

Department of Community Planning and Economic Development – Planning Division**Variance Request
BZZ-2765****Date:** January 19, 2006**Applicant:** James Gray**Address of Property:** 2325 Grand Avenue South**Contact Person and Phone:** James Gray, (612) 871-1986**Planning Staff and Phone:** Paul Mogush, (612) 673-2670**Date Application Deemed Complete:** December 14, 2005**End of 60 Day Decision Period:** February 6, 2006**Appeal Period Expiration:** January 30, 2006**Ward:** 6 **Neighborhood Organization:** Whittier Alliance**Existing Zoning:** R5 Multiple Family District**Proposed Use:** A seven-stall surface parking lot accessory to a multiple family residence**Proposed Variances:** A variance to reduce the minimum required width of a two-way drive aisle from 22 feet to 19 feet, a variance to reduce the required north interior side yard from 7 feet to 1 foot to allow for surface parking, and a variance to allow a parking area in the south corner side yard of an existing multiple family dwelling at 2325 Grand Avenue South in the R5 Multiple Family District.**Zoning code section authorizing the requested variance:** 525.520 (1) and (14)**Background:** The subject property is approximately 50 feet by 124 feet (6,178 square feet) and consists of an existing 9-unit multiple family dwelling and a 4-space gravel parking area on a corner lot. The existing gravel parking area is accessed via an alley and is approximately 28 feet wide by 24 feet deep. A retaining wall supporting the parking area along its western boundary accommodates a drop in natural grade of approximately 3 feet between the alley and the principal structure. The applicant is proposing to pave and expand the parking area to include 5 perpendicular and 2 tandem spaces with a 19-foot drive aisle. The minimum required width of a two-way drive aisle is 22 feet. The proposed perpendicular spaces are located 1 foot from the north property line, where the required interior side yard is 7 feet. The 2 tandem spaces are located within the required 10-foot corner side yard, where a parking area is not a permitted obstruction.

Findings Required by the Minneapolis Zoning Code:

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

Drive aisle width: The applicant is applying for a variance to reduce the minimum required width of a two-way drive aisle from 22 feet to 19 feet. This 3-foot reduction, combined with the corner side yard variance, allows for 2 proposed tandem parking spaces parallel to the West 24th Street sidewalk. The tandem space closest to the building would be difficult or impossible to access when the other tandem space is occupied. Therefore, strict adherence to the 22-foot minimum drive aisle width would result in the loss of one functional parking space over the proposed plan, which staff does not believe to be undue hardship.

Interior side yard setback: The applicant is applying for a variance to reduce the required north interior side yard from 7 feet to 1 foot to allow for 5 parallel parking spaces. Locating these parking spaces further than 1 foot from the interior side property line would change the proposed design and potentially reduce the number of proposed spaces. Staff analysis concludes that the property can accommodate an increase of parking spaces over those provided in the existing gravel parking area with less deviation from the requirements of the zoning code than the applicant proposes. Therefore, staff does not identify a hardship associated with locating the parking area further than 1 foot from the interior side property line.

Parking in corner side yard: The applicant is applying for a variance to allow parking in the south corner side yard. The proposal is for 2 tandem spaces located approximately 3 feet 10 inches from the corner side property line, where the required corner side yard is 10 feet. The tandem space closest to the building would be difficult or impossible to access when the other tandem space is occupied. Therefore, strict adherence to the corner side yard regulation would result in the loss of one functional parking space over the proposed plan, which staff does not believe to be 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.**

Drive aisle width: The applicant is applying for a variance to reduce the minimum required width of a two-way drive aisle from 22 feet to 19 feet to allow for additional surface parking. The multiple-family dwelling on the property was built in 1908, before the prevalence of the automobile and prior to any regulations requiring off-street parking. The applicant did not create the condition in which the property cannot accommodate one off-street parking space for each dwelling unit.

Interior side yard setback: The applicant is applying for a variance to reduce the required north interior side yard from 7 feet to 1 foot to allow for 5 parallel parking spaces. The multiple-family dwelling on the property was built in 1908, before the prevalence of the automobile and prior to any regulations requiring off-street parking. The applicant did not create the condition in which the property cannot accommodate one off-street parking space for each dwelling unit.

Parking in corner side yard: The applicant is applying for a variance to allow parking in the south corner side yard. The multiple-family dwelling on the property was built in 1908, before the prevalence of the automobile and prior to any regulations requiring off-street parking. The applicant did not create the condition in which the property cannot accommodate one off-street parking space for each dwelling unit.

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.**

Drive aisle width: The applicant is applying for a variance to reduce the minimum required width of a two-way drive aisle from 22 feet to 19 feet to allow for additional surface parking. The drive aisle width reduction alone will not prevent efficient maneuvering in and out of parking spaces, as is the intent of the ordinance. The surrounding area is characterized by multiple-family dwellings with parking lots in the rear, many of which do not meet the minimum required drive aisle width.

Interior side yard setback: The applicant is applying for a variance to reduce the required north interior side yard from 7 feet to 1 foot to allow for 5 parallel parking spaces. Granting this variance would be injurious to the enjoyment of the adjacent property because parking would be located substantially closer to the existing single family dwelling than would otherwise be permitted by the zoning code.

Parking in corner side yard: The applicant is applying for a variance to allow parking in the south corner side yard. The proposed parking area is located approximately 3 feet 10 inches from the corner side property line, where the required corner side yard is 10 feet. A landscaped area of 3 feet 10 inches will not be sufficient to provide required landscaping and to absorb stormwater runoff from the parking lot.

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.**

Drive aisle width: The applicant is applying for a variance to reduce the minimum required width of a two-way drive aisle from 22 feet to 19 feet to allow for additional surface parking. Granting this variance will not substantially increase the congestion of the public streets, but has the potential to slightly increase congestion in the alley as a result of the additional parking

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spaces. Staff does not believe that granting this variance will increase the danger of fire or be detrimental to the public welfare or endanger the public safety.

Interior side yard setback: The applicant is applying for a variance to reduce the required north interior side yard from 7 feet to 1 foot to allow for 5 parallel parking spaces. Granting this variance will not substantially increase the congestion of the public streets, but has the potential to slightly increase congestion in the alley as a result of the additional parking spaces. Staff does not believe that granting this variance will increase the danger of fire or be detrimental to the public welfare or endanger the public safety.

Parking in corner side yard: The applicant is applying for a variance to allow parking in the south corner side yard. Granting this variance will not substantially increase the congestion of the public streets, but has the potential to slightly increase congestion in the alley as a result of the additional parking spaces. Staff does not believe that granting this variance will increase the danger of fire or be detrimental to the public welfare or endanger the public safety.

Recommendation of the Department of Community Planning and Economic Development - Planning Division:

The Department of Community Planning and Economic Development – Planning Division recommends that the Board of Adjustment adopt the findings above and **deny** the variance to reduce the minimum required width of a two-way drive aisle from 22 feet to 19 feet, **deny** the variance to reduce the required north interior side yard from 7 feet to 1 foot to allow for surface parking, and **deny** the variance to allow a parking area in the south corner side yard of an existing multiple family dwelling at 2325 Grand Avenue South in the R5 Multiple Family District..