

Department of Community Planning and Economic Development – Planning Division Report

Variance Request
BZZ-2373

Date: June 16, 2005

Applicant: Heather Mackereth

Address of Property: 2309 3rd Street Northeast

Date Application Deemed Complete: May 20, 2005

End of 60 Day Decision Period: July 19, 2005

Appeal Period Expiration: June 27, 2005

Contact Person and Phone: Heather Mackereth, 612-788-8489

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

Ward: 3 **Neighborhood Organization:** Sheridan

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 square feet to 800 square feet when the roof pitch of the detached garage does not match the roof pitch of primary structure for property located at 2309 3rd Street Northeast in the R2B, Two-family District.

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

Background: The subject site is approximately 12,089 sq. ft. and consists of a 2-story, two-family dwelling, built in 1911. The applicant is proposing to construct a two-stall, detached garage measuring 800 sq. ft. (20 ft. by 40 ft). The existing dwelling has a flat roof and the proposed garage is a gable roof with a pitch of 5/12. The applicant states that the exterior materials (stucco siding) of the garage will match the dwelling. The applicant would use the new garage for storing two vehicles, and storage space, for both of the dwelling units. Under an administrative approval process, an accessory structure (garage) is more than the allowed 676 sq. ft., up to 10 percent of the lot size, provided that the exterior materials and the roof pitch matches the principal structure. The proposed garage would be less than 10 percent of the lots size, however, the roof pitches of the garage and subject dwelling do not match. The proposed garage also meets the 5 ft. side yard setback.

The subject site and proposed garage have some unique features which concerns staff, including the length and location of the garage and the curb cut from the street. The length of the proposed the garage

is 40 ft., and while there is a large lilac hedge there now, without it, the adjacent dwelling would have a 40 ft. long wall in the middle of the lot. In addition, the location of the garage is near the rear corner of the adjacent dwelling. While the proposed garage does meet the 5 ft. side yard setback, staff would like ensure that the front wall of the proposed garage is located entirely behind the adjacent dwelling. The subject site and the dwelling to the south are the only residential properties on the block that do not access a garage from the alley. Accessing the proposed garage from the alley would be similar to other residential properties in the area, however, this would entail closing the curb cut and paving a new driveway in the rear of the property.

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 is seeking a variance to increase the maximum permitted floor area for a detached garage from 676 sq. ft. to 800 sq. ft. The applicant states the new detached garage would be used for vehicles and storage space for the two dwelling units. Strict adherence to the zoning code requires one off-street parking space and does not allow for a detached accessory structure more than 676 sq. ft. A garage can be built up to 10 percent of the lot size on the condition that the applicant matches the exterior materials and roof pitch of the garage to the principal structure, the dwelling. In this case, the lot is 12,089 sq. ft. and the applicant could go up to 10 percent of the lot provided the garage has a flat roof to match the dwelling. The maximum height of a building wall of a garage is limited to 10 ft., which would limit the height of a garage less than 12 ft., which is the permitted maximum height of a garage. However, staff believes that it is reasonable to require that a garage larger than the permitted 676 sq. ft. have a roof pitch that matches the primary dwelling.

- 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 unique to the parcel. The principal structure is a flat roof dwelling, which according to historical building permits, was originally built as a store with a dwelling unit above (B-98028). The principal structure has a flat roof, which is not a very common type of residential roof in Minneapolis, but does appear in some residential properties. The applicant states that the basement of the building does not have adequate storage because it is a damp space. The applicant is requesting a large garage in order to park two cars and for storage space. The desire for increased storage space is not a characteristic that is unique to the parcel. The applicant states that because the subject lot is larger than a typical residential lot, a larger garage will not be oversized. The circumstances on which the accessory structure is being requested have not been created by the applicant, however, a required condition of approval for a larger garage is that the roof of the garage match the principal structure.

- 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 not alter the essential character of the surrounding neighborhood and will be in keeping with the spirit and intent of the ordinance. The applicant states that the detached garage will have similar exterior materials, stucco, to the dwelling. The roof pitch of the garage, a 5/12 gable, will not match the roof pitch of the dwelling, a flat roof. The garage will include windows facing the interior and rear of the lot and will be setback 5 ft. from the north interior property line, and buffered by large lilac hedges. The applicant has provided pictures of larger garages within one-and-a-half blocks of the subject site. The applicant states that because the subject lot is larger than a typical residential lot, a larger garage will not oversized. Constructing the garage with a roof pitch that would match the dwelling would offset the impact associated with the larger floor area of the proposed garage

- 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 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:

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 square feet to 800 square feet when the roof pitch of the detached garage does not match the roof pitch of primary structure for property located at 2309 3rd Street Northeast in the R2B, Two-family District.