

**Department of Community Planning and Economic Development – Planning Division**  
Variance  
BZZ-4563

**Date:** October 1, 2009

**Applicant:** Adsit Architecture and Planning

**Address of Property:** 315 Lowry Avenue North

**Project Name:** 315 Lowry Avenue North

**Contact Person and Phone:** Mina Adsit, (612) 343-8013

**Planning Staff and Phone:** Shanna Sether (612) 673-2307

**Date Application Deemed Complete:** September 10, 2009

**End of 60-Day Decision Period:** November 9, 2009

**Ward: 3      Neighborhood Organization:** Hawthorne, adjacent to McKinley

**Existing Zoning:** R5 Multiple-family District

**Proposed Zoning:** Not applicable for this application.

**Zoning Plate Number:** 8

**Legal Description:** Not applicable for this application

**Proposed Use:** New maintenance building and 6 additional parking spaces

**Concurrent Review:**

- Variance to increase the maximum height of a detached accessory structure
- Variance to reduce the south corner side yard setback to allow for 6 additional parking spaces

**Applicable Code Provisions:** Chapter 525, Article IX, Variances, Specifically Section 525.520(4) “to vary the height requirements...for an accessory structure” and 525.520(1) “to vary the yard requirements”

**Background:** The subject property is 109,360 sq. ft. (2.5 acres) and consists of one 17-story apartment complex, with approximately 193 dwelling units. The applicant is proposing to construct a 1,227 sq. ft., 14ft. 4 in. tall accessory structure to house maintenance equipment and vehicles. The maximum height of a detached accessory structure is 12 ft. The ordinance states that detached accessory structures can be increased to 16 ft., provided that the wall height does not exceed 10 ft. The proposed garage has a flat

roof with a 14 ft. wall. Therefore, the applicant is requesting a variance to increase the maximum height of the detached accessory structure from 12 ft. to 14 ft. 4 in.

The proposed detached accessory structure will be displacing 6 parking stalls. The applicant is proposing to relocate the 6 stalls within the required corner side yard, along 31<sup>st</sup> Avenue North. Parking areas are not a permitted obstruction in the required corner side yard. Therefore, the applicant is requesting a variance to reduce the corner side yard setback from 10 ft. to 6 ft. 9 in. to allow for a new parking area.

**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.**

**Accessory structure:** The applicant has requested a variance to increase the maximum height of a detached accessory structure from 12 ft. to 14 ft. 4 in. The exterior materials and roof pitch match that of the principal structure. The zoning code allows the maximum height of a detached accessory structure to be increased up to 16 ft. if the exterior materials and roof pitch match that of the principal structure. However, there is a caveat that the wall height not exceed 10 ft. Due to the caveat, the proposed accessory structure does not qualify for the administrative approval to increase the maximum height of the detached garage. The existing principal structure is 17 stories. Staff believes that a 14 ft. 4 in. accessory structure to an existing 17 story principal structure on a subject site that comprises the entire block allows for reasonable use of the property. And that strict adherence to the code would only allow for a 10 ft. tall, flat-roof structure would cause undue hardship.

**Parking area:** The subject property comprises an entire block bound by 4th Street North, Lowry Avenue North, 3<sup>rd</sup> Street North and 31<sup>st</sup> Avenue North. There are a number of the existing parking spaces located in the required front yard along 3<sup>rd</sup> Street North. Only one of the proposed parking spaces is located within the required corner side yard setback. Staff believes that the proposed parking area with one additional parking stall in the corner side yard setback on a subject site that encompasses an entire block allows for reasonable use of the property.

- 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.**

**Accessory structure:** The conditions upon which the detached accessory garage height variance is requested are unique to the property due to the platting and size of the subject site. The subject site comprises the entire block and the majority of the site is landscaped area that needs to be maintained. These are circumstances not created by the applicant.

**Parking area:** The conditions upon which the setback variance is requested is unique to the property and has not created by the applicant. The subject property comprises an entire block bound by 4th Street North, Lowry Avenue North, 3<sup>rd</sup> Street North and 31<sup>st</sup> Avenue North. There

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are a number of the existing parking spaces located in the required front yard along 3<sup>rd</sup> Street North. Only one of the proposed parking spaces is located within the required corner side yard setback. Staff believes that the proposed parking area with one additional parking stall in the corner side yard setback on a subject site that encompasses an entire block allows for reasonable use of the property.

- 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.**

**Accessory structure:** Staff believes that the proposed height of the accessory structure will be keeping with the spirit and intent of the ordinance and will not alter the essential character of the surrounding neighborhood. The zoning code allows the maximum height of a detached accessory structure to be increased up to 16 ft. if the exterior materials and roof pitch match that of the principal structure. The exterior materials and roof pitch match the existing 17-story principal structure; however, the wall height is in excess of 10 ft. In addition, the scale of the accessory building will similar to other detached accessory structures in the area. Further, staff believes that the proposed accessory structure will not be injurious to the use or enjoyment of other property in the vicinity because it is located within the required yards on a subject property that is 2.5 acres. The proposed garage will be clad with the same face brick and a flat roof as the existing high rise.

**Parking area:** Staff believes that granting the variance will keep within the spirit and intent of the ordinance. The purpose of required yards is to provide for orderly development and use of land and to minimize conflicts among land uses by providing adequate light, air, open space and separation of uses. There are a number of the existing parking spaces located in the required front yard along 3<sup>rd</sup> Street North. Only one of the proposed parking spaces is located within the required corner side yard setback. Further, staff believes that the proposed parking area will not be injurious to the use or enjoyment of other property in the vicinity because it is located within on a subject property that is 2.5 acres.

- 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.**

**Both variances:** Granting of the variances would likely have no impact on the congestion of area streets or fire safety, nor would the proposed accessory structure and parking area be detrimental to the public welfare or endanger the public safety.

**RECOMMENDATION:**

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

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The Community Planning and Economic Development Department – Planning Division recommends that the Board of Adjustment adopt the above findings and **approve** the variance to increase the maximum height of a detached accessory structure from 12 ft. to 14 ft. 4 in., subject to the following conditions of approval:

1. Community Planning and Economic Development Department – Planning Division staff review and approval of the site and elevation plans.
2. The exterior materials used for the accessory structure shall complement and be similar to the exterior materials of the principal structure on the property.
3. The primary roof pitch of the accessory structure shall match the pitch of the principal structure.

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

The Community Planning and Economic Development Department – Planning Division recommends that the Board of Adjustment adopt the above findings and **approve** the variance to reduce the south corner side yard setback from 10 ft. to 6 ft. 9 in. to allow for 6 additional parking spaces.

**Attachments:**

- 1) Statement and findings from applicant
- 2) September 2, 2009, letters to Hawthorne Neighborhood Council and CM Hofstede
- 3) Zoning map
- 4) Site plan
- 5) Accessory structure elevations
- 6) Photos