

City of Minneapolis
Inspections Division of Regulatory Services
Office of Zoning Administration
250 South 4th St. Room 300
Minneapolis MN 55415-1373
612-673-5836
Fax 612-673-3173

Memorandum

DATE: February 1, 2002
TO: Zoning and Planning Committee
FROM: David A. Dacquisto, Zoning Administrator
RE: Peter H. Watson, 2012 Sheridan Ave. S. Appeal of Board of Adjustment Decision

Request:

Mr. Watson is appealing the decision of the Board of Adjustment to uphold the decision of the zoning administrator.

Zoning staff was unable to accept Mr. Watson's application for a height variance to an accessory garage due to restrictions on the applicability of zoning variances to accessory use height.

Mr. Watson proposed to replace an existing detached accessory structure with a new eighteen-(18) ft. tall accessory structure (garage).

The zoning code directs staff on the method to calculate height:

520.160 Definitions.

Height, structure or building. The vertical distance from the natural grade measured either at the curb level or at a point ten (10) feet away from the front center of the structure or building, whichever is closer, to the top of the highest point of the structure, or to the top of the highest point of the roof on a flat or shed roof, the deck line on a mansard roof, or the average distance between the eaves and the ridge level for gable, hip and gambrel roofs.

The detached accessory structure with is twenty- (22) ft. to the roof peak.

Variance application restrictions:

The zoning code limits the use of variances and the ability of zoning staff to accept for processing certain zoning variances that exceed the specific threshold limitations:

525.520 Authorized variances.

(4) Unless otherwise controlled by conditional use permit, to vary the height requirements for any structure, except signs, provided that the total floor area ratio on the site shall not be exceeded, and provided further that the maximum height of any accessory structure shall not exceed sixteen (16) feet or sixty (60) percent of the height of the structure to which it is accessory, whichever is greater.

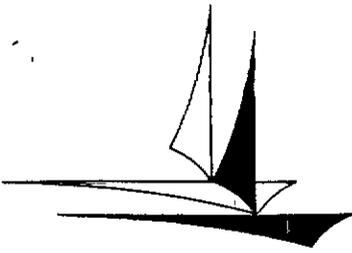
Zoning staff analyses zoning application requests for variances to accessory structures by first determining the height of the structure it is accessory to.

Next staff calculates 60% of the height of the principal structure. A twenty- (24) ft house multiplied by 60% results in an allowed height of accessory structure of 14ft 3 in.

As the code allows a variance of “sixteen (16) or sixty- (60) percent of the height of the structure to which it is accessory, whichever is greater”, zoning staff may accept for processing a variance to allow an accessory structure not to exceed sixteen (16) in height.

Conclusion:

Under Chapters 520.160 Definitions and 515.520 Authorized variances, zoning staff acted properly in the application of the zoning code in not accepting for processing a variance application to permit an accessory structure of eighteen- (18) ft. in height.



City of Minneapolis
 Inspections Division of Regulatory Services
 Office of Zoning Administration
 250 South 4th St. Room 300
 Minneapolis MN 55415-1316
 612-673-5836
 Fax 612-673-3173



Notice of exception
To the Decision of the City Planning Commission

A complete application¹ shall be filed in the zoning office by 4:30 p.m. within ten (10) calendar days of the date of decision by the city planning commission.

MAILING/OFFICE ADDRESS:

Zoning Administrator
 Office of Zoning Administration
 Public Service Center
 250 S. 4th St. Room 300
 Minneapolis MN 55415-1316
 Office: 612-673-5867
 Fax: 612-673-3173

Date: December 13, 2001

RE: 2012 Sheridan Avenue So., Mpls, MN 55405
 (address)

File No. BZZ-419

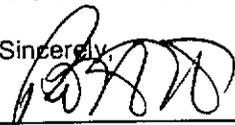
I, Peter H. Watson do hereby file an exception to the Decision of the City Planning Commission as provided for in Chapter 525.180;

525.180. Appeals of decisions of the city planning commission or board of adjustment. All decisions of the city planning commission, except zoning amendments, and all decisions of the board of adjustment shall be final subject to appeal to the city council and the right of subsequent judicial review. Appeals may be initiated by any affected person by filing the appeal with the zoning administrator on a form approved by the zoning administrator. All appeals shall be filed within ten (10) calendar days of the date of decision by the city planning commission or board of adjustment. No action shall be taken by any person to develop, grade or otherwise alter the property until expiration of the ten-day appeal period and, if an appeal is filed pursuant to this section, until after a final decision has been made by the city council. Not less than ten (10) days before the public hearing to be held by the zoning and planning committee of the city council to consider the appeal, the zoning administrator shall mail notice of the hearing to the property owners and the registered neighborhood group(s) who were sent notice of the public hearing held by the city planning commission or the board of adjustment. The failure to give mailed notice to individual property owners, or defects in the notice, shall not invalidate the proceedings provided a bona fide attempt to comply with this section has been made.

(2000-Or-034, § 2, 5-19-2000)

Further, I do hereby request that I be given an opportunity to express by case before the proper committee of the Honorable City Council. The action being appealed and the reasons for appealing the decision are attached and made a part of this notice of exception.

Sincerely,

(Name) 

(Address) 2012 Sheridan Ave. So., Mpls, MN
 55405

(Telephone) H: 612-377-8931

W: 612-672-3784

CELL: 612-868-1925

¹ Complete Application – includes a completed application form and attached statement explaining the basis for appeal, correct fee and mailing labels
 BZZ-

ACTION BEING APPEALED/STATEMENT OF REASON FOR APPEAL

Denial of Appeal to the Board of Adjustment from the Office of Zoning and Planning denying a request for a variance to the height of 18 feet of the building. The reasons for appealing this decision are as follows:

1. The existing structure now has a height of 18 feet, as measured to the midpoint between the peak and the eave. The applicant's desire is to simply maintain the identical footprint and the height and size of the building (with the exception of eliminating the lean-to on the north side so that the overall building would be smaller) and maintaining the design of the existing building which has been on the site since 1915.

It was felt by the Board of Adjustment that they did not have the legal authority to simply overrule the denial of the variance by the Zoning and Planning Office, because they are only empowered by law to grant a variance of up to 16 feet in height.

Minneapolis City Planning Department Report**Appeal of the Decision of the Zoning Administrator
BZZ - 419****Date:** December 11, 2001**Date Application Deemed Complete:** November 5, 2001**End of 60 Day Decision Period:** January 4, 2001**Appellant:** Peter Watson**Address of Property:** 2012 Sheridan Ave. S.**Project Name:** N/A**Contact Person and Phone:** Peter Watson, 672-3784**Planning Staff and Phone:** Jason Wittenberg, 673-2297**Ward:** 7 **Neighborhood Organization:** Kenwood Isles Area Association**Existing Zoning:** R1**Proposed Use:** Accessory structure

Appeal the decision of the Zoning Administrator not to accept an application for a variance of the allowed height of an accessory structure that exceeds 16 ft. or 60 percent of the height of the structure to which it is accessory, whichever is greater.

Concurrent Review: N/A

Background and Analysis: The appellant proposes to replace the existing detached accessory structure with a new structure. The existing accessory structure exceeds the maximum permitted height and is legally nonconforming. The appellant attempted to file a variance application to increase the maximum permitted height of an accessory structure. The proposed structure would measure approximately 18 ft. in height as measured halfway between the peak and the eave as indicated in section 520.160 of the zoning code. (The structure would be 22 ft. to the peak, according to the applicant's application.)

520.160. Height, structure or building. The vertical distance from the natural grade measured either at the curb level or at a point ten (10) feet away from the front center of the structure or building, whichever is

Minneapolis City Planning Department Report
Z - 419

closer, to the top of the highest point of the structure, or to the top of the highest point of the roof on a flat or shed roof, the deck line on a mansard roof, or the average distance between the eaves and the ridge level for gable, hip and gambrel roofs.

Section 525.520 of the zoning code limits the extent of variances of the maximum permitted height of accessory structures to 16 ft. or 60 percent of the height of the principal structure, whichever is greater, as follows:

525.520. Authorized variances. Variances from the regulations of this zoning ordinance shall be granted by the board of adjustment only in accordance with the requirements of section 525.500, and may be granted only in the following instances, and in no others:

...

(4) Unless otherwise controlled by conditional use permit, to vary the height requirements for any structure, except signs, provided that the total floor area ratio on the site shall not be exceeded, and provided further that the maximum height of any accessory structure shall not exceed sixteen (16) feet or sixty (60) percent of the height of the structure to which it is accessory, whichever is greater.

Upon receiving information about the height of the Mr. Watson's home, the Zoning Administrator declined to accept the variance application based on the fact that the proposal is not within the requirements of an authorized variance. The structure would exceed 16 ft. and 60 percent of the height of the principal structure.

The appellant has filed an appeal pursuant to section 525.170 of the zoning code (see below).

525.170. Appeals of decisions of the zoning administrator. All findings and decisions of the zoning administrator, planning director or other official involved in the administration or the enforcement of this zoning ordinance shall be final subject to appeal to the board of adjustment, except as otherwise provided by this zoning ordinance. Appeals may be initiated by any affected person by filing the appeal with the zoning administrator on a form approved by the zoning administrator. All appeals shall be filed within twenty (20) calendar days of the date of the decision. Timely filing of an appeal shall stay all proceedings in the action appealed, unless the zoning administrator certifies to the board of adjustment, with service of a copy to the applicant, that a stay would cause imminent peril to life or property, in which case the proceedings shall not be stayed. The board of adjustment shall hold a public hearing on each complete application for an appeal as provided in section 525.150. All findings and decisions of the board of adjustment concerning appeals shall

Minneapolis City Planning Department Report
Z - 419

be final, subject to appeal to the city council as specified in section 525.180.

Planning staff agrees that the Zoning Administrator has correctly interpreted the zoning code. If a variance request does not fall within the guidelines of an authorized variance, which this proposal does not, the correct decision is for the Zoning Administrator to not accept the application. Accepting an application for a variance not listed in section 520.520 or not within the guidelines of 520.520 would render the term "authorized variances" meaningless.

Recommendation of the City Planning Department:

The City Planning Department recommends denial of the appeal of the decision of the Zoning Administrator.

Peter Swanson

012-3184

APPLICANT'S NAME

TELEPHONE

2012 Sheridan Av S Mpls., MN 55405

ADDRESS

APPLICATION _____ 2001 CITY PLANNING _____ 2001
 BD. OF ADJUST _____ 2001 CITY COUNCIL _____ 2001
 ZONING PLATE _____ ZONING MAP CHANGE _____ 2001 INITIAL _____ 7th WARD

ZONING PLATE

ZONING MAP CHANGE _____ 2001

INITIAL _____

7th

WARD



SCALE

200' 0 200' 400'

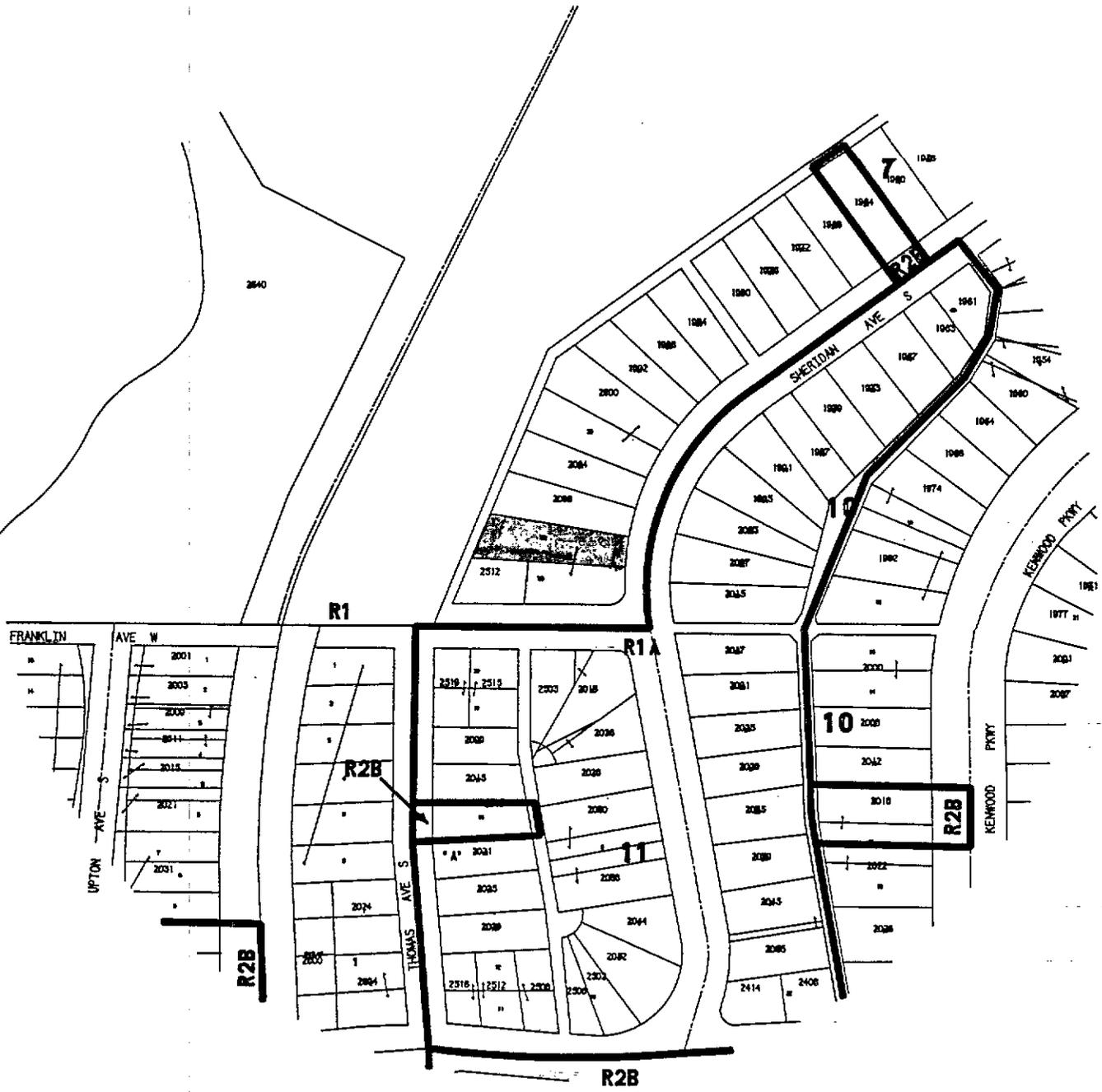
PETITION FOR AMENDMENT		APPEAL FOR VARIATION	BOARD ACTION
PRESENT ZONING	PROPOSED ZONING		

PROPERTY ADDRESS
2012 Sheridan Av S

FILE NUMBER
BZZ-419

2012 Sheridan Av S Mpls., MN 55405

ADDRESS



PROPERTY ADDRESS:
2012 Sheridan Av S

FILE NUMBER
BZZ-419

APPEAL OF A DECISION OF THE
ZONING ADMINISTRATOR

DATE Nov. 5, 2001

complete
10/5/01

TO THE HONORABLE BOARD OF ADJUSTMENT:

Ladies & Gentlemen,

On Nov. 5, 2001, the undersigned, as authorized in section 525.170 of the Minneapolis Zoning Code, appeals the decision of the Zoning Administrator not to grant the variance application submitted on September 18, 2001, and received back on October 18, 2001, copies of which are attached.

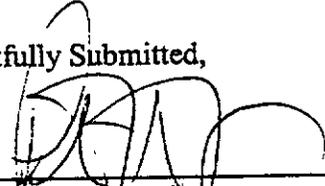
The Zoning Administrator made the order pursuant to Chapter 525.250 (4) of the Zoning Ordinance passed November 12, 1999.

The undersigned takes exception to the Administrator's interpretation and appeals to the Board of Adjustment to review the intent of said provision of the ordinance as it applies in this instance on the following grounds: (See attached explanation of request.)

Legal Description of Property: Lot Thirty-two (32) Block Seven (7) in Kenwood, Minneapolis, and the East One Hundred Twenty-five (E125) feet of Lot Thirty-three (33) in Block Seven (7). "Kenwood, Minneapolis, Minnesota", being that part of said Lot Thirty-three (33) lying to the East of a line across said lot in a Southerly direction and at right angles to the North line of said lot from a point in the North line of said Lot Thirty-three, One Hundred Twenty-five (125) feet from the Northeast corner thereof.
Street Address of Property: 2012 Sheridan Avenue South, Minneapolis, MN 55405

Zoning Plate 17
Zone R1
Ward 7TH

Respectfully Submitted,


Name Peter H. Watson

Address 2012 Sheridan Avenue South
Minneapolis, MN 55405

Telephone (612) 672-3784 Fax (612) 672-3777

E-mail pwatson@mandklaw.com

Kenwood
2902924440093

Ref. B22-349

Hillary
Watson

BZA -
322-419

OPERATIONS & REGULATORY SERVICES

John A. Bergquist
Assistant City Coordinator

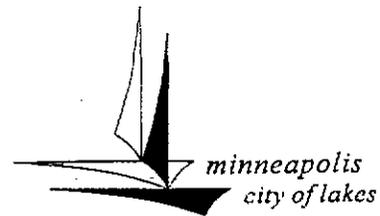
INSPECTIONS DIVISION

250 South 4th Street - Room 300
Minneapolis MN 55415-1316

Merwyn Larson, Director

Connie Fournier, Deputy Director

Office	(612) 673-5800
Fax	673-5819
TTY	673-3300
Building	673-5842
Electrical	673-5868
Environmental	673-5897
Heating	673-5847
Housing	673-5858
Plan Review	673-5831
Plumbing	673-5845
Rental Licensing	673-5856
Zoning	673-5836



October 18, 2001

Mr. Peter Watson
2012 Sheridan Ave. S.
Minneapolis, MN. 55405

RE: Variance application

Dear Mr. Watson,

I am writing to you with regards to your detached garage height Variance application (BZZ 349) submitted to the Zoning Office on September 18, 2001.

The Zoning Office has made the determination, based on the materials you have provided to our office, that under Chapter 525.250 (4), your application is not an authorized variance, and may not be accepted and cannot be heard by the Board Of Adjustment. Specifically, that the height of the proposed detached garage exceeds 60 % of the height of the structure to which it is an accessory (i.e. the principal dwelling).

Under section 525.170 of the Minneapolis Code of Ordinances, you may appeal this decision by filing an Appeal of the Decision of the Zoning Administrator within twenty calendar days of the date of this decision, i.e., **no later than 3:30 p.m., November 8, 2001.**

Yours truly,

Stephen Poor
Zoning Office

cc: David Dacquisto - Zoning Administrator
 Neil Anderson - Planning
 Jason Wittenberg - Planning
 Lisa Goodman - Councilmember 7th Ward

Encl.

*Left message
for Steve
on 10-29-01.*

\$250.00 attached.

4. Statement of proposed use and description of the project.

As per attached drawings, we wish to replace the existing garage with the identical footprint of the building. Downstairs will be used for car parking and storage. Upstairs will be used for storage area.

5. Written Statement explaining the reason for the appeal of the decision of the Zoning Administrator.

The Zoning Office/Board of Adjustment is not authorized to grant the variance for the detached garage from 16 feet to 22 feet as the 22 foot proposed height exceeds 60% of the homestead's height. As per the attached drawings, the owners intend to use the exact footprint of the building (moving the building two feet to the South to comply with variance setbacks.) All other garages in the neighborhood are peaked roofs, and the owner needs the additional space and is desirous of complying with the aesthetic requirements of the neighborhood. The granting of a variance will maintain the general architectural milieu of the buildings in the neighborhood and will not alter the essential character or locality or be injurious to other properties in the vicinity. There are many similar two-story garages within a three-block area and adjacent property owners agree with and concur with this proposed plan.

6. Documents and/or affidavits indicating the history of the site.

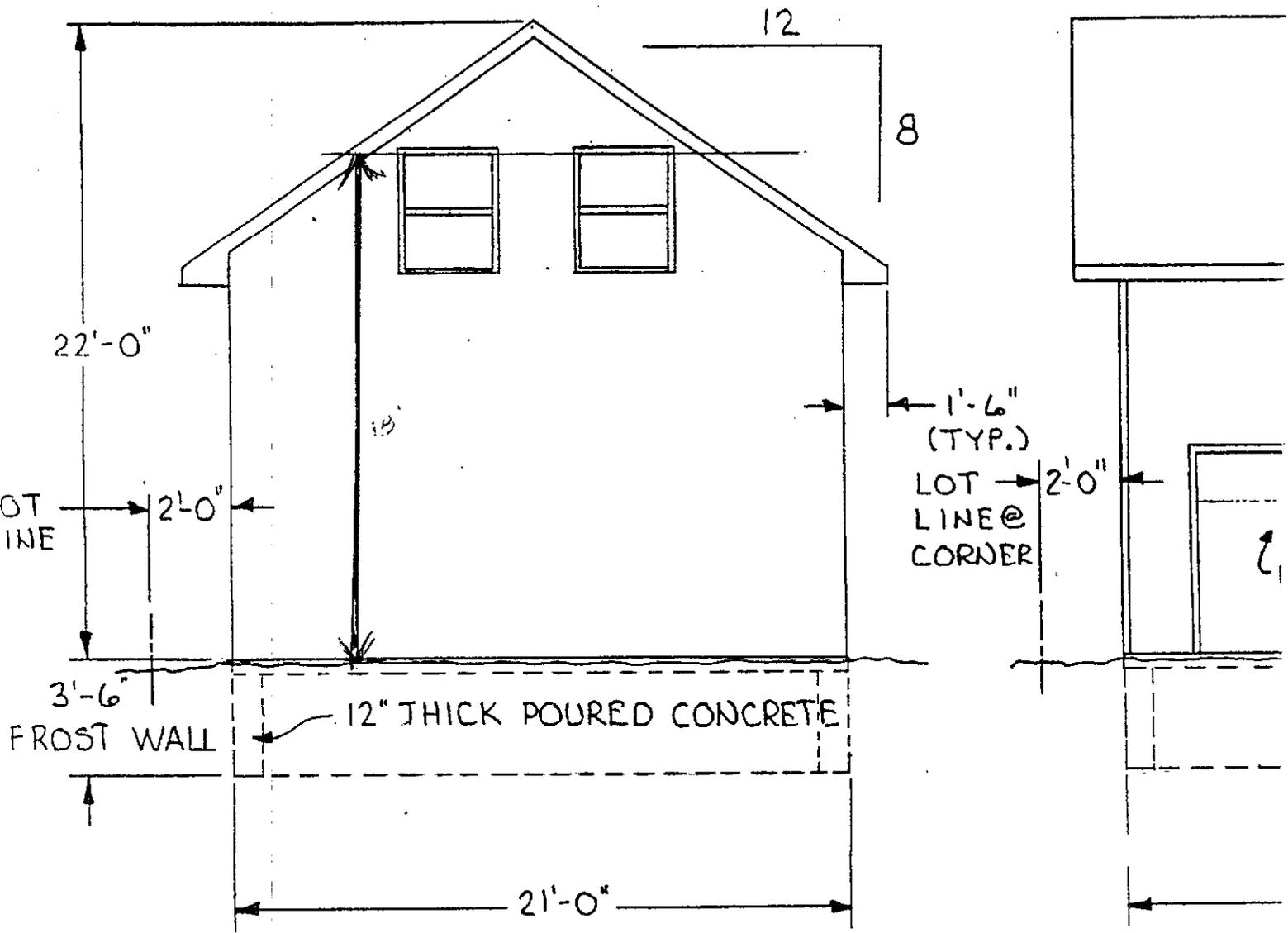
See attached photographs.

7. List of property owners and mailing labels of property owners within 350 feet of the site. The 350-foot radius must be from the boundaries of the entire property and all contiguous property under the same ownership as the property in question. The list must be obtained from: Hennepin County Taxpayer Services Division, A-600 Government Center, 4th Ave. So. and So. 6th Street.

See attached list, mailing labels and maps.

8. Three (3) copies (including one 8-1/2" x 11" copy) of a scaled and dimensioned site plan indicating:

- | | | |
|----|-------------------------------|------------------------|
| a. | Property lines | SEE ATTACHED SITE PLAN |
| b. | Streets, alleys and curb cuts | SEE ATTACHED SITE PLAN |
| c. | Walls and fences | SEE ATTACHED SITE PLAN |
| d. | Drainage pattern | SEE ATTACHED SITE PLAN |
| e. | Sign locations and sizes | N/A |
| f. | Lighting locations and types | N/A |
| g. | Building footprint and size | SEE ATTACHED SITE PLAN |



END VIEW (ALLEY)

SCALE : 3/16" =

REPLACEMENT OUT BUILDING FOR LOT # 32 - FRONT

October 2, 2001

Board of Adjustment
City Hall, Room 220
Minneapolis, Mn

To whom it may concern:

The KIAA Board has reviewed the variance request for the proposed two-story garage at the property owned by Peter Watson, 2012 Sheridan Ave. The committee has voted to not oppose the requested variance to increase the maximum permitted height of an accessory structure.

Sincerely,

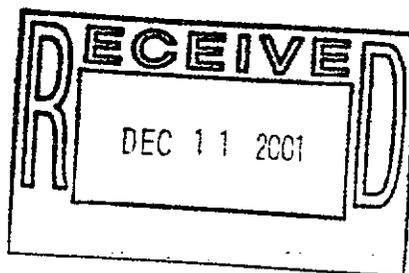
Ron Lotz
Kenwood Isles Area Association Board
Variance Committee Chair
612-377-1217

Letter from area resident who wishes to remain anonymous:

#3

I oppose Mr. Watson's request for a variance of the allowed height on his proposed garage. I feel that his requested height of 22 feet is not necessary. The zoning laws are in place too make sure that property owners comply with a sense of uniformity. His request seems to be out of place and his reasoning to do so seems to be a misrepresentation. It is my observation that none of the garages on the West Side of Sheridan Avenue from Franklin north to the Water Tower have garages that approach Mr. Watson's requested height of 22 feet. I also walked down the alley, between Sheridan and Thomas and Franklin and 21st Street, and no garages approach that height. There are many garages that are visually appealing and have peak roofs, but don't tower over the surrounding properties. I could suggest that if he needs extra space, he might want to consider dormers, which seems to be an architectural solution to wanting more space and complying with the code. I noticed garages in the neighborhood that make use of this design. It is my concern that a garage that big has other intended use. I don't know what he needs the additional space for, but my concern is that more space would increase the flow of traffic in the alley and along Franklin Avenue. In addition it would seem to overwhelm other secondary structures nearby.

If Mr. Watson truly wants to maintain the "general architectural milieu of the buildings in the neighborhood" then I suggest he stays within the codes and rules that are in place to do just that.



B22-419

Wittenberg, Jason W

From: Dana Wheeler [Dana.Wheeler@usfamily.net]
Sent: Thursday, November 29, 2001 4:44 PM
To: jason.wittenberg@ci.minneapolis.mn.us
Subject: 2012 Sheridan variance

I own 2025-2027 Sheridan and am okay with Peter's request.

Dana Wheeler
612-963-2566

----- USFamily.Net <<http://www.usfamily.net/info>> - Unlimited Internet - From \$8.99/mo! -----

June 4, 2000

City of Minneapolis
Zoning and Planning Committee
Board of Adjustment.

Re: Reconstruction of carriage house at
2012 Sheridan Ave. South

Dear Sir or Madam,

This letter is written to advise that as neighbors residing at the below address, in the vicinity of 2012 Sheridan Ave. So. we have been asked by the owners of that property to express out support/ lack of objection to the proposed remodel/reconstruction of the carriage house in the rear of the property.

We do hereby express our support and endorse the project, with the understanding that the new structure will utilize the identical footprint of the old building and will not exceed it current height, as well.

Very Truly Yours,

Helin Poeta
John Poeta
Enjoy it. looks great

Property Owner At:

2000 Sheridan Av So

Minneapolis, MN, 55405

June 4, 2000

City of Minneapolis
Zoning and Planning Committee
Board of Adjustment.

Re: Reconstruction of carriage house at
2012 Sheridan Ave. South

Dear Sir or Madam,

This letter is written to advise that as neighbors residing at the below address, in the vicinity of 2012 Sheridan Ave. So. we have been asked by the owners of that property to express out support/ lack of objection to the proposed remodel/reconstruction of the carriage house in the rear of the property.

We do hereby express our support and endorse the project, with the understanding that the new structure will utilize the identical footprint of the old building and will not exceed it current height, as well.

Very Truly Yours,

Caroline Adams Barton

Property Owner At:

2519 West Franklin Ave.

Minneapolis, MN, 55405

June 4, 2000

City of Minneapolis
Zoning and Planning Committee
Board of Adjustment.

Re: Reconstruction of carriage house at
2012 Sheridan Ave. South

Dear Sir or Madam,

This letter is written to advise that as neighbors residing at the below address, in the vicinity of 2012 Sheridan Ave. So. we have been asked by the owners of that property to express out support/ lack of objection to the proposed remodel/reconstruction of the carriage house in the rear of the property.

We do hereby express our support and endorse the project, with the understanding that the new structure will utilize the identical footprint of the old building and will not exceed it current height, as well.

Very Truly Yours,


Dan Dailey

Property Owner At:

2004 Sheridan Av S

Minneapolis, MN, 55405

June 4, 2000

City of Minneapolis
Zoning and Planning Committee
Board of Adjustment.

Re: Reconstruction of carriage house at
2012 Sheridan Ave. South

Dear Sir or Madam,

This letter is written to advise that as neighbors residing at the below address, in the vicinity of 2012 Sheridan Ave. So. we have been asked by the owners of that property to express our support/ lack of objection to the proposed remodel/reconstruction of the carriage house in the rear of the property.

We do hereby express our support and endorse the project, with the understanding that the new structure will utilize the identical footprint of the old building and will not exceed its current height, as well.

Very Truly Yours,

Property Owner At:

2018 SHERIDAN AVES.
Paul A. / Cheryl B. Akue

Minneapolis, MN, 55405

June 4, 2000

City of Minneapolis
Zoning and Planning Committee
Board of Adjustment.

Re: Reconstruction of carriage house at
2012 Sheridan Ave. South

Dear Sir or Madam,

This letter is written to advise that as neighbors residing at the below address, in the vicinity of 2012 Sheridan Ave. So. we have been asked by the owners of that property to express out support/ lack of objection to the proposed remodel/reconstruction of the carriage house in the rear of the property.

We do hereby express our support and endorse the project, with the understanding that the new structure will utilize the identical footprint of the old building and will not exceed it current height, as well.

Very Truly Yours,

Property Owner At:

2015 Sheridan Ave So

Minneapolis, MN, 55405

September 14, 2000

City of Minneapolis
Zoning and Planning Committee

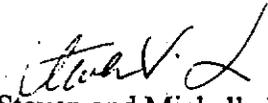
Re: Reconstruction of carriage house at
2012 Sheridan Ave. South

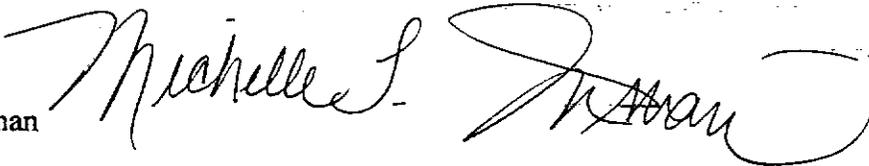
Dear Sir or Madam,

This letter is written to advise that as neighbors residing at the address below, in the vicinity of 2012 Sheridan Avenue South, we have been asked by the owners of that property to express our lack of objection to the proposed remodel/reconstruction of the carriage house in the rear of the property.

We do hereby express our lack of objection to the project, with the understanding that the new structure will utilize the identical footprint of the old building, will not exceed its current height, and not be used for rental purposes.

Sincerely,


Steven and Michelle Inman
Property Owners At:
2014 Sheridan Avenue South
Minneapolis, MN, 55405-2354



Ed Bell
3033 Excelsior Blvd. Suite 100
Minneapolis, Minnesota 55416
612-925-8280 (work)
612-920-4706 (fax)

October 3, 2000

City of Minneapolis
Zoning and Planning Committee
Board of Adjustment

RE: Reconstruction of the Carriage House at 2012 Sheridan Ave. South

To whom it may concern,

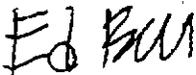
I'm currently purchasing the property at 2512 West Franklin Avenue. In the course of this purchasing my property I had called Ed Virnig regarding the feasibility of building a new home on my adjoining property. Shortly thereafter I received a copy of the proposed reconstruction of the Carriage house at 2012 Sheridan Ave. South from the Seller (current owner) of the property at 2512 West Franklin Avenue.

I have discussed the drawings for the Carriage house with Mr. Watson and have no concerns about it; except that the property would not be rented out and would not become a dwelling unit. It is my understanding that it would become a studio space.

I think it would be an improvement to the area and to the rear of my property. Mr. Watson is aware of my desire to rebuild the present home in some fashion at 2512 West Franklin Avenue. He is also aware that to rebuild the property we would be seeking a front yard variance to match the existing lines of the current home.

Sincerely,

Ed Bell



Copy: Peter Watson

AUTHORIZED TO PRACTICE LAW IN
MINNESOTA, WISCONSIN, IOWA,
SOUTH DAKOTA, WASHINGTON D.C.,
COLORADO, ILLINOIS, CALIFORNIA
AND MONTANA

WRITER'S DIRECT DIAL NUMBER
672-3784

Reply to: Minneapolis

September 18, 2001

Minneapolis Zoning and Planning Board
250 South 4th Street
Room 300
Minneapolis, MN 55415-1316

Attn: Administrator David Dacquisto

Re: Variance Request
2012 Sheridan Avenue South
Minneapolis, MN 55405

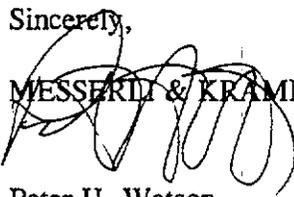
Dear Mr. Dacquisto:

Enclosed please find Variance request and Checklist information, together with attachments.

Also, in accordance with requirement 14 of the Checklist for Zoning Variances, I hereby certify that I have contacted and spoken with the Office of Alderman Lisa Goodman and her assistant regarding the attached Variance Application, and further I have solicited neighbors in the immediate vicinity and enclose copies of those neighbors' letters endorsing the project.

I understand based upon our telephone discussion that you do not have the authority to increase the height size by more than 16 feet and therefore I understand this matter will be automatically rejected and referred by way of appeal to the Board of Adjustments.

Sincerely,


MESSERLI & KRAMER P.A.

Peter H. Watson
PHW/mt
Enclosures

cc: Councilman Lisa Goodman - w/encls.

Messerli
&
Kramer

professional association
ATTORNEYS AT LAW

1800 FIFTH STREET TOWERS
150 SOUTH FIFTH STREET
MINNEAPOLIS, MINNESOTA 55402-4246
TELEPHONE (612) 672-3600
FACSIMILE (612) 672-3777
www.messerlikramer.com

ST. PAUL OFFICE
LEAGUE OF MINNESOTA CITIES BUILDING
SUITE 450, 145 UNIVERSITY AVENUE WEST
ST. PAUL, MINNESOTA 55103-2044
TELEPHONE (651) 228-9757
FACSIMILE (651) 228-9787

PLYMOUTH OFFICE
3405 ANNAPOLIS LANE NORTH
SUITE 300
PLYMOUTH, MINNESOTA 55447-5326
TELEPHONE (763) 548-7900
FACSIMILE (763) 548-7922

HAND DELIVERED

**Messerli
&
Kramer**

professional association

ATTORNEYS AT LAW

1800 FIFTH STREET TOWERS
150 SOUTH FIFTH STREET
MINNEAPOLIS, MINNESOTA 55402-4246
TELEPHONE (612) 672-3600
FACSIMILE (612) 672-3777
www.messerlikramer.com

ST. PAUL OFFICE
LEAGUE OF MINNESOTA CITIES BUILDING
SUITE 450, 145 UNIVERSITY AVENUE WEST
ST. PAUL, MINNESOTA 55103-2044
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AUTHORIZED TO PRACTICE LAW IN
MINNESOTA, WISCONSIN, IOWA,
SOUTH DAKOTA, WASHINGTON D.C.,
COLORADO, ILLINOIS, CALIFORNIA,
AND MONTANA

WRITER'S DIRECT DIAL NUMBER
672-3784

Reply to: Minneapolis

September 18, 2001

Kenwood Isles Area Association
Attn: Ron Lotz
1700 Oliver Avenue So.
Minneapolis, MN 55405

Re: 2012 Sheridan Avenue South
Minneapolis, MN 55405

Dear Mr. Lotz:

I would like very much to appear at your next meeting to seek your approval and endorsement of a remodel/reconstruction plan of an existing carriage house garage at 2012 Sheridan Avenue South. This garage will not be used as a dwelling, and the intention is to merely replace the existing structure, which is falling down, with an identical structure.

Very truly yours,

MESSERLI & KRAMER P.A.

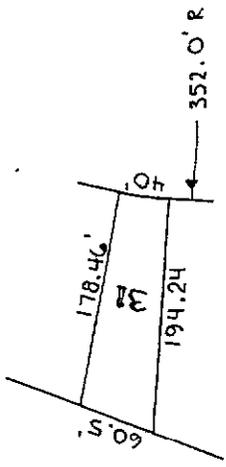
Peter H. Watson
PHW/mt

BZZ - 419

Correspondence:

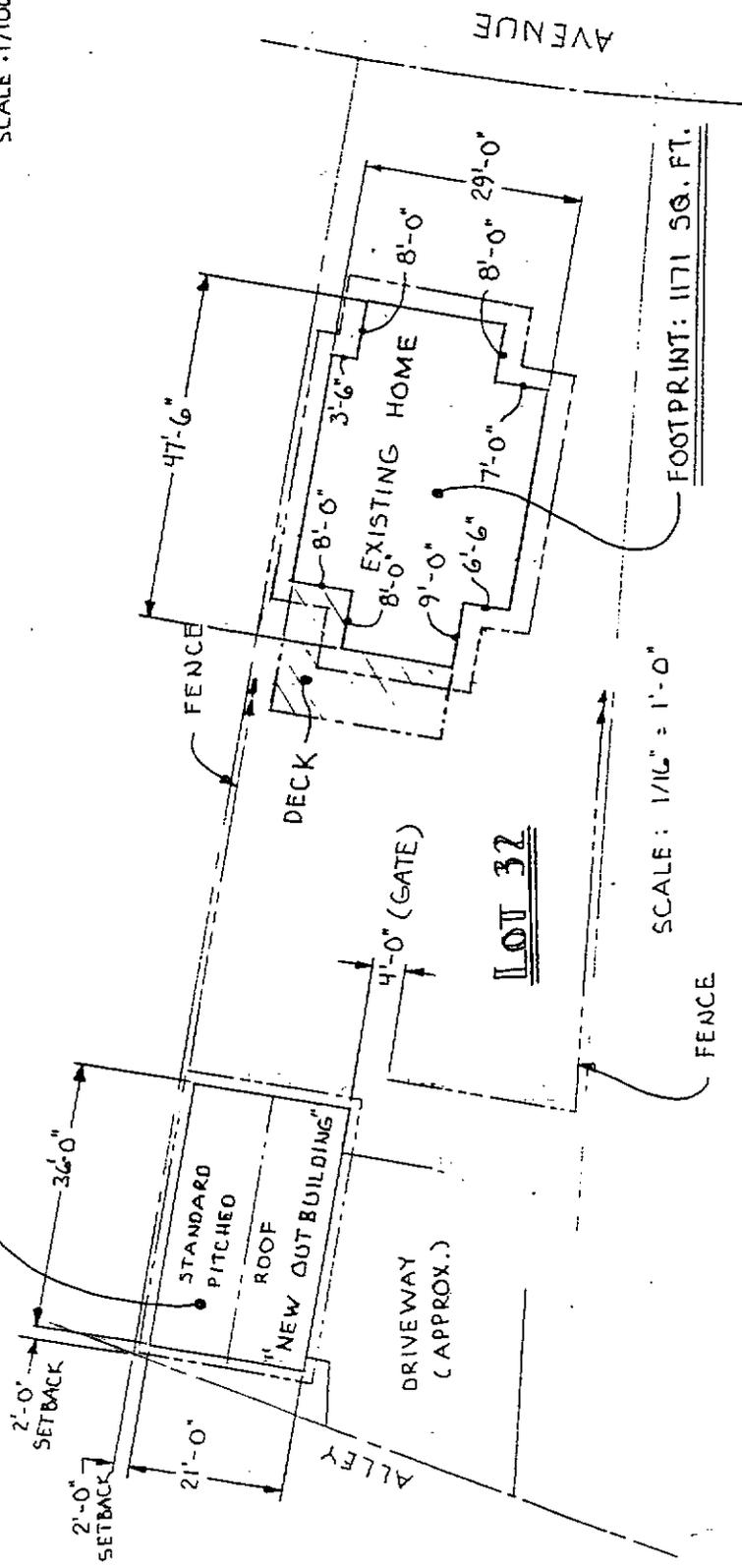
12/5/01 – Sally Lehmann, 1982 Kenwood Pkwy, supports granting the appeal.

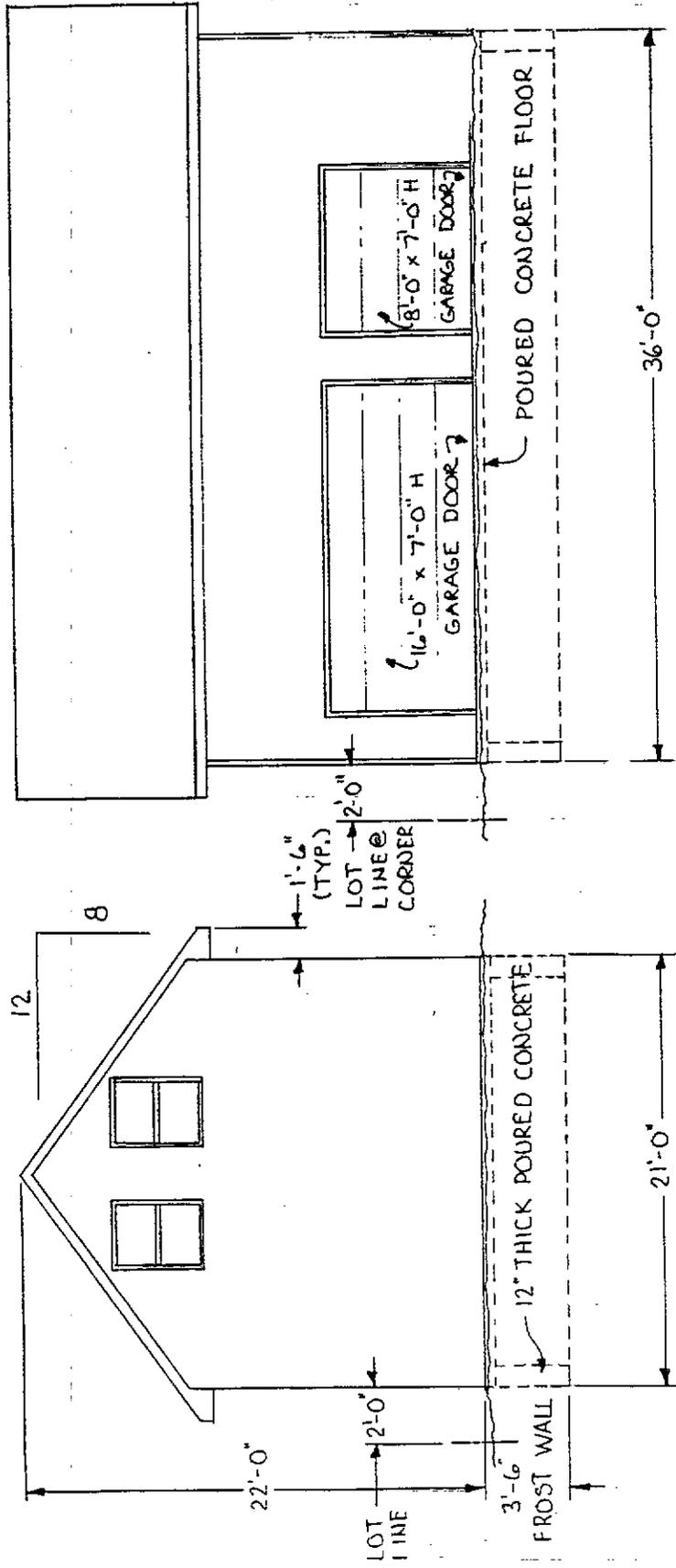
12/6/01 – Marty Fustgaard, 2512 W. Franklin Ave., supports granting the appeal.



FOOTPRINT: 756 SQ. FT.

THUMBPRINT OF LOT #32
SCALE: 1/100TH" = 1'-0"

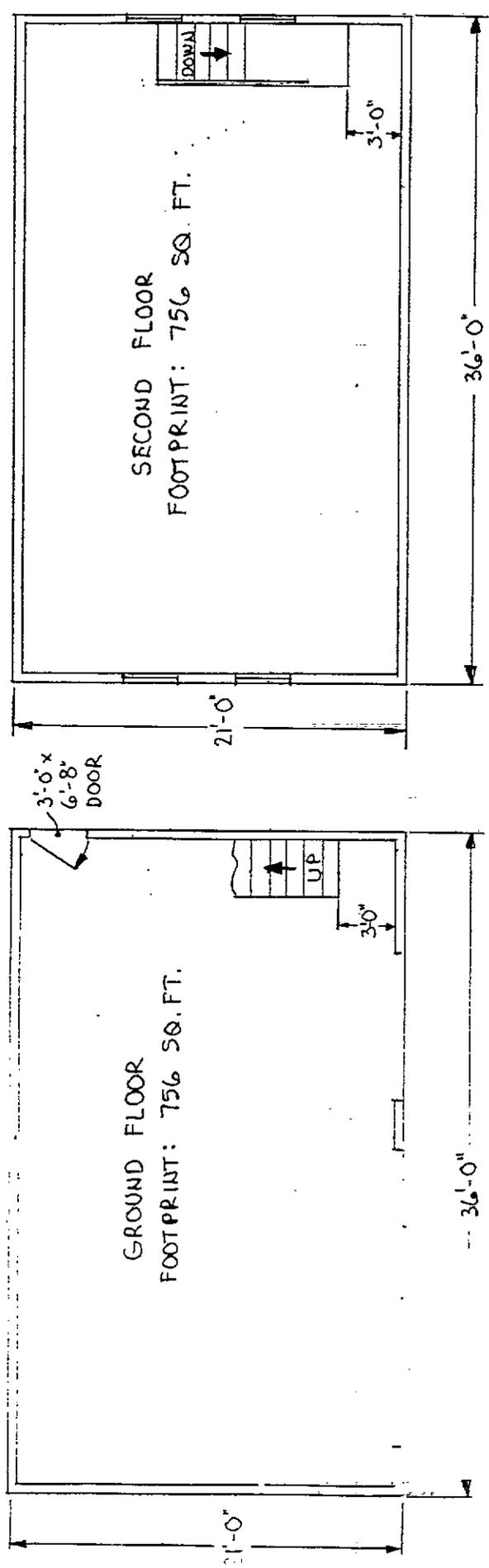




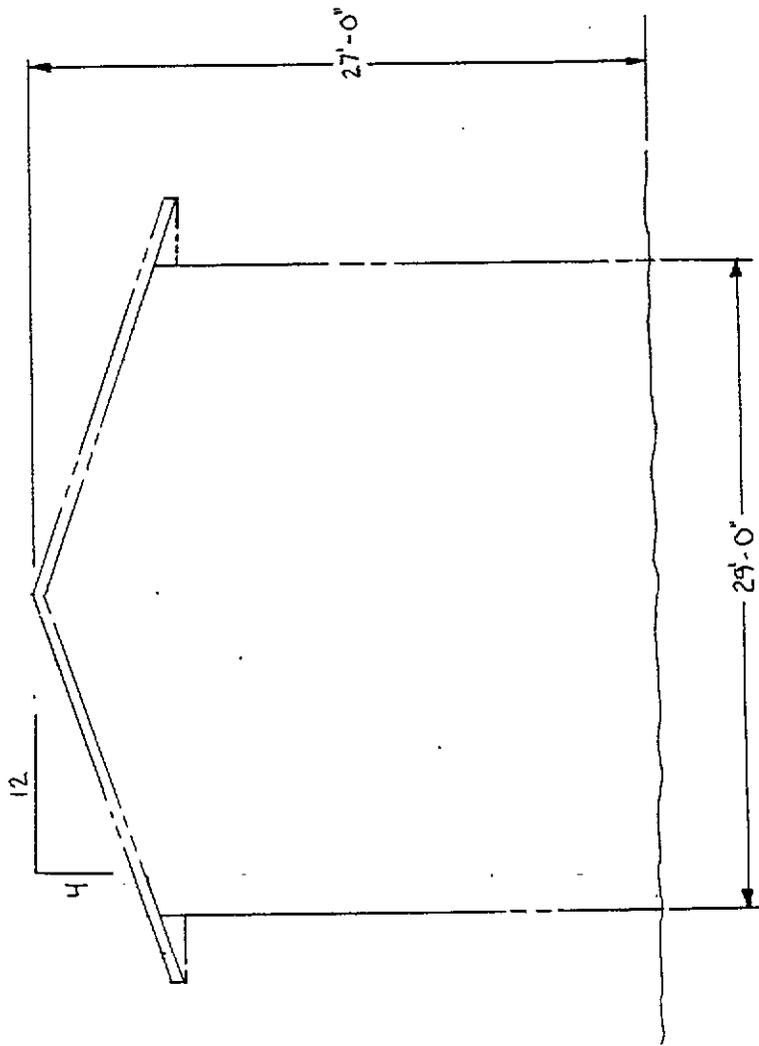
FRONT VIEW

END VIEW (ALLEY)

SCALE: 3/16" = 1'-0"

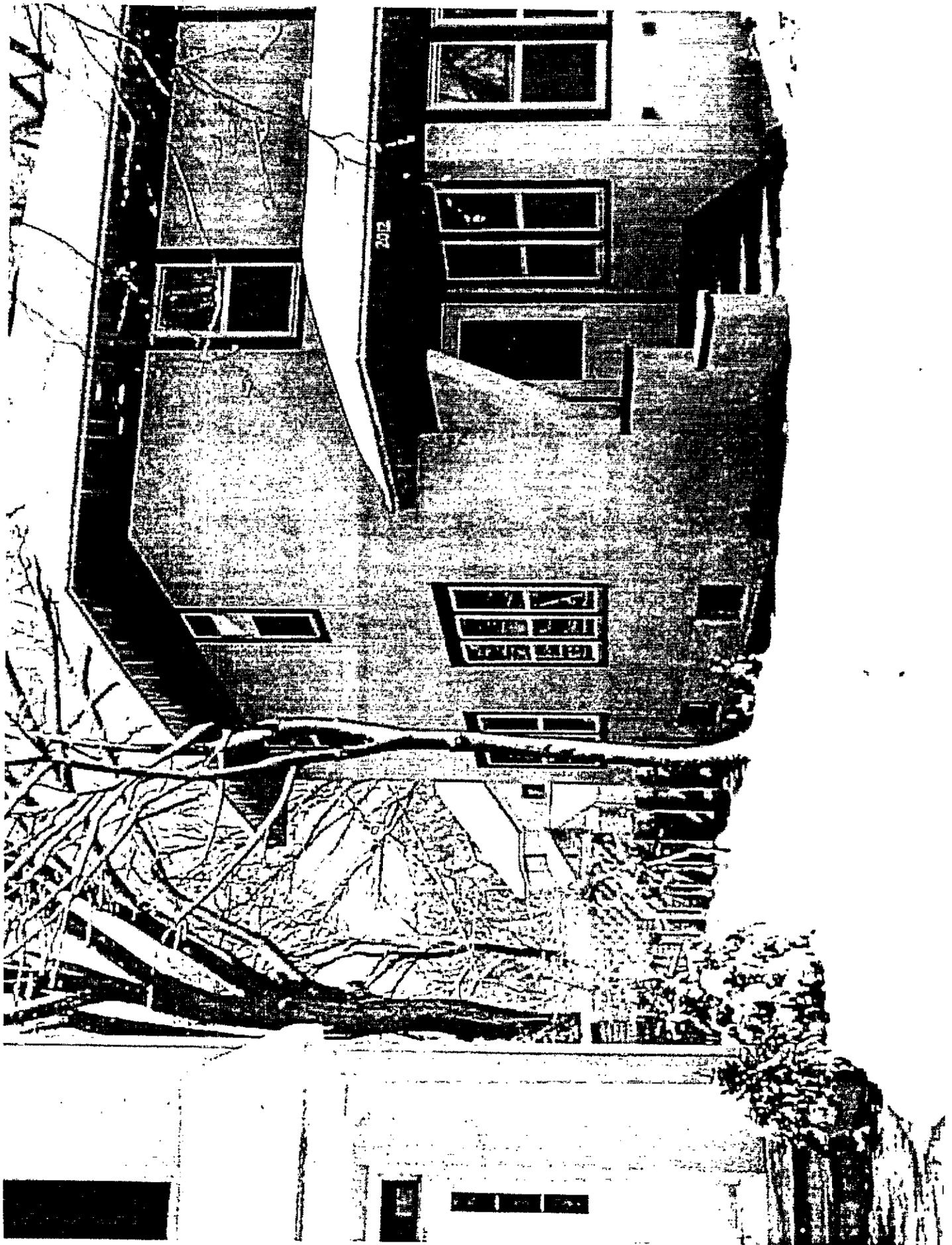


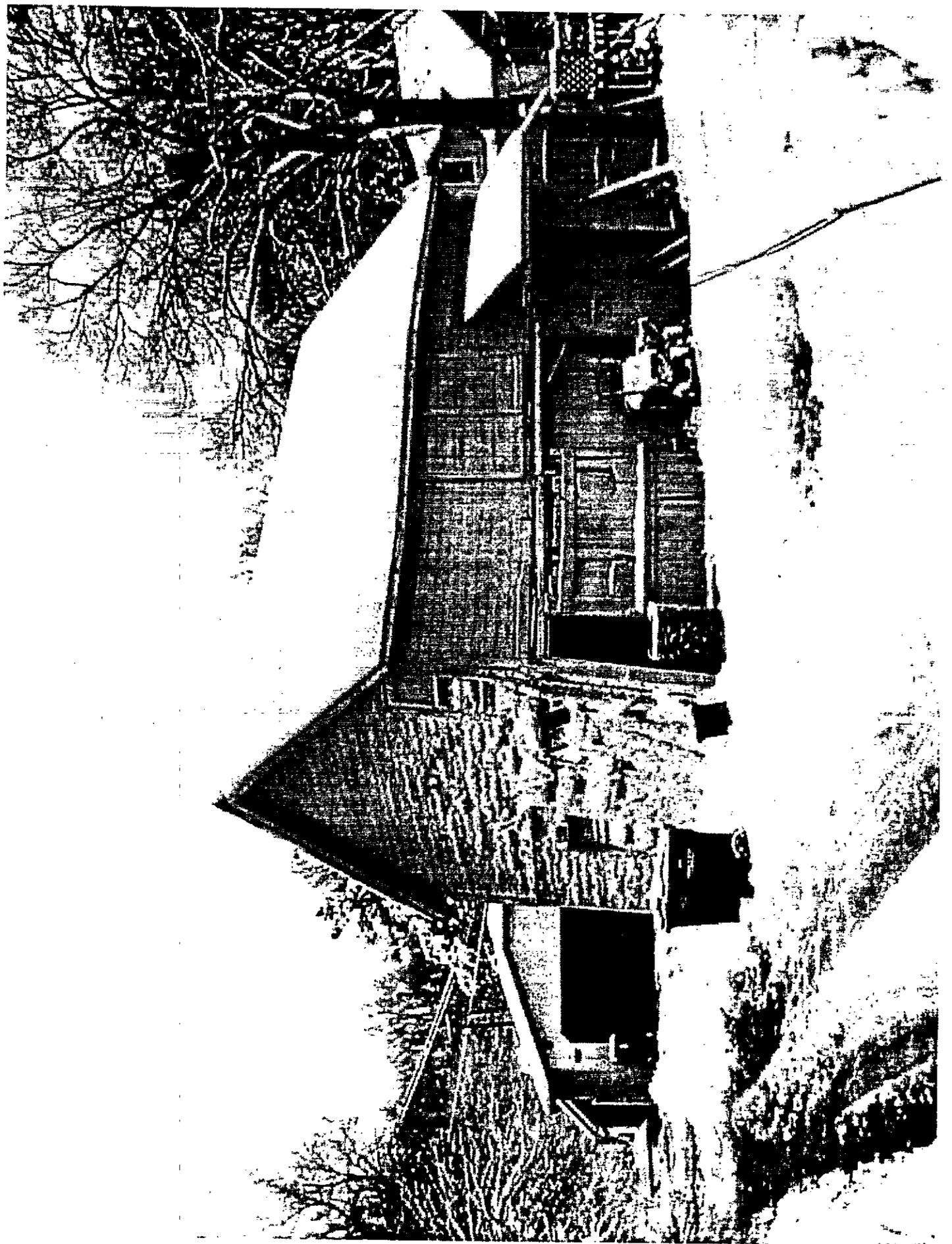
SCALE: 3/16" = 1'-0"

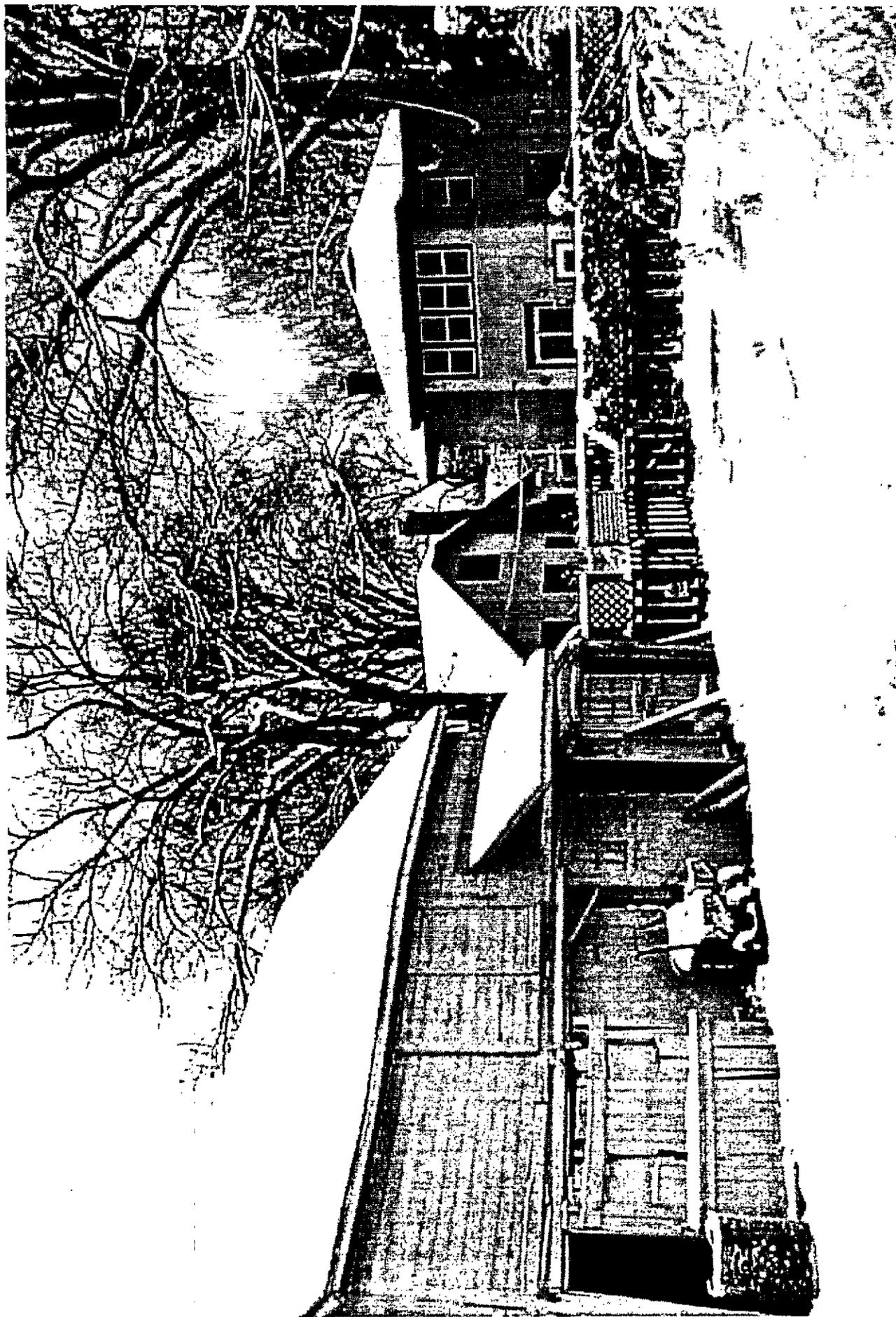


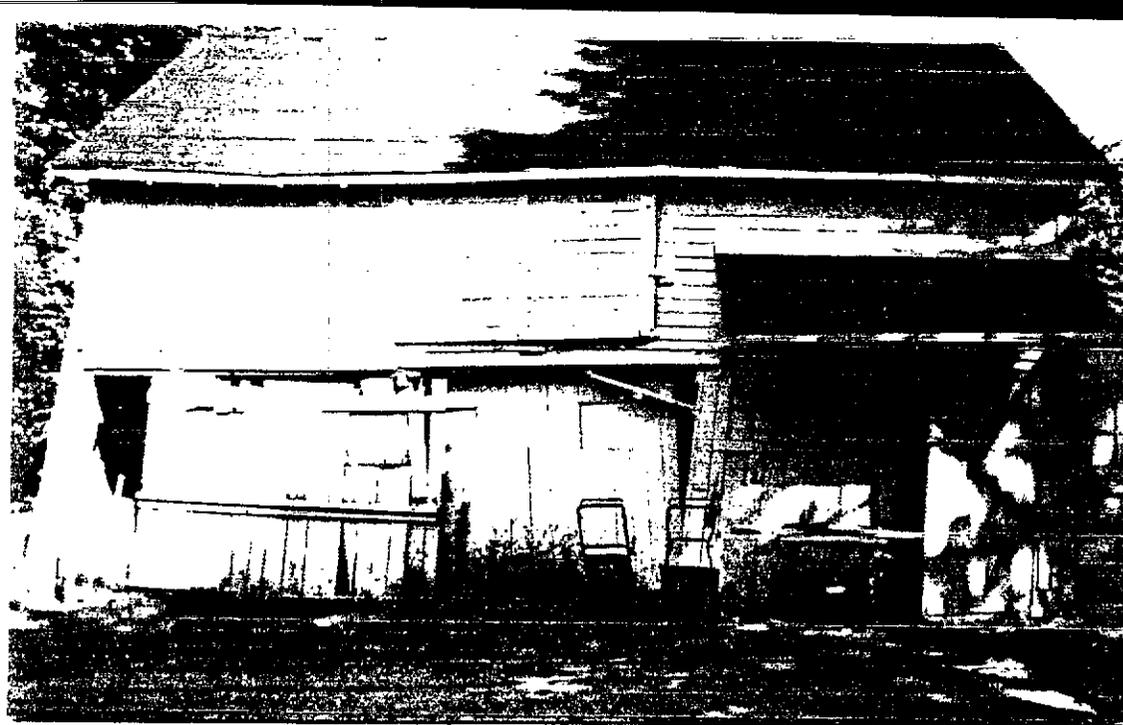
SCALE: 3/16" = 1'-0"

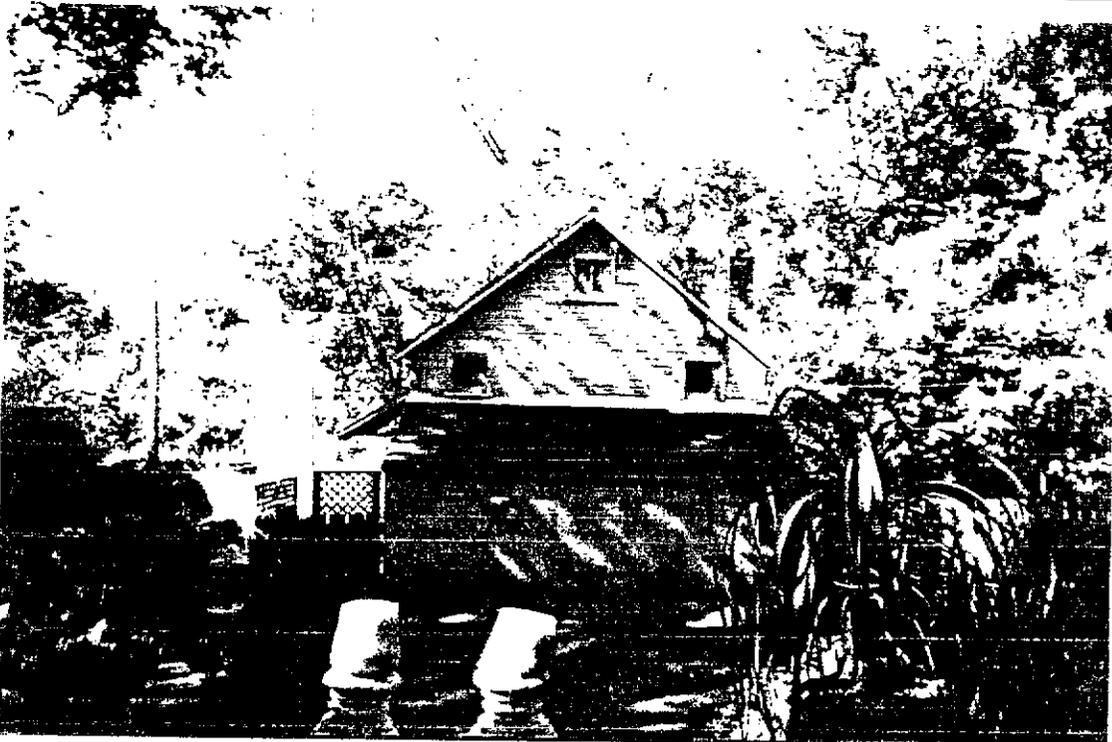
EXISTING HOUSE ELEVATION











HEARING AGENDA

ACTIONS

Minneapolis Board of Adjustment:

Ms. Debra Bloom
Mr. David Fields
Mr. John Finlayson
Mr. Paul Gates
Ms. Marissa Lasky
Mr. Peter Rand
Mr. Gary Schiff
Ms. Gail Von Bargaen
Mr. Richard White

The Board of Adjustment of the City of Minneapolis met at **2:00 p.m.**, on **Wednesday, December 12, 2001**, in **Room 220 City Hall**, Minneapolis, Minnesota, to consider requests for the following:

2:00 p.m.

1. 2012 Sheridan Ave. S. (BZZ-419, 7th Ward

Peter H. Watson has filed to appeal the decision of the Zoning Administrator not to accept an application for a variance of the allowed height of an accessory structure that exceeds 16 ft. or 60% of the height of the structure to which it is an accessory, whichever is greater.

Actions:

The Board of Adjustment adopted the findings and denied the appeal.

**BOARD OF ADJUSTMENT
MEETING MINUTES
CITY OF MINNEAPOLIS
ROOM 220 CITY HALL
December 12, 2001**

CALL TO ORDER AND ROLL CALL VOTE

Present were Debra Bloom, David Fields, John Finlayson, Marissa Lasky, Peter Rand, Paul Gates, Gail Von Bargen, Gary Schiff and Richard White. Richard White called the meeting to order at 2:00 p.m. Nicole Peterson from the Zoning Office was present, along with Hilary Watson and Jason Wittenberg of Planning.

HEARING

1. 2012 Sheridan Ave. S. (BZZ-419, 7th Ward)

Peter H. Watson has filed to appeal the decision of the Zoning Administrator not to accept an application for a variance of the allowed height of an accessory structure that exceeds 16 ft. or 60% of the height of the structure to which it is an accessory, whichever is greater.

Zoning Presentation by Ms. Peterson:

Item #3 is an appeal to the Zoning Administrator's decision. The appellant is Peter Watson and the address is 2012 Sheridan Avenue South. The zoning district is R1 and located in ward 7. The ordinance in question is 525.520 (4). The applicant's request is to appeal the decision to not accept a variance application to increase the maximum height of an accessory structure from 12 ft. up to 18 ft. Ordinance 525.520 (4) states you cannot apply for a variance that exceeds 16 ft. or 60% of the primary structure. One anonymous letter of opposition was received.

Zoning Administrator presentation by Mr. Dacquisto:

This is an appeal of the Zoning Office decision not to accept a variance. Looking at the zoning code under variances there is a restriction that the maximum height of any accessory structure shall not exceed 16 ft. or 60% of the height of the structure to which it is accessory. That is the maximum variance that we are allowed to accept and process. The garage in question is 18 ft. to the midpoint of the roof, therefore the Zoning Office had no option but to not accept the application. This is a continuing issue however this is what the code states at present time.

Planning Department Staff Recommendation by Mr. Wittenberg:

Staff recommends denial of the appeal.

Applicant's Statement

Peter H. Watson states he does not disagree with the planning department findings and wished to inform the Board of the history so as to understand the situation. The house was purchased in 1997 with an existing carriage house, which was built back in 1914; it is a post and beam structure not having any historical significance. The post and beam structure is leaning to the East Side of the lot and will soon fall down or be condemned. Mr. Watson's objective is to replace the existing carriage house with an identical structure minus the lean too, which exists on the current structure. Mr. Watson also states he has spoken with his neighbors and has their support with the exception of immediate neighbors from the south, who abstained from comment. In asking for 2 ft. height increase and with the understanding of the restricting 16 ft., Mr. Watson expresses to the Board granting his request would be practical and constructing the same structure in the same spot would be in keeping of the neighborhood, add value to his home, his neighbors properties and would maintain conformity with the neighborhood.

Supporting Statement

Council Member Lisa Goodman spoke in support stating the accessory structure, which is being requested, is not new to the lot but in keeping with what is already existing there.

Actions:

The Board of Adjustment adopted the findings and **denied** the application.

Roll Call Vote To Deny

Yeas: Bloom, Fields, Finlayson, Gates, Lasky, Rand, Schiff, Von Bargaen, White

Nays: None

Abstain: None

Absent: None