure. Corrugated metal siding and roofs are prohibited.
9. The total building coverage, including the principal structure and all accessory structures, shall not exceed 35%.
10. The distance between the proposed detached garage doors and the front lot line shall be no less than 20 feet.
11. The proposed detached garage shall be provided with a hard-surfaced access driveway, no less than 12 feet in width, to an adjacent public street, and shall be no less than 20 feet by 20 feet in size.
12. The proposed detached garage shall not be located within any utility or drainage easement.

**ATTACHMENT(S):**

Draft Resolution

Application

Site Plan

Applicant's Narrative

Building Official Memorandum dated April 8, 2021

Public Works Memorandum dated April 26, 2021