

Department of Community Planning and Economic Development – Planning Division
Rezoning & Variance
BZZ-3914

Date: February 11, 2008

Applicant: Isles Investments, LLC

Address of Property: 3507 Lyndale Avenue South

Project Name: 3507 Lyndale Avenue South Building

Contact Person and Phone: Dennis Koch, (612) 823-1352

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

Date Application Deemed Complete: January 11, 2008

End of 60-Day Decision Period: March 11, 2008

End of 120-Day Decision Period: On January 30, 2008, staff sent the applicant a letter extending the decision period no later than May 10, 2008.

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

Existing Zoning: R5, Multiple-Family Residential District

Proposed Zoning: OR1, Neighborhood Office Residence District

Zoning Plate Number: 24

Legal Description: Lot 12, Block 12, Bakers Addition to Minneapolis

Proposed Use: Office

Concurrent Review:

Rezoning petition to rezone from R5, Multiple-Family Residential District to OR1, Neighborhood Office Residence District.

Variance: to reduce the rear yard from 5 feet to 0 feet to allow a parking area.

Applicable zoning code provisions: Chapter 525, Article VI, Zoning Amendments; and Chapter 525, Article IX Variances, Specifically Section 525.520(1) “to vary the yard requirements, including permitted obstructions into required yards not allowed by the applicable regulations.”

CPED Planning Division Report
BZZ-3914

Background: The applicant, Dennis Koch, on behalf of Isles Investments, LLC is proposing to convert an existing residential structure into an office at the property of 3507 Lyndale Avenue South. As part of the conversion, the first floor would be remodeled and made accessible with a ramp connecting to accessible parking located to the rear of the structure. Proposed exterior changes to the structure and site would be minimal. A minimum of four parking spaces, including one handicap accessible space are required for the use. Two parking spaces would be located in the existing garage. An accessible space would be provided between the garage and the house. A bike rack that would accommodate 4 bikes would be provided in lieu of one vehicle parking space to meet the minimum requirement. The applicant has indicated that a wall sign, 15 square feet in area, would be erected. Please note, the maximum size allowed is 8 square feet. This requirement cannot be varied.

Offices are not an allowed use in the R5, Multiple-Family Residential District. Therefore, the applicant is proposing to rezone the property to the OR1, Neighborhood Office Residence District. In the OR1 district, offices are permitted uses. Also, the OR1 district does not allow obstructions in required yards for non-residential uses. To comply with the district requirements, the applicant is applying for a variance to reduce the interior side yard to allow a parking area.

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 the R5, Multiple-Family District to the OR1, Neighborhood Office Residence District.

Findings as required by the Minneapolis Zoning Code:

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

The site is adjacent to Lyndale Avenue, which is designated as a community corridor by *The Minneapolis Plan*. According to the principles and polices outlined in the plan, the following apply to this proposal:

4.2 Minneapolis will coordinate land use and transportation planning on designated Community Corridors streets through attention to the mix and intensity of land uses, the pedestrian character and residential livability of the streets, and the type of transit service provided on these streets.

Applicable Implementation Steps

Strengthen the residential character of Community Corridors by developing appropriate housing types that represent variety and a range of affordability levels.

Promote more intensive residential development along these corridors where appropriate.

Discourage the conversion of existing residential uses to commercial uses, but encourage the development of mixed-use residential dwelling units in commercial buildings where appropriate.

Ensure that commercial uses do not negatively impact nearby residential areas.

4.9 Minneapolis will grow by increasing its supply of housing.

Applicable Implementation Steps

Use new and strengthened strategies and programs to preserve and maintain existing housing stock.

The existing use on the site is a single-family dwelling. The structure has always been used as a residence. The existing zoning district would allow for more residential density. Higher density can be supported on a community corridor. Residential uses are located on both sides of the site. The site is not in a commercial node where a commercial use would be more appropriate. Allowing the office would require the conversion of a residence to a commercial use and would reduce the existing housing stock. One block north and one block south of the site along Lyndale Avenue, it did not appear that any structures originally built as a residence had been converted to a nonresidential use. Rezoning of this property could set a precedent for converting residential properties to nonresidential uses along the Lyndale Avenue corridor in the future. Maintaining a residential use on the property is more in keeping with the policies *The Minneapolis 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 will allow for additional nonresidential uses on the property. Currently, a nonresidential use cannot be established on the site. Allowing a district which allows for a nonresidential use to be established in the middle of a residential 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.

The purpose of the OR1 district is to provide a small scale mixed use environment of low to moderate density dwellings and office uses. The district may serve as a transition between neighborhood commercial centers and the surrounding residential uses. The properties directly north of the site are occupied by a multiple family dwelling and a structure originally built as a residence that was converted to a mixed use building with an office and a residence. These properties are zoned R6 Multiple Family Residence District. To the south, properties are zoned R5. Most of these properties are single- and two-family dwellings. East of the alley, the properties are zoned R2B, Two Family District and are predominantly established with single-family dwellings. Across Lyndale Avenue, R2B zoning exists. The nearest commercial zoning is located at the 35th Street and Lyndale Avenue intersection on the north corners. The nearest OR1 zoning is located six parcels to the south of the subject site and is adjacent to commercial zoning and uses. Two multi-family dwellings are located in that OR1 district. The OR1 district would allow for commercial uses that could not currently be established in this residential area. The proposed zoning is less compatible with the adjacent uses and is not compatible with the

CPED Planning Division Report
BZZ-3914

other zoning districts in the area. Further, it could set a precedent for converting residential properties to nonresidential uses along the Lyndale Avenue corridor in the future.

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.

Reasonable use of the property is permitted under the R5 zoning district. The existing single-family dwelling is a permitted use. The R5 district also allows a multi-family dwelling. Six dwelling units could be allowed on the site as-of-right. The OR1 district would not allow as much density as the R5 district, but single- and multi-family dwellings would still be allowed. The OR1 district would also allow an indoor theatre, offices, and a medical or dental clinic.

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.

The subject site has been zoned R5 since 1963. Over the past 50 years, there has been more of a trend to down-zone and to reduce the amount of commercial zoning along this portion of Lyndale Avenue. Properties on the west side of Lyndale Avenue were rezoned from R3 to R2B as part of a rezoning study. With the City Council adoption of a new zoning code in 1999, the zoning for the property of 3501 Lyndale Avenue changed from B1 Office Residence District (similar to an OR2 High Density Office Residence District in today's zoning code) to a R6 district. The structure at 3501 Lyndale Avenue was originally built as a mixed use building with offices and residences. The offices have since been converted to residences. The zoning for 615 35th Street West also changed at in 1999 from B3C (similar to a C4 General Commercial District in today's zoning code) to a R6 district. There has not been a significant change in the character or trend of development in the immediate area.

VARIANCE: to reduce the rear yard from 5 feet to 0 feet to allow a parking area.

Findings as required by the Minneapolis Zoning Code:

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.

Three parking spaces are proposed at the rear of the site. Two parking spaces would be located in the existing garage. The drive aisle for these spaces would extend to the south property line. An accessible space would be provided between the garage and the house. It would be located 2 feet from the south lot line. All parking would be within the rear 44 feet of the site. The minimum interior side yard requirement is 5 feet for a parking area because parking areas, including drive aisles, for nonresidential uses are not permitted obstructions in required yards. Parking for residential uses in an interior side yard is allowed as long as the parking is located within the rear 40 feet of the property. Providing a landscaped yard as required could restrict

CPED Planning Division Report
BZZ-3914

access to the existing garage. However, the conversion of the residence to a nonresidential use is creating the 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 circumstances are not unique to the parcel and are being created by the applicant. Residential uses, such as a single-family dwelling permitted under the existing zoning district, are allowed to park in the interior side yard in the rear 40 feet of a lot. Nonresidential uses cannot park in either of these yards because of the potential for additional traffic generated by nonresidential uses. Because the applicant is proposing to rezone the property and establish a nonresidential use, more regulations apply to the 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.**

In general, yard controls are established to provide for the orderly development and use of land and to minimize conflicts among land uses by regulating the dimension and use of yards in order to provide adequate light, air, open space and separation of uses. A 3.5 foot high fence and a 2 foot wide landscaped yard would be located between the handicap accessible space and the adjacent residential property to the south. The other two parking spaces would be located in the existing garage. No separation between the driveway on the subject site and the neighbor's driveway would be provided. No screening is required between the properties because less than four surface parking spaces are proposed. The proposed parking differs little from what currently exists on site. Granting of the variance would likely have little effect on surrounding properties.

- 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 of the variance would not likely increase congestion or affect 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 3507 Lyndale Avenue South from R5, Multiple-Family Residential District to OR1, Neighborhood Office 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 rear yard from 5 feet to 0 feet to allow a parking area at the property of 3507 Lyndale Avenue South.

Attachments:

1. Statement of use
2. Findings
3. Correspondence
4. Zoning map
5. Plans
6. Photos