

Department of Community Planning and Economic Development – Planning Division Report**Variance Request
BZZ-1904****Date:** September 2, 2004**Applicant:** Robert and Ruth Bly**Address of Property:** 1904 Girard Avenue South**Date Application Deemed Complete:** August 6, 2004**End of 60 Day Decision Period:** October 5, 2004**End of 120 Day Decision Period:** December 4, 2004**Appeal Period Expiration:** September 13, 2004**Contact Person and Phone:** Robert and Ruth Bly, 612-377-5057**Planning Staff and Phone:** Carrie Flack, 612-673-3239**Ward:** 7 **Neighborhood Organization:** Lowry Hill**Existing Zoning:** R2 District, Two-family District**Proposed Use:** Construction of a second detached accessory structure

Proposed Variance: A variance to increase the maximum permitted floor area for detached accessory structures from 1,000 sq. ft. to 1,451.55 sq. ft. and a variance to increase the maximum permitted height of a detached accessory structure from 12 ft. to 16 ft. where the proposed roof pitch of the detached accessory structure does not match the roof pitch of the principal dwelling to allow for the construction of a 439.25 sq. ft. detached accessory structure on property located at 1904 Girard Avenue South.

Zoning code section authorizing the requested variance: 525.520 (8) (8)

Background: The subject site is approximately 95 ft. x 162 ft. (15,390 sq. ft.) and consists of a 2-story single family dwelling with a 26.5 ft. x 38.2 ft. (1,012.3 sq. ft.) detached accessory structure. The existing detached accessory structure is a carriage house that consists of garage space on the ground level with a dwelling unit above the garage space that was rented out at one time and is currently used as a writing studio by the applicant. The applicant is proposing to construct a second detached accessory structure on the property. The new detached accessory structure will be 16 ft. x 24 ft. with a 6.5 ft. x 8.5 ft. open porch (439.25 sq. ft.). The applicant intends to use the new detached accessory structure as a writing studio.

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 permitted floor area: The applicant is seeking a variance to increase the maximum permitted floor area for detached accessory structures from 1,000 sq. ft. to 1,451.55 sq. ft. to allow for the construction of a 16 ft. x 24 ft. with a 6.5 ft. x 8.5 ft. open porch (439.25 sq. ft.) detached accessory structure. The property has an existing 1,012.3 sq. ft. detached garage and carriage house on the property. The applicant states that the existing carriage house currently used as a writing studio consists of stairs which are difficult to maneuver. The new detached structure will serve as a writing studio that does not require the use of stairs. Strict adherence to the regulations would not allow for the second detached accessory structure. The ordinance allows for a total of 1,000 sq. ft. of accessory structure floor area, which has been deemed a reasonable amount of accessory structure floor area by the City Council. Based on the existing detached carriage house, staff believes that the proposed second structure is unreasonable and that reasonable use of the property exists without the new detached accessory structure.

Maximum permitted height: The applicant is requesting a variance to increase the maximum permitted height of a detached garage from 12 ft. to 16 ft. where the proposed roof pitch of the detached garage does not match the roof pitch of the principal dwelling. The applicant stated that the existing carriage house roof pitch matches the dwelling. Strict adherence to the regulations does not allow for the proposed shed roof. The desire to construct a roof pitch that does not match the principal dwelling is not considered a hardship and does not prevent reasonable use of the 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.**

Maximum permitted floor area: The conditions upon which the variance is requested are not unique to the parcel. The zoning ordinance recognizes that larger lots can accommodate a larger amount of accessory structure floor area. However, the ordinance caps the total amount of accessory structure floor area at 1,000 sq. ft. to avoid constructing excessively large amounts of accessory structure space within the city limits. The property already consists of a detached garage and carriage house with a building footprint that is over the 1,000 sq. ft. limit. While staff understands the applicant's limitations with utilizing a staircase to access the carriage house as a writing studio, staff can find no circumstance that is unique to the parcel of land. The circumstances on which the second accessory structure is being requested has been created by the applicant.

Maximum permitted height: The circumstances upon which the variance is requested are not unique to the parcel of land. The roof pitch of the house is approximately 12/12 and the roof

pitch of the proposed second accessory structure is a 9/12 shed roof. The desire to construct a roof pitch that does not match the principal dwelling is not a unique circumstance of the parcel of land but is a design issue that has been proposed by the applicant. Staff believes that the applicant has created this circumstance.

- 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 permitted floor area: Granting the variance will alter the essential character of the surrounding neighborhood and will not be in keeping with the spirit and intent of the ordinance. The intent of the ordinance does allow for larger properties within the city to accommodate larger detached accessory structures. The subject property already consists of a detached accessory structure that is significant in size and exceeds the current maximum. Staff could find no other properties in the surrounding area that consist of two detached accessory structures. The block consists of several other large properties. Staff believes that the second structure will establish a precedent in the neighborhood that is uncharacteristic.

Maximum permitted height: Granting the variance will alter the essential character of the surrounding area and will not be in keeping with the spirit and intent of the ordinance. The ordinance allows for an increase in height when the roof pitch of an accessory structure matches the roof pitch of the dwelling. The purpose of this requirement is to allow for the construction of an accessory structure that matches a dwelling with a steep roof pitch. Staff believes that the proposed design of the garage is exceptional and would not be dramatically impacted by incorporating a 12/12 roof pitch to match the dwelling.

- 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 permitted floor area: Granting the variance would likely have no impact on the congestion of area streets or fire safety, nor would the proposed structure be detrimental to the public welfare or endanger the public safety.

Maximum permitted height: Granting the variance would likely have no impact on the congestion of area streets or fire safety, nor would the proposed structure be detrimental to the public welfare or endanger the public safety.

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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 permitted floor area for detached accessory structures from 1,000 sq. ft. to 1,451.55 sq. ft. and **deny** the variance to increase the maximum permitted height of a detached accessory structure from 12 ft. to 16 ft. where the proposed roof pitch of the detached accessory structure does not match the roof pitch of the principal dwelling to allow for the construction of a 439.25 sq. ft. detached accessory structure on property located at 1904 Girard Avenue South.