

Minneapolis Planning Department
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MEMORANDUM

DATE: July 17, 2003

TO: Council Member Gary Schiff, Chair, Zoning & Planning Committee and
Members of the Committee

FROM: Hilary Watson, City Planner

SUBJECT: Appeal of the decision of the Zoning Board of Adjustment by David
Greenwood

David Greenwood has filed an appeal of the decision of the Zoning Board of Adjustment. The appeal is associated with the Board's decision to add a condition to the approval of a setback variance for a detached garage requiring that there be at least 20 percent windows located on the north side of the garage and that the windows be vertical in proportion. The actions from the June 11, 2003 Zoning Board of Adjustment meeting are attached.

The appellant is appealing the condition that there be at least 20 percent windows located on the north side of the garage and that the windows be vertical in proportion. The appellant has indicated that having windows on the north side of the garage poses a safety issue as the north side of the garage is not visible from the appellant's house. The appellants complete statement of the action being appealed and reasons for the appeal is attached.

At the June 11, 2003 Zoning Board of Adjustment meeting, seven of the Board members were present. All seven of the Board members voted to support the variance with the added condition.

HEARING AGENDA
Minutes

June 11, 2003

Minneapolis Board of Adjustment:

Ms. Debra Bloom
Mr. David Fields
Mr. John Finlayson
Mr. Paul Gates
Ms. Tonia Johnson - absent
Ms. Marissa Lasky
Mr. Barry Morgan – absent (this item only)
Mr. Peter Rand
Ms. Gail Von Bargen

The Board of Adjustment of the City of Minneapolis met at **2:00 p.m.**, on **Wednesday, June 11, 2003**, in **Room 220 City Hall**, Minneapolis, Minnesota, to consider requests for the following:

8. 3404 26th Avenue South (BZZ-1207, Ward 9)

David A. Greenwood has applied for a variance to reduce the corner side yard setback from the required 8 feet to 2 feet 6 inches to allow for the construction of a 22-foot by 40-foot detached garage at 3404 26th Avenue South.

TESTIMONY

Staff gave report and recommendation to the Board of Adjustment.

Applicant: David Greenwood residing at 3404 – 26th Avenue South. Once the garage is built we are going to construct a 6-foot cedar fence along the north property line and install landscaping along the fence. The fencing and the landscaping will help break up the visual impact of the garage. The exterior materials and the roof pitch of the garage will match the materials and roof pitch of the house.

Board member comments:

Rand: Question: Has the Board ever moved to deny an application when staff has recommended approval?

Staff: Yes.

Rand: Comment: This garage has a larger footprint than the house.

Watson (staff): The zoning ordinance allows the applicant to build a garage of this size on this property.

Gates: I am not quibbling about the size of the garage. However, the garage takes on the character of a home even though it is a garage because it is so close to the street. It should be

more attractive. The drawings are not of the highest quality and there is no north elevation, which is the primary elevation seen from the street. I would suggest that there be a dormer on the north elevation, similar to that on the south and that there be at least 20 percent windows on the north elevation that are vertical in proportion and style to match those of the home.

Motion was made with a condition: that there be 20% windows located on the north side of the garage and that the windows be vertical in proportion.

Board Members: discussed having windows on the north side of the garage and safety reasons for not having windows placed on the north side of the garage. Suggestion was that bars could be placed inside or outside of the windows. Esthetically windows would be more attractive from the street view. A 40-foot windowless wall to the street would not be attractive. However, the six-foot tall fence, which would be 2 feet, 6 inches from the garage wall would cover the sight of the windows if windows were installed. Commonly a six-foot tall fence would be seen in a back yard within the city. Window(s) in the garage would help visually see what is taking place within the narrow corridor once the fence is in place, otherwise there would be no way of seeing what is happening on the property.

Lasky: Does anyone object to the fence? Suggested that arborvitae be planted as opposed to a fence if it is not meant to keep a dog or something else in the yard.

Applicant: Stated that he has a 2½-year-old child and that was the main purpose for the fencing.

Motion was to approve with added conditions as follows:

1. The Planning Department shall review and approve the final site and elevation plans.
2. There shall be a dormer located on the north side of the garage.
3. There shall be at least 20 percent windows located on the north side of the garage. The windows shall be vertical in proportion.

BOARD OF ADJUSTMENT ACTION:

Mr. Gates motioned to **approve** the variance application. Ms. Von Barga seconded the motion.

ROLL CALL VOTE:

Yeas: Bloom, Fields, Finlayson, Gates, Lasky, Rand, Von Barga

Nays: None

Absent: Johnson, Morgan

The Board of Adjustment adopted the staff findings and **approved** the variance application subject to the following three conditions:

1. The Planning Department shall review and approve the final site and elevation plans.
2. There shall be a dormer located on the north side of the garage.
3. There shall be at least 20 percent windows located on the north side of the garage. The windows shall be vertical in proportion.

Minneapolis City Planning Department Report

Variance Request
BZZ-1207

Date: June 11, 2003

Applicant: David Greenwood

Address of Property: 3404 26th Avenue South

Date Application Deemed Complete: May 16, 2003

End of 60 Day Decision Period: July 15, 2003

Contact Person and Phone: David Greenwood, (612) 724-2518

Planning Staff and Phone: Hilary Watson, (612) 673-2639

Ward: 9 **Neighborhood Organization:** Corcoran Neighborhood Organization

Existing Zoning: R1A

Proposed Use: Detached garage

Proposed Variance: The applicant is requesting a variance to reduce the corner side yard setback from the required 8 feet to 2 feet 6 inches to allow for the construction of a 22-foot by 40-foot detached garage.

Zoning code section authorizing the requested variance: 525.520 (1)

Concurrent Review: None

Background: In July of 2001 the Board of Adjustment denied a variance request to increase the maximum permitted area of an accessory structure from 676 square feet to 792 square feet, approved a variance request to increase the maximum height of an accessory structure from 12 feet to 16 feet and approved a variance request to increase the maximum permitted width of a driveway from 25 feet to 28 feet.

The applicant is currently in the process of constructing the garage, however, the garage does not meet the required corner side yard setback. Please note that the applicant is constructing a garage that is equal to ten percent of his lot area or 880 square feet.

Findings Required by the Minneapolis Zoning Code:

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

Corner side yard setback: The applicant is seeking a variance to reduce the corner side yard setback from the required 8 feet to 2 feet 6 inches to allow for the construction of a 22-foot by 40-foot detached garage. The applicant has indicated that along East 34th Street there is an eight-foot interior boulevard between the sidewalk and the property line and that in order to maximize the amount of useable yard space on the property the applicant would like to locate the garage as close to the north property line as possible.

- 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.**

Corner side yard setback: The depth of the interior boulevard is a unique condition of this parcel of land.

- 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.**

Corner side yard setback: Staff does not believe that the setback of the proposed garage would alter the essential character of the neighborhood as the eight-foot wide interior boulevard will give the appearance of a wider corner side yard setback on this property. Please note that the garage across the alley from the site received a variance in 1995 in order to locate the garage one-foot six-inches from the property line.

- 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.**

Corner side yard setback: Granting the variance would likely have no impact on congestion of area streets or fire safety, nor would the proposed setback be detrimental to welfare or public safety.

Recommendation of the City Planning Department:

The City Planning Department recommends that the Board of Adjustment adopt the findings above and **approve** the variance to reduce the corner side yard setback from the required 8 feet to 2 feet 6 inches to allow for the construction of a 22-foot by 40-foot detached garage subject to the following condition:

1. The Planning Department shall review and approve the final site and elevation plans.