

Department of Community Planning and Economic Development – Planning Division
Variance
BZZ – 4751

Date: May 6, 2010

Applicant: AEY Associates, LLC

Address of Property: 3550-52 Harriet Avenue

Contact Person and Phone: Kedar Kshirsagar, (651) 235-6175

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

Date Application Deemed Complete: April 12, 2010

End of 60-Day Decision Period: June 11, 2010

Ward: 10 **Neighborhood Organization:** Lyndale Neighborhood Association, adjacent to Kingfield Neighborhood Association

Existing Zoning: R5 Multiple Family Residence District

Zoning Plate Number: 24

Proposed Use: Three dwelling units

Concurrent Review:

- Variance to reduce the minimum lot size from 5,000 square feet to 4,160 square feet
- Variance to reduce the minimum lot width from 40 feet to 32 feet

Applicable zoning code provisions: Chapter 525, Article IX Variances, Specifically Section 525.520(2) “to vary the lot area or lot width requirements up to thirty (30) percent...”

Background: The subject site is approximately 32 ft. by 130 ft. (4,160 sqft.) and the legal use is as a two-family dwelling. The applicant purchased the property in 2008 as a triplex. The applicant is proposing to legally convert the use of the property from a duplex to a triplex; the illegal dwelling unit is located on the basement level within the existing building. In order to allow for the legal conversion to a triplex, the property must obtain CPED-Planning and Building Code Plan Review approval. The minimum lot area required allowing for the construction or conversion of the property’s use to a triplex in the R5 District requires 700 square feet of lot area per dwelling unit or 5,000 square feet, whichever is greater. The site does not meet the 5,000 square feet lot area minimum, thus requiring a variance. However, the site does have 700 square feet of lot area per dwelling unit. Therefore, the applicant is applying for a variance to reduce the minimum lot area from 5,000 sq. ft. to 4,160 sq. ft. to allow for a three-unit multiple family use within the existing building.

CPED Planning Division Report
BZZ – 4751

The minimum lot width to allow for the conversion of a duplex to a triplex is 40 ft. The subject property is on a lot that is 32 ft. in width. Therefore, the applicant is applying for a variance to reduce the minimum lot width from 40 ft. to 32 ft. to allow for a three-unit multiple family use within the existing building.

VARIANCE: to reduce the minimum lot size requirement from 5,000 square feet to 4,160 square feet (16.8 percent).

Findings as required by the Minneapolis Zoning Code:

1. The property can not be put to a reasonable use under the conditions allowed and strict adherence to the regulations of this zoning ordinance would cause undue hardship.

In the R5 District, the minimum lot area requirement is 5,000 square feet or 700 square feet of lot area per dwelling unit, whichever is greater. The applicant is requesting to reduce the minimum lot size requirement from 5,000 square feet to 4,160 square feet in order to legalize an existing dwelling unit in the basement of an existing building. The subdivision Baker's Addition of Minneapolis was platted in 1881 and all of lots adjacent to 36th Street West were platted between 24 to 26 feet in width. The subject property includes a 25 ft. platted lot and 7 ft. of the platted lot to the north, thereby making it a substandard lot. According to Public Works, 36th Street West is 80 ft. wide, which is 20 ft. greater than the average Minneapolis street. Staff believes that the proposed density at 1386 sq. ft. per dwelling unit in the R5 District is a reasonable use and strict adherence to the zoning code 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 conditions upon which the variance is requested are unique to the parcel of land and were not created by the applicant. The subdivision was platted with narrower lots along 36th Street West in 1881. The subject property 4,160 sq. ft. in size and is zoned R5 Multiple Family District, which allows for medium to high density. The applicant would need to acquire an additional 840 sq. ft. of land to add the proposed dwelling unit within the existing building on the subject site without a variance. This would be difficult to obtain because the adjacent properties are developed. Staff does not believe the existing lot size and platting of the property are circumstances created by the applicant. The overall surrounding area consists of a mix of uses, including low to high density, commercial and mixed use. Many of which are located on nonconforming lots as well.

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.

Lot area requirements are established to ensure compatibility with surrounding uses. The overall surrounding area consists of a mix of uses, including low to high density, commercial and mixed use. Many of which are located on nonconforming lots as well. The development would be medium density, equivalent to 31 units per acre, which is appropriate in a high density district.

The proposed lot area would be reasonable, as the lesser requirement of 700 square feet of lot area per unit is satisfied.

- 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 triplex dwelling be detrimental to the public welfare or endanger the public safety since the applicant is providing three on-site parking spaces.

VARIANCE: to reduce the minimum lot width requirement from 40 feet to 32 feet (20 percent).

Findings as required by the Minneapolis Zoning Code:

- 1. The property can not be put to a reasonable use under the conditions allowed and strict adherence to the regulations of this zoning ordinance would cause undue hardship.**

In the R5 District, the minimum lot width requirement is 40 feet for all dwellings except for planned unit developments. The applicant is requesting to reduce the minimum width requirement from 40 feet to 32 feet in order to legalize an existing dwelling unit in the basement of an existing building. The subdivision Baker's Addition of Minneapolis was platted in 1881 and all of lots adjacent to 36th Street West were platted between 24 to 26 feet in width. The subject property includes a 25 ft. platted lot and 7 ft. of the platted lot to the north, thereby making it a substandard lot. According to Public Works, 36th Street West is 80 ft. wide, which is 20 ft. greater than the average Minneapolis street. Strict adherence to the code would not allow for any residential use on the property given the lot width is less than 40 ft. Staff believes that the proposed dwelling unit within the existing building is a reasonable use and strict adherence to the zoning code would cause undue hardship.

- 3. 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 conditions upon which the variance is requested are unique to the parcel of land and were not created by the applicant. The subdivision was platted with narrower lots along 36th Street West in 1881. The subject property 32 ft. in width and is zoned R5 Multiple Family District. The existing legal use of the duplex is nonconforming to lot width. The applicant would need to acquire an additional 8 ft. of lot width to add the proposed dwelling unit within the existing building on the subject site without a variance. This would be difficult to obtain because the adjacent properties are developed. Staff does not believe the existing lot width and platting of the property is a circumstance created by the applicant. The overall surrounding area consists of a mix of uses, including low to high density, commercial and mixed use. Many of which are located on nonconforming lots as well.

- 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.**

CPED Planning Division Report
BZZ – 4751

Lot width requirements are established to ensure compatibility with surrounding uses and allow for sufficient livable space within the dwelling and maintain required yards. The overall surrounding area consists of a mix of uses, including low to high density, commercial and mixed use. Many of which are located on nonconforming lots as well. Staff believes that granting of the variance will not alter the essential character of the locality or be injurious to the use or enjoyment of other property because the applicant is legalizing an existing dwelling unit in the basement of the structure and not adding any additional bulk to the property.

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

RECOMMENDATIONS

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 minimum lot area from the required 5,000 square feet to 4,160 square feet in order to allow the legal conversion from a two-family to a three-family dwelling at 3550 Harriet Avenue South in the R5 Multiple Family Residence District.

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 minimum lot width from the required 40 feet to 32 feet in order to allow the legal conversion from a two-family to a three-family dwelling at 3550 Harriet Avenue South in the R5 Multiple Family Residence District.

Attachments:

- 1) Written descriptions and findings submitted by the applicant
- 2) Copy of e-mail sent to neighborhood organizations and CM Tuthill
- 3) Zoning map
- 4) Site plan
- 5) Floor plans
- 6) Photographs