

**Department of Community Planning and Economic Development – Planning Division****Variance Request  
BZZ-3377**

**Date:** February 15, 2007

**Applicant:** Wayde Johnson, on behalf of Andrew Residence

**Address of Property:** 1215 South 9<sup>th</sup> Street

**Contact Person and Phone:** Wayde Johnson, (952) 224-9119

**Planning Staff and Phone:** Brian Schaffer, (612) 673-2670

**Date Application Deemed Complete:** December 21, 2006

**Public Hearing:** February 15, 2007

**Appeal Period Expiration:** February 26, 2007

**End of 60 Day Decision Period:** February 19, 2007

**Ward:** 7      **Neighborhood Organization:** Elliot Park Neighborhood, Inc.

**Existing Zoning:** R5 Multiple-family District and DP Downtown Parking Overlay District.

**Proposed Use:** An accessory surface parking lot for the Andrew Residence at 1215 South 9<sup>th</sup> Street.

**Proposed Variances:**

- A variance to reduce the setback along South 9<sup>th</sup> Street from 15 feet to 6 feet
- A variance to reduce the setback along 13<sup>th</sup> Avenue South from 15 feet to 3 feet
- A variance to reduce the required landscaping along South 9<sup>th</sup> Street from 7 feet to 6 feet.
- A variance to reduce the required landscaping along 13<sup>th</sup> Avenue South from 7 feet to 3 feet.
- A variance to reduce the minimum two-way drive aisle width from 22 feet to 19 feet 10 inches.

To allow for an existing parking lot at 1215 9<sup>th</sup> Street South in the R5 Multiple-family District and DP Downtown Parking Overlay District.

**Zoning code section authorizing the requested variances:** 525.520 (8), (14), and (25)

**Background:** The Andrew Residence is a nursing home located at 1215 South 9<sup>th</sup> Street. It has an existing 17 stall paved parking lot located on the east side of the building. The existing paved parking lot has 18 foot deep parking stalls and 23 foot wide two-drive aisle. This parking lot meets the setback and stall dimensions required by the Zoning Ordinance.

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Adjacent to the existing paved parking lot is a gravel lot that is located along the corners of 9<sup>th</sup> Street South and 13<sup>th</sup> Avenue South. This unimproved gravel lot has been used to park vehicles and was never legally established and does not comply with the Zoning Ordinance. This existing unimproved parking lot is being used for surface parking. It contains two aisles of vehicle parking with vehicles parked up to the sidewalk.

The Andrew Residence was built in 1971 as a nursing home. Review of the city's records did not clearly indicate if the property received a parking variance. The parking requirements for a nursing home have not changed since the time of the construction. These requirements are 1 space per every 3 beds.

The applicant is proposing to pave the gravel lot and create 7 parking stalls and a two-way drive aisle. The proposed parking lot will be 3.5 feet from the property line along 13<sup>th</sup> Avenue South and approximately 10 feet from the sidewalk. The proposed parking lot will be 6 feet from the property line along 9<sup>th</sup> Street South and 12 feet from the sidewalk. The parking lot is proposed to be 5 feet from the existing residential property to the southeast along 13<sup>th</sup> Avenue South.

The applicant is proposing a landscaping plan that will cover the remaining 3 feet 6 inches along 13<sup>th</sup> Avenue and 6 feet along South 9<sup>th</sup> Street and the remaining right-of-way between the property line and the sidewalk. The landscaping plan includes rock beds with a variety of plants and shrubs. The proposed plan also indicates a 6 foot high privacy fence along the southeast property line that is shared with a private residence located at 908 13<sup>th</sup> Avenue South.

The subject site is located in the R5 Multiple-family District and the required setback along both South 9<sup>th</sup> Street and 13<sup>th</sup> Avenue South is 15 feet. Section 530.170 of Zoning Ordinance also requires a 7 foot wide landscaped yard along 9<sup>th</sup> Street and 13<sup>th</sup> Avenue South. The required landscaped yard shall contain a masonry wall, fence or hedge that is at least 3 feet high and at least 60 percent opaque. The Zoning Ordinance also requires a minimum 22 foot wide drive aisle for a two-way drive aisle.

The subject site is located in the DP Downtown Parking Overlay District. The purpose of this district is to preserve significant and useful buildings and to protect the unique character of the downtown area and mixed-use downtown neighborhood by restricting the establishment or expansion of surface parking lots. The expansion or establishment of a surface parking lot requires a conditional use permit. The DP District also limits the number of surface parking spaces to 20.

The proposed parking lot requires variances to reduce the setback from 15 feet to 3 feet 6 inches and 6 feet along 13<sup>th</sup> Avenue South and South 9<sup>th</sup> Street respectively. The proposed parking lot requires variances to reduce the required landscaping along 13<sup>th</sup> Avenue South and South 9<sup>th</sup> Street from 7 feet wide to 3.5 and 6 feet.

**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.**

**9<sup>th</sup> Street Setback reduction:** The applicant is seeking a variance to reduce the required setback from 15 feet to 6 feet along 9<sup>th</sup> Street South to allow for the proposed parking lot. Strict adherence to the ordinance would require a 15 foot setback which would not allow for the proposed parking in that setback. Staff believes that alternative designs for the proposed parking area exist that would meet the setback along 9<sup>th</sup> Street. Staff does not believe that strict adherence to the Zoning Ordinance would cause undue hardship.

**13<sup>th</sup> Avenue Setback reduction:** The applicant is seeking variances to reduce the required setback from 15 feet to 3.5 feet along 13<sup>th</sup> Avenue South to allow for the proposed parking lot. Strict adherence to the ordinance would require a 15 foot setback which would not allow for the proposed establishment of the parking area. The available area is 37 feet wide and the 15 foot setback leaves 22 feet, which is not enough area to allow for any parking configuration on the lot.

The existing adjacent paved parking area has a 23 foot wide drive aisle and the required width is 22 feet. Staff believes an alternative design exists that would allow for an additional one foot of landscaping along 13<sup>th</sup> Avenue by reducing the aforementioned drive aisle width from 23 feet to the required 22 feet. A 4.5 foot setback along 13<sup>th</sup> Avenue is a reasonable use of the property to allow for the establishment of the parking lot as long as the number of parking spaces is 20 or less.

**9<sup>th</sup> Street Landscaping Width reduction:** The applicant is seeking a variance to reduce the required landscaping width from 7 feet to 6 feet along 9<sup>th</sup> Street South to allow for the proposed parking lot. Strict adherence to the zoning ordinance would require 7 feet of landscaping between the property line and the parking area, which would not allow for the proposed parking area. Staff believes that alternative designs for the proposed parking area exist that meet the 7 foot landscaping requirement along 9<sup>th</sup> Street. Staff does not believe that strict adherence to the zoning ordinance would cause undue hardship.

**13<sup>th</sup> Avenue Landscaping Width reduction:** The applicant is seeking a variance to reduce the required landscaping width from 7 feet to 6 feet along 9<sup>th</sup> Street South and 3.5 feet along 13<sup>th</sup> Avenue South to allow for the proposed parking lot. Strict adherence to the ordinance would require 7 feet of landscaping between the property line and the parking area, which would not allow for the proposed parking area. Landscaping of 4.5 feet in width to match the allowed setback along 13<sup>th</sup> Avenue is a reasonable use of the property to allow for the improvement of the parking area as long as the number of parking spaces is 20 or less..

**Drive aisle reduction:** The applicant is seeking a variance to reduce drive isles from 22 feet to 19 feet 10 inches to allow for two two-way interior drive aisles within the parking lot. Strict adherence to the ordinance would require the drive aisles to be 22 ft. in width which would not allow for the proposed establishment of the parking area. A 19 foot 10 inch interior two-way drive aisle is a reasonable use of the property to allow for the improvement of the parking area as long as the number of parking spaces is 20 or less.

- 2. The circumstances are unique to the parcel of land for which the variance is sought and have not been created by any person 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.**

**All requested variances:** The circumstances are unique to the parcel of land and have not been created by the applicant. The lot is narrow, only 37 feet wide, and would not allow for the required setback, the required landscaping and required parking stall depth and drive aisle width to allow for parking vehicles. The applicant did not plot the parcel and did not create the circumstances requiring a variance.

- 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.**

**All requested variances:** The subject property is located in the Downtown Parking Overlay District. The purpose of this district is to preserve significant and useful buildings and to protect the unique character of the downtown area and mixed-use downtown neighborhood by restricting the establishment or expansion of surface parking lots. The variances are requested to allow for the expansion of a surface parking lot. The unpaved portion of the property has been used for parking vehicles. However, it is a gravel lot that has never been legally established and therefore is not granted any grandfather rights as a parking area. A conditional use permit must be obtained to allow for the proposed parking area expansion. The expansion of the surface parking lot without receiving the proper approvals will not be in keeping with the spirit and intent of the ordinance and might alter the essential character of the locality.

- 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.**

**All requested variances:** Granting the requested variances would likely have no impact on the congestion of area streets or fire safety nor would the variance be detrimental to the public welfare or endanger the public safety.

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

1. The Department of Community Planning and Economic Development Planning Division recommends that the Board of Adjustment adopt the findings above and:
  - **Deny** a variance to reduce the setback along 9<sup>th</sup> Street South from 15 feet to 6 feet.
  - **Deny** a variance to reduce the setback along 13<sup>th</sup> Avenue South from 15 feet to 3 feet.
  - **Deny** a variance to reduce the required landscaping along 9<sup>th</sup> Street South from 7 feet to 6 feet.
  - **Deny** a variance to reduce the required landscaping along 13<sup>th</sup> Avenue South from 7 feet to 3 feet.

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- **Deny** a variance to reduce the minimum two-way drive aisle width from 22 feet to 19 feet 10 inches.

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