

Department of Community Planning and Economic Development - Planning Division Report**Variance Request
BZZ-3394**

Date: February 15, 2007

Applicant: Daniel M. Tetzlaff (property owner)

Address of Property: 4909 Girard Avenue South

Contact Person and Phone: Daniel M. Tetzlaff, (612) 419-0125

Planning Staff and Phone: Aaron Hanauer, (612) 673-2494

Date Application Deemed Complete: January 11, 2007

Public Hearing: February 15, 2007

Appeal Period Expiration: February 26, 2007

End of 60 Day Decision Period: March 13, 2007

Ward: 10 **Neighborhood Organization:** Lynnhurst Neighborhood Association

Existing Zoning: R1, Single-Family District

Proposed Use: A two car, 24 ft. x 22 ft. detached garage.

Proposed Variances: A variance to increase the maximum height of an accessory structure from 12 ft. to 15 ft. 6 in. to allow for the construction of a detached, two-car garage at 4909 Girard Avenue South in the R1, Single-Family District.

Zoning code section authorizing the requested variance: 525.520 (4)

Background: The subject property, 4909 Girard Avenue South, is a standard R1 Zoning District lot that measures 40 ft. x 135 ft. (5,400 sq. ft). The property contains a two-story, single-family dwelling constructed in 1922 and two-car garage. The roof pitch of the dwelling is 3/12 and the exterior material is stucco.

The applicant has proposed to remove the existing two-car garage and replace it with a new, 1½ story, two-car garage in the same location as the existing. The new garage is proposed to be 24 ft. x 22 ft. (528 sq. ft.), built to a height of 15 ft. 6 in., have a 12/12 roof pitch, and vinyl shake siding as the exterior material. The Zoning Code allows a garage to be 16 ft. high when the exterior materials and primary roof pitch match the principle structure, which is not the case in this situation.

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.**

Strict adherence to the Zoning Code limits accessory structure height to 12 ft., or 16 ft. when the garage's roof pitch and exterior materials match the principal structure. The applicant has requested a variance to build a garage that is 15 ft. 6 in. high without having the roof pitch and exterior materials match the principal structure. Staff believes that the proposed garage is a reasonable use of the property and that strict adherence to the regulations of the zoning ordinance would cause hardship by not allowing a 1½ story garage, which would be allowed for a large percentage of homes in Minneapolis that have a steeper roof pitch.

- 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 circumstance for which the garage height variance is requested (principal structure roof pitch) was not created by any person presently having an interest in the property. In addition, the circumstance is somewhat unique to this parcel of land because if the principal structure had a steeper roof pitch, 12/12 (a common roof pitch in Minneapolis), the proposed replacement garage would be allowed. However, since the roof pitch is 3/12, which is considered a low-slope roof, the applicant is not able to build a 1½ story garage.

- 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.**

Staff believes that the construction of the proposed garage would not alter the essential character of the surrounding neighborhood for two reasons. First, the homes on this block do not have a unifying roof pitch, nor roof style. Second, the location of the garage, to the rear of the principal structure, reduces the visibility of the garage from Girard Avenue South. In addition to not altering the character of the neighborhood, staff believes that the proposed garage would not be injurious to the adjacent property owners.

- 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 of the variance would have no impact on the congestion of area streets or fire safety, nor would the variances be detrimental to the public welfare or endanger the public safety.

Recommendation of the Department of Community Planning and Economic Development:

CPED Planning Division
BZZ-3384

The Department of Community Planning and Economic Development (CPED)–Planning Division recommends that the Board of Adjustment adopt the findings above and **approve** the variance to increase the maximum height of the accessory structure from 12 ft. to 15 ft. 6 in. to allow for a detached, two-car garage at 4909 Girard Avenue South in the R1, Single-Family District subject to the following conditions:

1. That the replacement garage be constructed with stucco as the exterior material and that the color of the stucco matches the principal structure.
2. That the dormer shown in the front elevation shall not exceed 50 percent of the width. The floor plan shows the width of the front elevation to be 24 ft. wide; therefore the dormer shall not exceed 12 ft.
3. CPED–Planning Division review and approve the final site plan, floor plans, and elevation. All drawings will be measured to an architect or engineer’s scale.

Attachments:

- Zoning map (1 page)
- Statement of proposed use (1 page)
- Applicant photos (4 pages)
- Site plan (1 page)
- Elevations and floor plans (5 pages)