

Department of Community Planning and Economic Development – Planning Division**Variance Request
BZZ-3174**

Date: September 7, 2006

Applicant: Mark White

Address of Property: 651 Minnehaha Parkway East

Contact Person and Phone: Mark White, (612) 366-5619

Planning Staff and Phone: Brian Schaffer, (612) 673-2670

Date Application Deemed Complete: August 11, 2006

Public Hearing: September 7, 2006

Appeal Period Expiration: September 18, 2006

End of 60 Day Decision Period: October 11, 2006

Ward: 11 **Neighborhood Organization:** Hale Page Diamond Lake Neighborhood Association

Existing Zoning: R1A, Single-Family District, SH Shoreland Overlay District, and the FP Floodplain Overlay District

Proposed Use: An approximately 676 square foot (26 x 26 ft) two car detached garage

Proposed Variance: Mark White has applied for a variance to increase the maximum height of an accessory structure from 12 feet to 18 feet to allow for the construction of a detached two car garage at 651 East Minnehaha Parkway in the R1A, Single-Family District, SH Shoreland Overlay District, and the FP Floodplain Overlay District.

Zoning code section authorizing the requested variance: 525.520 (4)

Background: The subject property is located on an interior lot that is slightly pie shaped and approximately 9,424 square feet. The property currently contains a one story single family dwelling. The applicant is currently constructing a second story addition to the subject home. The primary roof pitch of the second story addition is 14/12. The existing garage is 18 by 20 feet, 360 square feet.

The proposed garage will be 26 by 26 feet, 676 square feet. The proposed garage will match the final exterior materials of the dwelling, shakes, and match the roof primary roof pitch of the addition, 14/12. The proposed building wall of the garage will be ten (10) feet. The proposed garage will be built in

roughly the same location as the existing garage and be setback 1 foot 6 inches from both the rear and west interior side property line.

The maximum height allowed by the Zoning Ordinance for accessory structures is 12 feet measured at the midpoint of the peak and the eave. In 2003, the Zoning Ordinance was amended to allow for accessory structures to have a maximum height of 16 feet if the proposed structure matched the exterior material and primary roof pitch of the principle dwelling.

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.**

The applicant has requested a variance to increase the maximum accessory structure height from 16 feet to 18 feet to allow for the proposed garage. Strict adherence to the Zoning Ordinance limits accessory structure height to 16 feet. The applicant states that he is "... attempting to match the pitch of my new garage to the pitch of the addition of my house which is going to be 14/12. If I match the pitch of my new house the garage height will be 18 feet which is two feet taller than the currently allowed height." Staff believes that alternative designs exist that will not require a variance. In particular, if the building wall of the garage was lowered from the proposed ten (10) feet to eight (8) feet the structure would meet the 16 feet height maximum. Staff believes that the property can be put to reasonable use and does not believe there is undue hardship caused by strict adherence to the Zoning Ordinance.

- 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 circumstances upon which the side yard setback variance is requested are not unique to the parcel of land. The lot is larger than a standard City lot and while it has a different shape it is still 55 feet wide at its narrowest point. The applicant is constructing the proposed addition, including the proposed roof, to the home and thus creating the circumstances that require the variance.

- 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.**

Staff believes that the construction of the proposed garage will not alter the essential character of the surrounding neighborhood. The garage across the alley, at 5025 Oakland Avenue, has a height that exceeds the twelve (12) foot height maximum.

The adjacent dwellings along Minnehaha Parkway are one story dwellings and the proposed garage will likely be as tall if not taller than those dwellings. However, the majority of the

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homes that share the alley and front Oakland Avenue are two story dwellings and the proposed garage will not be out of character with those dwellings. The impacts of shadowing will likely impact only the subject property due to the location of the proposed garage on the lot. Staff believes that the proposed garage will not be injurious to the use or enjoyment of other property in the vicinity.

- 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.**

Granting the height variance would likely not increase the impact on the congestion of area streets or fire safety, nor would it 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 height of an accessory structure from 12 feet to 18 feet to allow for the construction of a detached two car garage at 651 East Minnehaha Parkway in the R1A, Single-Family District, SH Shoreland Overlay District, and the FP Floodplain Overlay District.