

Department of Community Planning and Economic Development – Planning Division Report**Variance Request
BZZ-2073****Date:** December 2, 2004**Applicant:** Frank Fitzgerald**Address of Property:** 3241 Colfax Avenue South**Date Application Deemed Complete:** November 4, 2004**End of 60 Day Decision Period:** January 3, 2005**End of 120 Day Decision Period:** March 4, 2005**Appeal Period Expiration:** December 12, 2004**Contact Person and Phone:** Frank Fitzgerald, 612-823-3946**Planning Staff and Phone:** Carrie Flack, 612-673-3239**Ward:** 10 **Neighborhood Organization:** CARAG**Existing Zoning:** R2B District, Two-family District**Proposed Use:** Construction of a detached garage

Proposed Variance: A variance to increase the maximum permitted height of a detached accessory structure from 12 ft. to 14 ft. where the proposed roof pitch and materials of the detached accessory structure do not match the roof pitch and materials of the principal dwelling to allow for the construction of a 484 sq. ft. detached garage.

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

Background: The subject site is approximately 42 ft. x 129 ft. (5,418 sq. ft.) and consists of a 2.5-story single family dwelling. The applicant is proposing to construct a new two car detached garage on the property. The new detached garage will be 22 ft. x 22 ft. (484 sq. ft.). The roof pitch of the dwelling is 10/12 with dormers that have a pitch of 9/12. The materials for the dwelling are an old slate siding no longer available. The applicant is proposing to construct the garage with a 9/12 roof pitch to match the dwelling dormers versus the 10/12 primary roof pitch of the dwelling and is proposing a 4 inch hardy plank cement board siding as the exterior material. The proposed height of the garage will be 14 ft. at the midpoint due to the 9/12 roof pitch and 9 ft. high walls. Detached garages cannot exceed 12 ft. in height at the midpoint unless the roof pitch and materials match. When roof pitches and materials match, garages are allowed a maximum height of 16 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 permitted height: The applicant is requesting a variance to increase the maximum permitted height of a detached garage from 12 ft. to 14 ft. where the proposed roof pitch and materials of the detached garage do not match the roof pitch and materials of the principal dwelling. The applicant states that the principal dwelling originally consisted of narrow clapboard siding that was replaced in the mid 1900's with 10 inch slate siding. The applicant is proposing a 4 inch cement board siding for the garage that is more historically in character with the original design of the dwelling and surrounding structures. The applicant is also proposing a 9/12 roof pitch for the garage that matches the 9/12 pitch of the dormers for the dwelling. Strict adherence to the regulations does not allow for the proposed garage design. Based on the submitted information this request 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 permitted height: The circumstances upon which the variance is requested are unique to the parcel of land. The primary roof pitch of the house is 10/12 and the roof pitch of the dormers is 9/12. The proposed garage will have a 9/12 roof pitch that matches that of the dormers. The applicant has proposed 9 ft. high walls which also contributes to the height increase to allow for architectural detailing on the garage similar to that of the dwelling. The applicant is proposing a 4 inch cement board siding for the garage that is more historically in character with the original design of the dwelling and surrounding structures versus the 10 inch slate siding that exists on the dwelling. The applicant states that the principal dwelling originally consisted of narrow clapboard siding that was replaced in the mid 1900's with 10 inch slate siding. Staff believes that the existence of the 10 inch slate siding that is inconsistent with the original architectural character of the dwelling is not a circumstance 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 height: Granting the variance will not alter the essential character of the surrounding area and will be in keeping with the spirit and intent of the ordinance. The ordinance allows for an increase in height when the roof pitch of an accessory structure matches the roof pitch of the dwelling. The purpose of this requirement is to allow for the construction of an accessory structure that matches a dwelling with a steep roof pitch. While the applicant is not proposing to match the primary roof pitch, the applicant is proposing to match a dormer pitch

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that is also significant to the dwelling. In addition, the applicant plans to include architectural detailing on the garage similar to the dwelling as well. As previously mentioned, the applicant is proposing a 4 inch cement board siding for the garage that is more historically in character with the original design of the dwelling and surrounding structures versus the 10 inch slate siding that exists on the dwelling. Staff believes that the proposed design of the garage is exceptional and would not be detrimental to the area.

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 height: 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 **approve** the variance to increase the maximum permitted height of a detached accessory structure from 12 ft. to 14 ft. where the proposed roof pitch and materials of the detached accessory structure do not match the roof pitch and materials of the principal dwelling to allow for the construction of a 484 sq. ft. detached garage subject to the following condition:

1. That the Planning Department review and approve the final site and elevation plans.