

**Department of Community Planning and Economic Development – Planning Division****Variance Request  
BZZ-3467****Date:** April 19, 2007**Applicant:** Jerone Mitchell, on behalf of Corey Cox**Address of Property:** 3225 2<sup>nd</sup> Avenue South**Contact Person and Phone:** Jerone Mitchell, (612) 282-1500**Planning Staff and Phone:** Brian Schaffer, (612) 673-2670**Date Application Deemed Complete:** March 29, 2007**Public Hearing:** April 19, 2007**Appeal Period Expiration:** April 30, 2007**End of 60 Day Decision Period:** May 28, 2007**Ward:** 8      **Neighborhood Organization:** Central Area Neighborhood Development Organization**Existing Zoning:** R2B Two-Family District**Proposed Use:** The construction of a new two-family home with a four car detached garage**Proposed Variance:** A variance to increase the size of an accessory structure from 676 square feet to 780 square feet to allow for a four stall garage on a proposed duplex located at 3225 2<sup>nd</sup> Avenue South in the R2B Two-Family District.**Zoning code section authorizing the requested variance:** 525.520 (3)**Background:** The size of the subject site is 46 feet by 128 feet (5,873 square feet). The subject site is a vacant lot that has alley access. The applicant is proposing to construct a two story two-family dwelling with a detached garage.

Staff has reviewed the proposed two-unit dwelling for compliance with Section 530.280 of Minneapolis Zoning Code regarding Design Standards for Single Family Dwellings. The proposed home meets the site plan review standards by receiving 15 of 24 available points. The proposed dwelling received points for including a detached garage, a basement as defined by the Building Code, having windows on twenty (20) percent of the walls facing a public street, and having a roof pitch of 10/12.

The applicant is proposing to construct a 20 by 39 foot (780 square feet) detached garage to accommodate 4 vehicles, 2 per dwelling unit. The proposed garage will have vinyl siding and a 6/12 roof pitch. The maximum size for an accessory structure is 676 square feet. A variance is required to increase the size of the accessory structure from 676 to 780 square feet.

**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.**

The applicant has requested a variance to increase the size of an accessory structure from 676 square feet to 780 square feet. The required off-street parking is one space per dwelling unit. The applicant is required to provide two off-street parking spaces. The applicant has indicated that “providing two additional parking spaces will enable both two car families to park both vehicles off street in a secure structure.” A 676 square foot garage can accommodate a 20 by 32 foot detached garage that would have room for 3 vehicles. The applicant is also allowed to park two vehicles per dwelling unit on the lot not including the vehicles stored in an enclosed accessory structure.

Staff believes the applicant can provide the required and desired off-street parking on the site without a variance to increase the garage size. Staff believes there is no undue hardship caused by strict adherence to the zoning ordinance.

- 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 conditions upon which the setback variance is requested are not unique to the parcel. The lot is standard sized and can accommodate the required two off-street parking spaces as well as the desired two additional off-street parking spaces.

- 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.**

A four car, 780 square foot, garage will negatively alter the essential character of the neighborhood. While many of the neighboring properties have detached accessory structures, none of them have a garage of the size proposed by the applicant. The intent of the ordinance in regulating accessory structure size and still allow unenclosed parking is to allow for off-street parking, but mitigate the negative effects from the bulk of 780 square foot garage. Staff believes that granting the variance will negatively alter the essential character of the neighborhood and be injurious to the use or enjoyment of the surrounding properties.

- 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 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 to increase the size of an accessory structure from 676 square feet to 780 square feet to allow for a four stall garage on a proposed duplex located at 3225 2<sup>nd</sup> Avenue South in the R2B Two-Family District.