

**Department of Community Planning and Economic Development – Planning Division**  
Variance  
BZZ-5188

**Date:** June 30, 2011

**Applicant:** Philip Gause

**Address of Property:** 3954-56 Stevens Avenue

**Project Name:** 3954-56 Stevens Avenue Triplex

**Contact Person and Phone:** Philip Gause, (612) 508-1987

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

**Date Application Deemed Complete:** June 8, 2011

**End of 60-Day Decision Period:** August 6, 2011

**Ward:** 8                      **Neighborhood Organization:** Kingfield Neighborhood Association

**Existing Zoning:** R4 Multiple-Family District

**Zoning Plate Number:** 31

**Proposed Use:** Triplex

**Variance:** reduce the minimum required off-street parking from 3 spaces to 2 to allow for the conversion from a duplex to a triplex

**Applicable zoning code provisions:** Chapter 525, Article IX, Variances, and 525.520(6) “to vary the minimum...required off-street parking.”

**Background:** The subject property is approximately 40 ft. by 132.1 ft. (5,284 sq. ft.) and is a legal duplex according to city records. City of Minneapolis Housing Inspections conducted a rental license inspection of the subject property and identified an illegal third unit, located in the basement of the existing structure. The applicant states that the previous owner added a third dwelling unit in the basement of the existing structure. The subject property is zoned R4 Multiple-Family District and allows a density of up to 1 dwelling unit per 1,250 sq. ft. of lot area. Based on the lot area, the subject property would allow for up to four dwellings. The applicant is proposed to legalize the existing third dwelling by providing sufficient floor area and an additional egress window with a building permit; however, it was identified that there was insufficient parking to allow for the third dwelling. The minimum off-street parking requirement for dwellings is one space per dwelling unit. There is an existing two-car detached garage, constructed into the existing grade to the rear of the dwelling. The applicant has had the site reviewed by two landscapers/contractors to determine the feasibility of regrading the property to allow

for a third off-street parking space. The applicant would most likely encounter issues and other variances to allow for a parking space in the required corner side yard, located within 6 ft. of the dwelling or a curb cut that exceeds 25 ft. in width. In addition, the existing foundation of the garage may be compromised with the altering of the grade. Therefore, the applicant has instead requested a variance to reduce the minimum off-street parking from 3 spaces to 2 to allow for the conversion from a duplex to a triplex.

The existing dwelling unit in the basement is approximately 487 square feet. The minimum floor area for a dwelling unit is 500 sq. ft. If approved, the applicant is aware that modifications to the basement floor plan will be required to make sure that the dwelling unit is a minimum of 500 sq. ft.

As of writing this staff report, staff has not received any correspondence from the Kingfield Neighborhood Association. Staff will forward comments, if any are received, at the Board of Adjustment meeting.

### **Findings Required by the Minneapolis Zoning Code:**

#### **1. The property owner proposes to use the property in a reasonable manner.**

The applicant is seeking a variance to reduce the minimum off-street parking requirement from three spaces to two to allow for the legal conversion of the use from a duplex to a triplex. The subject property is zoned R4 Multiple-Family District and allows a density of up to 1 dwelling unit per 1,250 sq. ft. of lot area. Based on the lot area, the subject property would allow for up to four dwellings. The applicant has had the site reviewed by two landscapers/contractors to determine the feasibility of regrading the property to allow for a third off-street parking space. The applicant would most likely encounter issues and other variances to allow for a parking space in the required corner side yard, located within 6 ft. of the dwelling or a curb cut that exceeds 25 ft. in width. In addition, the existing foundation of the garage may be compromised with the altering of the grade. Further, with the addition of the off-street parking space, an on-street parking space will be eliminated with a wider curb cut. Staff believes that the applicant is proposing to use the property in a reasonable manner.

#### **2. Practical difficulties exist due to circumstances unique to the property. The unique circumstances were not created by persons presently having an interest in the property and are not based on economic considerations alone.**

There are circumstances unique to the parcel that are creating practical difficulties with complying with the zoning ordinance. The subject property is zoned R4 Multiple-Family District and allows a density of up to 1 dwelling unit per 1,250 sq. ft. of lot area. Based on the lot area, the subject property would allow for up to four dwellings. The applicant has had the site reviewed by two landscapers/contractors to determine the feasibility of regrading the property to allow for a third off-street parking space. The applicant would most likely encounter issues and other variances to allow for a parking space in the required corner side yard, located within 6 ft. of the dwelling or a curb cut that exceeds 25 ft. in width. In addition, the existing foundation of the garage may be compromised with the altering of the grade. Further, with the addition of the off-street parking space, an on-street parking space will be eliminated with a wider curb cut. These circumstances have not been created by any persons presently having an interest in the property.

**3. If granted, the variance will be in keeping with the spirit and intent of the ordinance and the comprehensive plan and will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity.**

Parking regulations were established to recognize the parking needs of uses and structures. If the applicant provided the additional space, he would most likely encounter issues with the existing garage foundation or requires other variances to allow for a parking space in the required yard, located within 6 ft. of the dwelling or a curb cut that exceeds 25 ft. in width. Further, with the addition of the off-street parking space, an on-street parking space will be eliminated with a wider curb cut. There are three nearby multiple-family dwellings that have 10, 11 and 12 units; all three of these buildings are currently nonconforming to parking. Therefore, staff does not believe that the reduction of one off-street parking space will have an impact on the 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.**

Granting the variance to allow for one additional dwelling unit would likely not result in a substantial increase in the congestion of the public streets, danger of fire or be detrimental to the public welfare.

**RECOMMENDATION:**

**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 minimum required off-street parking from 3 spaces to 2 to allow for the conversion from a duplex to a triplex for the property located at located at 3954-56 Stevens Avenue South in the R4 Multiple-Family District, subject to the following condition of approval:

1. CPED-Planning and all other applicable City departments review and approve the final plans.

**Attachments**

- 1) Written descriptions and findings submitted by the applicant.
- 2) Copies of e-mails sent to Kingfield Neighborhood Association and CM Glidden explaining the project
- 3) Contractor bid
- 4) Zoning map
- 5) Site plan
- 6) Floor plans
- 7) Photos

