Department of Community Planning and Economic Development – Planning Division

Variance Request
BZZ-3183

Date: September 7, 2006

Applicant: Sam (Sandra) Mack and Mitchell Scheibe

Address of Property: 1607 Emerson Avenue North

Contact Person and Phone: Sam Mack, (612) 747-8485

Planning Staff and Phone: Molly McCartney, (612) 673-5811

Date Application Deemed Complete: August 14, 2006

Public Hearing: September 7, 2006

Appeal Period Expiration: September 18, 2006

End of 60 Day Decision Period: October 13, 2006

Ward: 5 **Neighborhood Organization:** Northside Residence Redevelopment Council (Near North)

Existing Zoning: R2B, Two-Family District

Proposed Use: Construction of a detached garage at 1607 Emerson Avenue North in the R2B Two-family District

Proposed Variances:

- A variance to increase the maximum size of a detached garage from 676 sq. ft. to 840 sq. ft., and
- A variance to increase the maximum height of a detached garage from 12 ft. to 17 ft. at the midpoint of the roof

Zoning code section authorizing the requested variance: 525.520 (4)

Background: The subject property is located on an interior lot that measures 47 ft. by 154 ft. (7,238 sq. ft.) with a single-family dwelling and alley access. There is no enclosed parking currently and the applicants/homeowners parks vehicles on a parking area in the rear of the lot. The applicants have renovated the property which was built in approximately 1890 and is a Queen Anne dwelling, and has the characteristic exterior features of a Queen Anne including a large wrap-around porch and elaborate decoration on exterior surfaces. The property is located in the historic Old Highland neighborhood, an area in the Near North Neighborhood. While the property has not been locally designated as a historic

landmark or historic district, it has been identified as a potential historic resource in the *North Minneapolis Historic Resources Inventory, 2002*.

The applicants are proposing to build a detached garage that measure approximately 840 sq. ft., which includes the exterior stairs in the total garage size. Without measuring the exterior stairs, the garage measures 775 sq. ft. The size of the lot makes it possible to enlarge the garage from the general regulations to 725 sq. ft and 16 ft. tall at the midpoint of the roof through an administrative approval process. As conditions of approval, the exterior materials and roof pitch must match the primary dwelling. In this case, the applicants are applying to enlarge the garage even more than what the administrative approval allows, and are matching the exterior materials (lap siding) and roof pitch (12/12).

The applicants are also proposing to increase the height of the garage to 17 ft. at the midpoint with 10 ft. building walls. The applicants are able to apply for the height variance past 16 ft. because of the height of the dwelling. The allowed variance states that in order to apply for a variance to increase the height of detached garage beyond 16 ft. at the midpoint of the roof, the proposed height of the garage must be two-thirds (2/3) the height of the primary structure.

> *525.520. (4) Unless otherwise controlled by conditional use permit, to vary the height requirements for any structure, except signs, provided that the total floor area ratio on the site shall not be exceeded, and provided further that the maximum height of any accessory structure shall not exceed sixteen (16) feet or sixty (60) percent of the height of the structure to which it is accessory, whichever is greater.*

The house is 35 ft. tall at the midpoint, two-thirds of that is 23 ft. This provision ensures that the detached garage remain accessory to the dwelling in size and height as well as use.

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.

Garage size: Strict adherence to the zoning code limits the detached garage size to 676 sq. ft. or 10 percent of the lot area. The applicants state they are trying to maximum the size of the garage to park three vehicles while including the exterior stairs to a half story above. The code does not prevent a garage from being located on this property, and in fact, a garage larger than the standard 676 sq. ft. can be built because of the size of the property. Staff believes that the property can be put to reasonable use and does not believe there is undue hardship caused by strict adherence to the zoning ordinance.

Garage height: Strict adherence to the zoning code limits accessory structure height to 12 ft. or 16 ft. with the administrative approval. The applicants state they are trying to match the roof pitch of the primary dwelling as well as building a garage of compatible size with the primary dwelling. The zoning code does not prevent a garage 12 ft. or even 16 ft. tall on this property,

provided the garage building walls are less than the proposed 10 ft. Staff believes that the property can be put to reasonable use and does not believe there is 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.**

   Garage size and garage height: The circumstances upon which the garage variances are requested are not unique to the parcel of land and have been created by the applicants. The applicants are trying to build a garage compatible with the size and style of their house, built in approximately 1890, by matching the exterior materials and the roof pitch, along with other architectural details like windows and trim. The property has been identified as a potential historic resource. The building wall height is 10 ft. and if that was 1 ft. shorter, the applicants could have the height approved with an administrative approval. While the applicants are trying the match the size and mass of the garage to the dwelling, the size and height of the proposed garage is a circumstance created by the applicants.

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.**

   Garage size and garage height: Staff believes that the construction of the proposed garage will not alter the essential character of the surrounding neighborhood. The property has been identified as a potential historic resource and the applicants are trying to match the size and mass of the garage to the dwelling. The proposed garage will match the exterior materials and the roof pitch of the primary dwelling as well as be compatible with the size and height of the primary dwelling. The applicants have submitted pictures of other larger garages in the area. These adjacent detached garages seem to be old barns or carriage houses converted in to garages.

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.**

   Garage size and garage height: Granting the height variance would likely not 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. The applicants have stated that their vehicles have been stolen and broken into while parked the rear open parking area. An enclosed garage would add to safety of the applicants and their vehicles.

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 maximum size of a detached garage from 676 sq. ft. to 840 sq. ft. and
- **deny** the variance to increase the maximum height of a detached garage from 12 ft. to 17 ft. at the midpoint of the roof at 1607 Emerson Avenue North in the R2B Two-family District.