

**Department of Community Planning and Economic Development – Planning Division Report**

Variance Request  
BZZ-2204

**Date:** March 17, 2005

**Applicant:** CCI Properties

**Address of Property:** 1520 Elliot Avenue

**Date Application Deemed Complete:** February 22, 2005

**End of 60 Day Decision Period:** April 23, 2005

**End of 120 Day Decision Period:** NA

**Appeal Period Expiration:** March 28, 2005

**Contact Person and Phone:** Scott Landa, 612-328-0459

**Planning Staff and Phone:** Carrie Flack, 612-673-3239

**Ward:** 7      **Neighborhood Organization:** Elliot Park

**Existing Zoning:** R5, Multiple-family District, Downtown Parking Overlay District

**Proposed Use:** Detached garage

**Proposed Variance:** A variance to increase the maximum permitted size of a detached accessory structure from 750 sq. ft. to 1,160 sq. ft. and a variance to increase the maximum impervious surface requirement from 75 percent to 79 percent both to allow for the construction of a 22 ft. x 20 ft. (440 sq. ft.) addition to an existing 36 ft. x 20 ft. (720 sq. ft.) detached garage.

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

**Background:** The subject property is 50 ft. x 150 ft. (7,500 sq. ft.) and consists of a 12 unit apartment building. The applicant is converting the 12 unit apartment building into 6 for sale condominium units. The applicant is planning to add a 22 ft. x 20 ft. (440 sq. ft.) addition to an existing 36 ft. x 20 ft. (720 sq. ft.) detached garage for a total of 1,160 sq. ft. of detached accessory space. The new garage will be l-shaped and will provide 6 off-street parking spaces, complying with the required parking requirement of one space per unit. Therefore, the applicant is proposing a garage that is in compliance with the parking requirement. Access to the parking is provided via an existing alley.

**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 750 sq. ft. to 1,160 sq. ft. to allow for the construction of a 22 ft. x 20 ft. (440 sq. ft.) addition to an existing 36 ft. x 20 ft. (720 sq. ft.) detached garage. The dwelling on the property will consist of 6 for sale condominium units. Complying with the 750 sq. ft. maximum floor area for an accessory structure would prohibit the applicant from providing one reasonably sized enclosed parking space per dwelling unit. Strict adherence to the regulations limits the size of a detached garage to 750 sq. ft. and would not allow for the proposed 1,160 sq. ft. 6 car garage which is a reasonable use of property consisting of 6 dwelling units and a parking requirement of one space per unit.

**Maximum impervious surface:** The applicant is seeking a variance to increase the required maximum impervious surface requirement from 75 percent to 79 percent to allow for the construction of a 22 ft. x 20 ft. (440 sq. ft.) addition to an existing 36 ft. x 20 ft. (720 sq. ft.) detached garage. The dwelling on the property will consist of 6 for sale condominium units. Complying with the 75 percent maximum impervious surface requirement would prohibit the applicant from providing one reasonably sized enclosed parking space per dwelling unit. Strict adherence to the regulations would limit the size of the detached garage and would not allow for the proposed 1,160 sq. ft. 6 car garage which is a reasonable use of property consisting of 6 dwelling units and a parking requirement of one space per unit.

- 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:** The circumstances are unique to the parcel of land and have not been created by the applicant. The subject property is zoned R5 and currently consists of a 12 rental apartment units which would require 12 on-site parking spaces. The applicant is converting the 12 rental units into 6 for sale condominium units which require 6 on-site parking spaces. The zoning ordinance requires 1 parking space per unit but limits the maximum size of a detached garage for the subject property to 750 sq. ft. The proposed detached garage allows for 6 enclosed parking spaces which brings the property into compliance with the ordinance.

**Maximum impervious surface:** The circumstances are unique to the parcel of land and have not been created by the applicant. The subject property is zoned R5 and currently consists of a 12 rental apartment units which would require 12 on-site parking spaces. The applicant is converting the 12 rental units into 6 for sale condominium units which require 6 on-site parking

spaces. The zoning ordinance requires 1 parking space per unit. The proposed detached garage allows for 6 enclosed parking spaces which brings the property into compliance with the ordinance.

- 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:** 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 surrounding area. The intent of the ordinance is to prevent excessive amounts of accessory structure floor area on properties. Although staff is generally concerned about accessory structures that exceed the maximum floor area requirements, the principal structure is relatively large and will include 6 dwelling units. The new garage will be bringing the property into compliance by providing 2 additional parking spaces than currently exists. The roof pitch of the dwelling structure is flat and the roof pitch of the existing detached garage is 4/12. The proposed new garage will have a roof pitch of 4/12 to match the existing structure. Staff believes that the design of the garage is appropriate for the property and that the garage would clearly be subordinate to the principal structure in size. The applicant plans to use 4 ft. x. 8 ft. cement boards as the materials for the garage to match the existing garage which has an appearance similar to stucco.

**Maximum impervious surface:** 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 surrounding area. The intent of the ordinance is to prevent excessive amounts of impervious surfacing on properties. Although staff is generally concerned about increasing the impervious surface, the variance is minimal and the principal structure will include 6 dwelling units. The new garage will be bringing the property into compliance by providing 2 additional parking spaces.

- 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 the congestion of area streets or fire safety, nor would the proposed garage be detrimental to the public welfare or public safety.

**Maximum impervious surface:** Granting the variance would likely have no impact on the congestion of area streets or fire safety, nor would the proposed garage be detrimental to the public welfare or 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 **approve** the variance to increase the maximum permitted size of a detached accessory structures from 750 sq. ft. to 1,160 sq. ft. and **approve** the variance to increase the maximum impervious surface requirement from 75 percent to 79 percent both to allow for the construction of a 22 ft. x 20 ft. (440 sq. ft.) addition to an existing 36 ft. x 20 ft. (720 sq. ft.) detached garage subject to the following conditions:

1. That the Planning Division review and approve final site and elevations plans.