

**Department of Community Planning and Economic Development – Planning Division Report**

Variance Request  
BZZ-2246

**Date:** April 21, 2005

**Applicant:** Donald Ross and Robert Lilligren

**Address of Property:** 2900 3<sup>rd</sup> Avenue South

**Date Application Deemed Complete:** March 11, 2005

**End of 60 Day Decision Period:** May 10, 2005

**Contact Person and Phone:** Robert Roscoe, Design for Preservation, (612) 317-0989

**Planning Staff and Phone:** Tanya Holmgren, (612) 673-5887

**Ward: 8      Neighborhood Organization:** Phillips West Neighborhood Organization

**Existing Zoning:** R2B, Two-family District

**Proposed Use:** Moving a detached accessory structure to the subject property.

**Proposed Variance:** A variance to increase the maximum size of a detached garage from 676 sq. ft. to 726 sq. ft. and a variance to reduce a corner side yard side yard setback from 8 ft. to 1.5 ft. both to allow for a detached garage to be moved onto the property.

**Zoning code section authorizing the requested variance:** 525.520 (8) (1)

**Background:** The subject site is approximately 50 ft. x 126 ft. (6,300 sq. ft.) and consists of a 2.5-story two-family dwelling with an existing parking pad. The applicant is proposing to move a detached accessory structure onto the property from another location. The garage is being moved from a property on the 2500 block of Columbus Avenue South. The proposed detached accessory structure will be 30.25 ft. x 24 ft. (726 sq. ft.). The proposed garage has a height of 12 ft., a gable roof, a roof pitch of 6/12, and off-white lap siding with dark green trim. The subject duplex has a hip roof with a primary roof pitch of 10/12 and beige siding with white trim.

The zoning ordinance allows for 676 sq. ft. for detached accessory structures or 10 percent of the lot area, whichever is greater, provided the accessory structure match the exterior materials and roof pitch. The proposed detached garage is 11.5 percent of the lot area and does not match the roof pitch or type.

The zoning ordinance requires an 8 ft. corner side yard setback. The applicant is proposing to place the garage 1.5 ft. from the side property line. Additionally, the Public Works Department requires a 15

ft. site triangle at the intersection of two public streets or the intersection of a street and an alley. Buildings and fences are to be constructed outside of sight triangles. The garage wall is proposed to be located less than 15 ft. from the intersection of the alley and 29<sup>th</sup> Street East. This does not meet the requirement and would have to be altered.

**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 726 sq. ft. to allow for a detached accessory structure to be moved onto the property. The applicant would like to utilize the new detached accessory structure as a garage for the duplex on the property. Strict adherence to the regulations would not allow for the proposed detached accessory structure. The ordinance allows for a total of 676 sq. ft. of accessory structure floor area, which has been deemed a reasonable use by the City Council. Staff believes that reasonable use of the property exists without the new detached accessory structure of this size.

**Corner side yard side yard setback:** The applicant is seeking a variance to reduce a corner side yard side setback from 8 ft. to 1.5 ft. to allow for a detached garage to be moved onto the property. Strict adherence to the regulations would not allow for the proposed detached accessory structure to be located 1.5 ft. from the corner side property line. The ordinance allows for an 8 ft. corner side yard setback. Staff believes that the proposed detached structure location is unreasonable and that reasonable use of the property exists without the new detached accessory structure located 1.5 ft. from the corner side property line. The garage could reasonably meet the required corner side yard 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.**

**Maximum permitted floor area:** The conditions upon which the variance is requested are not unique to the parcel. The zoning ordinance caps the total amount of accessory structure floor area at 676 sq. ft. or 10 percent of the lot area to avoid constructing excessively large amounts of accessory structure space within the city limits. A 676 sq. ft. detached accessory structure can be constructed on the property in compliance with the ordinance to accommodate parking and storage on the property. Staff can find no circumstance that is unique to the parcel of land to exceed the ordinance requirement. The circumstances on which the detached accessory structure is being requested have been created by the applicant.

**Corner side yard side yard setback:** The conditions upon which the variance is requested are not unique to the parcel. Staff can find no circumstance that is unique to the parcel of land to reduce the ordinance requirement. The subject parcel is 50 ft. wide and will allow 11.75 ft. to the south of the garage if it is constructed in compliance with the ordinance. The circumstances on which the detached 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. Staff could find no other properties in the surrounding area that consist of large accessory structures for one or two dwelling units. There is one large detached accessory structure for a four-plex on the block. Staff believes that the large detached accessory structure could establish a precedent in the neighborhood for duplexes that is uncharacteristic.

**Corner side yard side yard setback:** 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. Staff believes that the required 8 ft. setback along 29<sup>th</sup> Street East would be more characteristic of the surrounding area. The adjacent dwelling to the west is located 8 ft. from the property line along 29<sup>th</sup> Street East and the dwelling on the subject property is located 9 ft. from the side property line. The proposed location of the detached garage would be closer to the street than the dwellings along 29<sup>th</sup> Street East. The required setback of 8 ft. along with matching the exterior material and roof pitch to the dwelling would decrease the negative impacts of the proposed garage on the surrounding 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 floor area and corner side yard side yard setback:** Granting the variances would likely have no impact on fire safety. The location of the garage at 1.5 ft. from the corner side setback could impact the congestion of area streets by blocking the site triangle. The location of the proposed structure could be detrimental to the public welfare or endanger the public safety by blocking views within the site triangle, leaving vehicles and pedestrians at risk at a blind intersection.

**Recommendation of the Department of Community Planning and Economic Development Planning Division:**

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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 increase the maximum size of a detached garage from 676 sq. ft. to 726 sq. ft. and **deny** the variance to reduce a corner side yard side yard setback from 8 ft. to 1.5 ft. both to allow for a detached garage to be moved onto the property.