

Department of Community Planning and Economic Development – Planning Division Report**Variance Request
BZZ-2419****Date:** July 7, 2005**Applicant:** August and Patricia Foss**Address of Property:** 636 22nd Avenue NE**Date Application Deemed Complete:** June 10, 2005**End of 60 Day Decision Period:** August 10, 2005**Appeal Period Expiration:** July 18, 2005**Contact Person and Phone:** Patricia Foss, 612-781-1094**Planning Staff and Phone:** Tanya Holmgren, 612-673-5887**Ward:** 3 **Neighborhood Organization:** Holland**Existing Zoning:** R2B District, Two-family District**Proposed Use:** Construction of a detached accessory structure.

Proposed Variance: A variance application to increase the maximum permitted floor area for accessory structures from 676 sq. ft. to 1,428.5 sq. ft. to allow for the completion of a 688.5 sq. ft. detached garage on a reverse corner lot.

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

Background: The applicant began construction of the project in March 2004 and was sited by Inspections to obtain building permits on March 3, 2004. On March 10, 2004 the applicant met with Zoning staff to begin the variance process. The applicant was denied a variance to increase the maximum permitted floor area for detached accessory structures from 1,000 sq. ft. to 1,560 sq. ft. and a 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 did not match the roof pitch of the principal dwelling. The Board denied this variance on September 15, 2004. On October 14, 2004, the Zoning & Planning Committee postponed the appeal of the decision of the Board of Adjustment asking for staff to review all the facts in this case to determine if the property owner qualifies to apply for an expansion or alteration of nonconforming use in lieu of variances. On October 22, 2004, City Council voted to deny the appeal.

The subject site is approximately 11,569 sq. ft. and consists of a 2-story single family dwelling, a 26 ft. x 20 ft. (520 sq. ft.) detached accessory structure that is used for storage, and a 220 sq. ft. above ground pool that counts toward the accessory structure floor area. The applicant is proposing to construct a second detached accessory structure on the property that would be used for the parking of vehicles. The

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new accessory structure would be 27 ft. x 25.5 ft. (688.5 sq. ft.) bringing the total amount of detached accessory structure floor area on the property to 1428.5 sq. ft. In addition, a parking pad approximately 20 ft. x 20 ft. exists between the existing detached accessory structure and the new detached accessory structure. The parking pad does not count towards the total amount of accessory structure floor area unless a roof is constructed over the slab of concrete.

The maximum accessory structure floor area allowed is 676 sq. ft. per zoning lot. A property owner can apply for administrative approval of an increased garage amount, up to 1,000 sq. ft. of accessory structure floor area if the exterior materials and the roof pitch of the detached structure match the existing dwelling. The maximum allowable height for a detached accessory structure is 12 ft. when the roof pitch does not match the principal dwelling or 16 ft. if a variance is obtained. The maximum allowable height of a detached accessory structure with exterior materials and a matching roof pitch is also 16 ft. Additionally, driveways leading up to an approved parking area for a single-family residential property must be paved with a minimum of 4 in. of class five crushed limestone installed and maintained per industry standard. The applicant has a dirt driveway that does not meet this requirement and will have to comply with this code requirement if they are approved for the construction of a detached garage.

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 676 sq. ft. to 1,428.5 sq. ft. to allow for the construction of a second detached accessory structure on the property that is 27 ft. x 25.5 ft. (688.5 sq. ft.). A 520 sq. ft. detached accessory was previously constructed on the property. The zoning ordinance would allow for an additional 156 sq. ft. of accessory structure floor area on the property, if the above ground pool did not count toward the accessory structure floor area allotment. Strict adherence to the regulations would not allow for the second detached accessory structure. Staff believes that the additional 156 sq. ft. to bring the detached accessory structures to a total of 676 sq. ft. is a reasonable use of the property. The additional structure would require a variance from 676 sq. ft. to 896 sq. ft, because an above ground pool also counts toward the 676 sq. ft. allowed. Due to the larger lot, staff would view this as is a reasonable request.

- 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 somewhat unique to the parcel. The parcel does consist of two existing structures that count toward the accessory structure floor area, the applicant has already begun construction of a third accessory structure, and the lot area is greater than 10,000 sq. ft. However, the circumstances have been created by the applicant. The property already consists of a detached accessory

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structure that is large enough to be used as a garage with two existing garage doors. An additional 260 sq. ft. of accessory structure floor area could be added to the property if the applicant applied for administrative approval, provided the exterior materials and the roof pitch of the detached structure match the existing dwelling which is in compliance with the ordinance. Staff can find no circumstance that is unique to the parcel of land to exceed the ordinance requirement of 676 sq. ft. The circumstances on which the second accessory structure is being requested have been 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 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, by applying for administrative approval of the structures. The subject property already consists of a detached accessory structure that is significant in size with two garage doors. Staff could find no other properties in the surrounding area that consist of two detached accessory structures that are large enough to park vehicles in. The area consists of several other large properties. Staff believes that the second structure will establish a precedent in the neighborhood that is uncharacteristic. A detached accessory structure or addition that is 156 sq. ft. would be in keeping with the intent of the ordinance, allowing the applicant a total of 676 sq. ft. detached accessory storage.

- 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.

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 application to increase the maximum permitted floor area for accessory structures from 676 sq. ft. to 1,428.5 sq. ft. to allow for the completion of a 688.5 sq. ft. detached garage on a reverse corner lot.