

Department of Community Planning and Economic Development – Planning Division Report

Variance Request
BZZ-2240

Date: April 7, 2005

Applicant: Dennis Matuszak

Address of Property: 411 Queen Avenue North

Date Application Deemed Complete: March 8, 2005

End of 60 Day Decision Period: May 7, 2005

Appeal Period Expiration: April 18, 2005

Contact Person and Phone: Dennis Matuszak

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

Ward: 5 **Neighborhood Organization:** Harrison

Existing Zoning: R2B District, Two-family District

Proposed Use: Construction of a detached accessory structure.

Proposed Variance: A variance to increase the maximum size of a detached garage from 676 sq. ft. to 864 sq. ft.; and a variance to increase the maximum size of a detached garage from 676 sq. ft. to 864 sq. ft. when the roof pitch of the detached garage does not match the roof pitch of primary structure for property located at 411 Queen Avenue North in the R2B, Two-family District.

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

Background: The subject site is approximately 5,371 sq. ft. and consists of a 2-story single family dwelling and a parking pad in the rear of the property. The applicant is proposing to construct a three-stall, detached garage measuring 867 sq. ft. (36 ft. by 24 ft). The applicant would like to utilize the new garage for storing three vehicles (two of which are classic cars), and storage space. Since the size of the proposed garage will be more than the allowed 676 sq. ft., the roof pitch is required to match the primary dwelling roof pitch. The existing dwelling has a hip roof with a pitch of approximately 4/12 and the proposed garage is a gable roof with a pitch of 6/12.

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 1,560 sq. ft. to allow for the construction of a second detached accessory structure on the property that is 32 ft. x 26 ft. (832 sq. ft.). A 728 sq. ft. detached accessory was previously constructed on the property. The zoning ordinance would allow for an additional 272 sq. ft. of accessory structure floor area on the property. The applicant has stated that the existing detached accessory structure is used for storage. The applicant would like to utilize the new detached accessory structure as a garage. 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 accessory structure, 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 has stated that although the roof types are different they are maintaining the same pitch. Strict adherence to the regulations does not allow for the proposed hip roof at a maximum height of 16 ft. 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 accessory structure that is large enough to be used as a garage (728 sq. ft.) with two existing garage doors. An additional 272 sq. ft. of accessory structure floor area can be added to the property in compliance with the ordinance to accommodate storage on the property. Staff can find no circumstance that is unique to the parcel of land to exceed the ordinance requirement. The circumstances on which the second accessory structure is being requested have 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 house and existing detached accessory structure consist of a shed roof with a 4/12 roof pitch. The new detached accessory structure consists of a hip roof with a 4/12 pitch. 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 ordinance does allow for larger properties within the city to accommodate larger amounts of accessory structure floor area. The subject property already consists of a detached accessory structure that is significant in size (728 sq. ft.) with two garage doors. Staff could find no other properties in the surrounding area that consist of two detached accessory structures. The area 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 intent of 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 not exceptional and would not be dramatically impacted by incorporating a shed roof with a 4/12 pitch to match the dwelling and existing detached accessory structure.

- 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.

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

CPED Planning Division Report
BZZ-1930

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 1,560 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 832 sq. ft. detached accessory structure on property located at 636 22nd Avenue NE.