

Community Planning and Economic Development Department – Planning Division
Rezoning and five Variances
BZZ-1445

Date: December 8, 2003

Applicant: Northside Residents Redevelopment Council (NRRC)

Address of Property: 1254 Russell Avenue North

Contact Person and Phone: Lyssa Washington on behalf of NRRC, (612) 333-3941

Planning Staff and Phone: Hilary Watson, (612) 673-2639

Date Application Deemed Complete: October 8, 2003

End of 60-Day Decision Period: December 7, 2004

End of 120-Day Decision Period: February 5, 2004

Ward: 5 **Neighborhood Organization:** Northside Residents Redevelopment Council

Existing Zoning: R2B

Proposed Zoning: R4

Proposed Use: Four-unit condominium development

Previous Actions: None

Concurrent Review:

Rezoning: petition to change the zoning classification for the subject property from R1 to R4 in order to allow a four-plex

Variance: to reduce the front yard setback along Russell Avenue North from the established 28 feet to 24 feet to allow a four-plex

Variance: to reduce the front yard setback along Russell Avenue North from the established 28 feet to 18 feet 6 inches to allow a stairway landing/trellis

Variance: to reduce the front yard setback along Russell Avenue North from the established 28 feet to 12 feet to allow a maneuvering area

Variance: to reduce the corner side yard setback along Plymouth Avenue North from 12 feet to 4 feet to allow a four-plex

Variance: to reduce the corner side yard setback along Plymouth Avenue North from 12 feet to 0 feet to allow a balcony, stairway landings and trellises

Background: The applicant is proposing to construct a four-unit for-sale condominium development on the property located at 1254 Russell Avenue North. One of the condominiums would have its front door facing Russell Avenue North and the remaining three condominiums would have their doors facing Plymouth Avenue North. All of the garages face the interior property line and are accessed from a driveway off of the alley. All four of the condominiums will have two bedrooms plus a den.

The site is located in the R1 zoning district. A four-unit condominium development on this site requires R4 zoning. The applicant has applied for a rezoning and several setback variances.

Neighborhood Review: The Northside Residents Redevelopment Council, the neighborhood organization, is the applicant for this development.

Attachments:

1. Statement of proposed use
2. Variance findings
3. August 20, 2003 letter to CM Natalie Johnson Lee
4. Zoning Map
5. Site, elevation and floor plans
6. Photographs of the site and surrounding area

REZONING

Zoning Plate Number: 12

Legal Description: Lot 32, Block 2, except the South 21 feet thereof, and Lot 33, Block 2, Homewood Addition, Minneapolis, Minnesota.

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 located in a low-density residential area. In addition, Plymouth Avenue is a designated Community Corridor and the intersection of Penn Avenue North and Plymouth Avenue North, which is located one block to the east of the site, is a designated Neighborhood Commercial Node. According to the principles and polices outlined in *The Minneapolis Plan*, the following apply to this proposal:

- Encourage reinvestment along major urban corridors as a way of promoting growth in all neighborhoods.
- Strengthen the character of Community Corridors by developing appropriate housing types that represent variety and a range of affordability levels.

- Promote medium-density residential development around Neighborhood Commercial Nodes.
- Provide and maintain areas that are predominately developed with single and two family dwellings.

The applicant is proposing to construct a four-unit for-sale condominium development on a site that is currently occupied by a vacant duplex. Constructing this development would not only strengthen Plymouth Avenue but also the intersection of Penn Avenue North and Plymouth Avenue North. Although this block has been developed with primarily single and two-family dwellings, most of Plymouth Avenue has been developed with medium to high-density housing. Constructing a four-plex on this site would not be out of character with the rest 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 will allow the property owner to construct a 4-unit condominium development. City stakeholders have identified Plymouth Avenue North as a Community Corridor and the intersection of Penn Avenue North and Plymouth Avenue North as a neighborhood Commercial Node. Approving this rezoning supports the City’s decision to add housing along Community Corridors and near Neighborhood Commercial Nodes.

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 bordered by R1 zoning to the east, R1A zoning to the north and R1 zoning to the west and south. There are areas of R5, C1 and C2 zoning along Plymouth Avenue North to the east of the site and R5 zoning along Plymouth Avenue North to the west of the site. Adjacent uses include a parking lot, a funeral home, a church, small scale commercial uses and a mixture of single and multiple-family housing developments. Given the adjacent land uses, the nature of Plymouth Avenue North and the nearby Neighborhood Commercial Node the proposed R4 zoning is compatible with the immediately surrounding 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.

There are reasonable uses of the property permitted under the R1 zoning district. The R1 zoning district is a low-density residential district. Permitted uses in the R1 district include, but are not limited to, the following:

- Single-family dwellings.
- Community residential facilities serving six (6) or fewer persons.
- Community gardens.
- Public parks.
- Places of assembly.

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 and the surrounding area was zoned similarly as it is today. In the last three years the northeast corner of the intersection of Penn Avenue North and Plymouth Avenue North was redeveloped with a new commercial development.

VARIANCE - to reduce the front yard setback along Russell Avenue North from the established 28 feet to 24 feet to allow a four-plex

Findings as Required by the Minneapolis Zoning Code for the 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.

Front yard setback: The applicant is seeking a variance to reduce the front yard setback along Russell Avenue North from the established 28 feet to 24 feet to allow a four-plex. The applicant has indicated that the adjacent property is setback three more feet than the R1 zoning district requires and that because of that the available area to build upon is limited. In addition, moving the building further to the east would require a rear yard setback variance.

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.

Front yard setback: The large setback of the adjacent structure is a unique circumstance that is not generally applicable to other properties in the R4 zoning district.

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.

Front yard setback: The granting of the setback variance to 24 feet would not significantly affect the essential character of the area given that the setback in the R1 zoning district is 25 feet and that this development is located 24 feet from the front property line.

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.

Front yard setback: Staff believes that the granting of the variance would likely have little impact on congestion of area streets or fire safety, nor would the proposed setback be detrimental to welfare or public safety.

VARIANCE - to reduce the front yard setback along Russell Avenue North from the established 28 feet to 18 feet 6 inches to allow a stairway landing/trellis

Findings as Required by the Minneapolis Zoning Code for the 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.

Front yard setback (stairway landing/trellis): The applicant is seeking a variance to reduce the front yard setback along Russell Avenue North from the established 28 feet to 18 feet 6 inches to allow a stairway landing/trellis. The applicant has indicated that the adjacent property is setback three more feet than the R1 zoning district requires and that because of that the available area to build upon is limited.

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.

Front yard setback (stairway landing/trellis): The unusually large setback of the adjacent structure is a unique circumstance that is not generally applicable to other properties in the R4 zoning district.

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.

Front yard setback (stairway landing/trellis): The granting of the setback variance for the stairway landing/trellis would not significantly affect the essential character of the area given that the stairway landing/trellis is of an open design that is similar to other front entries in the neighborhood. The front stairway landing/trellis also provides a place for the homeowner to sit and interact with the neighborhood.

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.

Front yard setback (stairway landing/trellis): Staff believes that the granting of the variance would likely have little impact on congestion of area streets or fire safety, nor would the proposed setback be detrimental to welfare or public safety.

VARIANCE - to reduce the front yard setback along Russell Avenue North from the established 28 feet to 12 feet to allow a maneuvering area

Findings as Required by the Minneapolis Zoning Code for the 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.

Front yard setback (maneuvering area): The applicant is seeking a variance to reduce the front yard setback along Russell Avenue North from the established 28 feet to 12 feet to allow a maneuvering area. The applicant has indicated that the maneuvering area is necessary in order for the homeowner living in the western most unit to be able back out of their garage.

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.

Front yard setback (maneuvering area): Staff does not believe that a maneuvering area of the size proposed is necessary in order to allow the homeowner living in the eastern most unit to be able to back out of their garage. The zoning code requires that the driveway be a minimum of 10 feet in width. The proposed driveway is 17 feet 6 inches in width.

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.

Front yard setback (maneuvering area): Allowing the proposed maneuvering area to be built closer to the street than the dwelling unit could have a negative impact on the block as a vehicle could park in the space between the dwelling and the street essentially creating a parking space between the structure and the street.

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.

Front yard setback (maneuvering area): Staff believes that the granting of the variance would likely have little impact on congestion of area streets or fire safety, nor would the proposed setback be detrimental to welfare or public safety.

VARIANCE - to reduce the corner side yard setback along Plymouth Avenue North from 12 feet to 4 feet to allow a four-plex

Findings as Required by the Minneapolis Zoning Code for the 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.

Corner side yard setback: The applicant is seeking a variance to reduce the corner side yard setback along Plymouth Avenue North from 12 feet to 4 feet to allow a four-plex. The applicant has indicated that to create a strong street presence the development was designed with the structure located closer to Plymouth Avenue North than the zoning code allows. In addition, many of the buildings along Plymouth Avenue North have been built close to the street and this building was simply following the development along the roadway.

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.

Corner side yard setback: The desire to create a strong street presence and mimic the setbacks of other developments along Plymouth Avenue North are unique circumstances that are not generally applicable to other properties in the R4 zoning district.

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.

Corner side yard setback: The granting of the variance would not significantly affect the essential character of the area as the west side of the block is being redeveloped with a similar setback.

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.

Corner side yard setback: Staff believes that the granting of the variance would likely have little impact on congestion of area streets or fire safety, nor would the proposed setback be detrimental to welfare or public safety.

VARIANCE - to reduce the corner side yard setback along Plymouth Avenue North from 12 feet to 0 feet to allow a balcony, stairway landings and trellises

Findings as Required by the Minneapolis Zoning Code for the 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.

Corner side yard setback (balcony, stairway landings and trellises): The applicant is seeking a variance to reduce the corner side yard setback along Plymouth Avenue North from 12 feet to 0 feet to allow a balcony, stairway landings and trellises. The applicant has indicated that to create a strong street presence the development was designed with the structure located closer to Plymouth Avenue North than the zoning code allows. In addition, many of the buildings along Plymouth Avenue North have been built close to the street and this building was simply following the development along the roadway.

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.

Corner side yard setback (balcony, stairway landings and trellises): The desire to create a strong street presence and mimic the setbacks of other developments along Plymouth Avenue North are unique circumstances that are not generally applicable to other properties in the R4 zoning district.

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.

Corner side yard setback (balcony, stairway landings and trellises): The granting of the setback variance for the balcony, stairway landings and trellises would not significantly affect the essential character of the area given that the balcony, stairway landings and trellises are of an open design that is similar to other front entries in the neighborhood. The balcony, stairway landings and trellises also provide a place for the homeowners to sit and interact with the neighborhood.

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.

Corner side yard setback (balcony, stairway landings and trellises): Staff believes that the granting of the variance would likely have little impact on congestion of area streets or fire safety, nor would the proposed setback be detrimental to welfare or public safety.

RECOMMENDATIONS

Recommendation of the Community Planning and Economic Development Department – Planning Division for the rezoning:

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission and City Council adopt the above findings and **approve** the rezoning petition to change the zoning classification from R1 to R4 in order to allow a four-plex for the property located at 1254 Russell Avenue North.

Recommendation of the Community Planning and Economic Development Department – Planning Division for the variance:

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the findings above and **approve** the variance to reduce the front yard setback along Russell Avenue North from the established 28 feet to 24 feet to allow a four-plex for the property located at 1254 Russell Avenue North subject to the following conditions:

1. Staff shall review and approve the final fence design, height and location.

Recommendation of the Community Planning and Economic Development Department – Planning Division for the variance:

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the findings above and **approve** the variance to reduce the front yard setback along Russell Avenue North from the established 28 feet to 18 feet 6 inches to allow a stairway landing/trellis for the property located at 1254 Russell Avenue North.

Recommendation of the Community Planning and Economic Development Department – Planning Division for the variance:

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the findings above and **approve** the variance to reduce the front yard setback along Russell Avenue North from the established 28 feet to 24 feet to allow a maneuvering area for the property located at 1254 Russell Avenue North subject to the following conditions:

1. The maneuvering area shall be fully screened from the street with landscaping.

Recommendation of the Community Planning and Economic Development Department – Planning Division for the variance:

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the findings above and **approve** the variance to reduce the corner side yard setback along Plymouth Avenue North from 12 feet to 4 feet to allow a four-plex for the property located 1254 Russell Avenue North subject to the following conditions:

1. Staff shall review and approve the final fence design, height and location.

Recommendation of the Community Planning and Economic Development Department – Planning Division for the variance:

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the findings above and **approve** the variance to reduce the corner side yard setback along Plymouth Avenue North from 12 feet to 0 feet to allow a balcony, stairway landings and trellises for the property located 1254 Russell Avenue North.