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MEMORANDUM

DATE: October 16, 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 John Sticha

John Sticha has filed an appeal of the decision of the Zoning Board of Adjustment. The appeal is associated with the decision of the Zoning Board of Adjustment to deny the variance to increase the maximum permitted size of a detached accessory structure from 676 square feet to 919 square feet to allow for an addition to an existing detached accessory structure. The actions from the September 10, 2003 Zoning Board of Adjustment meeting are attached.

The appellant has stated that the decision is being appealed for two reasons. First, the building is a duplex and each unit has two bedrooms. The additional garage stall would allow for the tenants to park in the garage and not on the street. Second, the appellant's existing garage is 24 feet deep instead of the standard 22 feet deep and therefore any addition that would accommodate a vehicle would exceed the 676 square foot limitation. The appellant's complete statement of the action being appealed and reasons for the appeal is attached.

At the September 10, 2003 Zoning Board of Adjustment meeting, all nine of the Board members were present. All nine Board member voted to deny the variance application.

HEARING AGENDA
ACTIONS/Testimony

September 10, 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.

9. 408 8th Avenue NE (BZZ-1362, Ward 3)

John Sticha has applied for a variance to increase the maximum permitted size of a detached accessory structure from 676 square feet to 919 square feet to allow for an addition to an existing detached accessory structure located at 408 8th Avenue Northeast.

TESTIMONY

Staff presented their report and recommendation to the Board of Adjustment.

John Sticha (Applicant): I live at 408 – 8th Avenue Northeast. I have owned the building for six (6) years and have lived in the neighborhood for four (4) additional years. I have renovated the inside of the building and have added landscaping to the outside. I have had good long-term tenants. My first tenants lived there for four (4) years and the existing ones have been there for two (2) years. Since I purchased the property my tenants have had to park in front of the house because of inadequate garage space. My first tenant had all four wheels stolen from his car and woke up in the morning to it being up on jack stands. The car was also egged one time. I am sure things like this led to his decision to move away. I do share what I can in the garage, but I have a lawn mower, a snow blower, one car, a motorcycle and some other yard things. I want to increase the size of the garage and make that space available to my tenants. I have a very good relationship with my neighbors. I have a letter of support from them that I would like to share with you (passed out signed letter to Board Members from neighbors). They have been very supportive of what I have done. In recent years two of my neighbors have constructed three car garages for similar duplexes. I need to make one clarification to the staff report. I am not sure if I miscommunicated this or if it was maybe implied in some way, but the house would remain stucco and the garage would be constructed out of narrow period-looking vinyl siding. This is similar to the garages that my neighbors have built. I am a graphic designer and aesthetics are extremely important to me.

Finlayson: Any questions for the applicant at this point? I see none. We may have some later. Anyone else to speak in favor? Anyone to speak against? I see none. We will close the Public portion of this item. Board comment please.

Lasky: I am probably more liberal on garage size variances than the rest of the Board members. Because you have a duplex I think you need a three-car garage but I don't think you need one as large as you propose. It seems that you could eliminate the service door on the additional stall to reduce the size of your garage. But like I said I am probably more liberal on garage size variances than the rest of the Board members. I would not approve a garage size variance if the exterior material is vinyl siding.

Bloom: I am on the other side. You can build a 676 square foot garage and park three cars in it. From the sounds of things, the applicant does not plan to stucco the exterior of the garage. I certainly would not support a vinyl sided garage either. We both agree on that. Hardships are not monetary. The roof looks like it needs to be replaced. There are other ways to accomplish a three-car garage. I would support staff's recommendations.

Morgan: I am going to support the staff recommendation as well. I think this application is identical to the item we had earlier on today's agenda. One thing I would like to add to Ms. Bloom's comments is that there is room in the driveway for additional vehicle parking, so it does provide some off street parking where some garage situations don't. Thank you.

Finlayson: Anyone else?

Lasky: Just for clarification. I know you can build a three-car garage within the 676 square foot limitation, but if there was some reason why you couldn't you should tell us. The size you have proposed is too big.

Sticha: The existing structure is 24 feet deep. I could not add a third stall to the existing structure and keep the size under 676 square feet. I would like to keep the existing structure as it is in good shape. The roof actually is in good shape, the shingles are bad, but the structure itself is good.

Morgan: I would like to make a motion to approve staff recommendation.

Finlayson: Is there a second?

Gates: Second.

Finlayson: Further Discussion? Please call the roll.

BOARD OF ADJUSTMENT ACTION:

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

Roll Call Vote:

Yeas: Bloom, Fields, Finlayson, Gates, Johnson, Lasky, Morgan, Rand, Von Bargaen

Nays: None

Absent: None

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

Minneapolis City Planning Department Report

Variance Request
BZZ-1362

Date: September 10, 2003

Applicant: John Sticha

Address of Property: 408 8th Avenue Northeast

Date Application Deemed Complete: August 14, 2003

End of 60 Day Decision Period: October 13, 2003

Contact Person and Phone: John Sticha, (612) 378-5141

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

Ward: 3 **Neighborhood Organization:** St. Anthony West Neighborhood Association

Existing Zoning: R2B

Proposed Use: Addition to an existing detached garage

Proposed Variance: A variance to increase the maximum permitted size of a detached accessory structure from 676 square feet to 919 square feet to allow for an addition to an existing detached accessory structure.

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

Concurrent Review: None

Background: The building located at 408 8th Avenue Northeast is a duplex. Both of the dwelling units have two bedrooms. The applicant, who lives in one of the duplexes, is proposing to construct a one-and-a-half-stall addition to the existing two-stall garage. The total size of the garage would be 919 square feet. The addition would have a similar roof pitch as the existing garage and the entire garage would be re-sided using vinyl siding, as would the existing house.

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.**

Maximum square footage of an accessory structure: The applicant is seeking a variance to increase the maximum permitted size of a detached accessory structure from 676 square feet to 919 square feet to allow for an addition to an existing detached accessory structure. The applicant has indicated that he uses the garage and that the addition would be used to store maintenance equipment and possibly his tenant's vehicle. In addition, the applicant has indicated that there is a shared driveway between his property and the property to the northeast and that because the driveway is shared it limits access and storage possibilities. No unique factors appear to exist on the parcel

that would cause difficulty if the applicant were to comply with the 676 square foot limitation for accessory structures.

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 does not believe that the conditions upon which the floor area variance is requested are unique to the parcel of land.

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

Maximum square footage of an accessory structure: Staff does not believe that the garage is in keeping with the surrounding area. The footprint of the garage is approximately 20 percent smaller than the footprint of the house.

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 proposed garage 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 size of a detached accessory structure from 676 square feet to 919 square feet to allow for an addition to an existing detached accessory structure.