



**Request for City Council Committee Action
From the Department of Community Planning & Economic Development**

Date: January 22, 2004

To: Council Member Gary Schiff, Zoning and Planning Committee

Prepared by: Carrie Flack, Senior City Planner

Presenter in Committee: Carrie Flack, Senior City Planner

Approved by: Blake Graham, Interim Director, Planning _____

Subject: Appeal of the decision of the Zoning Board of Adjustment by Steve Cutler

BZZ 1496 – 5127 Belmont Avenue South – Steve and Jane Cutler have applied for a variance to increase the maximum permitted floor area of an accessory structure from 1,000 sq. ft. to 1,324 sq. ft. to allow for an 866 sq. ft. detached accessory structure for a garage, spa and sauna.

RECOMMENDATION: The Board of Adjustment adopted the staff recommendation and denied the requested variance at the December 10, 03 Board of Adjustment meeting.

Previous Directives:

Financial Impact (Check those that apply)

- No financial impact - or - Action is within current department budget.
(If checked, go directly to Background/Supporting Information)
- Action requires an appropriation increase to the Capital Budget
- Action requires an appropriation increase to the Operating Budget
- Action provides increased revenue for appropriation increase
- Action requires use of contingency or reserves
- Other financial impact (Explain):
- Request provided to the Budget Office when provided to the Committee Coordinator

Community Impact

Ward: 11
Neighborhood Notification: Tangletown
City Goals: N/A
Comprehensive Plan: N/A
Zoning Code: Chapter 525 Administration and Enforcement
Living Wage/Job Linkage: N/A
Other: N/A

Background/Supporting Information

Steve Cutler has filed an appeal of the decision of the Zoning Board of Adjustment. The appeal is associated with the decision of the Zoning Board of Adjustment to deny the requested variance to increase the maximum permitted floor area of an accessory structure from 1,000 sq. ft. to 1,324 sq. ft. to allow for an 866 sq. ft. detached accessory structure for a garage, spa, and sauna.

The appellant has stated that the decision is being appealed because the large is an unusually large size, the proposed new detached structure is designed to maintain the character of the neighborhood and is of quality architecture. The appellant's complete statement of the action being appealed and reasons for the appeal is attached.

At the December 10, 2003 Zoning Board of Adjustment meeting six (6) Board members were present. Four members present voted to adopt the staff recommendation and denied the variance. Two members present voted in favor of the variance. The minutes from the December 10, 2003 Zoning Board of Adjustment meeting are not available due to technical difficulties. Discussion by the Board acknowledged the large lot circumstance and the high quality design of the proposed structure as well as the lack of a physical hardship for the property, which is consistent with similar requests. The Board of Adjustment hearing actions are included below and the Planning Department staff report is attached.

7. 5127 Belmont Avenue (BZZ-1496, Ward 11)

Steve and Jane Cutler have applied for a variance to increase the maximum permitted size of accessory uses and structures from 1,000 sq. ft. to 1,324 sq. ft. to allow for the construction of a 866 sq. ft. detached accessory structure for a garage, spa and sauna located at 5127 Belmont Avenue.

BOARD OF ADJUSTMENT ACTION:

Ms. Bloom motioned to adopt the staff recommendation and deny the variance application. Mr. Gates seconded the motion.

Roll Call Vote:

Yeas: Bloom, Fields, Gates, Von Bargaen

Nays: Finlayson, Rand

Absent: Johnson, Lasky, Morgan

The Board of Adjustment adopted the staff recommendation and denied the variance to increase the maximum permitted floor area of an accessory structure from 1,000 square feet to 1,324 square feet to allow for a 866 square foot detached accessory structure for a garage, spa, and sauna.

Community Planning and Economic Development – Planning Division Report

Variance Request
BZZ-1496

Date: December 10, 2003

Applicant: Steve and Jane Cutler

Address of Property: 5127 Belmont Ave

Date Application Deemed Complete: November 10, 2003

End of 60 Day Decision Period: January 9, 2004

Contact Person and Phone: Rich Laffin, (651) 312-0988

Planning Staff and Phone: Carrie Flack, 612-673-3239

Ward: 11 **Neighborhood Organization:** Tangletown

Existing Zoning: R1A, Single-family District

Proposed Use: Construction of 2 car detached garage with an attached spa and sauna room.

Proposed Variance: A variance to increase the maximum permitted floor area of an accessory structure from 1,000 square feet to 1,324 square feet to allow for an 866 square foot detached accessory structure for a garage, spa, and sauna.

Zoning code section authorizing the requested variance: 525.520 (3)

Background: The subject site is 19,270 square feet and consists of a 2 ½-story home with an attached garage. The applicant is proposing to construct an 866 square foot 2-car detached garage that includes a spa and sauna. There is an existing attached garage that is 458 square feet, bringing the total accessory structure floor area to 1,324 square feet. The proposed detached garage has a 10/12 roof pitch, which matches the 10/12 roof pitch of the house. The detached accessory structure is 16 feet tall. The front elevation consists of 2 garage doors that are 9 feet wide each. The detached accessory structure is proposed to have clay tile roof and stucco exterior to match the materials of the existing dwelling.

Findings Required by the Minneapolis Zoning Code:

1. The property cannot be put to a reasonable use under the conditions allowed by the official controls and strict adherence to the regulations of this zoning ordinance would cause undue hardship.

Maximum permitted floor area: The applicant is requesting a variance to increase the maximum permitted floor area for an accessory structure from the maximum 1,000 square feet to 1,324 square feet. The applicant states that the increased garage size is necessary to allow space for two additional parking spaces primarily used by their teenage children, especially during winter months. Strict adherence to the regulations would allow the applicant to construct 542 sq. ft. of additional accessory structure floor area. The ordinance allows for a total of 1,000 square foot accessory structures, which has been deemed a reasonable size for an accessory structure by the City Council. Staff believes that 542 sq. ft. would accommodate two additional parking spaces.

2. **The circumstances are unique to the parcel of land for which the variance is sought and have not been created by any persons presently having an interest in the property. Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of the ordinance.**

Maximum permitted floor area: The applicant states that the increased garage size is necessary to accommodate two additional vehicles. The zoning ordinance recognizes that larger lots can accommodate larger garages, however the ordinance caps the total amount of accessory structure floor area at 1,000 square ft. to avoid constructing excessively large amounts of accessory structure space within the city limits that is not characteristic of the city. The applicant is proposing to construct an 866 square foot detached accessory structure for a garage, spa, and sauna, which increases the total accessory structures to 1,324 square feet. Staff believes that the circumstances for the variance as requested are not unique to the parcel of land and have been created by the applicant.

3. **The granting of the variance will be in keeping with the spirit and intent of the ordinance and will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity.**

Maximum permitted floor area: Staff believes that granting the variance will alter the essential character of the surrounding neighborhood since the new detached accessory structure will be greater than maximum permitted amount of floor area allowed in the zoning ordinance for District R1A. In addition, an accessory structure that is 542 square feet would comply with the requirements of the zoning ordinance and would accommodate parking for two vehicles. Staff finds that 1,324 sq. ft of accessory structure floor area is not characteristic within the city.

4. **The proposed variance will not substantially increase the congestion of the public streets, or increase the danger of fire, or be detrimental to the public welfare or endanger the public safety.**

Maximum permitted floor area: Granting the variance would likely have no impact on the congestion of area streets or fire safety, nor would the proposed garage be detrimental to the public welfare or endanger the public safety.

Recommendation of the City Planning Department:

The City Planning Department recommends that the Board of Adjustment adopt the findings above and **deny** the variance to increase the maximum permitted floor area of an accessory structure from 1,000 square feet to 1,324 square feet to allow for a 866 square foot detached accessory structure for a garage, spa, and sauna.