

**Department of Community Planning and Economic Development – Planning Division**  
**Rezoning & Variance**  
**BZZ-2812**

**Date:** March 6, 2006

**Applicant:** Edward Boler

**Address of Property:** 226 West 33<sup>rd</sup> Street

**Project Name:** 226 33<sup>rd</sup> Street Building

**Contact Person and Phone:** Kimeua Hilson, (612) 827-6580

**Planning Staff and Phone:** Janelle Widmeier, (612) 673-3156

**Date Application Deemed Complete:** January 31, 2006

**End of 60-Day Decision Period:** March 31, 2006

**End of 120-Day Decision Period:** On February 15, 2006, staff sent the applicant a letter extending the decision period no later than May 30, 2006.

**Ward:** 10      **Neighborhood Organization:** Lyndale Neighborhood Association

**Existing Zoning:** R2B, Two-Family Residential District

**Proposed Zoning:** R4, Multiple Family Residence District

**Zoning Plate Number:** 25

**Legal Description:** Lot 11, Block 2, S. C. Cutters Addition

**Proposed Use:** Three-family dwelling

**Concurrent Review:**

**Rezoning:** petition to rezone from R2B, Two-Family Residential District to R4, Multiple Family Residence District.

**Variance:** to reduce the minimum lot area requirement from 5,000 square feet to 4,665 square feet.

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

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**Background:** The applicant proposes to legalize a third unit in an existing structure located at the property of 226 West 33<sup>rd</sup> Street. The property is situated in a predominantly residential area South of Lake Street, West of Nicollet Avenue and East of Lyndale Avenue South. The property was formerly combined with the adjacent property of 222 West 33<sup>rd</sup> Street where a two-family dwelling exists. In 2003, the Board of Adjustment approved variances to reduce the minimum lot size requirement from 10,000 square feet to 4,665 square feet and to reduce the minimum lot width from 40 feet to 38.8 feet to allow a proposed two-family dwelling, and a variance to reduce the minimum lot size requirement from 5,000 square feet to 4,665 square feet to allow an existing two-family dwelling at 222 West 33<sup>rd</sup> Street. Please note that staff recommended denial of the variance to reduce the minimum lot size requirement for the new two-family dwelling. The staff report and Board of Adjustment actions are attached (BZZ-1012).

The applicant has indicated that the former owner, also the applicant for the aforementioned variances, created a third unit in the basement prior to the purchase of the dwelling by the current owner.

A three-family dwelling is not an allowed use in the R2B District. Therefore, the applicant is proposing to rezone the property to the R4 District. In the R4 district, three-family dwellings are allowed as a permitted use. The minimum lot size requirement in the R4 district for a three-family dwelling is 5,000 square feet. To comply with the district requirement, the applicant is applying for a variance to reduce the lot size requirement.

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

**REZONING:** petition to rezone from R2B, Two-Family Residential District to R4, Multiple Family Residence District.

**Findings As Required By The Minneapolis Zoning Code:**

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

According to Map 9.8, as found in the *The Minneapolis Plan*, the site is designated as two-family. The properties around the site are designated as single- or two-family. The site is located within a few blocks from Nicollet Avenue and Lyndale Avenue South, which are community corridors. It is also located three blocks from Lake Street West, which is a commercial corridor.

According to the principles and polices outlined in *The Minneapolis Plan*, the following apply to this proposal:

**4.9 Minneapolis will grow by increasing its supply of housing.**

**Relevant Implementation Steps**

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

**4.11 Minneapolis will improve the availability of housing options for its residents.**

**Relevant Implementation Steps**

Provide and maintain areas that are predominantly developed with single and two family structures.

**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.

*Staff comment:* The proposal would increase housing density in the city; however, the site is not located with a designated land use feature such as community corridor, commercial corridor, or neighborhood commercial node where a higher density is appropriate. The attached diagram from the previous land use application BZZ-1012 identifies the surrounding uses. A two-family dwelling is a permitted use on the site. Few uses other than single- or two-family dwellings exist in the area. The rezoning would not be in keeping with the policies of the comprehensive plan.

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

An amendment to the zoning could allow for additional residential density on the property with a lot area variance. Currently, a two-family dwelling is a permitted on the site. Allowing a district which could allow for the establishment a three- or four-family dwelling in the middle of a single- and two-family dwelling area is in the interest of the property owner.

**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.**

Most of the existing uses in the area are single- and two-family dwellings. The entire block that the property is located on is zoned R2B. Higher density residential districts are located over 180 feet from the subject site. The proposed zoning is less compatible with the adjacent uses and is not compatible with the other zoning districts in the area.

**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.**

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A two-family dwelling is a permitted use in the R2B zoning district. Reasonable use of the property exists under the existing 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.**

Within this immediate area of Minneapolis there has not been a change in zoning or in the type of development. The area has remained predominantly low density residential.

**VARIANCE** -- to reduce the minimum lot size requirement from 5,000 square feet to 4,665 square feet, or 6.7 percent.

**Findings Required by the Minneapolis Zoning Code for the Proposed 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 is requesting to reduce the minimum lot size requirement from 5,000 square feet to 4,665 square feet. In 2003, the Board of Adjustment approved a variance to reduce the minimum lot size requirement to allow a two-family dwelling on the property. Therefore, the existing zoning allows a single- or two-family dwelling on the property. A single- or two-family dwelling is a reasonable use of the property and strict adherence to the regulations should not 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 surrounding properties are of a similar size, so there is not a unique circumstance. Although the illegal establishment of a third unit may not have been a circumstance created by the current owner, it is not a circumstance that is related to the parcel of land. Most of the existing uses in the area are single- and two-family dwellings. Unique circumstances do not exist for this property.

- 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 area is fully developed. Lot area requirements are established to provide for the orderly development and use of land and to minimize conflicts among land uses. Most of the existing uses in the area are single- and two-family dwellings. Allowing a three-family dwelling could affect the character of the area and may set a precedence to increase density. Granting of the variance would not likely 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.**

The minimum parking requirement for a multiple family dwelling is one parking space per dwelling unit. Three on-site parking spaces are required. A three-car garage exists on the property. Therefore, granting of the variance should not significantly increase congestion of the public streets. The proposed variance should not increase the danger of fire or endanger 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 **deny** the petition to rezone the property of 226 West 33<sup>rd</sup> Street from R2B, Two-Family Residential District to R4, Multiple Family Residence 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 **deny** the variance to reduce the minimum lot area requirement from 5,000 square feet to 4,665 square feet to allow a three-family dwelling at the property of 226 West 33<sup>rd</sup> Street.

#### **Attachments:**

1. Statement of use
2. Findings
3. Zoning map
4. Plans
5. Photos
6. Staff report (BZZ-1012)
7. BOA actions (BZZ-1012)
8. Land use diagram (BZZ-1012)