

Department of Community Planning and Economic Development – Planning Division**Variance Request
BZZ-3623****Date:** July 12, 2007**Applicant:** John T. Gerlach and Grant S. Johnson**Address of Property:** 1827 5th Street Northeast**Contact Person and Phone:** John Gerlach (612) 781-7906**Planning Staff and Phone:** Hannah Berg (612) 673-5467**Date Application Deemed Complete:** June 8, 2007**Public Hearing:** July 12, 2007**Appeal Period Expiration:** July 22, 2007**End of 60 Day Decision Period:** August 7, 2007**Ward: 1 Neighborhood Organization:** Holland Neighborhood Improvement Association**Existing Zoning:** R2B, Two-Family District**Proposed Use:** Accessory to a single-family dwelling**Proposed Variances:** A variance to increase the maximum height of a detached garage from 12 ft. to 14 ft.10 in. at the midpoint of the roof**Zoning code section authorizing the requested variance:** 525.520 (4)**Background:** The subject property is located on a reverse corner lot that measures 40 ft. by 105 ft. (4,200 sq. ft.) with a single-family dwelling and an existing detached garage. The existing principal structure was a two-story stucco storefront with a flat roof. It is now a single family dwelling. The existing 360 sq. ft. two-car, detached garage with gabled roof is positioned at the southeast corner of the lot.

The applicants are proposing to build a replacement two-story detached garage with a footprint measuring 400 sq. ft. and a height of 14 ft. 10 in. at the midpoint of the roof. The proposed garage would be located in approximately the same footprint as the existing garage, 3 ft. from the southern property line, 5 ft from the eastern property line, and 17 ft. from the northern property line. All required setbacks would be fulfilled. The ground level is designed for two car stalls and the second level would serve as an

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artist's studio. The second level space would have electricity, but no plumbing or gas hookup. The proposed exterior material is stucco (to match the principle structure) with a metal roof. There would be windows on all sides of the second floor as well as two dormers, one facing east and the other west, with a roof pitch of 3/12. The main roof would have a pitch of 8/12, rising from 10 ft. at the eaves and reaching 14 ft. at the midpoint.

The applicants are requesting a variance to increase the height of the garage to 14ft. 10in. at the midpoint with 10 ft. building walls. The zoning code allows administrative approval to increase the height of accessory structures up to 16 ft. may be granted if the exterior materials and roof pitch of the principle structure match. However, in this case, the principle structure has a flat roof. Therefore, in order to build anything except a 10 ft. tall, flat-roofed garage, the applicants require a variance.

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 is seeking a variance to increase the height of a detached garage from 12 ft. to 14 ft. 10 in. Hardship is created by the principle structure's flat roof which places additional size and design constraints on the garage than what would normally be applied. This constitutes a hardship for the property owners.

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 circumstance upon which the garage variance is requested is unique to the parcel of land and has not been created by the applicants. The principle structure, built in 1922 as a flat-roofed commercial building in a primarily residential setting, was converted into a duplex in 1948. When the applicants purchased the property in 1996 the structure retained its residential function. The applicants are proposing to build a 14 ft. 10 in. garage with a roof pitch of 8/12. The proposed height of the garage would be allowable by the zoning code if the principle structure did not have a flat roof.

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 intent of the zoning ordinance is two fold: 1) to promote design uniformity between a new structure (a garage in this case) and the existing neighborhood and 2) to promote design uniformity

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between garages and principle structures.¹ Construction of the proposed garage will not alter the essential character of the surrounding neighborhood. The proposed garage fits with the character of the neighborhood in terms of height, materials and roof pitch. However, the proposed garage design does not conform to the roof pitch of the principle structure. The principle structure does not conform to the essentially residential nature of the surrounding area, specifically in roof pitch because of its irregular construction as a commercial building. The proposed garage is in keeping with the spirit and intent of the ordinance because in this case it is better comply with the essential character of the neighborhood than with the principle structure, especially considering the proximity of the proposed garage to neighboring properties. The proposed garage complies with all required setbacks and would be built in approximately the same footprint as the existing garage and, therefore, will not be injurious to the use or enjoyment of neighboring 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 height variance would not likely increase the impact on the congestion of area streets or fire safety, nor would it 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 application to increase the maximum height of a garage from 12 ft. to 14 ft 10 in. at the mid-point of the roof at 1827 5th Street Northeast with the following condition:

1. Exterior material of the garage is stucco to match materials of the principal structure.
2. CPED-Planning reviews and approves all site plan and elevation drawings.

Appendix A: Maps, Aerials and Photos
Appendix B: Application Material

¹ Site Plan Review standards, Chapter 530