

Department of Community Planning and Economic Development – Planning Division
Rezoning Petition, Variance
BZZ – 4095

Date: October 20, 2008

Applicant: Gallop Solutions, Inc

Address of Property: 2732 Bloomington Ave

Contact Person and Phone: Tom Bohlen, (651) 501-0000

Planning Staff and Phone: Kimberly Holien, (612) 673-2402

Date Application Deemed Complete: September 10, 2008

End of 60-Day Decision Period: November 9, 2008

End of 120-Day Decision Period: On September 25, 2008, staff sent a letter to the applicant extending the decision period to no later than January 8, 2009

Ward: 9 Neighborhood Organization: Midtown Phillips

Existing Zoning: R2B, Two-Family District

Proposed Zoning: R4, Multiple Family District

Zoning Plate Number: 26

Legal Description: S 38 FT OF LOT 2 AND N 2 FT OF LOT 3, Wright's Addition of Minneapolis

Proposed Use: Three dwelling units

Concurrent Review:

Petition to rezone the property of 2732 Bloomington Ave from R2B to R4.

Variance to reduce the minimum lot size from 5,000 square feet to 4,686 square feet.

Applicable zoning code provisions: Chapter 525, Article VI Zoning Amendments, Chapter 525, Article IX, Variances

Background: The subject site contains a four-unit multiple family dwelling that has been vacant since September 2006 and is currently boarded. Due to the fact that the building has been out of use for more than one year, it has lost its rights to remain as a legally non-conforming structure in the R2B District. The applicant appealed this decision of the Zoning Administrator in January 2008 at the Board of Adjustments. That appeal was denied. The applicant has now made an application to rezone the site

from R2B to R4 to accommodate the building. The building is proposed to be converted from four dwelling units to three dwelling units.

The site has 4,686 square feet of lot area. The R4 District requires 1,500 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 1,500 square feet of lot area per dwelling unit. An R3 zoning designation would not allow three dwelling units on the site. The R3 District requires 2,500 square feet of lot area per dwelling unit, with a maximum variance of 30 percent. Under a scenario where the maximum lot area variance is granted, the site would require 5,250 square feet of lot area.

The site has off-street parking off the alley in the rear to satisfy the minimum requirement of three parking stalls. The applicant is proposing to renovate the building to convert the two existing units on the second floor into one dwelling unit. The two units on the first floor would remain. The first floor units are 847 square feet each. The second floor unit is proposed at 1,694 square feet.

REZONING: Petition to rezone from R2B to R4.

Findings as required by the Minneapolis Zoning Code for the rezoning petition:

1. Whether the amendment is consistent with the applicable policies of the comprehensive plan.

The property of 2732 Bloomington Avenue is on a designated Community Corridor, as stated in *The Minneapolis Plan*. In *The Minneapolis Plan for Sustainable Growth*, this designation would remain the same. According to the principles and policies outlined in the plan, the following apply to this proposal:

4.2 Minneapolis will coordinate land use and transportation planning on designated Community Corridors streets through attention to the mix and intensity of land uses, the pedestrian character and residential livability of the streets, and the type of transit service provided on these streets.

Applicable Implementation Steps:

Promote more intensive residential development along these corridors where appropriate.

Strengthen the residential character of Community Corridors by developing appropriate housing types that represent variety and a range of affordability levels.

Staff comment: The existing building at 2732 Bloomington Avenue has historically contained four dwelling units. The applicant is proposing to reduce the number of units to three under the more intense R4 zoning designation, to bring the building into compliance. The block on which the site is located contains land zoned R6 to the north and land zoned OR1 and C1 to the south. In that regard, a zoning designation that allows for more intense residential development in this area is consistent with these goals of *The Minneapolis Plan*.

2. Whether the amendment is in the public interest and is not solely for the interest of a single property owner.

An amendment of the zoning district to R4 would make the existing use conforming. The applicant is requesting a more intense residential zoning designation, but is proposing to reduce the number of dwelling units from four (illegally non-conforming) to three. The requested rezoning would allow for reinvestment in a building that is currently vacant and boarded. As noted above, there is a public policy basis for medium-density residential zoning on Community corridors. The amendment is in the public interest and not solely in the interest of the property owner.

3. Whether the existing uses of property and the zoning classification of property within the general area of the property in question are compatible with the proposed zoning classification, where the amendment is to change the zoning classification of particular property.

The proposed three-unit building is compatible with the proposed R4 zoning designation. The R4 District requires 1,500 square feet of lot area per dwelling unit, or 5,000 square feet, whichever is greater. The site has 4,686 square feet of lot area. The site would be conforming as to lot area with the requested lot area variance. The existing building is non-conforming in regard to side yard setbacks. The structure has a setback of two feet from the east property line and zero feet from the west property line. No modifications are proposed to the building footprint.

The properties directly north and south of the subject site are zoned R2B and contain single family dwellings. The property to the west of the site, abutting the rear lot line, is zoned R2B and contains a 53-unit senior living facility. The property directly across Bloomington Avenue to the east is also zoned R2B. The block on which the site is located contains five lots zoned R6 to the north, one lot zoned OR1 to the south and a lot zoned C1 on the south corner.

The proposed R4, Multiple-Family, zoning designation would allow a maximum of three units on the subject site with a lot area variance. A fourth unit may be possible in the future with an additional approved lot area variance. The proposed zoning is compatible with the surrounding uses and zoning classifications.

4. Whether there are reasonable uses of the property in question permitted under the existing zoning classification, where the amendment is to change the zoning classification of particular property.

The property lost rights to the current four-unit building. The existing structure on the property at 2732 Bloomington Ave contained four dwelling units starting in 1989. These units lost their legal non-conforming status in 2007. Under the existing R2B zoning designation, the site would only be permitted to have two dwelling units (one unit without a lot area variance). The applicant is proposing to reduce the number of existing dwelling units from four to three. However, this modification is not permitted without the requested rezoning. This portion of Bloomington Avenue contains a mix of residential densities and commercial uses. Due to the

fact that the property is located on a community corridor, a higher density residential land use designation is appropriate for this parcel.

Whether there has been a change in the character or trend of development in the general area of the property in question, which has taken place since such property was placed in its present zoning classification, where the amendment is to change the zoning classification of particular property.

This stretch of Bloomington Avenue is currently a mix of land use categories. Historically, the mix of land use designations has been similar. Prior to 1999, the property at 2732 Bloomington was zoned R2B. Starting two lots north of the site, the properties were zoned R6 prior to 1999. The two properties on the south end of the block were zoned B2S. The existing building on the property was converted to a four-unit structure in 1989. Within this immediate area of Minneapolis, there has not been recent change in the type of development.

VARIANCE: to reduce the minimum lot size requirement from 5,000 square feet to 4,686 square feet (6.3 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 R4 District, the minimum lot area requirement is 5,000 square feet or 1,500 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 4,686 square feet. The development would be medium density, which is appropriate on a community corridor. The proposed lot area would be reasonable, as the lesser requirement of 1,500 square feet of lot area per unit is satisfied.

- 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.**

Bloomington Avenue is designated as a community corridor. The building contained four dwelling units before the current owner purchased the property. These four units lost their legal non-conforming status in 2007. These circumstances were not created by the current property owner.

- 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. Establishing medium density on a community corridor meets the intent of the ordinance. The

surrounding area contains a mix of land uses, including medium and high density residential. The applicant is proposing to reduce the number of dwelling units from 4 illegally non-conforming units to three.

- 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 proposed variance should not increase the danger of fire or endanger public safety. Adequate off-street parking facilities are provided on-site.

RECOMMENDATIONS

Recommendation of the Department of Community Planning and Economic Development – Planning Division for the Rezoning:

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission and City Council adopt the above findings and **approve** the petition to rezone the property of 2732 Bloomington Ave from the R2B district to the R4 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 size requirement from 5,000 square feet to 4,686 square feet (6.3 percent).

Attachments:

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