

**Department of Community Planning and Economic Development – Planning
Division
Rezoning and Variances
BZZ-4278**

Date: January 5, 2009

Applicant: Daniel Schwartzman

Addresses of Property: 2553 Aldrich Ave S

Project Name: Daniel Schwartzman

Contact Person and Phone: Daniel Schwartzman, (612) 208-0806

Planning Staff and Phone: Jessica Thesing, (612) 673-5887

Date Application Deemed Complete: December 8, 2008

End of 60-Day Decision Period: February 6, 2009

End of 120-Day Decision Period: On December 24, 2008 staff sent a letter to the applicant extending the decision period to no later than April 7, 2009.

Ward: 10 **Neighborhood Organization:** Lowry Hill East Neighborhood Assn.
(LHENA)

Existing Zoning: R2B (Two-family) District

Proposed Zoning: R3 (Multiple-family) District

Zoning Plate Number: 18

Lot area: 4,522 square feet

Legal Description: Lot 7, N38FT, Block 7, Twenty-Fifth Street Addition to Mpls

Proposed Use: Conversion of existing single family dwelling to duplex.

Concurrent Review:

- Zoning amendment to rezone the property from R2B to R3
- Variance to reduce the required lot area from 5,000 square feet to approximately 4,522 square feet.
- Variance to reduce the required lot width from 40 feet to approximately 38 feet.

Applicable zoning code provisions: Chapter 525: Article VI, Zoning Amendments; Chapter 525: Article IX, Variances and Chapter 546: Residence Districts.

Background: The subject property; 2553 Aldrich Ave S, was originally constructed as a single family dwelling in or around 1907 and is currently vacant. Records and recent rental history indicates that this structure is classified as a single family dwelling and has been rented as a single family dwelling until recently. The applicant indicates however that although the structure is classified as a single family dwelling; neighbors indicate that the property has been operated as single room occupancy rentals illegally since the early 1990's.

The applicant, Daniel Schwartzman purchased the adjacent parcels across the alley 2554-2558 Lyndale Ave S and renovated the corner two-story mixed use building for Common Roots Café with some residential on the second floor and to the rear of the building. After learning that 2553 and 2559 Aldrich Ave S were both up for sale, he indicated that he entered a purchase agreement for the two properties in hopes to fully renovate them into attractive well maintained duplexes. The applicant indicates that virtually all the spaces within each house have been altered to maximize the number of rooms to rent. He also indicates that each house appears to have been home to at least 8-12 occupants. Although the interiors of the houses are in poor condition, the applicant indicates that the structures themselves are structurally sound and he hopes to restore the structures, replace the windows, and restore both rear yards that are currently completely covered by asphalt by removing the asphalt and replacing it with as much green space as possible. He also intends to remove the aging garage at 2553 Aldrich Ave S and replace it with two surface parking spaces surrounded by landscaping and a garden to the north.

The subject property is currently zoned R2B Two Family District however does not have the required 10,000 square feet of lot area to legally convert the structure to a duplex. In the R2B Two Family District, the lot area requirement is 10,000 square feet for a duplex established after January 1, 1995 and 5,000 square feet for a duplex established prior to January 1, 1995. Because 2553 Aldrich Ave S does not have 70% of the required lot area, they are not permitted to apply for a lot area variance which is needed to legally convert the property to a duplex. In the R3 Multiple Family District however, the minimum lot area required for a dwelling of any type is 5,000 square feet and the minimum required lot area per dwelling unit is 2,500 square feet.

Proposal: The applicant proposes to rezone the subject parcels to the R3 Multiple Family District which allows for more density in order to legally convert the existing single family dwelling to a duplex. The applicant is also requesting a variance of the required lot width from the required 40 feet to 38 feet and a variance to the lot area requirement from 5,000 square feet to 4,522 square feet or approximately 9.56%.

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2553 Aldrich Ave S is located on a block with a mix of densities although the primary zoning of the block is R2B other than three parcels that were recently up-zoned to R4. The table below displays all properties located along Aldrich Ave S between 25th Street W and 26th Street W.

Block Characteristics Table

PID	Address	Unit Count	Lot Area	Current Zoning/Lot area per dwelling unit
3302924140126	2501 ALDRICH AVE S	2	3905	R4/1952.5
3302924140125	2505 ALDRICH AVE S	2	4755	R4/2377.5
3302924140124	2509 ALDRICH AVE S	2	4755	R4/2377.5
3302924140129	2508 ALDRICH AVE S	2	5153	R2B/2576.5
3302924140261	2500 ALDRICH AVE S	6	6412	R2B/1068.6
3302924140128	807 25TH ST W	5	2975	R2B/595
3302924140156	2520 ALDRICH AVE S	4	5158	R2B/1289.5
3302924140157	2524 ALDRICH AVE S	2	5158	R2B/2579
3302924140158	2528 ALDRICH AVE S	2	5158	R2B/2579
3302924140159	2532 ALDRICH AVE S	1	5158	R2B/5158
3302924140160	2536 ALDRICH AVE S	1	5158	R2B/5158
3302924140131	2518 ALDRICH AVE S	1	5152	R2B/5158
3302924140183	2540 ALDRICH AVE S	2	4760	R2B/2380
3302924140184	2544 ALDRICH AVE S	4	6965	R2B/1741.25
3302924140185	2552 ALDRICH AVE S	2	7739	R2B/3869.5
3302924140186	2556 ALDRICH AVE S	2	5012	R2B/2506
3302924140168	2535 ALDRICH AVE S	2	4758	R2B/2379
3302924140169	2533 ALDRICH AVE S	2	4758	R2B/2379
3302924140170	2529 ALDRICH AVE S	2	4758	R2B/2379
3302924140171	2525 ALDRICH AVE S	1	4758	R2B/4758
3302924140172	2521 ALDRICH AVE S	2	4758	R2B/2379
3302924140178	2559 ALDRICH AVE S	1	3972	R2B/3972
3302924140179	2553 ALDRICH AVE S	1	4522	R2B/4522
3302924140180	2549 ALDRICH AVE S	2	4760	R2B/2380
3302924140181	2545 ALDRICH AVE S	2	4760	R2B/2380
3302924140182	2541 ALDRICH AVE S	2	4760	R2B/2380
3302924140122	2517 ALDRICH AVE S	2	4755	R2B/2377.5
3302924140123	2511 ALDRICH AVE S	2	4755	R2B/2377.5
3302924140130	2512 ALDRICH AVE S	1	5120	R2B/5120

Staff has received official correspondence from the Lowry Hill East Neighborhood Association (LHENA) provided by the applicant. The LHENA Board voted unanimously to support the project. The letter dated November 25th, 2008 to CM Ralph Remington has been attached for your reference as has all other correspondence received regarding this project.

REZONING

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.

The applicant proposes to invest in the existing building at the subject location by remodeling it and converting it from single family dwelling (although according to him, an illegal rooming house) to a duplex. The subject property is located a half block off of Lyndale Avenue South which is a Commercial Corridor. The project is proposing more density within an existing structure and the zoning proposed will allow for moderate density adjacent to a Commercial Corridor.

The following adopted and proposed policies are relevant to this project:

The Minneapolis Plan-Adopted

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.

Relevant Policy: 9.8. Minneapolis will maintain and strengthen the character of the city's various residential areas.

Relevant Implementation Step:

- Encourage the rehabilitation of older and historic housing stock over demolition.

The Minneapolis Plan for Sustainable Growth-Pending Adoption

Relevant Policy: 1.10. Support development along Commercial Corridors that enhances the street's character, fosters pedestrian movement, expands the range of goods and services available, and improves the ability to accommodate automobile traffic.

Relevant Implementation Steps:

- Encourage the development of medium-density housing on properties adjacent to properties on Commercial Corridors.

Relevant Policy: 3.2. Support housing density in locations that are well connected by transit, and are close to commercial, cultural and natural amenities.

Relevant Policy: 3.7. Maintain the quality, safety and unique character of the city’s housing stock.

Relevant Implementation Steps:

- Promote and incentivize private investment in housing maintenance and renovation.
- Utilize decision- making criteria when considering possible demolitions that recognize the value that the original housing stock typically has for surrounding properties and the community.

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

The amendment is clearly in the interest of the property owner. It will potentially allow the applicant to convert a single family dwelling into a duplex, which will likely be more financially viable. However, adopted policies in the comprehensive plan indicate that there is a public interest associated with adding housing capacity along and adjacent to major corridors such as Lyndale Avenue South which is located a half block away from the subject parcels. Further, Lyndale Avenue South is served by a frequent bus route # 4.

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 subject property is located a half block off of Lyndale Avenue South, which is a designated Commercial Corridor in this area. Generally, the properties in the immediate vicinity are zoned a mix of R2B and R4 along Aldrich Avenue South between 25th Street W and 26th Street W with OR1, C1 and R6 located on the adjacent properties along Lyndale Avenue South. Across 26th Street W along Aldrich, the properties are primarily zoned R2B, R5, and OR1. Along Aldrich, there are 29 properties including the subject property and one six-plex, one five-plex, two four-plex’s, eighteen duplexes, and seven single family dwellings. The majority of the properties located in the area sharing this specific block are zoned R2B, however there are many nonconforming uses including the six-plex, the five-plex, and the two four-plex’s because of the actual unit count; and sixteen duplexes and three single family dwellings because of lot area deficiencies.

While Staff is aware that no R3 zoning is located on the block face in question, the proposed two family use of the subject site would seem appropriate given the proximity of the properties to a Commercial Corridor. In addition, the R3 zoning classification could be deemed compatible with the surrounding zoning and land uses as it would provide a medium density transition area from the commercial and residential uses lining Lyndale Avenue South with the single and two-family uses which predominantly surround the site.

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 is a reasonable use of the property permitted under the existing R2B zoning classification as a single family dwelling however, clearly due to the fact that eighteen duplexes currently exist on the block on similar sized lots, a duplex is also a reasonable use of this property.

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 properties were zoned R2B. Duplexes or single-family structures could be constructed on the property with the required lot area, however; zoning that allows for moderate density especially at the corners would provide a transition from the commercial and multi-family residential uses in the area as well as the zoning classifications lining Lyndale Avenue South with the predominantly single and two-family dwellings located in the vicinity. In addition, on October 30, 2006, the properties located at 2501, 2505, and 2509 Aldrich Avenue South were approved to rezone the parcels from R2B to R4 among other applications to allow for a 9 unit residential development. This development has not been constructed to date.

VARIANCE – (1) A variance to reduce the required lot area from 5,000 square feet to approximately 4,522 square feet, and (2) a variance to reduce the required lot width from 40 feet to approximately 38 feet.

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.

The applicant indicates that the location of the subject property in proximity to the many multi family housing and commercial uses on 26th Street W and Lyndale Ave S makes it difficult to sell or rent the house as a single family and the dilapidated condition of the interior of the property from many years of illegal use and little to no maintenance makes remodeling to a single family use very difficult. He also notes that the planning division previously supported the rezoning to R4 and a lot area variance for 2501, 2505, and 2509 Aldrich Ave S which are located on the north end of the block.

Variance to reduce the required lot area from 5,000 square feet to approximately 4,522 square feet.

Staff believes that the property could likely be put to a reasonable use under the conditions allowed; however, strict adherence to the regulations of the zoning code would likely cause undue hardship. The site is located a half block off of Lyndale Avenue which is a Commercial Corridor and developments of moderate density are encouraged adjacent to Commercial Corridors. Therefore, a variance to allow for a duplex per the R3 district standards under a variance request of 9.56% of the lot area or 239 square feet per dwelling unit is a reasonable use of the subject property.

Variance to reduce the required lot width from 40 feet to approximately 38 feet.

Staff believes that the property could likely be put to a reasonable use under the conditions allowed; however, strict adherence to the regulations of the zoning code would likely cause undue hardship. 2553 Aldrich Ave S was legally platted prior to the effective date of this ordinance and the Zoning Code allows for a single family dwelling to be built on lots nonconforming to lot width and lot area. This site however is located a half block off of a Commercial Corridor where moderate density is considered a reasonable use. In addition, there are 18 duplexes on similar sized lots along Aldrich Ave S between 25th Street W and 26th Street W; two of which are located on lots that are less than 40 feet wide.

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.

Variance to reduce the required lot area from 5,000 square feet to approximately 4,522 square feet.

Staff believes that the circumstances could be considered unique to the parcel of land for which the variance is being sought. The lot area of the subject parcel is similar to many other lots on the block that currently support duplexes however the subject parcel currently supports a single family dwelling. In addition, the parcel is located adjacent to a commercial corridor and moderate density is supportable and therefore, a reasonable use for the property.

Variance to reduce the required lot width from 40 feet to approximately 38 feet.

Staff believes that the circumstances could be considered unique to the parcel of land for which the variance is being sought. The property is currently zoned R2B, however, with the proximity of the property to a Commercial Corridor, the mix of zoning classifications within the vicinity as well as the surrounding conforming and non-conforming multi-family residential structures, the proposed density of two units is considered a reasonable use of the subject property. In addition, although most of the properties on this block have standard width lots, a few parcels located at or near the block ends do not. Two of these nonconforming lots to lot width currently support duplexes.

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 applicant indicates that the proposed conversion to a duplex will improve the character of the neighborhood by repairing dilapidated housing and removing rooming houses from a street filled with duplexes. He also indicates that the addition of very visible greenspace at the end of the block will be a neighborhood asset and that replacing broken, painted over, and boarded up windows will further improve the character of the block.

In addition, the following adopted policies are relevant to this project:

The Minneapolis Plan-Adopted

Relevant Policy: 9.8. Minneapolis will maintain and strengthen the character of the city's various residential areas.

Relevant Implementation Step:

- Encourage the rehabilitation of older and historic housing stock over demolition.

Relevant Policy: 9.10. Minneapolis will support efforts that recognize both the increased visibility and importance of corner properties and the role of gateways in enhancing traditional neighborhood character.

Variance to reduce the required lot area from 5,000 square feet to approximately 4,522 square feet.

Staff believes that the granting of the lot area variance to support a duplex on the site would likely 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 site is adjacent to a Commercial Corridor and the majority of the properties on the block are duplexes with a few single family dwellings and multi family dwellings. The increased density seems an appropriate use of the subject site, which is also located on a high frequency bus route.

Variance to reduce the required lot width from 40 feet to approximately 38 feet.

Staff believes that the granting of the lot width variance to allow a duplex on the site would likely 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 site is adjacent to a Commercial Corridor and the majority of the properties on the block are duplexes with a few single and multi family dwellings. In addition, the properties located near or at the block ends are nonconforming to lot width and currently support duplexes and multi family dwellings.

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.

The applicant indicates that bringing the property up to code and legally converting it to a duplex will not be an increased fire risk, will actually eliminate a threat to public safety, and will decrease congestion because the actual density of the property will be decreasing.

Variance to reduce the required lot area from 5,000 square feet to approximately 4,522 square feet.

Staff believes that the granting of the lot area variance would likely have little impact on congestion of area streets or fire safety, nor would the proposed variance be detrimental to welfare or public safety. The applicant is proposing two surface parking spaces in the rear of the lot which is the legal amount required by the zoning code to accommodate two units.

Variance to reduce the required lot width from 40 feet to approximately 38 feet.

Staff believes that the granting of the lot width variance would likely have little impact on congestion of area streets or fire safety, nor would the proposed variance be detrimental to welfare or 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 **approve** the rezoning petition to change the zoning classification of the property located at 2553 Aldrich Avenue South from the R2B district to the R3 district.

Recommendation of the Department of Community Planning and Economic Development – Planning Division for the conditional use permit:

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for a variance to reduce the required lot area from 5,000 square feet to approximately 4,522 square feet at the property located at 2553 Aldrich Ave S.

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 application for a variance to reduce the required lot width from 40 feet to approximately 38 feet at the property located at 2553 Aldrich Ave S.

Attachments:

1. Statement of use and description of project
2. Findings – Rezoning and Variances
3. Neighborhood and CM Notification
4. Neighborhood input
5. Other Correspondence
6. Property owner authorization
7. Zoning map
8. Zoning Map with density
9. Plans –site plan and floor plans
10. Oblique Aerials
11. Photos