

Community Planning and Economic Development Planning Division Report

Rezoning Application
Variance
BZZ-1795

Date: September 27, 2004 (continued from July 12, 2004)

Applicant: Gregory M. Collins

Address Of Property: 1104 20th Avenue Northeast

Date Application Deemed Complete: June 1, 2004

End of 60 Day Decision Period: July 31, 2004

End of 120 Day Decision Period: September 29, 2004; extended by applicant to November 1, 2004

Contact Person and Phone: Gregory Collins, (612) 617-0239

Planning Staff and Phone: Fred Neet, (612) 673-3242

Ward: 1 **Neighborhood Organization:** Windom Park Citizens in Action

Existing Zoning: R2B

Proposed Zoning: R3

Zoning Plate Number: 10

Legal Description: 12-029-24-33-0056

Proposed Use: Four (4) dwelling units on a 8500 square foot lot

Appropriate Section(s) of the Zoning Code: Chapter 525, Articles VI: Zoning Amendments and
IX: Variances

Background:

The applicant acquired the property in 2002. At that time, the illegal basement (4th) unit had already been occupied as a caretaker's unit. The property is a legally nonconforming triplex with 3 off-street parking spaces. It was rezoned from R3 to R2B in 1991 in the citywide R3 rezoning (40-acre) study. To legalize the 4th dwelling, the property must be rezoned to R3 and a variance approved to reduce the minimum lot area from 10,000 to 8,500 square feet. In addition, a 4th parking space needs to be provided, and the applicant proposes to locate it in the existing driveway in the rear (south) 40 feet of a cross-platted reverse corner lot, which also is adjacent to the south neighbor's interior lot line. The

Minneapolis City Planning Division Report
BZZ-1795

property is separated from the north-south alley by another cross-platted lot which received a lot area variance in 1990 to allow a duplex.

The property is two blocks east of Central Avenue, a Commercial Corridor, 1½ blocks east of a C1 district, four blocks south of Lowry Avenue, a Community Corridor, and four blocks north of an industrial district.

Findings As Required By The Minneapolis Zoning Code:

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

4.9 Minneapolis will grow by increasing its supply of housing.

Support the development of new medium- and high-density housing in appropriate locations throughout the City.

4.10 Minneapolis will increase its housing that is affordable to low and moderate income households.

4.11 Minneapolis will improve the availability of housing options for its residents.

Increase the variety of housing styles and affordability levels available to prospective buyers and renters.

Provide and maintain moderate and high-density residential areas. But also...

Provide and maintain areas that are predominantly developed with single and two family structures.

Promote the development of housing suitable for people and households in all life stages, and that can be adapted to accommodate changing housing needs over time.

Promote mixed-income housing development that offers a range of dwelling unit sizes and levels of affordability.

The general area consists primarily of single and two family structures.

4.14 Minneapolis will maintain the quality and unique character of the city's housing stock, thus maintaining the character of the vast majority of residential blocks in the city.

Encourage adaptive re-use, retrofit and renovation projects that make the city's housing stock competitive on the regional market.

Provide the flexibility in the city's ordinances to improve and maintain existing structures.

The application appears to be in conformance to some of the above policies and implementation steps and not others. The existing four-plex appears to be a duplex, and the 4th unit is in the basement, with a separate entrance. The triplex is in an area of predominantly single- and two-family homes. Addition of a fourth unit is inconsistent with the character of the area.

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

The amendment is primarily for the interest of the property owner to legalize a fourth unit.

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.

Minneapolis City Planning Division Report
BZZ-1795

The immediate area is an R2B district with conforming duplexes. R3 zoning to legalize the fourth unit is incompatible with the existing uses of property within the general area.

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.

One- and two-family dwellings are permitted, and a three-unit dwelling is allowed as a legally nonconforming use.

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.

Except for significant commercial and residential improvements on Central Avenue, the residential area appears stable. As noted, however, the citywide R3 rezoning (40 acre) study in 1991 rezoned this property, following extensive public discussion, from R3 to R2B, and no change since then has occurred which could warrant re-rezoning.

VARIANCE to reduce minimum lot size from 10,000 to 8,500 square feet to permit four dwelling units.

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.

A triplex is a reasonable use of the property. The 4th unit was added illegally.

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 City created the reverse corner lot and its size through cross-platting, long before current ownership. There are no unique circumstances to vary the lot size as reasonable use of the property exists under the terms of the ordinance for a triplex.

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.

Approval of the variance to allow the 4th unit would alter the essential character of the area by increasing density and traffic on the site. As noted, the citywide R3 rezoning (40 acre) study in 1991 rezoned this property, following extensive public discussion, from R3 to R2B, and no change since then has occurred which could warrant rezoning.

Minneapolis City Planning Division Report
BZZ-1795

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.**

Street congestion, not a current problem, will be slightly decreased by provision of an additional parking space for the apartment building. Fire, public welfare, and safety concerns are not apparent.

Recommendations of the Community Planning and Economic Development Planning Division:

REZONING from R2B to R3

The Community Planning and Economic Development Planning Division recommends that the City Planning Commission and City Council adopt the above findings and **deny** the application to rezone 1104 20th Avenue Northeast from R2B to R3.

VARIANCE to reduce minimum lot area from 10,000 to 8,500 square feet to allow a four-plex

The Community Planning and Economic Development Planning Division recommends that the City Planning Commission adopt the findings above and **deny** the application to reduce minimum lot area at 1104 20th Avenue Northeast from 10,000 to 8,500 square feet to allow a four-plex.

attachments: applicant's statements
zoning map
site plan
floor plans
photographs
aerial photograph