

**Department of Community Planning and Economic Development – Planning
Division
Rezoning and Variances
BZZ-2781**

Date: January 9, 2006

Applicant: Joe Wilson and Robert Lilligren, 2916 3rd Avenue South, Minneapolis, MN 55408, (612) 236-5755

Addresses of Property: 2912 3rd Avenue South

Project Name: 2912 3rd Avenue South

Contact Person and Phone: Robert Roscoe, Design for Preservation, 1401 East River Parkway, Minneapolis, MN 55414, (612) 317-0989

Planning Staff and Phone: Becca Farrar, (612)673-3594

Date Application Deemed Complete: December 5, 2005

End of 60-Day Decision Period: February 2, 2006

End of 120-Day Decision Period: On December 29, 2005, Staff sent the applicant a letter extending the decision period to no later than April 3, 2006.

Ward: 6 Neighborhood Organization: Phillips West Neighborhood Organization

Existing Zoning: R2B (Two-family) District

Proposed Zoning: R4 (Multiple-family) District

Zoning Plate Number: 25

Lot area: 5,796 square feet or .13 acres

Legal Description: See attachment.

Proposed Use: Relocate existing structure to property and renovate for a 4-unit residential condominium.

Concurrent Review:

- Petition to rezone the subject property from the R2B district to the R4 district.
- Variance of the minimum lot area requirement in the R4 district from the required 1,500 square feet per dwelling unit to 1,449 square feet per dwelling unit.

- Variance of the interior side yard requirement along the south property line from the required 15 feet to 7 feet 7 inches for the proposed structure and 6 feet for a proposed porch.
- Variance to allow parking within 6 feet of the dwelling unit.

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

Background: The applicant proposes to relocate a vacant structure currently located at 2512 Chicago Avenue to the property located at 2912 3rd Avenue South. The property located at 2912 3rd Avenue South is vacant with the exception of a 20 foot by 20 foot garage at the northwest corner. The structure was originally built as a duplex but was later converted to an office use by Project Pride in Living. The applicant proposes to convert the building into 4 condominium units. The property is currently zoned R2B which permits only single and two-family dwelling units. The applicant proposes to rezone the subject parcel to the R4 district which allows multi-family dwellings. The proposal is subject to a front yard increase as the established front yard of the closest principal buildings originally designed for residential purposes located on the same block face on both sides of the property exceeds the front yard required by the R4 district which is 15 feet. Both adjacent residential properties are located at 22 feet from the front lot line along 3rd Avenue South, therefore, the required front yard for the proposed structure would be 22 feet. The proposal is meeting that requirement.

The proposal requires several variances including: a variance to reduce the minimum lot area requirement in the R4 district from the required 1,500 square feet per dwelling unit to 1,449 square feet per dwelling unit; a variance of the interior side yard requirement along the south property line from the required 15 feet to 7 feet 7 inches for the proposed structure and to 6 feet for the proposed porch; and also a variance to allow parking within 6 feet of the dwelling unit as two surface parking stalls would be located approximately 4 feet from the rear of the building.

The conversion of the building into 4 residential units would require extensive renovation, new insulation with new mechanical and electrical systems. A new two-story front porch would be built above grade upon removal of the existing enclosed porch as would a patio entrance for the lower level. The basement, first, second and third floor would each have one unit. The first and second floors would be one unit each, having 3 bedrooms and additional living space. The third floor would be come a one-plus bedroom, and a lower level unit with 2 bedrooms would occupy the basement. A laundry, storage and mechanical room would also be located in the basement level.

The exterior and interior would receive comprehensive architectural treatment in accordance with historical architectural standards.

Staff has received correspondence from the Phillips West Neighborhood Organization. The letter states that Phillips West supports the plan as presented. The letter has been

attached for reference.

REZONING

Findings as Required by the Minneapolis Zoning Code:

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

According to the *Minneapolis Plan*, the subject parcel is located between the Midtown Greenway and Lake Street which is a Commercial Corridor. According to the Principles and Policies outlined in the *Minneapolis Plan*, the following apply to this proposal:

Relevant policy: 4.9. Minneapolis will grow by increasing its supply of housing.

Relevant Implementation Steps:

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

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

Relevant Implementation Steps:

- Increase the variety of housing styles and affordability levels available to prospective buyers and renters.
- Provide and maintain moderate and high-density residential areas.

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: 9.23 Minneapolis will continue to provide a wide range of goods and services for city residents, to promote employment opportunities, to encourage the use and adaptive reuse of existing commercial buildings and to maintain and improve compatibility with surrounding areas.

The development proposal is in conformance with the above noted principles, policies and implementation steps of the comprehensive plan.

The parcel is also located within the parameters of the Midtown Minneapolis Plan. The plan calls for increased density at the site, however it more specifically calls for office/commercial and/or mixed use at this site. Staff believes that R4 is an appropriate designation for the site although not specifically prescribed.

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

The amendment is in the sole interest of the property owner, however, based on the surrounding land uses, Staff believes this is an appropriate zoning classification and proposed use for the subject property.

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 existing uses of property and the zoning classifications of property within the general area of the property in question are compatible with the proposed zoning classification. There are clearly varying zoning classifications within the general area. The area includes a wide range of zoning classifications, including properties with R3 and R5 zoning.

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 existing R2B zoning classification, however, Staff would consider a 4-unit condominium development to be a reasonable use of the subject property which is not a permitted or conditional use under the current 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.

There has been a change in the character or trend of development in the general area of the property in question since the property was placed in its present zoning classification. Clearly the uses in the general vicinity are no longer single and two-family dwellings. The variation in zoning classifications and surrounding land uses signals a change in the trend of development within the general area. The proposed use of the parcel allowing a medium density zoning classification on the subject property appears to be compatible with the surrounding zoning classifications and land uses.

VARIANCES –

- (1) Variance of the minimum lot area requirement in the R4 district from the required 1,500 square feet per dwelling unit to 1,449 square feet per dwelling unit.
- (2) Variance of the interior side yard requirement along the south property line from the required 15 feet to 7 feet 7 inches for the proposed structure and 6 feet for a proposed porch. Under the district regulations, the property would be subject to an interior side yard setback of 8 feet as the structure is considered 2 ½ stories. However, due to the location of a principal entrance adjacent to the interior side yard, a setback of 15 feet is required. The encroachment of a bay window on the south elevation would be located at 7 feet 7 inches from the property line, and a porch would be located at approximately 6 feet from the property line.
- (3) Variance to allow parking within 6 feet of the dwelling unit. Two surface parking stalls are located adjacent to the rear of the building and as proposed would be located approximately 4 feet from that elevation. An existing garage located at the northwest corner and oriented toward the south property line partially creates the issue as a separation of 4 feet prevents the surface stalls from encroaching into the maneuvering area for the garage stalls. Additionally, the property is subject to a front yard increase beyond the R4 district standards to 22 feet which impacts the overall layout of the site and the separation between the structure, the surface parking spaces and the existing garage on site.

Findings as Required by the Minneapolis Zoning Code for the Variances:

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.**

Variance of the minimum lot area requirement in the R4 district from the required 1,500 square feet per dwelling unit to 1,449 square feet per dwelling unit: The property could likely be put to a reasonable use under the conditions allowed, however, strict adherence to the regulations of the zoning ordinance would likely cause an undue hardship. The applicant is proposing to relocate and renovate an existing structure slated for demolition to the subject property. The use of the structure for 4 residential for sale condominium units is a reasonable use of the property.

Variance of the interior side yard requirement along the south property line from the required 15 feet to 7 feet 7 inches for the proposed structure and 6 feet for a proposed porch: The property could likely be put to a reasonable use under the conditions allowed, however, strict adherence to the regulations of the zoning ordinance could cause an undue hardship. Under the district regulations, the property would be subject to an interior side yard setback of 8 feet as the structure is considered 2 ½ stories. However, due to the location of a principal entrance adjacent to the interior side yard, a

setback of 15 feet is required. The encroachment of a bay window on the south elevation would be located at 7 feet 7 inches from the property line, and a porch would be located at approximately 6 feet from the property line. Staff believes that both encroachments into the interior side yard are reasonable.

Variance to allow parking within 6 feet of the dwelling unit: The property could likely be put to a reasonable use under the conditions allowed, however, strict adherence to the regulations of the zoning ordinance could cause an undue hardship. The applicant is proposing to provide one parking space per unit on site. Two of those stalls would be provided in an existing detached garage already located on the northwest corner of the site. The other two spaces would be surface spaces located adjacent to the rear of the building. Staff believes that allowing the two surface stalls at a separation of 4 feet from the dwelling unit is reasonable as it prevents the surface stalls from encroaching into the maneuvering area for the garage stalls. Additionally, the property is subject to a front yard increase beyond the R4 district standards to 22 feet which impacts the overall layout of the site and the separation between the structure, the surface parking spaces and the existing garage on site.

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 of the minimum lot area requirement in the R4 district from the required 1,500 square feet per dwelling unit to 1,449 square feet per dwelling unit: The circumstances could be considered unique as the structure is an existing structure that is being relocated to the property for the purposes of renovation and restoration.

Variance of the interior side yard requirement along the south property line from the required 15 feet to 7 feet 7 inches for the proposed structure and 6 feet for a proposed porch: The circumstances could be considered unique as the structure is an existing structure that is being relocated to the property for the purposes of renovation and restoration.

Variance to allow parking within 6 feet of the dwelling unit: The circumstances could be considered unique as an existing garage located at the northwest corner and oriented toward the south property line partially creates the issue as a separation of 4 feet prevents the surface stalls from encroaching into the maneuvering area for the garage stalls. Additionally, the property is subject to a front yard increase beyond the R4 district standards to 22 feet which impacts the overall layout of the site and the separation between the structure, the surface parking spaces and the existing garage on site.

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.

Variance of the minimum lot area requirement in the R4 district from the required 1,500 square feet per dwelling unit to 1,449 square feet per dwelling unit: Granting the variance to reduce the minimum required lot area to 1,449 square feet per dwelling unit would likely be in keeping with the spirit and the intent of the ordinance. Further, granting the variance for the proposed development would likely not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity as there are several properties on the same block face that are multi-family residential structures.

Variance of the interior side yard requirement along the south property line from the required 15 feet to 7 feet 7 inches for the proposed structure and 6 feet for a proposed porch: Granting the variance to allow the encroachment of both the residential structure and a porch into the required yard would likely be in keeping with the spirit and intent of the ordinance. The side entrance is actually located to the rear of the structure on the adjacent property, which reduces the concern about privacy given that the activity associated with the entrance would not be immediately adjacent to the neighboring dwelling. Further, granting the variance would likely not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity.

Variance to allow parking within 6 feet of the dwelling unit: Granting a variance to allow 2 surface parking stalls to be located approximately 4 feet from the dwelling unit would likely be in keeping with the spirit and the intent of the ordinance. Further granting the variance would likely not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity.

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.

Variance of the minimum lot area requirement in the R4 district from the required 1,500 square feet per dwelling unit to 1,449 square feet per dwelling unit: 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 of the interior side yard requirement along the south property line from the required 15 feet to 7 feet 7 inches for the proposed structure and 6 feet for a proposed porch: 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 allow parking within 6 feet of the dwelling unit: 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. The variance allows the applicant to provide all required parking for the proposed development.

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 2912 3rd Avenue South from the R2B district to the R4 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 of the minimum lot area requirement in the R4 district from the required 1,500 square feet per dwelling unit to 1,449 square feet per dwelling unit for the proposed four-unit condominium located on the property at 2912 3rd Avenue South.

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 of the interior side yard requirement along the south property line from the required 15 feet to 7 feet 7 inches for the proposed structure and 6 feet for a proposed porch located on the property at 2912 3rd Avenue South.

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 allow parking within 6 feet of the dwelling unit at a 4 foot separation on the property located at 2912 3rd Avenue South.

Attachments:

1. Statement of use and description of project
2. Correspondence
3. Zoning map
4. Plans –site plan, floor plans, elevations, landscape plan, photos