

Department of Community Planning and Economic Development – Planning Division Report

Variance Request
BZZ-3096

Date: July 20, 2006

Applicants: James Block

Address of Property: 4141 Colfax Avenue South

Contact Person and Phone: James Block, 612-419-5413

Planning Staff and Phone: Molly McCartney, 612-673-5811

Date Application Deemed Complete: June 23, 2006

Public Hearing Date: July 20, 2006

Appeal Period Expiration: July 31, 2006

End of 60 Day Decision Period: August 23, 2006

Ward: 10 **Neighborhood Organization:** East Harriet Farmstead Neighborhood Association

Existing Zoning: R1A Single-family District

Proposed Use: Construction of a new detached garage

Proposed Variance:

A variance to increase the maximum size of a detached garage from 676 sq. ft. to 792 sq. ft. to allow for a four car garage at 4141 Colfax Avenue South in the R1A Single-family District.

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

Background: The subject site is an interior lot with dimensions of 42 ft. by 134 ft (5,628 sq. ft.) and consists of a two story, two-family dwelling. The applicant is proposing to replace the existing two-stall garage with a four-stall, detached garage measuring 22 ft. by 36 ft. (792 sq. ft.). The proposed garage would meet the minimum 1 ft. setback requirements for side and rear yards required for a detached garage in the rear of the property. The proposed garage would be finished with stucco to match the house. The applicant is proposing a roof pitch of 4/12, which does not match the 12/12 roof pitch of the house, but states that the roof pitch is more in character with the surrounding detached garages. There is no alley on this block and the subject site has an existing curb cut off Colfax Avenue South.

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.**

Strict adherence to the zoning code requires one off-street parking space per dwelling unit and does not allow for a detached accessory structure more than 676 sq. ft. on a property of this size. A 676 sq. ft. garage could accommodate a three-stall garage, which would provide more enclosed off-street parking than what is on the site currently. An open, fourth parking space could also be located in the rear of the property. Staff believes that a detached garage that meets the maximum size of 676 sq. ft. is a reasonable use for this property.

- 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.**

The conditions upon which the variance is requested are not unique to the parcel. The zoning ordinance requires one off-street parking space per dwelling unit and allows up to 676 sq. ft. of accessory structure on a standard size lot. There are many properties in Minneapolis like the subject site that do not have two parking spaces per dwelling unit. Lack of storage space for vehicles or other storage needs is not a unique circumstance to this parcel of land. The circumstances on which the accessory structure is being requested have been created 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.**

Granting the variance will alter the essential character of the surrounding area and will not be keeping with the spirit and intent of the ordinance. While the roof pitch of the garage will be similar to surrounding garages and match the exterior materials (stucco) to the dwelling, the size of the garage is much larger than what is permitted on a 5,628 sq. ft. lot. In addition, the zoning code only requires a two-family dwelling to have two off-street parking spaces. The applicant has stated that on-street parking is an issue in the surrounding area; however, a three-stall garage plus an open parking space could be accomplished within the maximum permitted garage size of 676 sq. ft.

- 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.**

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Granting the variance would likely lessen the congestion of area streets and have no impact on fire safety, nor would the proposed garage be detrimental to the public welfare or endanger the public safety.

Recommendation of the Department of Community Planning and Economic Development Planning Division:

The Department of Community Planning and Economic Development Planning Division recommends that the Board of Adjustment adopt the findings above and **deny** the variance to increase the maximum size of a detached garage from 676 sq. ft. to 792 sq. ft. to allow for a four car garage at 4141 Colfax Avenue South in the R1A Single-family District.