

# Minneapolis City Planning Department Report

## Zoning Amendment (Rezoning), Variance BZZ – 738

**Date:** August 19, 2002

**Date Application Deemed Complete:** July 22, 2002

**End of 60 Day Decision Period:** September 20, 2002

**End of 120 Day Decision Period:** On August 28, 2002, Planning staff sent a letter to the applicant extending the decision period to no later than November 19, 2002.

**Applicant:** Mike Latocki

**Address of Property:** 4104 Bryant Ave. S.

**Contact Person and Phone:** Mike Latocki, 378-1100

**Planning Staff and Phone:** Jason Wittenberg, 673-2297

**Ward:** 10    **Neighborhood Organization:** East Harriet-Farmstead Neighborhood Assn.

**Existing Zoning:** R1A

**Proposed Zoning:** R5

**Zoning Plate Number:** 30

**Legal Description of Property Proposed for Rezoning:** Lot 2, Block 27, Remington's 3<sup>rd</sup> Addition to Minneapolis

**Proposed Use:** Add one dwelling unit to an existing legally nonconforming four-unit residential building

**Project Name:** N/A

**Proposed Variance:** Variance to reduce the required number of off-street parking spaces from 5 to 0 (where four of the five required spaces are grandfathered).

**Zoning Code Section Authorizing Proposed Variances:** 525.520 (6)

**Previous Actions:** N/A

**Concurrent Review:** Rezoning and variance as noted above.

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**Background:** The applicant owns an existing four-unit residential building and would like to add one additional dwelling unit in the basement. The current use is legally nonconforming in the R1A District. In order to have enough lot area per dwelling unit to add a fifth unit, the applicant must rezone to the R5 District. Five-unit residential buildings are a conditional use in the R5 District. The lot is 42 ft. by 134 ft. (5,628 sq. ft.). With five units, the applicant would have 1,125 square feet of lot area per dwelling unit. Multiple-family dwellings in the R5 District must have lot area of at least 5,000 square feet or 900 square feet per dwelling unit, whichever is greater. If the property is rezoned to R5, the lot area would allow up to two additional dwelling units. (Note that the R4 District, the next “lowest” district, requires 1,500 square feet of lot area per dwelling unit.)

Five unit residential buildings are a conditional use permit in the R5 District as indicated in Table 546-1 of the zoning code. The applicant has been informed through two voicemail messages that a conditional use permit is required. **The applicant, as of 8/28/02, has not responded and has not filed the required conditional use permit.**

The lot does not have alley access and does not have off-street parking or vehicular access to the rear yard. The existing building is legally nonconforming as to the required number of off-street parking spaces (one per unit). Given the lack of vehicular access, the applicant requests a variance to allow an additional unit without adding the required parking space.

**Findings As Required By The Minneapolis Zoning Code for the Rezoning Application:**

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

Bryant Avenue is not designated as a Community Corridor, nor is the site in question located in or adjacent to a Neighborhood Commercial Node.

The Minneapolis Plan does indicate that the City should increase the number of households living in Minneapolis, and that “(t)he number of households from all walks of life who choose to make Minneapolis their home must continue to grow if the city’s neighborhoods are to remain economically, socially and physically vital.” In many areas of the city, however, moderate to higher density housing is suggested for Commercial Corridors, Community Corridors, and Major Housing Sites.

Planning staff has identified the following goals and policies of the Minneapolis Plan as being relevant to the request to rezone the property from R1A to C5.

*Relevant policy:* **4.9** Minneapolis will implement its adopted Housing Principles and the Housing Impact Measures through community-based strategies directing future housing development.

*Relevant Implementation Steps:*

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- The variety of housing types throughout the city, its communities and the metropolitan area shall be increased, giving prospective buyers and renters greater choice in where they live.

*Staff comment:* The rezoning would allow an additional dwelling unit to be added to the existing multifamily building.

*Relevant Policy:* **9.5** Minneapolis will support the development of residential dwellings of appropriate form and density.

*Relevant Implementation Steps:* Promote the development of well designed moderate density residential dwellings adjacent to one or more of the following land use features: Growth Centers, Commercial Corridors, Community Corridors and Activity Centers.

*Staff comment:* The site is not located on or within any of the above land use features.

*Relevant Policy:* **9.21** Minneapolis will preserve and enhance the quality of living in residential neighborhoods, regulate structures and uses which may affect the character or desirability of residential areas, encourage a variety of dwelling types and locations and a range of population densities, and ensure amenities, including light, air, privacy and open space.

*Relevant Implementation Steps:*

- Apply the form and density approach within the context of a neighborhood or a site and within the framework of the Minneapolis Plan and NRP Plans when evaluating the appropriateness of development proposals for specific sites.

*Staff comment:* It is not clear that the rezoning accomplishes the above policy.

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

Some public benefit may be accrued to adding housing units on an established transit line. However, the benefit associated with the request would primarily confer to the property owner.

**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 immediate area features only R1A zoning. Much of the block in question consists of single-family dwellings with the exception of two multi-family buildings at the south end of the block. One could argue that the existing neighborhood consists of a compatible mix of multi-family and

single-family dwellings and that having these properties zoned in a manner that reflects this existing pattern would be appropriate.

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 for the property under the existing zoning classification. The property in question could continue to operate with four residential dwelling units.

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.**

Staff is not aware of a change in the character or trend of development in the general area since the property was placed in the R1A District.

**Findings Required by the Minneapolis Zoning Code for the Proposed Variance:**

1. **The property cannot be put to a reasonable use under the conditions allowed and strict adherence to the regulations of this zoning ordinance would cause undue hardship.**

The property can continue with its longstanding use as a four-unit residential building.

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 variance request emanates solely from the applicant's desire to add an additional dwelling unit to the property.

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.**

The existing four-unit building does not have access to off-street parking. Although this contributes to some parking pressure on the block, it is unlikely that adding a dwelling unit would substantially alter the character of the area.

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.**

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Granting the proposed variance would 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.

**Recommendation Of The City Planning Department for the Rezoning Application:**

The City Planning Department recommends that the City Planning Commission and City Council adopt the above findings and **deny** the application to rezone the property at 4104 Bryant Avenue South from R1A to R5.

**Recommendation of the City Planning Department for the Variance Application:**

The City Planning Department recommends that the City Planning Commission adopt the findings above and **deny** the variance to reduce the required number of off-street parking spaces from 5 to 0 (where four of the five required spaces are grandfathered) in order to add a fifth dwelling unit at 4104 Bryant Avenue South.