

**Department of Community Planning and Economic Development – Planning Division**

Variance  
BZZ-5493

**Date:** April 5, 2012

**Applicant:** Bruce Idelkope, 3712 Abbott Avenue South, Minneapolis, MN 55410, (612) 929-4930

**Address of Property:** 3712 Abbott Avenue South

**Project Name:** 3712 Abbott Avenue South

**Contact Person and Phone:** Bruce Idelkope, 3712 Abbott Avenue South, Minneapolis, MN 55410, (612) 929-4930

**Planning Staff and Phone:** Becca Farrar, Senior City Planner, (612) 673-3594

**Date Application Deemed Complete:** February 28, 2012

**End of 60-Day Decision Period:** April 28, 2012

**End of 120-Day Decision Period:** Not applicable for this application.

**Ward:** 13

**Neighborhood Organization:** Linden Hills Neighborhood Council

**Existing Zoning:** R1 (Single family) District, SH (Shoreland) Overlay District

**Zoning Plate Number:** 23

**Lot area:** 48,319 square feet or approximately 1.11 acres

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

**Proposed Use:** Construct a new detached accessory structure.

**Concurrent Review:**

- Bruce Idelkope has submitted a variance application to allow for the construction of an additional accessory structure on the property located at 3712 Abbott Avenue South that exceeds the maximum total of 1,000 square feet which is allowed on the premises. The new detached garage would replace an existing detached garage and would total 840 square feet resulting in an overall accessory structure square footage of 1,597 square feet.

**Applicable zoning code provisions:** Chapter 525, Article IX Variances, specifically Section 525.520(3) “To vary the gross floor area, floor area ratio and seating requirements of a structure or use.”

**Background:** The site is currently occupied by a one and a half story, approximately 2,616 square foot single-family home that was constructed in 1937 as well as a 624 square foot detached garage, a 225 square foot garage and 133 square foot shed. The applicant proposes to demolish the 225 square foot detached garage located on the far north side of the site, and in its place construct a new 840 square foot detached garage.

Single family dwellings located in the residence districts are subject to maximum floor area restrictions for accessory structures per Section 537.60(b) (1) of the Zoning Code. The proposal requires a variance as the maximum floor area for all accessory structures is not allowed to exceed 676 square feet or 10% of the lot area, whichever is greater, not to exceed 1,000 square feet. The lot area of the subject site totals 48,319 square feet and 10% of the lot area is 4,831 square feet. Therefore, the maximum total of 1,000 square feet would be permitted on the subject site for accessory structures. The specific variance request is to increase the maximum floor area from 1,000 square feet to 1,597 square feet to allow a new detached accessory structure. The subject property is zoned R1 (Single-family) District and is also located in the SH (Shoreland) Overlay District. There are no steep slope related issues on the premises.

The exterior of the new detached accessory structure would be clad with cement board siding that matches the existing detached garage on the premises which further complements the brick exterior of the existing residential structure. The Zoning Code requires that detached accessory structures greater than 676 square feet in area utilize primary exterior materials that match the primary exterior materials of the principal structure and the roof pitch must match the roof pitch of the principal structure. The proposal meets all other applicable setback requirements as well as all applicable provisions in the R1 District and SH Overlay District including floor area ratio, setbacks, height, impervious surface, building coverage, etc.

It is noteworthy to mention that in the future, if the property were to be subdivided and resold, that accessory structures cannot stand alone on the subject property. As noted in Section 537.20 of the Zoning Code, accessory structures must be incidental to and associated with the principal structure served. Accessory structures must be subordinate in area, extent and purpose to the principal structure served.

Staff has received official correspondence from the Linden Hills Neighborhood Council which has been attached for reference. All additional correspondence received prior to the Board of Adjustment meeting will be forwarded on for consideration.

**VARIANCE** – Variance to increase the maximum floor area from 1,000 square feet to 1,597 square feet to allow a new detached accessory structure.

**Findings as Required by the Minneapolis Zoning Code for the Variance:**

**1. Practical difficulties exist in complying with the ordinance because of circumstances unique to the property. The unique circumstances were not created by persons presently having an interest in the property and are not based on economic considerations alone.**

Planning Staff believes that the circumstance, upon which the setback variance is requested, is unique to the parcel of land due to the size of the lot at 48,319 square feet or approximately 1.1 acres. The applicant is proposing to demolish an existing 225 square foot detached garage and rebuild a new expanded 840 square foot detached garage. The Zoning Code allows for the gross floor area of accessory structures to total 676 square feet or 10% of the lot area, not to exceed 1,000 square feet. In this specific circumstance, the proposed gross floor area devoted to the existing detached garage, shed and the proposed detached garage is approximately 3.3% percent of the lot area. Staff believes that these unique circumstances have created practical difficulties in complying with the ordinance. Further, the request is a reasonable use of the property and the proposed detached garage would have no impact on neighboring parcels.

**2. The property owner or authorized applicant proposes to use the property in a reasonable manner that will be in keeping with the spirit and intent of the ordinance and the comprehensive plan.**

The proposal to allow an increase in the overall square footage of accessory structures on the premises would be reasonable and would be in keeping with the spirit and the intent of the ordinance and comprehensive plan.

The standards that regulate accessory structures have been established in order to ensure orderly development of land. The applicant is proposing to demolish an existing 225 square foot detached garage and rebuild a new expanded 840 square foot detached garage. The subject property is 48,319 square feet in size. The applicant is seeking a variance to increase the maximum floor area of accessory structures to 1,597 square feet, which is approximately 3.3 percent of the lot area. Staff believes that the applicant is proposing to use the property in a reasonable manner.

**3. The proposed variance will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. If granted, the proposed variance will not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties.**

The proposal to allow an increase in the overall square footage of accessory structures on the premises would not adversely alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity, nor would it be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties. The exterior materials on the proposed addition would be cement board siding to complement the existing detached garage and single-family home located on the premises.

**Additional Findings required by the Minneapolis Zoning Code for development in the Shoreland Overlay District:**

**1. The prevention of soil erosion or other possible pollution of public waters, both during and after construction.**

The applicant shall be responsible for complying with all applicable City regulations pertaining to the prevention of soil erosion as well as other possible pollution sources both during and after construction. The applicant has confirmed that all necessary precautions will be taken during construction in compliance with applicable City regulations. Further, any alterations to the subject site would be minimal and would not have any adverse effects on the water quality of Lake Calhoun.

**2. Limiting the visibility of structures and other development from protected waters.**

The property does not front on Lake Calhoun. The proposed detached garage would not be visible from Lake Calhoun. The property and surrounding properties are densely vegetated.

**3. The suitability of the protected water to safely accommodate types, uses and numbers of watercraft that the development may generate.**

The proposed development would not have any impact on watercraft usage on Lake Calhoun.

**RECOMMENDATIONS**

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

The Department of Community Planning and Economic Development – Planning Division recommends that the Board of Adjustment adopt the above findings and **approve** the variance application to allow an increase in the maximum floor area from 1,000 square feet to 1,597 square feet in order to allow a new detached accessory structure on the property located at 3712 Abbott Avenue South subject to the following conditions of approval:

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1. The exterior of the proposed detached garage shall be cement board siding that matches the existing detached garage and single-family home located on the premises. Further, the roof pitch of the detached garage must match the roof pitch of the principal structure.

**Attachments:**

1. Statement of proposed use and description of the project
2. Findings
3. Correspondence – CM Hodges and Linden Hills Neighborhood Council
4. Zoning Map
5. Site plan, elevations
6. Photos of the site