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**MEMORANDUM**

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DATE: February 5, 2002

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

FROM: Jason Wittenberg

SUBJECT: Height of accessory structures

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On January 22<sup>nd</sup> your committee directed staff to report back regarding the maximum permitted height of accessory structures. Specifically, the committee inquired about the circumstances related to accessory structure height variances that have recently been approved by the Board of Adjustment. (See separate Zoning staff memo related to this.) Generally, the Board has granted variances for accessory structure height where the maximum height would prevent matching a relatively steep roof pitch on the property's principal structure. Based on common characteristics associated with such approved variances, staff was directed to propose language that may allow for an increase in the maximum permitted height of accessory structures.

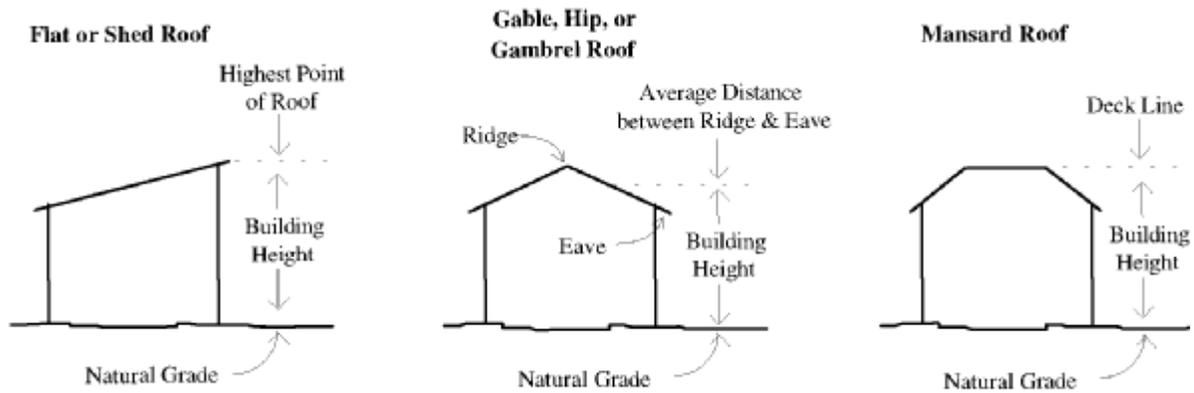
Accessory structures are limited to 12 feet in height as indicated in section 537.50.

**537.50. Maximum height.** (a) In general. The maximum height for all accessory structures shall be limited to the maximum height requirements for principal structures in the district in which the accessory structure is located, except as otherwise provided in this zoning ordinance.

(b) Accessory structures located in the residence and OR1 Districts. A detached accessory structure, accessory to a principal use located in a residence or OR1 district shall not exceed the height of the principal structure or twelve (12) feet, whichever is less.

(c) Accessory structures located in all other districts. Structures accessory to a structure originally designed or intended as a single or two-family dwelling or a multiple-family dwelling of three (3) or four (4) units, shall not exceed the height of the principal structure or twelve (12) feet, whichever is less.

Remember that maximum permitted height of structures is measured as follows:



Section 525.520(4) of the zoning code authorizes variances of the maximum permitted height up to 16 feet or 60 percent of the height of the principal structure, whichever is greater, as follows:

**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.

Note that, as a package of text amendments to the 1963 zoning code adopted in January of 1999, changes were made to 525.520(4). Previously, the authorized variance stated that one could apply for a variance to increase the accessory structure height only up to 60 percent of the height of the structure to which it is accessory. Under that provision, a significant percentage of the property owners in the city were not eligible to increase the maximum permitted height of an accessory structure and thus were limited to the 12 foot maximum height. As staff predicted in the text amendment staff report, the City has seen a significant increase in the number of requests to vary the maximum permitted accessory structure height since the provision was amended.

Planning staff is concerned about ensuring that accessory structures maintain a sense of scale and proportion within their surroundings and remain clearly subordinate to principal structures. Preliminarily, staff has identified the following alternatives to allow additional flexibility in the maximum permitted garage height without a variance.

## Alternative A:

**537.50. Maximum height.** (a) In general. The maximum height for all accessory structures shall be limited to the maximum height requirements for principal structures in the district in which the accessory structure is located, except as otherwise provided in this zoning ordinance.

- (a) Accessory structures located in the residence and OR1 Districts. A detached accessory structure, accessory to a principal use located in a residence or OR1 district shall not exceed the height of the principal structure or twelve (12) feet, whichever is less. The maximum height may be increased to sixteen (16) feet or the height of the principal structure, whichever is less, where the roof pitch matches the primary roof pitch of the principal structure provided the wall height shall not exceed ten (10) feet from the floor to the top plate.
- (b) Accessory structures located in all other districts. Structures accessory to a structure originally designed or intended as a single or two-family dwelling or a multiple-family dwelling of three (3) or four (4) units, shall not exceed the height of the principal structure or twelve (12) feet, whichever is less. The maximum height may be increased to sixteen (16) feet or the height of the principal structure, whichever is less, where the roof pitch matches the primary roof pitch of the principal structure provided the wall height shall not exceed ten (10) feet from the floor to the top plate.

## Alternative B:

**537.50. Maximum height.** (a) In general. The maximum height for all accessory structures shall be limited to the maximum height requirements for principal structures in the district in which the accessory structure is located, except as otherwise provided in this zoning ordinance.

- (a) Accessory structures located in the residence and OR1 Districts. A detached accessory structure, accessory to a principal use located in a residence or OR1 district shall not exceed the height of the principal structure or twelve (12) feet, whichever is less. The maximum height may be increased to sixteen (16) feet or the height of the principal structure, whichever is less, provided the roof pitch is not less than 8:12 and further provided the wall height shall not exceed (10) feet from the floor to the top plate.
- (b) Accessory structures located in all other districts. Structures accessory to a structure originally designed or intended as a single or two-family dwelling or a multiple-family dwelling of three (3) or four (4) units, shall not exceed the height of the principal structure or twelve (12) feet, whichever is less. The maximum height may be increased to sixteen (16) feet or the height of the principal structure, whichever is less, provided the roof pitch is not less than 8:12 and further provided the wall height shall not exceed ten (10) feet in height from the floor to the top plate.

## Alternative C:

Overlay district that allows taller accessory structures.

Under any of the above alternatives, consideration should be given to increasing the required interior side yard for accessory structures taller than twelve feet in height to offset the additional impact on neighboring properties, as follows:

### **535.280. Obstructions in required yards.**

- ...
- (c) *Interior side yards and rear yards for detached buildings accessory to dwellings.* The interior side yard requirement for a detached accessory building no greater than twelve feet in height may be reduced to one (1) foot when the entire accessory building is located in the rear forty (40) feet or rear twenty (20) percent of the lot, whichever is greater, provided that the principal structure on the adjoining lot has its rear wall at least forty (40) feet from the rear lot line. Further, the required side yard for a detached accessory building may be eliminated where adjoining property owners construct detached garages sharing a common wall and which are located in the rear forty (40) feet. The rear yard requirement for a detached accessory building may be reduced to one (1) foot, except where vehicle access doors face the rear lot line, in which case no reduction of the required rear yard is permitted.

The effect of this provision would be that accessory structures taller than 12 feet in height would have meet the side yard requirements of principal structures, either five or six feet, depending on the zoning district.

I've attached an example of a 16-foot-tall garage positioned next to a 12-foot-tall garage.