

Department of Community Planning and Economic Development – Planning Division Report**Variance Request
BZZ-1993****Date:** October 21, 2004**Applicant:** Frank Tschida and Denise Fisher**Address of Property:** 2106 Bryant Avenue South**Date Application Deemed Complete:** September 24, 2004**End of 60 Day Decision Period:** November 23, 2004**End of 120 Day Decision Period:** January 22, 2005**Appeal Period Expiration:** November 1, 2004**Contact Person and Phone:** Frank Tschida, 952-292-0282**Planning Staff and Phone:** Carrie Flack, 612-673-3239**Ward:** 10 **Neighborhood Organization:** Lowry Hill East**Existing Zoning:** R6, Multiple-family District**Proposed Use:** New detached garage

Proposed Variance: A variance to increase the maximum permitted floor area for detached accessory structures from 777 sq. ft. to 1,232 sq. ft. and a variance to reduce the required interior side yard setback from 7 ft. to 1 ft. to allow for the construction of a new 1,232 sq. ft. detached garage for an 8 unit dwelling.

Zoning code section authorizing the requested variance: 525.520 (3) (1)

Background: The subject property is 58 ft. x 134 ft. (7,772 sq. ft.) and consists of an 8 unit dwelling. The applicant plans to demolish an existing dilapidated 3 stall garage and construct a new 5 stall garage. The new garage is 22 ft. x 56 ft. (1,232 sq. ft.), which exceeds the 777 sq. ft. maximum size permitted for an accessory structure on the property. The parking requirement for an 8 unit building is one space per unit. Therefore, the applicant is proposing a garage that is closer in compliance with the parking requirement than the currently existing. Typically, detached garages are allowed to be setback 1 ft. from the interior and rear property lines. However, the adjacent property to the north consists of an apartment building that extends almost to the rear property line. Because the new detached garage will not be located entirely to the rear of that adjacent apartment building, a setback variance from the north interior property line is also necessary from 7 ft. to 1 ft.

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 floor area for detached accessory structures from 777 sq. ft. to 1,232 sq. ft. to allow for a 22 ft. x 56 ft. detached garage. The dwelling on the property consists of 8 dwelling units. Complying with the 777 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 777 sq. ft. and would not allow for the proposed 1,232 sq. ft. 5 car garage which is a reasonable use of the property with an 8 unit dwelling and a parking requirement of one space per unit.

Interior side yard setback: The applicant is seeking a variance to reduce the required interior side yard setback from 7 ft. to 1 ft. to allow for the construction of a new 1,232 sq. ft. detached garage for an 8 unit dwelling. The new detached garage will be 22 ft. x 56 ft. and will replace an existing 3 stall garage. Due to the placement of the adjacent apartment building, the new garage is required to be setback 7 ft. from the north property line. The existing garage is located 1 ft. from the north property line. The applicant would like to maintain the 1 ft. interior side yard setback to allow for a 5th stall in the new garage. Strict adherence to the regulations would not allow for the 5th stall of the garage. Based on the submitted information staff believes 5 parking spaces for an 8 unit dwelling seems reasonable.

- 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 R6 and consists of an 8 unit dwelling. The zoning ordinance requires 1 parking space per unit but limits the maximum size of a detached garage for the subject property to 777 sq. ft. The proposed detached garage allows for 5 enclosed parking spaces which brings the property into further compliance with the ordinance.

Interior side yard setback: The circumstances are unique to the parcel of land and have not been created by the applicant. The existing detached garage is located 1 ft. from the north property line. The applicant is proposing to locate the new detached garage in the same location while also expanding the size of the garage to accommodate 5 cars to bring the property into closer compliance with the parking requirement. The location of the existing garage and the number of units existing on the property are not circumstances created by the applicant.

- 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 includes 8 dwelling units. The new garage will be bringing the property into closer compliance by providing 2 additional parking spaces than currently exists. The roof pitch of the dwelling is 10/12 and 12/12. The proposed new garage will have a roof pitch of 6/12. Staff generally recommends that roof pitches of accessory structures match principal structures. However, the proposed new garage is quite large and staff believes that providing a steeper pitch than the proposed 6/12 may cause the detached garage to have a more obtrusive presence on the property. 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 hardy plank board siding as the materials for the garage to match the dwelling.

Interior side yard setback: 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 setback requirement for detached garage when an adjacent building is at the rear of the property is to maintain access to air and light. In this case the existing garage is located 1 ft. from the north interior property line and the new garage will be located in its place. The adjacent apartment building is 3 stories in height and the new detached garage will not block access to air and light.

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

Interior side yard setback: 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 floor area for detached accessory structures from 777 sq. ft. to 1,232 sq. ft. and **approve** the variance to reduce the required interior side yard setback from 7 ft. to 1 ft. to allow for the construction of a new 1,232 sq. ft. detached garage for an 8 unit dwelling subject to the following conditions:

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