

Department of Community Planning and Economic Development – Planning Division**Variance Request
BZZ-3798****Applicant:** Ben Igherighe**Address of Property:** 3536 3rd Avenue South**Contact Person and Phone:** Ben Igherighe, (612) 250-7033**Planning Staff and Phone:** Brian Schaffer, (612) 673-2670**Date Application Deemed Complete:** October 2, 2007**Date of Staff Report Publication:** October 18, 2007**Public Hearing:** October 25, 2007**Appeal Period Expiration:** November 5, 2007**End of 60 Day Decision Period:** November 25, 2007**Ward: 8 Neighborhood Organization:** Central Area Neighborhood Development Organization**Existing Zoning:** R2B Two Family District**Proposed Use:** A four-car detached garage**Proposed Variance:** A variance increase the area of a detached garage from 676 to 720 square feet to allow for a four-car detached garage at 3536 3rd Avenue South.**Zoning code section authorizing the requested variance:** 525.520 (3)**Background:** This application was originally noticed with two variances. The first was a variance to increase the height of a garage from 12 feet to 15 feet and the second was to increase the area of a detached garage from 676 to 720 square feet. The variance to increase the height of the garage from 12 feet to 15 feet was noticed in error. The applicant is proposing a garage that has a height of 12 feet.

The subject site is an interior lot and is 45 ft. x 129 ft. (5,804 sq. ft.). The subject property is a nonconforming four-plex. On October 19, 2007 the City Council adopted a zoning ordinance amendment to Chapter 531 of the Zoning Ordinance, which governs Nonconforming Uses and Structures, allowing a nonconforming four-plex to add a garage without going through a public hearing for the expansion of a nonconforming use.

The applicant is proposing to construct a 12 feet tall, 720 square foot four-car garage on the site of an existing parking pad in the rear of the lot. The maximum height for a garage is 12 feet and the maximum area of a garage is 676 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 maximum area from 676 square feet to 720 square feet to allow for a four-car garage. The applicants have indicated that the existing concrete parking slab was once a slab for a four-car detached garage. Review of building permit records indicates that there was never a garage constructed on the site.

The zoning ordinance requires one off-street parking space per unit, which would result in a requirement of four off-street parking spaces on the subject site. The zoning ordinance does not require that these parking spaces are configured in an enclosed garage. Staff does not believe there is undue hardship caused by strict interpretation of the zoning ordinance. Staff further believes the applicants have alternative design options to create parking that would satisfy the zoning requirements without requiring a variance.

- 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 for which the variance is sought are not unique to the parcel of land. The lot has a four-car parking pad, which is allowed by the zoning ordinance. The applicant's desire to construct a four car garage that is 720 square feet in area on the site creates the circumstance requiring the 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.**

Granting the variance will negatively alter the essential character of the surrounding neighborhood and will be injurious to the use or enjoyment of other property in the area. The subject property is a nonconforming four-plex which is substantially larger than the two adjacent single family dwellings located at 3532 and 3540 3rd Avenue South. Staff believes the addition of a 720 square foot garage would contribute to the overbuilding of the subject property and be injurious to enjoyment and use of the adjacent properties.

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- 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 not likely increase congestion in the area or increase the danger of fire safety, nor would the variances be detrimental to welfare or 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** a variance increase the area of a detached garage from 676 to 720 square feet to allow for a 4 car detached garage at 3536 3rd Avenue South.