

Department of Community Planning and Economic Development – Planning Division
Rezoning & Variances
BZZ-2919

Date: June 26, 2006

Applicant: Kris Broberg

Address of Property: 4100 Sheridan Avenue South

Project Name: 4100 Sheridan Avenue South Building

Contact Person and Phone: Kris Broberg, (612) 701-9985

Planning Staff and Phone: Janelle Widmeier, (612) 673-3156

Date Application Deemed Complete: May 24, 2006

End of 60-Day Decision Period: July 23, 2006

End of 120-Day Decision Period: On June 15, 2006, staff sent the applicant a letter extending the decision period no later than September 21, 2006.

Ward: 13 **Neighborhood Organization:** Linden Hills

Existing Zoning: R1, Single-Family Residential District

Proposed Zoning: R4, Multiple-Family Residence District

Zoning Plate Number: 29

Legal Description: Lot 1, Block 20, except westerly 44 feet, 1st Division Remington Park

Proposed Use: Four-family dwelling

Concurrent Review:

Rezoning: petition to rezone from R1, Single-Family Residential District to R4, Multiple-Family Residence District.

Variance: to reduce the minimum front yard requirement along 41st Street West from 15 feet to 0 feet to allow two parking spaces.

Variance: to reduce the minimum rear yard requirement along the west property line from 9 feet to 0 feet to allow a parking space.

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Applicable zoning code provisions: Chapter 525, Article VI, Zoning Amendments; and Chapter 525, Article IX Variances, Section 525.120 (1).

Background: The applicant proposes to legalize a fourth unit in an existing structure located at the property of 4100 Sheridan Avenue South. The property is situated in a predominantly low-density residential area west of Lake Harriet. The applicant has owned the property since 1996. Four dwelling units exist on the property; however, the basement unit at an unknown time was illegally established. A four-family dwelling is not a permitted use in the R1 district. The property has legal nonconforming rights for three dwelling units because they were legally established before the zoning changed to R1, which does not allow the use.

The applicant is proposing to rezone the property to the R4 District where a four-family dwelling is a permitted use. The minimum parking requirement for a four-family dwelling is 4 off-street spaces (one space per unit). The applicant has a 2-car garage and is proposing to park 2 cars in the driveway. The driveway is located in the front yard along 41st Street and the rear yard along the west property line. Parking is not allowed in a required front yard or in the rear yard when it is adjacent to an interior side yard. To comply with the district yard requirements, the applicant is applying for variances to reduce the front and rear yard to allow parking in the driveway.

As of the writing of this report, staff has not received any correspondence from the neighborhood group. Staff will forward comments, if any are received, at the City Planning Commission meeting.

REZONING: petition to rezone from R1, Single-Family Residential District to R4, Multiple Family Residence District.

Findings As Required By The Minneapolis Zoning Code:

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

According to Map 9.9, as found in the *The Minneapolis Plan*, the land use is multi-family. The land use of properties in the immediate area are single-family with the exception of a multi-family designation across 41st Street and two duplexes west of the site. The site is located three blocks from the intersection of 44th Street West and Sheridan Avenue, which is designated as a commercial node. Forty-fourth Street is designated as a community corridor west of Sheridan Avenue. According to the principles and polices outlined in *The Minneapolis Plan*, the following apply to this proposal:

4.9 Minneapolis will grow by increasing its supply of housing.

Relevant Implementation Steps

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

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

Relevant Implementation Steps

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

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 proposal would increase housing density in the city; however, the site is not located within a designated land use feature such as community corridor, commercial corridor, or neighborhood commercial node where a higher density is appropriate. Few uses other than single-family dwellings exist in the area. The rezoning would not be in keeping with the 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.

The amendment to the zoning would allow for additional residential density on the property. The property has nonconforming rights to a 3-unit dwelling. Allowing a district which could allow for the establishment a four-family dwelling in the middle of a single-family area is in the interest of 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.

Most of the existing uses in the area are single-family dwellings. The entire block that the property is located on is zoned R1. The blocks surrounding the site are also zoned R1 with the exception of the block south of 42nd Street, which contains R4 zoning. The proposed zoning is less compatible with the adjacent uses and is not compatible with the other zoning districts in the 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.

A single-family dwelling is a permitted use in the R1 zoning district. The property has nonconforming rights to a 3-unit dwelling. The use will remain legally nonconforming as long as it is not discontinued for more than a year or is not converted to a conforming use. Reasonable use of the property exists under the existing zoning classification.

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.**

Within this immediate area of Minneapolis there has not been a change in zoning or in the type of development since the site was zoned R1. The area has remained predominantly low density residential.

VARIANCES: 1) to reduce the minimum front yard requirement along 41st Street West from 15 feet to 0 feet to allow two parking spaces; and 2) to reduce the minimum rear yard requirement along the west property line from 9 feet to 0 feet to allow a parking space.

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.**

Front and rear yard: The site is a reverse corner lot because the corner lot line along 41st Street is a continuation of the front lot line of the adjacent property to the rear. Therefore, a front yard is required along 41st Street as well as Sheridan Avenue. In the R4 district, the minimum front yard requirement is 15 feet. Parking is not allowed in a required front yard.

A rear yard is required adjacent to the west property line. In the R4 district, the minimum requirement for a rear yard for a multiple-family dwelling is $5+2x$ where x is equal to the number of stories above the first. The existing dwelling is a 3-story building, therefore the rear yard requirement is 9 feet. The requirement is the same in the R1 district. Parking is not allowed in a rear yard where it is adjacent to an interior side yard of an adjacent property.

The minimum parking requirement for a four-family dwelling is 4 off-street spaces (one space per unit). The applicant has a 2-car garage and is proposing to park 2 cars in the driveway. The driveway is located in the front yard along 41st Street and the rear yard. The applicant could expand the existing garage, construct a new garage or provide a parking pad behind the residence to accommodate all of the parking. However, all of these options require adding impervious surface to the site. Further, parking spaces and garages must be located at least 6 feet from any dwelling. The applicant would likely have to obtain a variance of some kind to provide all parking on-site.

Staff believes a 4-unit dwelling is an inappropriate use of the property and is recommending denial of the rezoning petition. Therefore it would not be reasonable to allow parking for 4 units. Two conforming spaces are provided on-site for the legal nonconforming use. Because a third conforming space does not exist, grandfather rights exist for that space. It would be reasonable to allow one space to park in the driveway to make the existing legal nonconforming use conforming as to the parking requirement. Please note that because staff is recommending

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denial for the rezoning petition, the staff recommendation includes the R1 district requirement for a front yard, which is 25 feet.

- 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 and rear yard: A legal nonconforming 3-unit dwelling exists on the property. The zoning code requires a minimum of one parking space per unit. The site is a reverse corner lot with a multiple-family dwelling, which has more restrictive yard requirements. Therefore less area is available to provide parking. Also, the site is not adjacent to an alley. These circumstances are unique to the site and were not created by the applicant.

- 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 and rear yard: In general, yard controls are established to provide for the orderly development and use of land and to minimize conflicts among land uses by regulating the dimension and use of yards in order to provide adequate light, air, open space and separation of uses. The proposed parking location would be adjacent to a single-family dwelling. The noise, fumes, and headlights of vehicles parking in the driveway could have a negative impact on the adjacent properties. Landscaping 3 feet in height and not less than 60 percent opaque located between the driveway and adjacent property could act as a buffer to mitigate these effects. Granting of the variance to allow one parking space, with the implementation of the condition to install landscaping between the driveway and the adjacent property, would not likely be injurious to the use or enjoyment of other property in the vicinity.

- 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 and rear yard: The minimum parking requirement for a multiple family dwelling is one parking space per dwelling unit. Four on-site parking spaces are required if the fourth unit is allowed. The applicant has a 2-car garage and is proposing to park 2 cars in the driveway. Allowing a fourth unit would likely contribute to congestion in the street. However, the property has nonconforming rights for 3 dwelling units. Because a third conforming space does not exist, grandfather rights exist for that space. Allowing one parking space in the driveway would likely reduce congestion in the streets. The proposed variance should not increase the danger of fire or endanger public safety.

RECOMMENDATIONS

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission and City Council adopt the above findings and **deny** the petition to rezone the property of 4100 Sheridan Avenue South from R1, Single-Family Residential District to R4, Multiple-Family Residence District.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the variance to reduce the minimum front yard requirement along 41st Street West from 25 feet to 0 feet to allow one parking space at the property of 4100 Sheridan Avenue South, subject to the following condition:

- 1) Landscaping 3 feet in height and not less than 60 percent opaque shall be provided between the driveway and the adjacent property.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the variance to reduce the minimum rear yard requirement along the west property line from 9 feet to 0 feet to allow one parking space at the property of 4100 Sheridan Avenue South, subject to the following condition:

- 1) Landscaping 3 feet in height and not less than 60 percent opaque shall be provided between the driveway and the rear lot line.

Attachments:

1. Statement of use
2. Findings
3. Zoning map
4. Plans
5. Photos