

Department of Community Planning and Economic Development – Planning Division Report**Variance Request
BZZ-2598****Date:** October 6, 2005**Applicant:** Thomas Whelan**Address of Property:** 1001 43rd Avenue North**Contact Person and Phone:** Thomas Whelan, 612-521-2100**Planning Staff and Phone:** Molly McCartney, 612-673-5811**Date Application Deemed Complete:** September 6, 2005**End of 60 Day Decision Period:** November 5, 2005**Appeal Period Expiration:** October 17, 2005**Ward:** 4 **Neighborhood Organization:** Webber Camden Neighborhood Association**Existing Zoning:** R2B District, Two-family District**Proposed Use:** Construction of a detached accessory structure.**Proposed Variance:** A variance to increase the maximum size of an detached garage from 676 sq. ft. to 1056 sq. ft. for a property located at 1001 43rd Avenue North in the R2B Two-family District and SH Shoreland Overlay District.**Zoning code section authorizing the requested variance:** 525.520 (8)**Background:** In May, 2000, the applicant was granted a variance to increase the maximum size of a detached garage from 676 sq. ft. to 968 sq. ft. The staff recommendation was to deny the application. The detached garage was not built within one year of the granting of the variance and the applicant is reapplying for a variance to allow for a similar sized detached garage.

The subject site is approximately 16,500 sq. ft. and consists of a two-story, two-family dwelling and a two-stall detached garage. The lot is 300 deep and the dwelling is set back more than 150 ft. from the front property line. The applicant is proposing to demolish the existing two-stall garage to build a new detached garage. The applicant is proposing to construct a four-stall, detached garage measuring 1,056 sq. ft. (22 ft. by 48 ft). The applicant is proposing to match the exterior materials, stucco, of the dwelling and the roof pitch, 4/12. A detached garage could be approved up to 1,000 sq. ft. for a lot this size through an administrative review with the conditions that the exterior materials and roof pitch match the dwelling, which the applicant is proposing. However, the size of the proposed garage, 1,056

sq. ft. exceeds the allowed 1,000 sq. ft. garage size that can be approved through the administrative review. The proposed garage will be set back 10 ft. from the dwelling, 1 ft. from the side yard property line and more than 15 ft. from the rear property line.

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.**

The applicant is seeking a variance to increase the maximum permitted floor area for a detached garage from 676 sq. ft. to 1,056 sq. ft. The applicant states the new detached garage would be used for vehicle and other storage for the occupants of the two-family dwelling. Strict adherence to the zoning code requires one off-street parking space per unit and does not allow for a detached accessory structure more than 676 sq. ft. The applicant is eligible to build a 1,000 sq. ft. garage through an administrative review which would require the garage exterior materials and roof pitch to match the dwelling, which the applicant is proposing. Based on the requested size of the garage and the size of the lot, staff believes that a garage that meets the 1,000 sq. ft. size limit is a reasonable use of the property.

- 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.**

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. The applicant states that the lot is unique because of the large size and configuration of the lot. Due to the size of the subject site, a 1,000 sq. ft. garage could be built if the exterior materials and roof pitch match the dwelling. The circumstances on which the 1,056 sq. ft. detached garage is being requested have been created by the applicant.

- 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.**

While granting the variance will not alter the essential character of the surrounding neighborhood it is not the spirit and intent of the ordinance to permit detached garages that are larger than 1,000 sq. ft. when accessory to single- and two-family dwellings. The applicant can build 1,000 sq. ft. garage, 56 sq. ft. less than the requested amount, through an administrative review. The applicant is proposing to match the exterior materials and roof pitch to the dwelling which are the required conditions for the administrative review.

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- 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.**

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.

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 maximum size of an detached garage from 676 sq. ft. to 1056 sq. ft. for a property located at 1001 43rd Avenue North in the R2B Two-family District and SH Shoreland Overlay District.