

**Minneapolis Planning Department**  
350 South Fifth Street, Room 210  
Minneapolis, MN 55415-1385  
(612) 673-2597 Phone  
(612) 673-2728 Fax  
(612) 673-2157 TDD

---

**MEMORANDUM**

---

DATE: June 26, 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 Pat Young

---

Pat Young has filed an appeal of the decision of the Zoning Board of Adjustment. The appeal is associated with the Board's decision to deny the requested variance to increase the maximum permitted floor area of an accessory structure from 676 square feet to 837.5 square feet to allow for a 19-foot 6-inch by 25-foot two-car attached garage addition to an existing 14-foot by 25-foot one-car attached garage and a variance to increase the maximum permitted width of a driveway from 25 feet to 47 feet. The actions from the May 28, 2003 Zoning Board of Adjustment meeting are attached.

The appellant is appealing the decision of the Zoning Board of Adjustment to deny the requested variance application to allow a larger than allowed garage. The appellant has indicated that the purpose of the larger garage is to improve the backyard both practically and aesthetically. The backyard of the property slopes from the back of the house towards the alley. The backyard is almost unusable because of the sloping grade.

In addition, the appellant is appealing the decision of the Zoning Board of Adjustment to deny the requested variance application to allow a wider than allowed driveway. The appellant has indicated that she has reduced the width of the proposed driveway from the original 47 feet to 38 feet. The appellant has indicated that the purpose of the wider driveway is to accommodate a 34-foot wide garage and an additional 4 feet of existing driveway on the north side of the property. The wider driveway will also make it easier to maneuver in and out of the garage in the wintertime.

At the May 28, 2003 Zoning Board of Adjustment meeting, all nine of the Board members were present. Eight of the Board members voted to deny the variance applications and one Board member voted to approve the variance applications.

**HEARING AGENDA**  
**ACTIONS/Testimony**

**May 28, 2003**

**Minneapolis Board of Adjustment:**

Ms. Debra Bloom  
Mr. David Fields  
Mr. John Finlayson  
Mr. Paul Gates  
Ms. Tonia Johnson  
Ms. Marissa Lasky  
Mr. Barry Morgan  
Mr. Peter Rand  
Ms. Gail Von Bargaen

**2:00 p.m.**

**5508 Queen Ave. S. (BZZ-1164, Ward 13)**

Pat Young has applied for a variance to increase the maximum permitted floor area of an accessory structure from 676 square feet to 837.5 square feet to allow for a 19-foot 6-inch by 25-foot two-car attached garage addition to an existing 14-foot by 25-foot one-car attached garage and a variance to increase the maximum permitted width of a driveway from 25 feet to 47 feet at 5508 Queen Ave. S.

**Testimony:**

Dwayne Simon, Contractor for applicant Pat Young, 5508 Queen Ave. S. The homeowner is looking to enlarge the garage to allow for more storage space for vehicles that are currently parked on the street. The homeowner's backyard is severely sloped. In addition, the driveway is short and severely sloped, therefore, it is difficult to come in and get out of the driveway. Our intention was to drop the grade as much as possible to flatten the driveway out. The hill is so severe, to put a small patch of grass or something adjacent to that driveway, would be just one more thing to contend with. Drainage on the site is not a problem. The water drains to the alleyway.

Public hearing was then closed.

**Board member comments:**

Mr. Rand, no feedback from the neighborhood association or any neighbors has been received. The applicant is simply adding a two-car garage addition to an existing one-car garage.

Dwayne Simon, we could add a one-car garage to the site. However, the homeowner would also like to expand the size of the existing screen porch and deck that are located on top of the attached garage.

Mr. Gates, can you tell me how large of a detached garage could be built on this site given that there is this single-car attached garage.

Staff, Ms. Watson, any structure used for the parking of vehicles or any detached accessory structure on the property cannot exceed 676 square feet. 676 square feet minus the existing 350 square foot garage is what the applicant could build without a variance.

Ms. Lasky, of the garage size variance applications that we have reviewed this one bothers me the least because it is attached to the house and because there is living space above it. The addition seems to be in keeping with the character of the area. The next door neighbor has a two-car attached garage plus a detached single-car garage.

Mr. Rand, plus the topography of this lot is unique and the property backs up against an alley, which backs up against a street.

Mr. Morgan, indicates that the snow storage area shown on the plan takes up half of the space in front of the single stall garage. Curious as to the reason why it was marked this way.

Dwayne Simon, with a two-car garage or a three-car garage we would still need to have room for snow storage. There will be two vehicles parked in the garage and sometimes there are three vehicles. One is typically parked in the garage rather than on the driveway. Even if it were grass, concrete or other, snow would still have to be stored there.

Mr. Morgan, if it is blocked with snow that makes that garage door unusable in the winter. If it were snow storage I would rather see it be green space.

Ms. Bloom, we are finding it hard to find a hardship on this proposal. It is very well designed addition however it is a large garage.

Ms. Lasky, I am having trouble with the width of the driveway. I would like to see the driveway only as wide as the garage. Storing snow on a hard surface would mean that it would have to drain to the neighbor's property.

Mr. Gates, the design is not detrimental to the area around it. We get these kinds of applications all the time. We have to be concerned with precedent here. I need a better articulation of the hardship.

Mr. Rand, the design that has been done is fitting. The addition creates a useable backyard for the applicant. The hardship is that the applicant does not have a back yard (outdoor recreation space) to speak of because of the sloping grade.

Ms. Lasky, in addition, the next door neighbor has a three-car garage.

Ms. Bloom, this addition has been very well designed but it is a three-car garage that exceeds the 676 square foot maximum.

Mr. Gates during my two years on this board we have denied dozens of applications that are extremely similar to this one. The hardship on this is no greater than others we have denied routinely.

**BOARD OF ADJUSTMENT ACTION:**

Mr. Morgan motioned to adopt staff findings and **deny** the variance applications. Mr. Gates seconded the motion.

**ROLL CALL VOTE:**

Yeas: Bloom, Fields, Finlayson, Gates, Johnson, Lasky, Morgan, Von Barga

Nays: Rand

Absent: None

The Board of Adjustment adopted the staff findings and **denied** the variance to increase the maximum permitted floor area of an accessory structure from 676 square feet to 837.5 square feet to allow for a 19-foot 6-inch by 25-foot two-car attached garage addition to an existing 14-foot by 25-foot one-car attached garage and **denied** the variance to increase the maximum permitted width of a driveway from 25 feet to 47 feet at 5508 Queen Ave. S.

# Minneapolis City Planning Department Report

Variance Request  
BZZ-1164

**Date:** May 28, 2003

**Applicant:** Pat Young

**Address of Property:** 5508 Queen Avenue South

**Date Application Deemed Complete:** April 15, 2003

**End of 60 Day Decision Period:** June 14, 2003

**End of 120 Day Decision Period:** Not applicable

**Contact Person and Phone:** Duane Simon, (952) 938-2948

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

**Ward:** 13      **Neighborhood Organization:** Armatage Neighborhood Association

**Existing Zoning:** R1

**Proposed Use:** Attached garage addition and new driveway

**Proposed Variance:** A variance to increase the maximum permitted floor area of an accessory structure from 676 square feet to 837.5 square feet to allow for a 19-foot 6-inch by 25-foot two-car attached garage addition to an existing 14-foot by 25-foot one-car attached garage and a variance to increase the maximum permitted width of a driveway from 25 feet to 47 feet.

**Zoning code section authorizing the requested variance:** 525.520 (3) and (14)

**Concurrent Review:** None

**Background:** The applicant has a 350-square foot one-car attached garage located on her property. The applicant is proposing to construct a 487.5-square foot two-car attached garage addition to the existing garage. The size of the garage exceeds the maximum permitted floor area for an accessory structure. The applicant is also proposing to construct a new driveway leading to the proposed garage that exceeds the 25-foot maximum width allowed for a driveway.

## **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.**

**Maximum square footage of an accessory structure:** The applicant is seeking a variance to increase the maximum permitted floor area of an accessory structure from 676 square feet to 837.5 square feet to allow for a 19-foot 6-inch by 25-foot two-car attached garage addition to an existing 14-foot by 25-foot one-car attached garage. The

applicant has indicated that the existing garage does not accommodate all of her family's vehicles.

**Driveway width:** The applicant is seeking a variance to increase the maximum permitted width of a driveway from 25 feet to 47 feet. The applicant has indicated that if the driveway was only 25 feet wide that a portion of the proposed garage would be inaccessible from the driveway.

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

**Maximum square footage of an accessory structure:** Staff is unable to find any unique physical characteristics of this property that would warrant the need for a variance. Needing additional space for vehicles on ones property does not constitute hardship.

**Driveway width:** Staff believes that the applicant is creating the hardship. The width of the garage is dictating the width of the driveway, which are both being designed by the applicant.

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

**Maximum square footage of an accessory structure:** Staff believes that the granting of this variance is not in keeping with the intent of the ordinance. In January of 2003, the Minneapolis City Council amended the regulations pertaining to garage sizes giving greater flexibility to those property owners with larger properties. The amendment allows property owners to construct a garage equal to 10 percent of the lot area, not to exceed 1,000 square feet. In this situation the applicant's lot is less than 6,250 square feet. Staff would point out that the applicant's adjacent neighbor to the south has a two-car attached garage and a one-car detached garage on the property.

**Driveway width:** Staff believes that the granting of this variance is not in keeping with the intent of the ordinance. As proposed, the driveway is 13 feet wider than the width of the garage. Even if staff was recommending approval of the garage size increase staff would not be recommending approval of a 47-foot wide driveway.

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

**Maximum square footage of an accessory structure:** Granting the variance would likely have no impact on congestion of area streets or fire safety, nor would the size of the proposed garage be detrimental to welfare or public safety.

**Driveway width:** Granting the variance would likely have no impact on congestion of area streets or fire safety, nor would the proposed driveway width 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 **deny** the variance to increase the maximum permitted floor area of an accessory structure from 676 square feet to 837.5 square feet to allow for a 19-foot 6-inch by 25-foot two-car attached garage addition to an existing 14-foot by 25-foot one-car attached garage and **deny** the variance to increase the maximum permitted width of a driveway from 25 feet to 47 feet.