



Request for City Council Committee Action from the Department of Community Planning & Economic Development – Planning Division

Date: January 3, 2007

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

Referral to: Zoning and Planning Committee

Subject: Appeal of the Board of Adjustment action denying variances for property located at 5324 Grand Avenue South (BZZ-3346) by Michael and Mary Garrity.

Recommendation: The Board of Adjustment adopted the staff recommendation and denied the following variance requests:

- A variance to reduce the front yard setback along Grand Avenue South from 31 ft. to 15 ft. 6 in.
- A variance to allow for an attached garage to project further than 5 ft. in front of the habitable portion of the dwelling.
- A variance to allow an attached garage to exceed 60 percent of the width of the structure.

The variances were requested to allow for the addition of a new, attached two-stall garage with a roof-top deck (above the garage) to the front of the single family dwelling located at 5324 Grand Avenue in the R1 Single-Family District.

Previous Directives: N/A

Prepared or Submitted by: Aaron Hanauer, City Planner, 612-673-2494

Approved by: Jack Byers, Planning Supervisor, 612-673-2634

Presenters in Committee: Aaron Hanauer, City Planner

Financial Impact (Check those that apply)

- No financial impact (If checked, go directly to Background/Supporting Information).
- Action requires an appropriation increase to the _____ Capital Budget or _____ Operating Budget.
- Action provides increased revenue for appropriation increase.
- Action requires use of contingency or reserves.

___ Business Plan: _____ Action is within the plan. _____ Action requires a change to plan.
___ Other financial impact (Explain):
___ Request provided to department's finance contact when provided to the Committee Coordinator.

Community Impact (use any categories that apply)

Ward: 11

Neighborhood Notification: The Tangletown Neighborhood Association was notified of this application by letter, mailed on January 10, 2007.

City Goals: See staff report.

Comprehensive Plan: See staff report.

Zoning Code: See staff report.

Living Wage/Job Linkage: Not applicable.

End of 60/120-day Decision Period: The 60 decision period expires on January 19, 2007.

Other: Not applicable.

Background/Supporting Information Attached: Michael and Mary Garrity of 5324 Grand Avenue South have filed an appeal of the decision of the Zoning Board of Adjustment denying three variance requests (listed above in recommendations section). The Zoning Board of Adjustment voted 6-1 to deny the variances on December 21, 2006. The applicant filed an appeal on January 2, 2007. The applicant's statement is included in the staff report.

Department of Community Planning and Economic Development - Planning Division Report

Variance Request
BZZ-3346

Date: December 21, 2006

Applicant: Mike and Mary Garrity (property owners)

Address of Property: 5324 Grand Avenue South

Contact Person and Phone: Mike and Mary Garrity, (612) 825-3004

Planning Staff and Phone: Aaron Hanauer, (612) 673-2494

Date Application Deemed Complete: November 20, 2006

Public Hearing: December 21, 2006

Appeal Period Expiration: January 2, 2007

End of 60 Day Decision Period: January 19, 2007

Ward: 11 **Neighborhood Organization:** Tangletown Neighborhood Association

Existing Zoning: R1 Single Family District

Proposed Use: A garage addition with a roof-top deck to an existing single-family dwelling.

Proposed Variances:

- A variance to reduce the front yard setback along Grand Avenue South from 31 ft. to 15.5 ft.(546.160).
- A variance to allow for an attached garage to project 20 ft. (15 ft. further than the allowed 5 ft.) in front of the habitable portion of the dwelling (535.90 (d)).
- A variance to allow an attached garage to comprise 61 percent of the front façade and exceed 60 percent of the width of the structure (535.90 (d)).
- The variance to allow for a roof-top deck to exceed 50 sq. ft. in the required front yard is not required and has been **withdrawn**.

Zoning code section authorizing the requested variance: 525.520 (1) (8) (28)

Background:

The subject property, 5324 Grand Avenue South, is located on an interior lot on Grand Avenue South, between Diamond Lake Road West and Minnehaha Parkway West. There is no alley in this block. The parcel is zoned R1 Single Family Residential and measures 50 ft. by 136 ft. (6,800 sq. ft.). A standard lot is 40 ft. by 125 ft. (5,000 sq. ft.). The one story dwelling on this property was built in 1946 and has a front facing, one-stall, tuck-under garage.

The applicant is proposing to construct a new, 21 ft. by 22.5 ft., front facing, attached garage with a roof-top deck above the garage. The roof top deck is proposed to measure 22 ft. by 20 ft. (440 sq. ft.). The variance requests are for the proposed garage (the roof top deck would not require additional variances). In addition to the garage and roof-top deck, the applicant is proposing to construct a rear addition, which also does not require a variance.

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.**

Front yard setback for the garage and roof-top deck (546.160): Strict adherence to this zoning code provision would not allow the applicant to build the proposed two-car garage because it would reduce the front yard setback from 31 ft. to 15.5 ft. The applicant's front yard setback was established per Minneapolis zoning code by connecting the nearest corners of the adjacent properties with an imaginary line through the applicant's yard. This line sets the applicant's front yard setback at 31 ft. The house is currently built at this setback. Staff realizes that in order for the applicant to build a new, full bay, two-car garage on this property, a garage that extends into the front yard setback is likely the only option since the lot does not have access to an alley, and the side yard setbacks (5.42 ft. to the north and 8 ft. to the south) do not provide enough width to build a driveway to the back of the lot. However, the subject property already has a functioning one-car garage. In addition, other alternatives exist for incorporating a two car garage into the existing structure. Therefore, denying the variance will not cause undue hardship.

Attached garage projecting 5 ft. past the front façade of a dwelling (535.90 (d)): Strict adherence to the zoning code provision would not allow the applicant to build the proposed two-car garage that projects 20 ft. past the front façade of the dwelling (15 ft. further than the allowed 5 ft.). Staff realizes that in order for the applicant to build a two-car garage on this property, a garage that projects 5 ft. past the front yard setback is likely the only option since the lot does not have access to an alley, and the side yard setbacks (5.42 ft. to the north and 8 ft. to the south) are too narrow to build a driveway that leads to the rear of the lot without a variance. However, the subject property already has a functioning one-car garage. In addition, other alternatives exist for incorporating a two car garage into the existing structure. Therefore, denying the variance requests would not cause undue hardship.

Attached garage exceeding 60 percent of the width of the structure (535.90 (d)): Strict adherence to the zoning code provision would not allow the applicant to build an attached two-car garage. Staff believes that the proposed garage and roof-top deck are reasonable additions to

the property and that denying this variance request may cause hardship since the width of the home is 36 ft. and the proposed, two-car garage is 22 ft., which is a common width for a two-car garage. A 22 ft. wide garage would comprise 61 percent of the front façade.

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.**

All variances: The circumstances for which the variances are sought are unique to the parcel of land and have not been created by the applicant. Staff recognizes that the circumstances of this parcel are unique in comparison to many residential lots in Minneapolis for the fact that the property does not have access to an alley. In addition, the side yard setbacks (5.42 ft. northern and 8 ft. southern) of the single-family home would not allow a driveway extending to the rear of the home for a detached garage without granting a variance.

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.**

All variances: Granting these variances would not be in keeping with the spirit of the ordinance because there is no undue hardship found with the subject property. Staff does recognize the unique circumstances of this home (see Finding 2). However, staff believes that granting these variances will alter the essential character of the locality by:

- a. establishing the smallest front yard setback of any home along the west side of Grand Avenue
- b. allowing an attached garage to extend further than any other on the block.
- c. opening up trench in landscape will further rupture topology of area near creek known for natural rolling terrain

Furthermore, staff believes granting these variances will not be consistent with The Minneapolis Plan, the city's guiding document, which states that, "The city will maintain the quality and unique character of the city's housing stock, thus maintaining the character of the vast majority of residential blocks in the city." In addition, staff believes that the location of the proposed garage addition with roof-top deck would potentially be injurious to the enjoyment of adjacent properties, particularly the adjacent property to the north (5320 Grand Avenue). It is recognized that all property owners on this block, including the property owners at 5320 Grand Avenue, have written letters in support of this proposed project (see attachment). Finally, staff believes that all design alternatives have not been explored for a two-car garage and front porch.

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.**

All variances: Granting of the requested variances would not seriously impact the congestion of area streets or fire safety, nor would the variance be detrimental to the public safety. However

granting these variances and approval of the project would likely be detrimental to the public welfare of the adjacent property owner.

Recommendation of the Department of Community Planning and Economic Development:

The Department of Community Planning and Economic Development Planning Division recommends that the Board of Adjustment adopt the findings above and

- **Deny** a variance to reduce the front yard setback along Grand Avenue South from 31 ft. to 15 ft. 6 in.
- **Deny** a variance to allow for an attached garage to project further than 5 ft. front of the habitable portion of the dwelling.
- **Deny** a variance to allow an attached garage to exceed 60 percent of the width of the structure based on the condition that the overall width does not exceed 61 percent as proposed.
- The variance to allow for a roof-top deck to exceed 50 sq. ft. in the required front yard is not required and has been **withdrawn**.

not allow for the addition of a new attached garage with a roof-top deck to an existing single family dwelling as currently proposed at 5324 Grand Avenue in the R1 Single Family District.

**Board of Adjustment
Hearing Testimony and Actions**

Thursday, December 21, 2006
2:00 p.m., **Room 317** City Hall

Board Membership: Mr. Matt Ditzler, Mr. David Fields, Mr. John Finlayson, Mr. Paul Gates, Ms. Marissa Lasky, Ms. Alissa Luepke Pier, Mr. Matt Perry, and Mr. Peter Rand

The Board of Adjustment of the City of Minneapolis will meet to consider requests for the following:

4. **5324 Grand Avenue; (BZZ-3346, Ward 11)**

Michael and Mary Garrity have applied for the following variances to allow for the addition of a new, attached two stall garage with a roof-top deck (above the garage) to the front of the single family dwelling located at 5324 Grand Avenue in the R1 Single-Family District.

- A variance to reduce the front yard setback along Grand Avenue South from 31 ft. to 15 ft. 6 in.
- A variance to allow for an attached garage to project further than 5 ft. in front of the habitable portion of the dwelling.
- A variance to allow an attached garage to exceed 60 percent of the width of the structure.

Mr. Perry moved and Mr. Fields seconded the motion to adopt staff findings and

- **Deny** a variance to reduce the front yard setback along Grand Avenue South from 31 ft. to 15 ft. 6 in.
- **Deny** a variance to allow for an attached garage to project further than 5 ft. in. front of the habitable portion of the dwelling.
- **Deny** a variance to allow an attached garage to exceed 60 percent of the width of the structure based on the condition that the overall width does not exceed 61 percent as proposed.

Roll Call Vote:

Yeas: Ditzler, Fields, Finlayson, Gates, Luepke Pier and Perry

Nays: Lasky

Recused: None

Absent: Rand

TESTIMONY

Finlayson: Is the applicant present?

Applicant: Yes.

Finlayson: Care to make a statement?

Applicant: Please.

Finlayson: Name and address for the record please.

Applicant: Mary Garrity, 5324 Grand Avenue South, Minneapolis. Good afternoon. We are Mary and Mike Garrity and we are here requesting a variance to be able to build a front of the house double garage with a roof top patio, and we want to free up the basement and existing garage space for living space and a second bathroom. We are life long Minneapolis residents, we went to Minneapolis Public

Schools, my dad is a retired Minneapolis Police Officer, we have lived in our house 19 years and our two children go to public school, Minneapolis Public Schools. We love our neighborhood; we don't want to have to move. We utilize the Parkway and the lakes year round. We just feel we have an identity with this city. Our house is overcrowded. There are four people, two bedrooms, one bathroom, a partial basement and a tuck under garage. We feel it makes sense to utilize our current garage as living space since it is physically already part of the house. We also feel that our large steep hill in front of the house and a long driveway could be better utilized as a garage. We are asking you to allow us to improve our modest house with a quality and reasonable addition. We also have a letter written in our behalf from a resident on the block. She has lived on the block her entire life. She lives in her childhood home. She wrote this letter in support of our project. Thank you.

Applicant: I'm Mike Garrity, Mary's husband; I also live at 5324 Grand. We have lived at 5324 Grand for 19 years. A few things I would like to highlight here. Mary went over our children. We've lived in this small, just barely over 1,000 foot house for quite a while. We live modestly; we basically live a green lifestyle. It is our normal case in behavior that we don't consume a lot of things. We are trying to be small here. We have designed our garage to be as minimal as possible. The zoning requirement is an 18 foot stall. We have asked for a 19 foot stall. We've had our car broken into in front of our house. We've had our car stolen in front of our house. We think it is a reasonable request to have a two car garage. Mary works nights, she is a nurse, she comes home late. It's a bit of a burden to have her getting out of the car at home at night. The current car garage is very small. The passengers get out of the car before we drive into our driveway. It's not, I don't dispute that it's functional, but is it reasonable? I would dispute that that is the case. I'd like to go through some of our hardships that they find that we don't have. I've got a picture here of how water pools up at the bottom of our driveway and in the winter the door freezes shut on our garage. Our builder here, Scott, has talked to us about how he can address that drainage situation to help to alleviate that with the new garage. As you can see here, this is our vehicle, how our vehicle, while it does fit in there, it's quite an effort to make it fit in there. It is sub standard. It is not up to today's modern lifestyle. Mary and I have gone through a long process to try and make a decision to improve our house. We have been raising children and establishing our careers. We have finally come to a point in our lives after being here for 19 years that we can afford to add on to our house. Part of the process of doing that, we want to be very careful and come and see how this whole process works. What I did was I came to a meeting, actually what I did was I looked through the variance meeting applications that are on line and I found the 2525 40th Street variance meeting, so I came to that meeting. If I can just point out here that I've got some aerial photos here of our property as well as their property and in my opinion, the above stall, above grade lot is quite similar. I've actually gone through and come up with a comparison of what is the same on our property and what is different. The things that we have in common with what has already been approved is – our dwelling is front facing, it has a small tuck under garage, no alley access, interior above grade lot, garage to be built mostly below grade, the existing front facing garage, there are currently front facing garages in the neighborhood. What are unique between our garage or our situation and the others is that the one that was approved will be 10 feet from the front of the property line. Ours, the one we are proposing will be 15 feet. We are going to be further back. The one that was approved is going to be 32 feet wide, ours is only going to be 22. The approved one would have a 68% of the house width, they are going to put in a double curb cut at the larger house; the larger one has a 6500 square foot perimeter. Admittedly we have more inaccessible space in the back of our house than the back of the other house does. What makes the other house substandard is the fact that they have less space behind. In my opinion, totally irrelevant to approving a front of the house garage. They are saying because it is substandard, they can approve what is going on in front. I would disagree that that is really relevant. What was approved is 33 feet from the property line, ours is 35.1, even though Aaron has told you it is 31. It is actually 35½. What the staff is suggesting is that we take part of our basement area and turn that into a garage area. Currently, our basement area is substandard, it is a partial basement, it is 785 feet. The approved is a house that has 1400 square feet. The other house

dominates that lot, our house is a modest house. We live modestly. There was a modest amount of opposition to the other one; we have 100% support on our block. The neighbors on both sides of us have written letters in support saying they'd like this to happen. The house that they are concerned about that we would be negatively impacting, just put a \$50,000 kitchen in. They are there for the long term, they are not there to turn over and move. Reiterating that our house is a modest house on this block, this is our house here. Behind us there are more rambler houses, so there are all kinds of ramblers all over in our neighborhood. We are in a neighborhood of transition. One end of our block is the Minnehaha Creek. The other end of our block is Diamond Lake Road and the Windom Area is just beyond that. Every house in that is more in congruent with what we have than what the other houses on the block are. One reason that they are recommending denial is the risky trenching out of our area; they think that that is a problem with that occurring. Once again, there are several small rambler houses right around here, but not only that, there is a gigantic pool right here. I can't fathom why the City would allow that if they are really concerned about trenching. We are talking about infilling an existing trench. The City staff has let us know several times that the Minneapolis Planning Board does not consider not having a two car garage as a hardship. I guess I'll agree to that fact. It is not a hardship. It feels like one to me, but it is not a hardship. I'll just describe a little bit of the parking situation on our specific block. 71% of the houses on our block have double garages or off street parking. There is one house; actually the house directly next to us has a large trenched out area in the front of their house that is a parking area for a two-and-a-half oversized car garage. Once again 71% of the houses on our block have double garages. An additional goal of being able to build this project would be to have this patio area in the front. As you can see 53% of the houses on our block currently have patios. We have a wonderful community, we love being there. People get home in the evening when it's nice weather, sit out in front and there's all kinds of street traffic or walking traffic. We sit and talk to each other. My history has been, I bring a chair out and sit on my sidewalk. I feel kind of pathetic out there. That's my deck ... my sidewalk. I want to have a real deck. I want to participate in what the rest of the neighborhood is participating in. Staff has talked about how this is going to be incongruous with what the other houses are in the neighborhood. 24% of the houses on our specific block have houses that are a front close to the street. To go into a little bit more detail with those, at either ends of the block the houses are 24 feet from the street; however, because both those houses have tuck-under substandard functional garages, they don't use them; they park in front of them, resulting in cars parking in the driveway. Basically, cars in these houses are parked...they end up eight feet from the sidewalk. What we're talking about doing is building a garage with a 19 foot stall, which will result in the front of the door being 22 feet from the sidewalk. The footings of the proposed garage will be 21 feet 2 inches long. The difference in what the established setback next to us 2 feet 10 inches. Ultimately, we're asking for a variance for 2 feet 10 inches. Once again, our car, even though there are cars parked 8 feet from the sidewalk, we're talking about having cars parked 22 feet from the sidewalk. I've got some picture examples here. There is a house on our block, 8 feet 6 inches from the street. Now that is not on my side of the block, it's way across the street. It is very pertinent to the characteristic of our neighborhood. This is this trenched out area directly next to my house. This is my house here, this house, once again, this functional, non-used tuck under garage is in similar fashion to ours. This trenched area here is 27 feet. There is already a precedence set next to my house to allow front of the house parking areas, however, the front of the house parking area is much more in front of the house. The cars sit right there, 8 feet right there as a matter of fact. This one is 25 feet wide. Once again, this is where my house is. This is an aerial view, once again kind of reiterating what I'm trying to point out. The crutch, I think in my interpretation is that I'm establishing a new set back; and I am. I'm asking for one 2 feet 10 inches forward of what's on either end of the block. This garage right here – this is my house – this house directly across and down the block from me that is 8 feet 6 inches from the sidewalk. Once again the proposed garage would be 21 feet 2 inches from the sidewalk.

Finlayson: Are you perhaps through?

Mike Garrity: Well I actually have a – well, you can see the map where Mary and I drove around and found 150 incidences of front of the house garages. What we are proposing is not a wild invention that we came up with. We have lived in Minneapolis for 46 years. We see these all over the place and we have actually documented. We aren't asking for anything wild. I guess I would like to say also that the house at the end of the block used to have a front-of-the-house garage, with a patio on top of it, but 5 years ago they added a family room on top of that and that is the house that exists 24 feet from the street. I guess I'm going on to a lot of detail, but, this is our house, we have lived here 19 years. We want to stay in our neighborhood. We've made a determination that we've gone through over and over and over again what makes sense here. We want more space. We have substandard parking. I think we have a hardship here and I'll ask the Board to address...to approve our variance because of our hardship. Any questions? I clearly have a lot of information. I think that I'm prepared to answer.

Finlayson: Mr. Gates.

Gates: Thank you Mr. Chair. A couple of questions; one did you consider the possibility of a tandem garage that would put one stall in front of the other? Continuing to use the present stall? And secondly, that one percent in width, 61% versus 60. Can you tell me why it's that important to you to have that what must be only a couple of inches of extra width on the garage?

Mike Garrity: No I can't address that. If I could take it down to 21½ feet, I would be fine with that. Width wise, no, that would be no problem.

Gates: But why can't you? Perhaps, you...I don't know who drew up your plans, but...

Mike Garrity: I guess that when they drew the plans that our designer went through and said this is what...probably what the minimal realistic width would be, but 6 inches quite frankly in this minimalist design ... I think we could live with 6 inches less, width wise and I guess, maybe even though we have only asked for 19 feet deep, I think we could live with something less, but once again, we're asking for a variance so that we can build this. As you can see, I think the staff tends to think that they're in agreement that the concept is reasonable as is evident by what I put on the front of the packets here.

Gates: Okay, how about the tandem garage issue. Did you consider that at all?

Mike Garrity: Our neighbors directly to the north actually used to have a tandem garage, consistently it was a hassle, constantly fighting, constantly shuttling cars back and forth, did not seem to think that it was reasonable, and as a matter of fact, they tore it out. They actually now just have a trench in front of their single non-used single car, functioning garage.

Mary Garrity: They have a tall retaining wall.

Gates: Thank you.

Finlayson: Mr. Ditzler.

Ditzler: I'm asking about this picture that you included in the packet here. Quick question. Number one is why was this picture included?

Mike Garrity: To show that a full vehicle could be parked in front of what my proposed garage would be.

Mary Garrity: Without reaching the sidewalk.

Ditzler: I see that, it causes me concern, I'll be honest with you because of how close...I don't think you would be the kind of people to do this, but if you were to build this two car garage and fill it full of stuff and to park a car here this car looks to be about 18 inches to two feet from the sidewalk.

Mike Garrity: Look at the next page and you'll see how far it is from the sidewalk.

Ditzler: This 5'8" to the sidewalk or 5'8" from the sidewalk to the setback? It is 5 feet 8 inches sidewalk to property line. Is that to the edge of the property line or to the edge of the vehicle?

Mike Garrity: Just like it says, from the sidewalk to the property line.

Ditzler: Yeah, but how about from the edge of the vehicle to the sidewalk?

Mike Garrity: I don't have that dimension, but, I guess you could infer that it is three feet maybe.

Finlayson: Any further questions?

Mike Garrity: And we don't...something I'd like to mention is that we are a bicycling family. Anytime that we can walk or ride bikes, that is going to be our preferred mode of transportation. Having cars all over the place is not what we are trying to do here. We are trying to make our house usable.

Finlayson: Mr. Perry. Did you have a question?

Perry: Yes, thank you Mr. Chair. Mr. Garrity, I know you could go at length and detail, but I have a very specific question for you. I had a chance to go down your street yesterday, and I looked at the properties. The typology on the West side of the street, where your home is, rises very sharply, so I don't really compare the two sides of the street. The typology is different. On five of the nine homes on your side of the street have exactly this type of garage that you have today. So, my question is, to help us, what is unique about your home verses the other four out of those nine homes that have that single and I think in a lot of cases very narrow garage and driveway?

Mary Garrity: Well, the houses are many, many square feet larger than ours. They already have more living space and if you ask those neighbors, not one of them actually parks in their garage. They all have their garages for storage. They all park in their driveway or on the street. We are the only ones who have managed to keep our garage empty enough to park a car in there.

Perry: Okay. Thank you.

Finlayson: I see no other questions.

Mike Garrity: Can I say one more thing. Our proposed addition also, we only have one bathroom. We want to add a bathroom into where the existing garage stall is. That is the only logical place that we found to put in an additional bathroom.

Finlayson: Thank you. Anyone else to testify in favor? Anyone to testify against? I see no one. We'll close the public portion of this item. Board comment please. Mr. Perry.

Perry: I'm going to; I appreciate all the detail that the applicant has put together. I also think all of us can appreciate the desire for more driveway, more parking space, larger garages, but the home is what

the home is, and they bought it as such. On the street as I just said, on that side of the street, with this very similar typology, similar homes, there are five out of the nine homes that have the very same garage. So I'm going to move that we adopt staff finding and recommendation.

Finlayson: Is there a second?

Fields: Second.

Finlayson: Further discussion... Ms. Lasky.

Lasky: I think the Board is charged with trying to make Minneapolis livable and appealing. They don't want people to say this is the house, this is the way it is and if you don't like it move to the suburbs or somewhere else. So if the house has one bathroom and they would like to be able to expand their home and have another bathroom or be able to make it more livable, I don't think moving away is a solution, and I think that this house can adapt to a two car garage very nicely. If the neighbors are not objecting, and the garage is below the grade of most of the home, it just seems to work to me and does give more expandable space. It's not a perfect world. It is reasonable. We have granted some of these that are less reasonable. Just because there is a longer driveway and you could park a car in it does not mean that someone is going to drive over a toddler. I would vote to approve this.

Finlayson: Mr. Gates.

Gates: I'll weight in here. Thank you Mr. Chairman. This is difficult. Yes, there are many of these garages around town and I think historically this Board has taken the position that because there is no alley access the home owner is entitled to a two car garage. I have recently been wondering if we have been doing the right thing by doing that and have been telling myself that I need to be taking a harder line on these types of requests. So I'm a bit torn here. I'm somewhat in agreement with staff that the issue of the size of the lot is relevant in this case, because in fact, what we are being asked to do is allow you to build forward so that you can expand the size of your house. The living space, not the garage space solely, but the living space as well, and yet, you've got a larger than normal lot with which to expand your building, your house to the rear. So that does seem to me to be a relevant factor here. I'm concerned about the width of the proposed garage. I don't like the idea of a two car garage fronting onto the street. I would not at all be inclined to grant a variance for the 61% as apposed to the 60%. I do think that the issue of the trench is a mitigating factor. There are a number of single stall front facing garages in Linden Hills that are buried into the earth effectively. In my view don't degrade the character of the street, in fact arguably, they contribute, they give it kind of a character which you don't find in other neighborhoods. I haven't yet seen one that was two stalls wide that I felt like was actually making a contribution to the neighborhood. So if my comments are arguing both sides of the case it is because I'm really having a hard time with this. If there are other comments from the Board I would like to hear them. Thank you.

Finlayson: I would just simply say that a single car garage is considered sufficient. The City is what it is. It's made up of smaller lots. If somebody can get a two car garage, fine. They have sufficient garage space as defined by the City. Additionally, in terms of expansion, yes, they could go out the rear. It would cost them more, but economic considerations do not constitute a hardship. In actuality, an expansion on the upper level going to the rear would actually be worth more money long term and increase the value of the house, so I'm in favor of the staff recommendation; I think that you've got a place to park. I don't see a hardship here. Yes, Luepke Pier.

Luepke Pier: I'm kind of on the fence also, but I think I will be voting with staff recommendation. Primarily because I'm looking at the plans, I understand the problems with the tandem garage. I have a

struggle with that too, but I'm finding that it's difficult to understand why they don't do a two car tuck under. I don't hear anything about headroom issues, or that their car won't fit height wise. I was reading your packet and it was saying about your water meter and duct work and so on and so forth, so that makes it more of a financial issue, which isn't a hardship, so I'm kind of leaning toward supporting the motion.

Finlayson: Mr. Ditzler.

Ditzler: Right now I'm going to be supporting the motion as well and I think for me, to my memory, when we have had these in the past, it has either been an issue of lot size or of headroom in the garage. Now I haven't been here real long to hear a lot of these, but the ones that we've approved in the past that is my recollection. I do not see either of those issues here. So I'm inclined to support staff recommendation.

Finlayson: Please call a roll.

Ditzler: Yes

Fields: Yes

Finlayson: Yes

Gates: Yes

Lasky: No

Luepke Pier: Yes

Perry: Yes

Rand: absent

Motion passed.