



**PLANNING COMMISSION MEETING**

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|-----------------------|------------------------|
| <b>AGENDA SECTION</b> | <b>PUBLIC HEARING</b>  |
| <b>MEETING DATE</b>   | <b>AUGUST 04, 2021</b> |

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| <b>ITEM:</b>       | <b>VARIANCE FOR ATTACHED GARAGE IN RESIDENTIAL FRONT YARD WITH FRONT YARD SETBACK ENCROACHMENTS</b> |  |
| <b>DEPARTMENT:</b> | COMMUNITY DEVELOPMENT   | <b>BY/DATE:</b> Minerva Hark, City Planner/July 29, 2021 |

**CASE NUMBER:** 2021-0801  
**DATE:** July 29, 2021  
**TO:** Columbia Heights Planning Commission  
**APPLICANT:** Jordan Stroik  
**DEVELOPMENT:** Proposed Residential Garage  
**LOCATION:** 4161 Polk Street NE (PID 36-30-24-13-0089)  
**REQUEST:** Variance to allow for the construction of an attached garage in the front yard and encroachments into the front yard setback  
**PREPARED BY:** Minerva Hark, City Planner

**INTRODUCTION**

Jordan Stroik is requesting a Variance for a proposed attached garage to be located at 4161 Polk Street NE. The applicant is proposing to demolish the existing detached single-stall garage on the property and construct an attached standard garage which measures 928 square feet in size on the north side of the home. The applicant seeks a variance for the following:

1. Variance to allow the accessory structure (attached garage) 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.”
2. Variance to allow the accessory structure (attached garage) to be constructed and located with a front yard setback less than 25 feet. City Code Section 9.109 (C) stipulates a 25-foot front yard setback for residential buildings.

As a corner lot that abuts a diagonal street, there are unique setback requirements that apply to the subject property in relation to neighboring lots. In consideration of corner lots, the City Code states that the lot line having shortest dimension of street frontage is considered the front lot line. Thus, the site’s north lot line, along 42<sup>nd</sup> Avenue, is considered the front and is therefore subject to a minimum required building setback of 25 feet. The west lot line along Polk Street NE is subsequently considered a side lot line, from which a minimum 10-foot building setback is required. The required setback from Polk Street NE is considered unique

in that other homes located along the street that are south of the subject site are subject to a 25-foot setback along the same street. The attached garage is proposed to be located 17.2 feet from the north front property line. This location is considered to be in front of 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. The site is bordered by properties in the Single-Family Residential District to the west, One- and Two-Family Residential District and Built-As Duplexes to the south, Single-Family Residential District and One- and Two-Family Residential District to the north, and Single-Family Residential District, One- and Two-Family Residential District, and Built-As Duplexes to the east. 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**

The subject 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 in a manner that utilized Polk Street NE as the front yard, rather than 42<sup>nd</sup> Avenue NE. The current condition does not provide reasonable space for the construction of a standard two-stall garage that does not encroach into the front yard setback or is not behind the principal structure's front building line. This is an existing condition not caused by the current owner. The proposed garage would encroach seven feet and five inches into the front yard setback, will be served by the existing driveway accessed from Polk Street NE.*

- (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. The subject site is unique as it is a corner lot along a diagonal street with setback requirements which differ from most lots on the block.*

- (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 and 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 attached garage to be located at 4161 Polk Street NE, subject to the following conditions of approval:

1. All construction shall comply with the Minnesota State Residential Code.
2. All construction shall comply with the Minnesota State Energy Code.
3. All construction shall comply with the Minnesota State Plumbing Code.
4. All construction shall comply with the Minnesota State Mechanical and Fuel Gas Code.
5. Storm water runoff from the new construction shall be directed to the street. Runoff cannot pass onto adjacent properties.
6. The existing single stall garage located on the site shall be removed.
7. The new attached garage shall be set back a minimum of 17.2 feet from the northern property line.
8. A Certificate of Survey and Elevation Plans shall be submitted as part of the Building Permit Application for the construction of the proposed attached garage.
9. The lot shall be limited to two detached accessory structures.
10. The combination of accessory structures, storage shed, and attached garages on the lot shall not exceed 1,000 square feet in area.
11. The height of the proposed attached garage shall comply with City Code.
12. The exterior color and design of the proposed attached garage shall be similar to the principal structure. Corrugated metal siding and roofs are prohibited.
13. The total building coverage, including the principal structure and all accessory structures, shall not exceed 35%.
14. The distance between the proposed attached garage doors and the front lot line shall be no less than 20

feet.

15. The proposed attached 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.

16. The proposed attached garage shall not be located within any utility or drainage easement.

**ATTACHMENT(S):**

Draft Resolution

Project Plans

Application

Applicant's Narrative

Site Plan

Certificate of Survey

Community Comments