

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

Variance  
BZZ-5713

**Date:** September 13, 2012

**Applicant:** John Jorde

**Address of Property:** 5005 Oliver Avenue South

**Contact Person and Phone:** John Jorde, 239-839-7647

**Planning Staff and Phone:** John Smoley, 612-673-2830

**Date Application Deemed Complete:** August 10, 2012

**End of 60 Day Decision Period:** October 9, 2012

**Ward:** 13     **Neighborhood Organization:** Lynnhurst Neighborhood Association

**Existing Zoning:** R2B/Two-family District

**Proposed Use:** A new detached garage

**Proposed Variance:** John Jorde has applied for a variance to increase the square footage of an accessory structure (detached garage) from 676 to 816 square feet located at 5005 Oliver Avenue South in the R2B/Two Family District.

**Zoning code section authorizing the requested variance:** 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 of use”.

**Background:** The subject property is a 5,160 square foot interior lot with a duplex constructed in 1923. Since the lot is forty feet wide and greater than 5,000 square feet in area, the duplex, constructed prior to January 1, 1995, conforms to the zoning code’s requirements for minimum lot size and maximum number of dwelling units.

The Applicant is proposing to construct a new detached garage at the rear of the lot. The garage is proposed to be 816 square feet in area. The zoning code allows detached garages to be up to 676 square feet in area or 10% of the lot size, whichever is greater. On this 5,160 square foot lot, the maximum permitted area for a detached garage is 676 square feet.

Earlier this year the Applicant demolished an attached two-car garage at the rear of the property.

As of writing this staff report, staff has not received any correspondence from the Lynnhurst 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.**

Practical difficulties do not exist in complying with the ordinance because of circumstances unique to the property. The garage is proposed to be constructed on a lot whose area and width conforms to the Zoning Code's requirements. The application indicates that the Applicant seeks a three car garage. The Applicant acknowledges that a three car garage could be constructed to comply with the zoning code's 676 square foot maximum, but the Applicant seeks additional area for storage.

- 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 property owner or authorized applicant is not proposing 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. A three car garage can be built without exceeding the zoning code's 676 square foot area maximum. Garages are allowed to exceed this area maximum through the administrative variance process, provided the size of the garage does not exceed 10% of the lot area. On this 5,160 square foot lot, the proposed 816 square foot garage would total nearly 16% of the lot area.

- 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 Applicant claims that not granting the variance will increase congestion on surrounding streets which are already busy and heavily parked, but the Applicant has provided no parking study to substantiate this claim. Indeed, the opposite appears to be true. The residence previously included an attached two-car garage and two uncovered parking spaces behind this garage, for a total of four spaces. The proposed three-car detached garage would be set close enough to the alley to prevent parking between it and the rear lot line, reducing the parking onsite by one space.

**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 square footage of an accessory structure (detached garage) from 676 to 816 square feet located at 5005 Oliver Avenue South in the R2B/Two Family District.

A: Plans

B: Vicinity Map and Aerial Photograph of the Lot

C: Images

D: Statement Addressing the Variance Findings (Directed to the Neighborhood Organization)