

Department of Community Planning and Economic Development – Planning Division Report**Variance Request
BZZ-2508****Date:** August 18, 2005**Applicant:** Chuck Levin, on behalf of Beverly and Chris Smith**Address of Property:** 3454 Fremont Avenue S**Date Application Deemed Complete:** July 20, 2005**End of 60 Day Decision Period:** September 18, 2005**Appeal Period Expiration:** August 29, 2005**Contact Person and Phone:** Chuck Levin, 612-729-5333**Planning Staff and Phone:** Molly McCartney, 612-673-5811**Ward:** 10 **Neighborhood Organization:** CARAG (Calhoun Area Residents Action Group)**Existing Zoning:** R2B District, Two-family District**Proposed Use:** Construction of a detached accessory structure.**Proposed Variance:** A variance to increase the size of a detached garage from 676 sq. ft. to 816 sq. ft. and a variance to increase the height of a detached garage from 12 ft. to 17 ft. 10 in. for a property located at 3454 Fremont Avenue South in the R2B, Two-family District.**Zoning code section authorizing the requested variance:** 525.520 (3), (4)**Background:** The subject site is approximately 5,376 sq. ft. and consists of a two-story, two-family dwelling and detached garage. The applicant is proposing to demolish the existing garage and construct a three-stall, detached garage. Two stalls will be allocated for one dwelling unit and one stall for the other dwelling unit. There will be storage space above the parking area. The garage will measure 816 sq. ft. (25 ft. 4 in. by 32 ft 11 in.), more than the maximum 676 sq. ft. permitted for a detached garage. The garage will be 17 ft. 10 in. tall, more than the 12 ft. permitted. The building wall height will be 13 ft. 6 in. The proposed detached garage will have a roof pitch (6/12 gable roof) and exterior materials (stucco and brick) that match subject dwelling. In most cases, a garage size and height can be increased through an administrative review by Planning staff if the roof pitch and exterior materials match the primary structure and the building wall height is 10 ft. or less. In this case, the property has neither the lot area to increase the garage size to 816 sq. ft. or to go above 16 ft. at the midpoint of the peak and the eave of the roof and the proposed building wall height is greater than 10 ft.

The proposed garage will have garage doors that face the alley and will be set back from the rear property line 5 ft. The garage will meet the required setback 1 ft. from the north interior property line. The garage will meet the corner side yard setback of 8 ft. on the southern property line. There is a slight grade change along West 35th Street, so the garage will appear to be approximately 15 ft. tall at the midpoint of the roof from this street. The applicant is proposing to apply for a building permit for a rear porch addition and to replace the fence along West 35th Street, which does not require a variance.

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: The applicant is seeking a variance to increase the maximum permitted floor area for a detached garage from 676 sq. ft. to 800 sq. ft. The applicant states the new detached garage would be used for vehicles and storage space for the two dwelling units. Strict adherence to the zoning code requires one off-street parking space and does not allow for a detached accessory structure more than 676 sq. ft. A garage can be built up to 10 percent of the lot size on the condition that the applicant matches the exterior materials and roof pitch of the garage to the principal structure, the dwelling. In this case, the lot is 5,376 sq. ft, and while the applicant is matching the roof pitch and exterior materials match the primary structure, the size of the garage would not be permitted to go up to 816 sq. ft. without a variance. A 676 sq. ft. garage could accommodate a three-stall garage, if no storage space on the ground level is included. Based on the requested size of the garage and the size of the lot, staff believes that a proposed three-stall, garage that meets the maximum size of a detached garage is reasonable.

Garage height: The applicant is seeking a variance to increase the maximum permitted height for a detached garage from 12 ft. to 17 ft. 10 in. Strict adherence to the code requires that the midpoint of the roof be no more than 12 ft. or 16 ft. if the roof pitch and exterior materials match the primary structure. In this case, the roof pitch of the garage will match the roof pitch of the primary structure but will exceed the 16 ft height restriction. The roof pitch of the dwelling is a hip roof and the proposed garage will have a gable roof. The applicant has stated that by matching the roof pitch to the dwelling, additional height was needed to access this space. While there is the administrative review process to increase the height of a garage to 16 ft. at the midpoint, the building wall is limited to 10 ft. The proposed building wall height of 13 ft. 6 in. results in a taller garage than is allowed through the administrative review process. Staff believes that a garage that meets the 16 ft. height is a reasonable use.

- 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: The conditions upon which the variance is requested are not unique to the parcel. The zoning ordinance requires one off-street parking space and allows up to 676 sq. ft. of

accessory structure on a standard size lot. Lack of storage space for vehicles or other storage needs is not a unique circumstance to this parcel of land. The circumstances on which the accessory structure is being requested have been created by the applicant.

Garage height: The conditions upon which the variance is requested are not unique to the parcel. The principal dwelling has a hip roof and in order to match the roof pitch of the proposed garage, the applicant states that additional height is needed for access to the half story. Because the height of the garage exceeds 16 ft. at the midpoint, the applicant can not be approved through an administrative review. The applicant states that the basement of the building does not have adequate storage because it is a damp space and that two dwelling units need space for storage. Lack of storage space is not a circumstance that is unique to this property. A detached garage with the height of 16 ft. can provide space for storage.

- 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: Granting the variance will alter the essential character of the surrounding area and will not be keeping with the spirit and intent of the ordinance. While the garage will match the roof pitch and the exterior materials to the dwelling, the size of the garage is much larger than what is permitted on a 5,376 sq. ft. lot. The zoning code only requires a two-family dwelling to have two off-street parking spaces. The applicant has stated that on-street parking is an issue in the surrounding area, however, a three-stall garage could be accomplished within the maximum permitted garage size of 676 sq. ft. This would reduce the amount of storage space on the ground floor. The applicant has submitted examples of larger garages in the surrounding area as well. While the property to the west, 3455 Girard Avenue South, has a four stall garage, that residential structure has four dwelling units and an off-street parking requirement of four spaces.

Garage height: Granting the variance will not alter the essential character of the surrounding area and will be keeping with the spirit and intent of the ordinance. The roof pitch and the exterior materials will match the dwelling. There is a grade change on the south side of the property which will make the garage appear to be 15 ft. at the midpoint of the peak and eave and the garage will have window on the half story. The applicant has submitted examples of taller garages in the surrounding area. While these are examples of tall garages, the garages are either two-stall garages, which are much smaller than the proposed garage, or attached garages, which are limited to the primary structure height requirement and may have living space above.

- 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 variance would likely have no impact on the congestion of area streets or fire safety, nor would the proposed structure be detrimental to the public welfare or endanger the public safety. As shown on the submitted plans, the garage will not interfere with vehicular access in and out of the alley and is behind the 15 ft. sight triangle.

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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** a variance to increase the size of a detached garage from 676 sq. ft. to 816 sq. ft. and **deny** a variance to increase the height of a detached garage from 12 ft. to 17 ft. 10 in. for a property located at 3454 Fremont Avenue South in the R2B, Two-family District.