

**CITY OF MINNEAPOLIS
CITY COUNCIL
ZONING AND PLANNING COMMITTEE**

In Re: Appeal of Board of Adjustment's
denial of parking area variances
at 3515 2nd Avenue South

**FINDINGS OF FACT
AND
RECOMMENDATION**

The above-entitled matter came before the Standing Committee on Zoning and Planning of the Minneapolis City Council on Thursday, November 12, 2015, in Room 317, City Hall, 350 South Fifth Street, Minneapolis, MN 55415. On October 1, 2015, the Board of Adjustment denied (1) a variance to reduce the minimum drive aisle requirement from 12 feet to 11.5 feet; (2) a variance to allow no separation between a parking area and habitable space of a dwelling; and (3) a variance to reduce the interior side yard requirement from 5 feet to 0 feet to allow a parking area, for a multiple-family twelve-unit dwelling renovation project at 3515 2nd Avenue South. Bryan Walters, on behalf of Silver Tree, LLC appealed the variance denials to the City Council pursuant to Minneapolis Code of Ordinances (MCO) § 525.180. Having held a public hearing on the appeal, the Committee now makes the following findings:

FINDINGS OF FACT

1. The applicant is proposing to renovate an existing building into a multiple-family twelve-unit dwelling. As part of the project, parking for 4 additional spaces on the south side of the building is proposed, in addition to the existing 5. The spaces would be oriented parallel to the south lot line, similar to the parking on the immediately-adjacent property. The three variances referenced above were applied for in order to effectuate this proposal.
2. A variance may be granted when all of the following findings are met (MCO § 525.500):
 - (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.

(2) The property owner 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.

(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.

3. There are circumstances unique to this property. Due to the location of the traffic lanes adjacent to the freeway directly across the street, on-street parking is restricted compared to typical streets. In addition, the property is located on a snow-emergency route, which can further contribute to on-street parking difficulty.
4. The applicant's proposal is reasonable, within the spirit and intent of the ordinance, and in conformance with the comprehensive plan. The proposal would create a parallel-oriented set of parking spaces on the side of the building, in much the same manner as parking is provided for on the immediately-adjoining property with which a drive aisle would be shared. The record indicates that there would be adequate room to maneuver vehicular traffic within the 11.5 foot aisle.
5. The variance would not alter the essential character of the locality or be injurious to the use or enjoyment of other properties in the vicinity. The variance would not be detrimental to the public health, safety, or welfare. The garden-level dwelling unit adjacent to the off-street parking will have operable windows that face to the west, mitigating the impact of the proximity of the proposed parking area.
6. The Central Neighborhood submitted a letter of support to the record for the variance and the City also received a petition from all of the adjacent neighbors expressing support.

Additionally, testimony was received at the public hearing in strong support of the appeal and no opposition was recorded.

Therefore, based on the foregoing Findings of Fact, the Committee makes the following recommendation:

RECOMMENDATION

1. That the full City Council grant the appeal and approve the requested parking area variances to allow for the proposed parking area.
2. That these Findings of Fact and Recommendation be adopted by the City Council and made part of the official record.