

Department of Community Planning and Economic Development - Planning Division Report
Variance
BZZ-4625

Date: December 17, 2009

Applicant: Daniel Lubbers

Address of Property: 3020 – 10th Avenue South

Project Name: 3020 – 10th Avenue South Garage Addition

Contact Person: Daniel Lubbers,

Planning Staff: Shanna Sether, (612) 673-2307

Date Application Deemed Complete: November 13, 2009

End of 60-Day Decision Period: January 12, 2010

Ward: 8 **Neighborhood Organization:** Powderhorn Park Neighborhood Association

Existing Zoning: R4 Multiple-Family District

Zoning Plate Number: 26

Legal Description: Not applicable

Proposed Use: An addition to an existing detached garage accessory to an existing four-unit dwelling.

Concurrent Review:

- Variance to increase the maximum floor area of a detached accessory structure
- Variance to increase the maximum height of a detached accessory structure
- Variance to reduce the minimum distance between an accessory structure and a dwelling
- Variance to reduce the minimum south interior side yard from 7 ft. to 1 ft. to allow for a detached garage not located entirely in the rear 40 ft. of the zoning lot

Zoning code section authorizing the requested variance: Chapter 525, Article IX Variances, Specifically Section 525.520(1) “to vary the yard requirements, including permitted obstructions into required yards not allowed by the applicable regulations,” Section 525.520(3) “to vary the gross floor area...of a structure or use,” Section 525.520(4) “to vary the height requirements for any structure...,” and Section 525.520(8) “to permit parking that cannot comply with the location requirements for on-site parking, as specified in Chapter 537, Accessory Uses and Structures....”

Background: The subject property is approximately 70 ft. by 126 ft., on average, (8,636 sq. ft.). The property consists of an existing two and a half story dwelling with four dwelling units and a detached garage. The applicant has recently constructed an 11 ft. by 16 ft., 13 ft. 10” tall, shed roof addition to his existing 22 ft. by 36 ft. detached garage. There are an additional three striped parking stalls on the northwest corner of the property. According to the applicant, the purpose of the addition is to allow for storage area, which is currently unavailable in the four-stall garage or within the dwelling units. The property owner occupies one of the four dwelling units on the property and rents out the three remaining units. The addition to the garage is intended for storage including excess furniture, a snow blower, lawn mower, and additional appliances for the dwelling units on the property.

The addition to the detached garage is approximately 11ft. by 16 ft. and the existing detached garage is 22 ft. by 36 ft. The total square footage of the garage and addition is 968 square feet. The maximum floor area for a detached accessory structure to a fourplex is equal to 10% of the lot area. Based on the lot area, the maximum floor area permitted for accessory structures on the subject parcel is 863.6 sq. ft. per 537.60(b)2 of the zoning code. Therefore, the applicant has requested a variance to increase the maximum floor area for a detached accessory from 863.6 sq. ft. to 968 sq. ft. to allow for the addition to the existing detached garage.

The addition to the detached garage is approximately 13 ft. 10” at the ridge of the shed roof. The maximum height of any portion of a detached accessory structure is 12 ft. The maximum height of a detached accessory structure may be approved administratively to 16 ft. in height if the materials and roof pitch match that of the principal structure per 537.50(b) of the zoning code. The principal structure appears to have a 6/12 pitched gable roof, the existing detached garage appears to have a 4/12 pitched gable roof and the addition has a shed roof. Therefore, the applicant is requesting a variance to increase the maximum height of a detached accessory structure from 12 ft. to 13 ft. 10” to allow for the addition to the detached garage.

The zoning code states that “no detached accessory building or open parking space shall be located closer than six (6) feet from a dwelling of any type.” The existing detached garage is located approximately 16 ft. to the dwelling. However, the applicant constructed the addition 5 ft. from dwelling. Therefore, the applicant is requesting a variance to reduce the minimum distance between an accessory structure and a dwelling from 6 ft. to 5 ft. to allow for the 11 ft. by 16 ft. addition to the detached garage.

The zoning code allows for a reduction of the interior side yard for detached accessory structures, when the entire structure is located in the rear 40 ft. or 20% of the lot. The existing detached garage is located in the rear 40 ft. of the lot. However, the addition to the detached garage now extends 51 ft. from the rear of the lot and therefore the entire structure is required to meet the minimum interior side yard requirement of 7 ft. The applicant has requested a variance to reduce the minimum south interior side yard from 7 ft. to 1 ft. to allow for the detached garage and addition not located entirely in the rear 40 ft. of the zoning lot.

As of writing this staff report, staff has not received any correspondence from the Powderhorn Park Neighborhood Association. Staff will forward comments, if any are received, at the Board of Adjustment meeting.

Findings Required by the Minneapolis Zoning Code – Variance to increase the maximum area of a detached accessory structure:

- 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 area of a detached accessory structure from 863.6 sq. ft. to 968 sq. ft. for an existing 22 ft. by 36 ft. detached garage and 11 ft. by 16 ft. addition to the detached garage. The applicant has stated the purpose of the addition is to allow for storage area, which is currently unavailable in the four-stall garage or within the dwelling units. The property owner occupies one of the four dwelling units on the property and rents out the three remaining units fully furnished. The addition to the garage is intended for storage including excess furniture, a snow blower, lawn mower, and additional appliances for the dwelling units on the property. While staff recognizes that there may be a need to provide additional storage space for the property, there appears to be sufficient area within the existing detached garage and perhaps a smaller storage area or addition that is equivalent that does not exceed 863.6 sq. ft., which is permitted by the zoning code.

- 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 circumstances upon which the variance is requested have been created by the applicant. The maximum area allowed for all detached accessory structure shall not exceed 10% of the lot area for uses other than single and two-family in the residence districts. The maximum floor area allowed for the property is 863.6 square feet and the applicant has constructed 968 sq. ft. of floor area. There appears to be sufficient area within the existing detached garage and perhaps a smaller storage area or addition that is equivalent that does not exceed 863.6 sq. ft., which is permitted by the zoning code.

- 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.**

The granting of the variance may not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity; however, staff does not believe that granting this exception will be in with the spirit and intent of the ordinance. The maximum area allowed for all detached accessory structure shall not exceed 10% of the lot area for uses other than single and two-family in the residence districts. The maximum floor area allowed for the property is 863.6 square feet and the applicant has constructed 968 sq. ft. of floor area. The purpose of these ordinances is to set standards governing the type, size, location and operational characteristics of accessory structures.

- 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 garage addition to the existing fourplex dwelling be detrimental to the public welfare or endanger the public safety.

Findings Required by the Minneapolis Zoning Code – Variance to increase the maximum height of a detached accessory structure:

- 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 height of a detached accessory structure to approximately 13 ft. 10 in. to allow for an addition to an existing detached garage. The roof type on the addition is a shed roof and the height is measured to the ridge. The roof of the existing detached garage is a 4/12 gable and the dwelling has a 6/12 gable roof. Staff is not generally supportive of increasing the maximum height of a detached accessory structure when the roof type and pitch do not match that of the existing dwelling. . The applicant is able to avoid a variance and instead apply for an administrative review to increase the maximum height of the detached garage if the roof pitches of the garage and addition match the dwelling. Staff believes that reasonable use of the property exists with the garage addition not exceeding the maximum height of 12 ft.

- 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 circumstances upon which the variance is requested have been created by the applicant. The applicant is seeking a variance to increase the maximum height and area of a detached accessory structure to approximately 13 ft. 10 in. to allow for an addition to an existing detached garage. The roof type on the addition is a shed roof and the height is measured to the ridge. The roof of the existing detached garage is a 4/12 gable and the dwelling has a 6/12 gable roof. Staff is not generally supportive of increasing the maximum height of a detached accessory structure when the roof type and pitch do not match that of the existing dwelling. The applicant is able to avoid a variance and instead apply for an administrative review to increase the maximum height of the detached garage if the roof pitches of the garage and addition match the dwelling. Staff believes that reasonable use of the property exists with the garage addition not exceeding the maximum height of 12 ft.

- 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.**

The granting of the variance may not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity; however, staff does not believe that granting this exception will be in with the spirit and intent of the ordinance. The zoning code was amended in 2000 to allow for the administrative increase in the maximum height of the detached garage under the condition that the roof pitch and exterior materials match that of the dwelling. The purpose of these ordinances is to set standards governing the type, size, location and operational characteristics of accessory structures.

- 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 garage addition to the existing fourplex dwelling be detrimental to the public welfare or endanger the public safety.

Findings Required by the Minneapolis Zoning Code - Variance to reduce the minimum distance between an accessory structure and a dwelling:

- 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.**

Staff believes that the subject property can be put to a reasonable use under the conditions allowed by the official code without causing undue hardship. The applicant has constructed an 11 ft. by 16 ft. addition to the existing garage and it is located 5 ft. to the dwelling. The applicant has stated that strict adherence to the ordinances would create undue hardship for the property owners by not allowing sufficient storage area for the existing fourplex. Staff cannot find that hardship exists in this case, as the addition could have been constructed in such away to be located at least 6 ft. to the 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 circumstances upon which the variance is requested have been created by the applicant. The applicant has constructed an 11 ft. by 16 ft. addition to the existing garage and it is located 5 ft. to the dwelling. The applicant has stated that strict adherence to the ordinances would create undue hardship for the property owners by not allowing sufficient storage area for the existing fourplex. Staff cannot find that hardship exists in this case, as the addition could have been constructed in such away to be located at least 6 ft. to the dwelling.

- 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.**

The granting of the variance will not be in keeping with the spirit and intent of the ordinance. The purpose of required yards is to provide for orderly development and use of land and to minimize conflicts among land uses by providing adequate light, air, open space and separation of uses. The applicant has constructed an 11 ft. by 16 ft. addition to the existing garage and it is located 5 ft. to the dwelling. The applicant could have constructed the addition in such away to be located at least 6 ft. to the dwelling.

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 garage addition to the existing fourplex dwelling be detrimental to the public welfare or endanger the public safety.

Findings Required by the Minneapolis Zoning Code – Variance to reduce the minimum south interior side yard from 7 ft. to 1 ft. to allow for a detached garage not located entirely in the rear 40 ft. of the zoning lot:

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 the south interior side yard setback from 7 ft. to 1 ft. to allow for a newly constructed addition and an existing detached garage to be located outside of the rear 40 feet. The zoning code allows for a reduction of the interior side yard for detached accessory structures, when the entire structure is located in the rear 40 ft. or 20% of the lot. The existing detached garage is located in the rear 40 ft. of the lot. However, the addition to the detached garage now extends 51 ft. from the rear of the lot and therefore the entire structure is required to meet the minimum interior side yard requirement of 7 ft. Strict adherence to the regulations requires a minimum of a 7 ft. interior side setback for the entire accessory structure and would not allow for the recently constructed addition. Staff believes that the detached accessory structure would allow for reasonable use while maintaining the minimum interior side setback.

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 circumstances upon which the variance is requested have been created by the applicant. The applicant has constructed an 11 ft. by 16 ft. addition to the existing garage and it is located outside of the rear 40 ft. of the lot. The applicant has stated that strict adherence to the ordinances would create undue hardship for the property owners by not allowing sufficient storage area for the existing fourplex. Staff cannot find that hardship exists in this case, as the additional storage area could have been provided in a way that would not require a variance.

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 granting of the variance will not be in keeping with the spirit and intent of the ordinance. The purpose of required yards is to provide for orderly development and use of land and to minimize conflicts among land uses by providing adequate light, air, open space and separation of uses. Further, staff believes that the detached garage with the addition, having a 33 ft. long wall and located 1 ft. to the south interior side may alter the essential character of the surrounding neighborhood and be injurious to the surrounding property. Staff does not believe the location of the garage addition is appropriate outside of the rear 40 ft. of the lot. The garage and addition are located 1 ft. to the interior side property line and the eaves are located approximately 6” to the property line. There is a walkway on the adjacent property where the roof line. Staff is concerned that stormwater from the roof will directly impact the adjacent neighbor. This, however, may be mitigated through the use of gutters. Staff believes that the detached accessory structure will likely not be injurious to the use or enjoyment of other property in the vicinity, if the detached accessory structure complies with the minimum required south interior yard.

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 likely have no impact on the congestion of area streets or fire safety provided the site plan complies with all applicable building codes and life safety ordinances as well as Public Works standards. However, staff believes that the location of the addition may be detrimental to the public welfare and safety, if it is located within the required south interior yard.

Recommendation of the Department of Community Planning and Economic Development - Variance:

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 floor area of a detached accessory structure to allow for an addition to an existing detached garage accessory to an existing fourplex for the property located at 3020 10th Avenue South in the R4 Multiple-Family District.

Recommendation of the Department of Community Planning and Economic Development - Variance:

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 height of a detached accessory structure to allow for an addition to an existing detached garage accessory to an existing fourplex for the property located at 3020 10th Avenue South in the R4 Multiple-Family District.

Recommendation of the Department of Community Planning and Economic Development - Variance:

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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 reduce the minimum distance between an accessory structure and a dwelling to allow for an addition to an existing detached garage accessory to an existing fourplex for the property located at 3020 10th Avenue South in the R4 Multiple-Family District.

Recommendation of the Department of Community Planning and Economic Development - Variance:

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 reduce the minimum south interior side yard from 7 ft. to 1 ft. to allow for a detached garage not located entirely in the rear 40 ft. of the zoning lot to allow for an addition to an existing detached garage accessory to an existing fourplex for the property located at 3020 10th Avenue South in the R4 Multiple-Family District.

Attachments:

- 1) Written descriptions and findings submitted by the applicant
- 2) Copy of letter sent to the neighborhood organization and CM Glidden
- 3) Zoning map
- 4) Site plan
- 5) Building elevations
- 6) Floor plans
- 7) Photographs