

Department of Community Planning and Economic Development – Planning Division
Variance
BZZ-4548

Date: October 1, 2009

Applicant: Miguel Alvarado

Address of Property: 1815 University Avenue NE

Project Name: 1815 University Avenue NE

Contact Person and Phone: Miguel Alvarado, (612) 623-0052

Planning Staff and Phone: Shanna Sether (612) 673-2307

Date Application Deemed Complete: September 4, 2009

End of 60-Day Decision Period: November 3, 2009

Ward: 1 **Neighborhood Organization:** Holland Neighborhood Association, adjacent to
Bottineau Neighborhood Association

Existing Zoning: R2B Two-family District

Proposed Zoning: Not applicable for this application.

Zoning Plate Number: 9

Legal Description: Not applicable for this application

Proposed Use: New driveway/parking area

Variance: variance to reduce the minimum distance between an open parking space and a dwelling from 6 ft. to approximately 0 ft. to allow for a new driveway and parking area

Applicable Code Provisions: Chapter 525, Article IX, Variances, Specifically Section 525.520(8) “to permit parking that cannot comply with the location requirements for on-site parking”

Background: The subject property is approximately 44 ft. x 87.7 ft. (3,859 sqft.) and is located on an interior lot adjacent to the Police Officers Federation of Minneapolis Union building on University Avenue NE. The structure is located approximately in the center of the lot, approximately 14 ft. to the front property line, 18 ft. to the rear and 12 ft. to the south interior side property line. The applicant is proposing to install a new curb cut along University Avenue NE and pave a drive way and parking area to the southeast corner of the lot. The Zoning Ordinance requires that an open parking area must be

located a minimum of 6ft. from a dwelling unit. Therefore, a variance is required to locate the parking area adjacent to the existing structure.

Staff has received a letter of support from the Bottineau Neighborhood Association; a copy of the letter is attached to the staff report.

VARIANCE

Findings Required by the Minneapolis Zoning Code:

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

The applicant has requested a variance to locate a paved driveway and parking area 0 ft. to an existing principal residential structure to allow for off-street parking. The use of the property is a triplex with no off-street parking. Further, parking is prohibited along University Avenue NE during rush hours. The parking area will be located 2 ft. from the south interior property line and 1 ft. to the rear property line. The lot is 87.7 ft. deep and 44 ft. wide. Strict adherence to the regulations would not allow any permitted location of a parking area for off-street parking due to the location of the existing dwelling, the substandard lot size, the lack of alley access and the configuration of the lot. The proposed parking area is a reasonable use of the property.

- 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 conditions upon which the setback variance is requested are unique to the parcel and have not been created by the applicant. There are a number of circumstances previously mentioned, including the platting of the land, the substandard lot size, the existing location of the dwelling and the lack of alley access. It is a combination of these circumstances that have driven the need for the variance and have not been created by the applicant.

- 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.**

Staff believes that the proposed parking area will not alter the essential character of the surrounding neighborhood or be injurious to the use or enjoyment of other property in the vicinity. The new curb cut is proposed to be installed along University Avenue NE; there are three other curb cuts along University Avenue NE on this block. The parking area will also be located behind the principal structure and allowed temporarily in the required interior side yard. The proposed parking location will not likely be injurious to the adjacent use to the south or alter

CPED - Planning Division Report
BZZ-4548

the essential character as long as the parking area is located 2 ft. to the south property line and is not located in the required front yard.

- 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.**

Granting the variance would likely have no impact on the fire safety, nor would the proposed new garage be detrimental to the public welfare or endanger the public safety. The applicant has stated that the congestion of area streets will be alleviated by the proposed parking area.

RECOMMENDATION:

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

The Community Planning and Economic Development Department – Planning Division recommends that the Board of Adjustment adopt the above findings and **approve** the variance to reduce the minimum distance between an open parking space and a dwelling from 6 ft. to approximately 0 ft. to allow for a new driveway and parking area to an existing triplex for the property located at 1815 University Avenue NE in the R2B Two-Family District, subject to the following condition of approval:

- 1) Parking shall not be located in the required front yard.

Attachments:

- 1) Statement and findings from applicant.
- 2) August 27, 2009, letters to Holland Neighborhood Association, Bottineau Neighborhood Association and CM Ostrow
- 3) Zoning map
- 4) Survey
- 5) Site plan
- 6) Photos