

Department of Community Planning and Economic Development – Planning Division
Variance
BZZ-5563

Date: June 7, 2012

Applicant: Monica Arons

Address of Property: 219 Morgan Avenue North

Contact Person and Phone: Monica Arons, (763) 439-6436

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

Date Application Deemed Complete: May 3, 2012

End of 60 Day Decision Period: July 2, 2012

Ward: 5 Neighborhood Organization: Harrison Neighborhood Association

Existing Zoning: R1A Single-Family District

Zoning Plate Number: 12

Legal Description: Not applicable

Proposed Use: A detached garage addition to an existing single-family dwelling

Variance to increase the maximum height of a detached accessory structure from 10 feet to 17 feet, measured from natural grade to the top plate

Zoning code section authorizing the requested variance: Chapter 525, Article IX Variances, Specifically Section 525.520(4) "...to vary the height requirements for any structure, except signs, provided that the total floor area ratio on the site shall not be exceeded..."

Background: The subject property is approximately 34 feet by 152 feet (5,168 square feet) and is occupied by an existing single-family dwelling. The property is an interior lot on Morgan Avenue North and 1½ Avenue North. 1½ Avenue North, adjacent to the subject property, was recently dedicated as a city street and had previously dead-ended before reaching Morgan Avenue North. A portion of the property 223 Morgan Avenue North still exists and is the corner lot on the block. The applicant is proposing to construct a new 28 foot by 18 foot detached garage at the northwest corner of the property that will be accessed from 1½ Avenue North. The elevation of the property is approximately 9 feet lower than the public street. Therefore, the applicant has proposed a two-story garage, in order to allow for a vehicle to access it from street level. The first floor is at grade in the rear yard of the subject property and is intended for storage. The second floor is at street level and has an overhead door, accessed from 1½ Avenue North.

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The proposed garage, measured from the adjacent grade along 1½ Avenue North is approximately 14 feet, which is allowed per the zoning code, on the condition that the roof pitch and exterior materials match the principal structure. Further, the maximum height of the wall, measured from the floor to the top plate cannot exceed 10 feet, per 537.50(b) of the zoning code:

537.50. - Maximum height. (a) *In general.* The maximum height for all accessory structures shall be limited to the maximum height requirements for principal structures in the district in which the accessory structure is located, except as otherwise provided in this zoning ordinance.

(b) *Accessory structures located in the residence and OR1 Districts.* A detached accessory structure, accessory to a principal use located in a residence or OR1 district shall not exceed the height of the principal structure or twelve (12) feet, whichever is less. The maximum height may be increased to sixteen (16) feet or the height of the principal structures, whichever is less, where the primary exterior materials of the accessory structure match the primary exterior materials of the principal structure and the roof pitch matches the primary roof pitch of the principal structure, and provided the wall height shall not exceed ten (10) feet from the floor to the top plate.

The wall measured from the floor of the garage to the top plate will be 17 feet, in order to accommodate the two stories. Therefore, the applicant is requesting a variance to increase the maximum height of a garage from 10 feet to 17 feet measured from the garage floor to the top plate.

As of writing this staff report, staff has not received any correspondence from the Harrison Neighborhood Association. Staff will forward comments, if any are received, at the Board of Adjustment meeting.

Findings Required by the Minneapolis Zoning Code:

- 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.**

The circumstances upon which the variance is requested are unique to the parcel of land due to the existing grade of the site, the location of the existing dwelling and the substandard lot width. The applicant is proposing to construct a new 560 square foot detached garage that is consistent with the maximum height permitted, at 14 feet, with the aforementioned requirements. The subject property has a change in grade of 9 feet from 1½ Avenue down to the rear yard of the property. The applicant has stated that in order for a vehicle to access an accessory structure, it must be two stories. The existing dwelling is located approximately 7 feet from the front property line along Morgan Avenue North, 3 feet from the north interior side property line and 7 feet from the south interior property line. The location of the dwelling would not allow for either a driveway or an attached garage, without additional variances. Finally, the lot is substandard in width. The minimum lot width in the R1A District is 40 feet; the subject property is 34 feet wide, which historically would have made accessing the rear of the lot via a driveway difficult. Therefore, the

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applicant would not be able to construct an accessory structure, detached or attached, on the property that would provide off-street parking, without a variance.

- 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 applicant is seeking a variance to increase the maximum height of a garage from 10 feet to 17 feet to allow for a two-story garage. The proposed garage does not exceed the maximum height in feet, measured to the adjacent grade, allowed in the zoning code. 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.**

Staff believes that the granting of this variance would be in keeping with the spirit and intent of the ordinance and would not negatively alter the essential character of the area. The intent of the ordinance is to regulate bulk in order to minimize the impact structures have on surrounding properties in residential neighborhoods and to preserve the traditional development pattern of residential neighborhoods. Further, the zoning code seeks to regulate the height of accessory structures, which should appear to be subordinate to the principal structure. The proposed detached garage will appear to be 14 feet and subordinate in height and area to the principal structure from the public sidewalk. The applicant is proposing a structure that will complement the dwelling in terms of roof type, pitch and exterior materials. Finally, granting of the variance will not increase the danger of fire safety or be detrimental to the public welfare or endanger the public safety.

Findings required by the Minneapolis Zoning Code for increasing the maximum height:

- 1. Access to light and air of surrounding properties.**

The increase in height would likely have no effect on the access to light and air of surrounding properties. The garage addition is located in the rear of the property and is similarly situated to other garages that are accessed via the 2000 block of 2nd Avenue North. The adjacent properties to the south will be able to view the increased wall height, but will not experience a reduction to access of light and air.

- 2. Shadowing of residential properties, significant public spaces, or existing solar energy systems.**

The properties that share the same elevation with the subject property are all located to the south and should not be shadowed by the proposed garage. The proposed detached garage will be adjacent to Park Board property; however, the shared property line is heavily landscaped and

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should not shadow their property. Staff is not aware of any existing solar energy systems that would be affected by shadowing.

3. The scale and character of surrounding uses.

The elevation changes dramatically from 1½ Avenue North where it is approximately 9 feet higher than the rear yards of the properties along Morgan Avenue North. In the immediate area, the scale of surrounding principal structures range between 2 and 2.5 stories. The proposed detached garage will appear to be 14 feet in height when viewed from 1½ Avenue and subordinate in height and area to the principal structure from the public sidewalk.

4. Preservation of views of landmark buildings, significant open spaces or water bodies.

The new detached garage will not significantly block views of landmark buildings, significant open spaces, or bodies of water, including Bassett Creek.

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 to increase the maximum height of a new detached garage from 10 feet to approximately 17 feet, measured from the floor to the top plate, for the property located at 219 Morgan Avenue North in the R1A Single-Family District, subject to the following conditions of approval:

1. The exterior materials used for the accessory structure shall complement and be similar to the exterior materials of the principal structure on the property.
2. The primary roof pitch of the garage is 12/12 and is a gable roof to match the pitch and roof type of the principal structure.
3. Approval of the final site and elevation plans by the Department of Community Planning and Economic Development – Planning Division.
4. All site improvements shall be completed by June 7, 2013, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.

Attachments:

- 1) Written descriptions and findings submitted by the applicant
- 2) Copy of letters sent to Harrison Neighborhood Association and CM Samuels
- 3) Zoning map
- 4) Survey
- 5) Site plan
- 6) Floor plan and elevation drawings
- 7) Photographs