

Department of Community Planning and Economic Development – Planning Division Report**Variance Request
BZZ-2587****Date:** October 6, 2005**Applicant:** Brian Ciccone**Address of Property:** 5503 Richmond Curve**Contact Person and Phone:** Brian Ciccone, 612-269-7411**Planning Staff and Phone:** Molly McCartney, 612-673-5811**Date Application Deemed Complete:** August 26, 2005**End of 60 Day Decision Period:** October 25, 2005**Appeal Period Expiration:** October 17, 2005**Ward:** 13 **Neighborhood Organization:** Armatage Neighborhood Association**Existing Zoning:** R1 Single-family District**Proposed Use:** Construction of a detached accessory structure.

Proposed Variance: A variance to allow for a detached garage located not entirely to the rear of the principal residential structure and a variance to increase the height of a detached garage from 12 ft. to 17 ft. 3 in. for the construction of a new detached garage at a property located at 5503 Richmond Curve in the R1, Single-family District.

Zoning code section authorizing the requested variance: 525.520 (8), (4)

Background: The subject site is approximately 10,616 sq. ft. and consists of a two-story, single-family dwelling and an attached garage measuring 358 sq. ft. The applicant is proposing to construct a new two-stall, detached garage measuring 624 sq. ft. (24ft. by 26 ft). The size of the combined garages would be 982 sq. ft. and would be allowed through an administrative review. The detached garage will have exterior materials (white vinyl siding) and a roof pitch (9/12) that matches the dwelling which are the conditions of approval to increase the size of a garage through an administrative review. The height of a detached garage can also be increased to 16 ft. at the midpoint of the roof, provided that the building wall is 10 ft. or less.

The proposed garage requires variances for the height and location. The proposed garage would be 17 ft. 3 in. tall at the midpoint of the roof and have 12 ft. building walls; more than the roof midpoint of 16 ft. and 10 ft. allowed by the administrative review. The zoning code provides for only a limited number

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of variances and the maximum height variance allowed if 16 ft. or 60 percent of the height of the primary structure, as described below:

525.520. Authorized variances.

(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.

To be eligible to grant the variance past 16 ft. to the request 17 ft. 3 in., the principal residential structure would need to be 28 ft. at the midpoint of the peak and eave of the roof. The subject dwelling is a one-and-a-half story structure and staff has not received information from the applicant that the dwelling meets this height.

The proposed garage location is also not entirely behind the dwelling. The garage will be 6.5 ft. from the dwelling, have a 1 ft. side yard setback on the south property line and an 8 ft. setback rear yard setback on the alley. The garage doors will face the alley.

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 location: The applicant is seeking a variance to allow for a detached garage located not entirely behind the rear of the principle residential structure. The dwelling has a 44 ft. front yard setback and the distance between the dwelling and the rear property line in the southwest corner of the property is 24 ft. Locating a detached garage entirely behind the dwelling and maintaining the required 6 ft. setback leaves 18.5 ft. in the rear of the property to build a detached garage. The applicant is proposing to locate the garage doors facing the alley, which would require an additional 6 ft. rear yard setback, leaving approximately 12 ft. to build a detached garage. While 12 ft. would be enough to build a single car garage, this size is much less than a typical sized detached garage. Strict adherence to the code presents the proposed detached garage, which staff believes is a reasonable use of the property.

Garage height: The applicant is seeking a variance to increase the maximum permitted height for a detached garage from 12 ft. to 17 ft. 3 in. Strict adherence to the code requires that the midpoint of the roof be no more than 12 ft. or 16 ft., with a limit to the building wall height of 10 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 and the 10 ft. building wall limit. The roof pitch of the dwelling is a gable roof and the proposed garage will have a gable roof. The applicant states that a taller garage is needed in order to accommodate a full-sized pickup truck and other storage needs. Staff believes

that a garage that meets the 16 ft. roof midpoint height and a 10 ft. building wall height is a reasonable use of the property.

- 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 location: The conditions upon which the variance is requested are unique to the parcel and have not been created by the applicant. The subject site is a uniquely shaped lot and the location of the structure prohibits a detached garage from being located entirely behind the dwelling. The lot is a pie-shaped lot that has a much large front yard setback, approximately 44 ft. There is 24 ft. between the dwelling and rear property line along the alley.

Garage height: The conditions upon which the variance is requested, including the desire for additional storage space, are not unique to the parcel. The applicant states that the increased height is to allow for vehicles and storage which are not circumstances unique to this property.

- 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 location: 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 garage will match the roof pitch and the exterior materials to the dwelling. The proposed garage will not project past the front of the dwelling and will maintain the required side and rear yard setbacks.

Garage height: 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 roof pitch and the exterior materials will match the dwelling, the increase height of the garage exceeds standard garage heights in the surrounding area. The proposed garage height will be more similar to the height of a primary residential structure, not a detached garage, which is to be accessory, or smaller, to the primary structure on the property. Because of the allowed variances limit the request for garage height at the roof midpoint to 16 ft. or 60 percent of the primary residential structure, the subject dwelling has to be at least 28 ft. tall at the roof midpoint. The variance can only be granted if the subject dwelling is at least 28 ft. tall.

- 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 location 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.

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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 **approve** the variance to allow for a detached garage located not entirely to the rear of the principle residential structure and **deny** the variance to increase the height of a detached garage from 12 ft. to 17 ft. 3 in. for the construction of a new detached garage at a property located at 5503 Richmond Curve in the R1, Single-family District, subject to the following condition:

1. That the Planning Division review and approve the final site and elevation plans that measure to an architectural or engineering scale.