

**Department of Community Planning and Economic Development – Planning
Division**

Conditional Use Permit and Variance
BZZ-2092

Date: December 13, 2004

Applicant: Peter Hayes, Lauren Management Company, 707 Douglas Avenue,
Minneapolis, MN 55403, (612)377-7200

Address of Property: 319 W. 47th Street & 4701 Grand Avenue South

Project Name: Not applicable

Contact Person and Phone: Peter Hayes, Lauren Management Company, 707 Douglas
Avenue, Minneapolis, MN 55403, (612)377-7200

Planning Staff and Phone: Becca Farrar, (612)673-3594

Date Application Deemed Complete: November 19, 2004

End of 60-Day Decision Period: January 17, 2005

End of 120-Day Decision Period: Not applicable

Ward: 11 **Neighborhood Organization:** Tangletown Neighborhood Association

Existing Zoning: R5 – Multiple-family district

Proposed Zoning: Not applicable for this application

Zoning Plate Number: 30

Lot area: 6,995 square feet or .16 acres

Legal Description: Not applicable for this application

Proposed Use: Addition of one dwelling unit into a five dwelling unit building (for a
total of six dwelling units).

Concurrent Review:

- Conditional Use Permit for the addition of one dwelling unit in a five dwelling
unit building (for a total of six dwelling units) located in the R5 district.

- Variance of the on site parking requirement to four spaces. Six parking spaces are required and one parking space is grandfathered, thus a variance is required for one parking space.

Applicable zoning code provisions: Chapter 525: Article VII Conditional Use Permits and Article IX, Variances.

Background: The applicant is proposing to legalize a sixth unit within an existing multi-family structure, as well as acquire a variance of the on site parking requirement. According to a complete research history of the subject property conducted by a records management specialist in the Inspections / Housing Department, the apartment building was originally constructed in 1925 as a four-unit apartment building. At some point the building was converted to a five-unit building, although the city does not have records indicating that permits were ever legally attained for the fifth unit. The City recognized and registered the fifth in 1971. It is unclear within the records as to when the 6th unit, or abandoned garage was converted to living space, however, there is no record that permits were ever legally attained for that unit either. The applicant claims that the property has been utilized for the past 25 years as a six unit apartment building.

The present owner purchased the apartment building 25 years ago as a six unit rental property. It was legally licensed through the City as a six unit apartment building and has continued to operate each year since with a six unit license. The city has conflicting records regarding the building as it is registered as a five unit building even though it is licensed for six units. The City recognizes the legality of the units based on those which are registered not licensed. As such the applicant is legally entitled to the use of five units on the property, not six. The applicant is applying for a conditional use permit to legalize the sixth unit in the building.

The building has recently undergone a complete restoration with a new Durolast roof, all new windows, a new four car garage, new landscaping, exterior brick and concrete work and a total renovation of the six units to bring them into code compliance. The applicant claims that all necessary permits and inspections have been attained for these site improvements.

The six-unit building would meet all the applicable requirements of the R5 district including minimum lot size, lot width, maximum floor area ratio (FAR) and height.

Staff has not received a formal response from the Tangletown Neighborhood Association.

Findings as required by the Minneapolis Zoning Code for a Conditional Use Permit:

The Minneapolis Department of Community Planning and Development, Planning Division, has analyzed the application and from the findings above concludes that the establishment, maintenance, or operation of the proposed conditional use:

1. Will not be detrimental to or endanger the public health, safety, comfort or general welfare.

The legalization and continued use of the apartment building as a six-unit rental should not have negative impacts on the area. Residential development of moderate density would be consistent and compatible with other properties in the immediate vicinity. Staff does not believe that the project would prove detrimental to public safety, comfort or general welfare.

2. Will not be injurious to the use and enjoyment of other property in the vicinity and will not impede the normal or orderly development and improvement of surrounding property for uses permitted in the district.

The site is currently utilized as a six-unit rental building. The current use of the property would prove compatible with the surrounding uses and should not impede normal and orderly development of the area. There will be no exterior modifications to the building. The building will continue to be used in the same manner that it has been used for the past 25 years.

3. Adequate utilities, access roads, drainage, necessary facilities or other measures, have been or will be provided.

The site would be accessed via the public alley to the four-car garage. There is no surface parking proposed with this project. The applicant is required to apply for a parking variance as only four off-street parking spaces are provided. Utilities, access roads, drainage and other facilities would likely not be affected by utilizing the property as it has been for the past 25 years.

4. Adequate measures have been or will be provided to minimize traffic congestion in the public streets.

The project does not comply with the minimum number (six) of required off-street parking spaces. The property is grandfathered one parking space, four are provided, so a variance is needed for one parking space. All on site parking spaces are existing and are located in a four-car garage located to the rear of the building, adjacent to the alley.

5. Is consistent with the applicable policies of the comprehensive plan.

The conditional use permit to allow six units of housing in an existing apartment building is consistent with the relevant provisions of the Minneapolis Plan, as follows:

Relevant policy: **9.5.** Minneapolis will support the development of residential dwellings of appropriate form and density.

The proposed conditional use permit would allow the continued use of a residential development of moderate density in the R5 district.

- 6. And, does in all other respects conform to the applicable regulations of the district in which it is located upon approval of this conditional use permit, the rezoning request, relevant variances, and site plan review.**

If all land use/zoning applications are approved, including the parking variance the proposal will comply with the applicable provisions of the R5 district.

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 site could be put to a reasonable use because the site as it currently exists with only five legal units is reasonable, however, with the legalization of the existing sixth unit, another parking space is required.

- 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 of legalizing an existing unit which has been utilized for over 25 years, thus necessitating that the parking be brought up to code are unique to this parcel of land and were not created by any person presently having an interest in the property. There is on street parking permitted in close proximity to the subject site along both Grand Avenue South and 47th Street West.

- 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.**

Granting a variance for one parking space will likely not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. The property will continue to be used in the same manner in which it has operated over the past 25 years.

- 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 proposal to vary the on site parking requirement by one parking space will not be expected to 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. There is on street parking permitted within close proximity to the subject site along both Grand Avenue South and 47 Street West.

RECOMMENDATIONS:

Recommendation of the Community Planning and Economic Development Department – Planning Division for the conditional use permit:

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the conditional use permit to allow six dwelling units on the property located at 319 W. 47th Street & 4701 Grand Avenue South subject to the following conditions:

1. There shall be no more than 6 dwelling units in the building.
2. The applicant may need to acquire building permits to legalize the sixth unit.

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 findings above and **approve** the variance of the on site parking requirement to four spaces for the property located at 319 W. 47th Street & 4701 Grand Avenue South.

Attachments:

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