

Department of Community Planning and Economic Development – Planning Division
Conditional Use Permit and Variance
BZZ – 4314

Date: March 2, 2009

Applicant: Jeremy Larson

Address of Property: 3311 Fremont Avenue North

Project Name: 3311 Fremont Avenue North

Contact Person and Phone: Jeremy Larson, (612) 203-1769

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

Date Application Deemed Complete: February 6, 2009

End of 60-Day Decision Period: April 7, 2009

Ward: 4 **Neighborhood Organization:** Folwell Neighborhood Association

Existing Zoning: R4 Multiple Family District

Proposed Zoning: Not applicable for this application

Zoning Plate Number: 8

Legal Description: Not applicable for this application

Proposed Use: Multi-family dwelling with 5 units.

Concurrent Review:

- Conditional use permit to increase the legal number of dwelling units from 4 to 5 for an existing multiple-family dwelling.
- Variance to reduce the minimum lot area per dwelling from 1500 square feet to 1270 square feet (15.3%).

Applicable zoning code provisions: Chapter 525, Article VII Conditional Use Permits, Chapter 525 Article IX Variances and Chapter 546 Residence Districts

Background: Jeremy Larson is proposing to increase the legal number of dwelling units from 4 to 5 for an existing multiple family dwelling located at 3311 Fremont Avenue North. The structure was built in 1961 as a 5 unit building. In 1996, a previous owner was issued a construction permit to convert from 5 units to 4 by removing a kitchen in the basement dwelling unit. The applicant recently purchased the property and there are a total of 6 units in the building. The applicant is requesting to legalize one of the

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dwelling units in the basement and convert the other dwelling unit to storage. In the R4 district, a conditional use permit is required to legalize the 5th dwelling unit.

The subject property is zoned R4 Multiple Family District and the minimum lot area requirement is 1,500 square feet per unit. The lot area is 6,350 square feet and the applicants are proposing a total of 5 dwelling units. The applicants are proposing to provide 1,270 square feet per dwelling unit; therefore need a variance to reduce the minimum lot area per dwelling unit from 1,500 to 1,270 square feet, a reduction of 15.3 percent.

CPED-Planning is currently proposing a text amendment that would reduce the minimum lot area requirement for dwellings in the R4 District. The proposed minimum lot area in the R4 District is 1,250 square feet per dwelling unit. If the text amendment is approved as proposed, a variance would not be required to reduce the minimum lot area to allow for the fifth dwelling unit.

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

CONDITIONAL USE PERMIT: to increase the number of dwelling units from 4 to 5.

Findings as required by the Minneapolis Zoning Code for the conditional use permit:

The Community Planning and Economic Development Planning Division has analyzed the application and from the findings below concludes that the establishment, maintenance, or operation of the proposed conditional use:

- 1. Will not be detrimental to or endanger the public health, safety, comfort or general welfare.**

Conversion of the existing multiple family residential building on the site to allow one additional dwelling unit would not prove detrimental to public health, safety, comfort or general welfare provided the development complies with all applicable building codes and life safety ordinances as well as Public Works Department standards.

- 2. Will not be injurious to the use and enjoyment of other property in the vicinity and will not impede the normal or orderly development and improvement of surrounding property for uses permitted in the district.**

The surrounding area is fully developed. The additional dwelling unit will be provided within an existing area of the structure and should not impede on the normal or orderly development of surrounding property in the area. The use of property as a 5 unit multiple family structure existed on this lot for thirty-five years and has been illegally used as a 6-unit building until recently. Legal conversion of the use from 4 units to 5 will not impede on the normal or orderly development of surrounding properties.

3. Adequate utilities, access roads, drainage, necessary facilities or other measures, have been or will be provided.

The site is well served by existing infrastructure. Vehicle access to the five parking stalls will continue to be accessed from the alley at the rear of the property.

4. Adequate measures have been or will be provided to minimize traffic congestion in the public streets.

The structure was built in 1961 as a 5-unit apartment building. The building was later converted to 4 dwelling units in 1996 (B629699). The minimum parking requirement for dwellings is one space per dwelling unit. The applicant is required to provide five stalls. The site plan shows the applicant is providing 4 standard stalls and one van-accessible handicapped stall.

5. Is consistent with the applicable policies of the comprehensive plan.

4.9 Minneapolis will grow by increasing its supply of housing.

Applicable Implementation Steps

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

Staff comment: The property is located in an area with a mix of low- to high-density residential uses along Fremont Avenue North, a community corridor. There are a few large residential condominium buildings to the southeast of the subject property.

9.22 Minneapolis will promote increased housing production in designated areas of the City in order to accommodate population growth.

Applicable Implementation Steps

Consistent with the City of Minneapolis adopted Housing Principles, develop strategies so that the variety of housing types throughout the city and its communities shall be increased, giving prospective buyers and renters greater choice in where they live.

Develop an approach to residential development which combines housing form and housing density; for example, medium density residential development may be a townhouse development as well as a high-rise structure, while an attached dwelling form may result in a low density development or a medium density development.

Staff comment: The immediate area around the site is designated as multifamily residential. There are several other multifamily buildings nearby.

The comprehensive plan, *The Minneapolis Plan for Sustainable Growth*, was recently amended is scheduled to be adopted by the City Council within the next few months. In the amended plan, the site is designated as Urban Neighborhood and is located on Fremont Avenue North, a Community Corridor. Urban Neighborhood is defined as a predominantly residential area with a

range of densities, with highest densities generally to be concentrated around identified nodes and corridors.

Chapter 3 states that “By increasing the housing stock and retaining and attracting residents, the city establishes a foundation for a strong and vibrant future. Increased population has a number of positive effects.”

Chapter 1 states that “Community Corridors support new residential development from low- to high-density in specified areas, as well as increased housing diversity in neighborhoods. Community Corridors support limited commercial uses that are frequently concentrated in Neighborhood Commercial Nodes.”

The proposed development is in conformance with the above noted housing principles and policies of the comprehensive plan.

6. And, does in all other respects conform to the applicable regulations of the district in which it is located, with the approval of this conditional use permit.

The use of the site for a multi-family residence will conform to the applicable regulations of the district in which it is located upon the approval of the conditional use permit and the variance to reduce the minimum lot area requirement.

VARIANCE – to reduce the required lot area from 1,500 square feet per dwelling unit to approximately 1,270 square 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 building was originally constructed as 5 dwelling units in 1961 and continued to operate as such until 1996 when the building was legally converted from 5 units to 4. The property was zoned Multiple under the 1924 code and was rezoned to R4 Multiple Family District in 1963 with the adoption of the new ordinance. The lot area requirement in the R4 Multiple Family District has remained consistent since 1963 of 1,500 square feet of lot area per dwelling unit. Staff believes that the proposed use of five dwelling units is a reasonable use of the property and that strict adherence to the regulations would not allow the building to revert back to its original and intended use and would cause undue hardship.

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 building was originally constructed as 5 dwelling units in 1961 and continued to operate as such until 1996 when the building was legally converted from 5 units to 4. The property was zoned Multiple under the 1924 code and was rezoned to R4 Multiple Family District in 1963 with the adoption of the new ordinance. The lot area requirement in the R4 Multiple Family District has remained consistent in the zoning ordinance since 1963 of 1,500 square feet of lot area per dwelling

unit. Staff believes that the circumstances are unique to the parcel of land 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 granting the lot area variance 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 building was originally constructed with five dwelling units. In addition, there are several multiple family residential buildings nearby and the subject property is located on a Community Corridor, which encourages multiple family uses. Staff believes that the proposed use will not alter the character of the surrounding area, which is a mixture of single-family dwellings, duplexes, and multi-family housing. Staff believes that the additional unit meets the intent of the ordinance.

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 lot area variance would likely have no impact on the congestion of area streets or fire safety, nor would the proposed duplex dwelling be detrimental to the public welfare or endanger the public safety since the applicant is providing on-site parking to meet the minimum requirement.

RECOMMENDATIONS

Recommendation of the Community Planning and Economic Development Department – Planning Division for the Conditional Use Permit:

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for a conditional use permit to increase the number of dwelling units from 4 to 5 for an existing multiple-family dwelling located 3311 Fremont Avenue North in the R6 Multiple Family District, subject to the following condition:

1. The conditional use permit shall be recorded with Hennepin County as required by Minn. Stat. 462.3595, subd. 4 before building permits may be issued or before the use or activity requiring a conditional use permit may commence. Unless extended by the zoning administrator, the conditional use permit shall expire if it is not recorded within one year of approval.

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 above findings and **approve** the application for a variance to reduce the required lot area from 1,500 square feet per dwelling unit to approximately 1,270 square feet .

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Attachments:

- 1) Written descriptions and findings submitted by the applicant.
- 2) Copies of e-mails sent to Folwell Neighborhood Association and CM Johnson explaining the project
- 3) Zoning map
- 4) Site plan and floor plans
- 5) Photos
- 6) Oblique aerials