

Department of Community Planning and Economic Development – Planning Division
Conditional Use Permit and Variance
BZZ-5006

Date: November 15, 2010

Applicant: Cheryl Ziegelman

Address of Property: 3532 18th Avenue South

Project Name: 3532 18th Avenue South

Contact Person and Phone: Cheryl Ziegelman 612-729-1440

Planning Staff and Phone: Jim Voll 612-673-3887

Date Application Deemed Complete: October 21, 2010

End of 60-Day Decision Period: December 20, 2010

Ward: 9 **Neighborhood Organization:** Powderhorn Park

Existing Zoning: R5 Multiple-family District

Proposed Zoning: Not applicable for this application

Zoning Plate Number: 26

Legal Description: Not applicable for this application

Proposed Use: Five-unit multiple-family residential building.

Concurrent Review:

Conditional Use Permit: To increase the number of dwelling units from 4 units to 5 units.

Variance: To reduce the minimum required drive aisle from 22 feet to 9 feet.

Applicable zoning code provisions: Chapter 525, Article VII, Conditional Use Permits and Article IX, Variances, Specifically Section 525.520(14) “to reduce the minimum required width of parking aisles...”

Background: The subject property has been licensed as a four-unit building, since the owner purchased the structure in 2004. The owner has indicated that a fifth unit has been in the basement since that time as well, but unused. She believes it was constructed in 2002. She is requesting to make it a legal unit at this time. The basement unit has two bedrooms and the other four units are one bedroom units. As of the writing of this staff report, staff has not received an official recommendation from the neighborhood group.

CONDITIONAL USE PERMIT (to increase the number of dwelling units from four to five).

Findings as Required by the Minneapolis Zoning Code:

The Community Planning and Economic Development Department – Planning Division has analyzed the application and from the findings above concludes that:

1. The establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, comfort or general welfare.

The Planning Division does not believe that adding one dwelling unit for a total of five units within the existing building will be detrimental to or endanger the public health, safety, comfort or general welfare. The proposed increase in units will not add bulk to the building, does not exceed the density requirements of the R5 District, and will provide the required parking, if the drive aisle variance is approved.

2. The conditional use 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 proposed increase in units will not add bulk to the building and does not exceed the density requirements of the R5 District. The site will have five parking spaces if the drive aisle variance is approved. The Planning Division does not believe that increasing the number of dwelling units by one within an existing building will be injurious to the use and enjoyment of other property in the vicinity or impede the normal or orderly development and improvement of surrounding property.

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

The utilities and access are existing and adequate. No changes to the site or building additions are proposed (the unit is existing in the basement of the building), so no change to drainage is proposed.

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

The zoning code requires one parking space per dwelling unit. The site plan shows it is possible to provide five spaces in the parking lot if the drive aisle variance is approved. Staff has received correspondence that there is parking congestion in the alley.

5. The conditional use is consistent with the applicable policies of the comprehensive plan.

The Minneapolis Plan for Sustainable Growth designates the area around the subject property as Urban Neighborhood. The plan states that the Urban Neighborhood category is “predominantly residential area with a range of densities, with highest densities to be concentrated around identified nodes and corridors.” The subject site is not located on a node or corridor, but is located in a small area that has historically been in the R5 District and contains multi-family buildings. While staff does not believe a large increase in density, or full build-out of the allowable density is appropriate for this area, an addition of one unit should not have a significant impact on surrounding properties if parking issues are managed by the owner. The Planning Division believes that the proposed development is in conformance with *The Minneapolis Plan for Sustainable Growth*.

6. The conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located.

With the approval of the conditional use permit and variance this development will be in conformance with the applicable regulations of the R5 District.

Parking lots of four or more spaces are required to meet the landscaping, screening, and curbing requirements of chapter 530, Site Plan Review, of the zoning code. The parking lot provides wheel stops in lieu of curbing. Seven foot wide landscaped yards are required on the north and south sides of the parking area. Staff made a determination that it is practically or economically infeasible to provide the required screening of the parking area, as allowed by Section 531.110 of the zoning code. The parking lot exists, there is a garage to the south that provides screening, and there is a parking lot to the north of the subject lot making screening less necessary. If the seven foot yards were installed it would not be possible to add a fifth space or to keep the existing four spaces and still have an area for the trash containers.

Approval of the conditional use permit and variance is independent of any building code issues with the proposed unit and does not supersede the building code requirements or oblige the building department to issue any permits.

VARIANCE (of the drive aisle width)

Findings 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.

A four unit building can have parking directly off the alley and does not have a drive aisle requirement; however, buildings with five units or more have a drive aisle requirement of 22 feet. The parking area is existing off of the alley, but the addition of one unit, to a total of five units, now requires compliance with the on site drive aisle requirement of 22 feet. The parking spaces are nine feet from the alley, so the variance is from 22 feet to nine feet. The vehicles would be able to maneuver in the alley so there would actually be more than nine feet for vehicle movement. The alley is 12 feet wide, so there would

be a total of 21 feet of maneuvering area. It would not be possible to have five parking spaces or maneuver without use of the alley. This can be considered a 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 parking area is existing and can not be moved further to the structure due to a significant grade change. This is not a circumstance that is applicable to all multi-family buildings with parking off of an alley.

- 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.**

The intent of the ordinance is to provide adequate maneuvering space for parking areas and to limit the amount of maneuvering that utilizes an alley. If this was a four unit building the use of the alley for maneuvering would be allowed. The addition of one parking space should not be a significant change from the current configuration. Therefore, granting the variance should not circumvent the intent of the ordinance.

- 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 variance should not contribute to the generation traffic congestion in the public streets as it will allow for the required parking to be provided on site and will add only one parking space; however, staff has received correspondence from an adjacent neighbor due to vehicles parking in the alley, so there may already be issues at the site (please see attached e-mail). If the property management does not address the possible parking issues at the alley, the variance could be detrimental to the public welfare or safety. The variance will not increase the danger of fire.

RECOMMENDATIONS

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the conditional use permit application to increase the number of dwelling units from four to five for property located at 3532 18th Avenue South subject to the following condition:

1. The conditional use permit shall be recorded with Hennepin County as required by Minn. Stat. 462.3595, subd. 4 before building permits may be issued or before the use or activity requiring a conditional use permit may commence. Unless extended by the zoning administrator, the conditional use permit shall expire if it is not recorded within one year of approval.

Recommendation of the Department of Community Planning and Economic Development – Planning Division for the drive aisle variance:

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the variance to reduce the minimum required drive aisle from 22 feet to 9 feet for property located at 3532 18th Avenue South.

Attachments:

1. Project description and findings from the applicant.
2. Letters from surrounding property owners.
3. Zoning Map.
4. Site plan and floor plans.
5. Photographs of the site.