

Department of Community Planning and Economic Development
Rezoning
BZZ-6170

Date: August 26, 2013

Applicant: Mina and Gregory Leierwood

Address of Property: 3328-30 18th Avenue S

Project Name: N/A

Contact Person and Phone: Mina Leierwood, (612) 721-4674

CPED Staff and Phone: Kimberly Holien, (612) 673-2402

Date Application Deemed Complete: July 30, 2013

End of 60-Day Decision Period: September 28, 2013

End of 120-Day Decision Period: On August 13, 2013 staff sent a letter to the applicant extending the 60-day decision period to November 27, 2013.

Ward: 9 **Neighborhood Organization:** Powderhorn Park Neighborhood Association

Existing Zoning: R2B, Two-family district

Proposed Zoning: R3, Multiple-family Residence district

Zoning Plate Number: 26

Lot area: 6,135 square feet

Legal Description: Block 002, Block 10, J G Lenons Addition to Minneapolis, Hennepin County, Minnesota.

Proposed Use: Legally establish an illegal third unit in the attic.

Concurrent Review:

- Rezoning from the R2B, Two-family district to the R3, Multiple-family Residence district in order to legally establish an existing third dwelling unit.

Applicable zoning code provisions: Chapter 525, Article VI Zoning Amendments

Background: The applicant proposes to rezone the property located at 3328-30 18th Avenue S from the R2B (Two-family) District to the R3 (Multiple-family) District. The subject

property is approximately 6,135 square feet in size and the existing 2 ½ story building located on the property was originally constructed as a duplex in 1909. According to the statement submitted by the applicant, they purchased the property in 2000 as a triplex. An inspection was conducted by the Housing Maintenance Section of the Inspections Division on June 26, 2013, during which an illegal dwelling unit in the attic was discovered. Orders were issued by the Housing Inspector for the illegal dwelling unit to be removed or legally established by July 31, 2013. An extension of the Housing orders has been granted to September 5, 2013.

Photos indicate that a portion of the third floor was finished as part of the original living space for the second floor. The applicant now proposes to rezone the property in order to convert the existing duplex into a legal triplex. The layout of the structure includes one dwelling unit with two bedrooms on the first floor, one dwelling unit with two bedrooms on the second floor and a third illegal unit in the attic. Off-street parking is accommodated with a two-stall garage and one surface parking space, all accessed from the alley. Secure bicycle parking is also provided in the rear yard.

The applicant has held a rental license for one rental unit back to 2006. From 2001 to 2005, a rental license was held for two units. The property is currently classified as a duplex by the City Assessor's Office. Hennepin County Taxpayer Services has it classified as "Residential Two-Unit." The building permit history for the property consistently classifies the structure as a duplex. The most recent permit for the structure was a deck permit issued in 2006. That permit listed the property as a duplex. All of the work related to the permit was on the exterior and did not require entry into the interior for inspection.

Staff has not received any correspondence from the neighborhood group as of the writing of this report. Any correspondence, if received, will be forwarded to the Commission for review.

REZONING: (from the R2B, Two-family district to the R3, Multiple-family Residence district in order to legally establish an existing third dwelling unit.)

Findings as required by the Minneapolis Zoning Code:

1) Whether the amendment is consistent with the applicable policies of the comprehensive plan.

The site is identified as Urban Neighborhood on the future land use map in *The Minneapolis Plan for Sustainable Growth*. Urban neighborhoods are a "predominantly residential area with a range of densities, with highest densities generally to be concentrated around identified nodes and corridors. They may include undesignated nodes and some other small-scale uses, including neighborhood-serving commercial and institutional and semi-public uses (for example, schools, community centers, religious institutions, public safety facilities, etc.) scattered throughout. More intensive non-residential uses may be located in neighborhoods closer to Downtown and around Growth Centers." Areas designated as urban neighborhoods are not generally intended to accommodate significant new growth, other than replacement of

existing buildings with those of similar density. The following policies of the comprehensive plan apply:

Land Use Policy 1.1: Establish land use regulations to achieve the highest possible development standards, enhance the environment, protect public health, support a vital mix of land uses, and promote flexible approaches to carry out the comprehensive plan.

1.1.4 Support context-sensitive regulations for development and land use, such as overlay districts, in order to promote additional land use objectives.

1.1.5 Ensure that land use regulations continue to promote development that is compatible with nearby properties, neighborhood character, and natural features; minimizes pedestrian and vehicular conflict; promotes street life and activity; reinforces public spaces; and visually enhances development.

Land Use Policy 1.8: Preserve the stability and diversity of the city's neighborhoods while allowing for increased density in order to attract and retain long-term residents and businesses.

1.8.1 Promote a range of housing types and residential densities, with highest density development concentrated in and along appropriate land use features.

The existing R2B zoning district accommodates low density residential in the form of one and two-unit dwellings. The R3 district is considered a medium density district. The site is not near nodes, corridors or other land use features that would support higher density development in this location. As such, the proposed rezoning is not consistent with the applicable policies of the comprehensive plan.

2) Whether the amendment is in the public interest and is not solely for the interest of a single property owner.

A rezoning to the R3 District would be in the interest of the property owner as it would allow the existing building on the site to be converted into a triplex to legally establish an existing third dwelling unit. The proposed rezoning is not supported by any broader policies that would make it beneficial to the public interest.

3) Whether the existing uses of property and the zoning classification of property within the general area of the property in question are compatible with the proposed zoning classification, where the amendment is to change the zoning classification of particular property.

The site is in the center of a block that is entirely zoned R2B. The surrounding properties are primarily single and two-family dwellings, with the exception of a legally non-conforming triplex at the corner of 34th Street E and 17th Avenue S. As such, the proposed rezoning

would not be compatible with the context of the surrounding area. Additionally, adopted City policy does not support the proposed R3 zoning district in this location.

4) Whether there are reasonable uses of the property in question permitted under the existing zoning classification, where the amendment is to change the zoning classification of particular property.

There are reasonable uses allowed under the existing R2B zoning classification, including the legal use of the structure as a duplex. Staff has included an attachment to the staff report which further details regarding the differences between the existing and proposed zoning classifications for the property.

5) Whether there has been a change in the character or trend of development in the general area of the property in question, which has taken place since such property was placed in its present zoning classification, where the amendment is to change the zoning classification of particular property.

Under the 1963 Zoning Code, the subject property was zoned R5. In 1976 the parcel and the remainder of the parcels on this block were rezoned to R2B as part of the Model Cities rezoning study. The character of the area has remained largely unchanged since that time and the general area has not seen much in the way of development.

RECOMMENDATION:

Recommendation of the Department of Community Planning and Economic Development for the rezoning from the R2B (Two-family) District to the R3 (Multiple-family) District:

The Department of Community Planning and Economic Development recommends that the City Planning Commission and City Council adopt the above findings and **deny** the application for Rezoning from the R2B (Two-family) District to the R3 (Multiple-family) District for the property at 3328-30 18th Avenue S.

Attachments:

1. Statement of findings and project description
2. Correspondence
3. Zoning Map
4. Rezoning matrix
5. Site plan, floor plans and elevations
6. Photos