



## Legislation Text

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**File #:** ZBA Res. 2017-001, **Version:** 1

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**Date:** August 17, 2017

**To:** Members of the Zoning Board of Appeals

**From:** Scott Tempel, City Planner

Consideration of Resolution for a Variance at 1114 Water St. S.

**Action Requested:**

Staff is recommending approval of the ZBA Resolution allowing construction of a garage three feet from the property line at 1114 Water St. S.

**Summary Report:**

The subject property is zoned R1, Low Density Residential. This single-family home was built in 1930 without a garage. The current owner purchased the home this year and would like to add a one-car detached garage just to the rear of the house.

The Northfield Land Development Code, Table 3.2-3 requires detached garages in the R1 zone district to maintain a side-yard setback of five feet. The applicant has proposed to locate the garage behind the house and maintain driveway access along the side of the house. In order to keep the garage in line with the driveway, the applicant would like to construct the garage with a side-yard setback of three feet.

Constructing the garage at the required setback of five feet would create a hardship due to the topography, location of the house, and an existing retaining wall. The property drops in elevation nearly 4 feet from the house to the rear yard and 32 inches from the east end of the proposed garage to the west end. There is a retaining wall in the back yard due to the elevation change that the homeowner wishes to avoid by staying closer to the side yard. More importantly, moving the garage further to the south would create a difficult angle to enter the garage and for plowing.

The neighbor immediately to the north has expressed concern and opposition to the variance. They believe the garage will interfere with drainage flows and put water in their basement. They also do not like the aesthetics of having the garage so close. The City Planner met with the neighbors and visited the site afterwards with a member of the Northfield Engineering Department. The proposed garage will be over 15 feet away downhill from the neighbor's house. There is an existing drainage swale in between the properties that will be maintained. City engineering staff felt very confident on visual inspection that the proposed garage location posed no risk to the neighboring property. Additional work is being done to solidify findings.

Drainage from the neighbor's property to the north currently flows into the applicant's back yard. The proposed garage will divert drainage water further to the rear of the properties via a swale. The applicant is also proposing to employ gutters on the garage to route stormwater flow from the north half of the roof back onto the applicant's property.

**The criteria for approving a variance, according to Section 5.5.16(C), are as follows:**

(1) Pursuant to Minn. Stat. §462.357, Subd 6, as it may be amended from time to time, the zoning board of appeals may only grant applications for variances where practical difficulties in complying with this LDC exist and each of the following criteria are satisfied:

- (a) The variance is in harmony with the general purposes and intent of this LDC; and,
- (b) The variance is consistent with the Comprehensive Plan; and
- (c) The property owner proposes to use the property in a reasonable manner not permitted by this LDC; and
- (d) The plight of the landowner is due to circumstances unique to the property not created by the landowner; and
- (e) The variance, if granted, will not alter the essential character of the locality.

**VARIANCE**

The Northfield Land Development Code, Table 3.2-3 requires detached garages in the R1 zone district to maintain a 5 foot side setback. The proposal is to build the garage with a side setback of three feet. Analysis of the variance request is addressed below.

**Criterion (a) The variance is in harmony with the general purposes and intent of the LDC.**

**Supported:** The project is in harmony with the general purposes and intent of the LDC. The primary intent of the R1-B zone district is to strengthen the character of the existing historic neighborhoods and to protect and enhance the unique character of those existing neighborhoods.

The variance from the side setback requirements does not adversely affect the character of the neighborhood and is consistent with the general goals for the R1 zone district. Many nearby homes have similar detached single-car garages. It is quite common to find these were built closer than 5 feet to the property line as setbacks were not employed at the time.

**Criterion (b) The variance is consistent with the Comprehensive Plan.**

**Supported:** The variance is consistent with the Comprehensive Plan. Land Use principle #1 states that the small town character will be enhanced. “Old Northfield” including the downtown core and older historic neighborhoods will define Northfield’s character. The character of the proposed garage addition is definitely in line with the historic character of the neighborhood.

**Criterion (c) Property Owner proposes to use the property in a reasonable manner not permitted by the LDC.**

**Supported:** The applicant is proposing to use the property in a reasonable manner. The requested variance will result in a reasonable use of the property otherwise not permitted by the LDC by allowing a single-car garage to be added where there has otherwise been no covered parking on the property.

**Criterion (d) The plight of the landowner is due to circumstances unique to the property not created by the landowner.**

**Supported:** The plight of the landowner is not self-created. The lot slopes significantly behind the home. Constructing the garage at the required setback of five feet would create a hardship due to the topography, location of the house, and an existing retaining wall. The property drops in elevation nearly 4 feet from the house to the rear yard and 32’ from the east end of the proposed garage to the west end. There is a retaining wall in the back yard due to the elevation change that the homeowner wishes to avoid by staying closer to the

side yard. More importantly, moving the garage further to the south would create a difficult angle to enter the garage and for plowing.

The garage cannot be located on the other side of the house due to the presence of mature trees. Moving the garage further into the back yard would not only consume most of the open yard area, it would leave the owner having to drive walk up a hill to utilize the garage or drastically change the landscape with fill.

**Criterion (e) The variance, if granted, will not alter the essential character of the locality.**

**Supported:** Granting the variance will not alter the essential character of the locality. Adding a garage to this property is in keeping with the typical construction characteristics of homes of that era. The owners plan to improve upon the existing character including siding with products that match existing to conform to the character of the existing house.

**Alternative Options:**

If the ZBA believes one or more of the criteria are not met, findings need to be made and formulated into a resolution of denial.