

**Department of Community Planning and Economic Development – Planning Division**  
Variances  
BZZ-1889

**Date:** September 13, 2004

**Applicant:** Gesco Construction

**Address of Property:** 1835 Park Avenue

**Project Name:** Not applicable

**Contact Person and Phone:** Scott Nelson with DJR Architecture, Inc., (612) 676-2700

**Planning Staff and Phone:** Hilary Watson, (612) 673-2639

**Date Application Deemed Complete:** August 9, 2004

**End of 60-Day Decision Period:** October 8, 2004

**End of 120-Day Decision Period:** Not applicable

**Ward:** 6      **Neighborhood Organization:** Ventura Village Neighborhood

**Existing Zoning:** R6

**Proposed Zoning:** Not applicable for this application

**Zoning Plate Number:** 20

**Legal Description:** Not applicable for this application

**Proposed Use:** Four for-sale condominium units

**Concurrent Review:**

**Variance:** to increase the maximum permitted floor area of an accessory structure from 676 square feet to 980 square feet.

**Variance:** to increase the maximum impervious surface coverage from 85 percent to 87.5 percent.

**Applicable zoning code provisions:** Chapter 525, Article IX Variances, specifically Section 525.520(4) “to vary the gross floor area, floor area ratio and seating requirements of a structure or use” and Section 525.520(15) “to vary the maximum lot coverage and impervious surface coverage requirements.”

**Background:** The applicant owns both of the properties located at 1829 and 1835 Park Avenue. There is an existing four-unit condominium building on the property located at 1835 Park Avenue which the applicant recently remodeled. This building is occupied. The applicant is now proposing to construct a

new eight-unit condominium building on the property located at 1829 Park Avenue. As part of the development a new garage will be built over both properties and will be utilized by residents in both of the buildings. There is an existing cross easement over the properties for access purposes.

The overall parking requirement for both of the residential buildings is twelve parking spaces. The applicant is building a twelve car garage; however, one of the double garage spaces must be accessible and therefore the garage can only accommodate up to eleven vehicles. The zoning code allows a parking space reduction of one for providing a bicycle rack which can accommodate up to four bicycles. To reduce the overall parking requirement the applicant is providing a bicycle rack on the back side of the building on the property located at 1835 Park Avenue.

**VARIANCE** - to increase the maximum permitted floor area of an accessory structure from 676 square feet to 980 square feet

**Findings as Required by the Minneapolis Zoning Code for the 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.**

**Accessory structure size:** The applicant is seeking a variance to increase the maximum permitted floor area of an accessory structure from 676 square feet to 980 square feet. The applicant has indicated that combined, the buildings located at 1829 and 1835 Park Avenue contain a total of twelve dwelling units. Complying with the maximum floor area for an accessory structure would prohibit the applicant from providing one enclosed parking space per dwelling unit. Please note that although there are twelve dwelling units within the two buildings one of the double garage spaces must be accessible and therefore the garage can only accommodate up to eleven vehicles.

**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.**

**Accessory structure size:** The applicant's parcel of land is zoned R6. The zoning ordinance allows multiple-family structures to have accessory structures that equal 676 square feet or ten percent of the lot area, whichever is greater. In this situation the size of the lot is less than 6,760 square feet; therefore, the applicant is not able to take advantage of increasing the size of the accessory structure.

**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.**

**Accessory structure size:** Although staff is generally concerned about accessory structures of the size that is proposed, the principal structures are relatively large and include a total of twelve dwelling units. The garage would clearly be subordinate to the two principal structures in size.

**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.**

**Accessory structure size:** Staff believes that the granting of the variance would have little impact on fire safety, nor would the proposed size of the accessory structure be detrimental to welfare or public safety.

**VARIANCE** – to increase the maximum impervious surface coverage from 85 percent to 87.5 percent

**Findings as Required by the Minneapolis Zoning Code for the 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.**

**Impervious surface coverage:** The applicant is seeking a variance to increase the maximum impervious surface coverage from 85 percent to 87.5 percent. The applicant has indicated that in order to provide one enclosed parking space per dwelling unit and the appropriate driveway the amount of impervious surface on the site cannot be reduced.

**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.**

**Impervious surface coverage:** The fact that the building is existing and that the accessory structure and the driveway need to be constructed within the layout of the site is a unique circumstance of this parcel of land.

**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.**

**Impervious surface coverage:** The granting of the variance would not significantly affect the essential character of the area given that the site layout is not changing. Currently the back portion of the site is paved over and once construction is complete there will be an accessory structure on the back portion of the site.

**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.**

**Impervious surface coverage:** Staff believes that the granting of the variance would have little impact on fire safety, nor would the proposed increase in impervious surface be detrimental to welfare or public safety.

**RECOMMENDATIONS**

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the findings above and **approve** the variance application to increase the maximum permitted floor area of an accessory structure from 676 square feet to 980 square feet for the property located at 1835 Park Avenue subject to the following conditions:

1. Approval of the final site, landscaping and elevation plans by the Community Planning and Economic Development Department – Planning Division.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the findings above and **approve** the variance application to increase the maximum impervious surface coverage from 85 percent to 87.5 percent for the property located at 1835 Park Avenue.

**Attachments:**

1. Statement of proposed use
2. Variance findings
3. July 12, 2004 letter to CM Zimmerman and the Ventura Village Neighborhood
4. Zoning Map
5. Site plan, floor plans and elevations
6. Photographs of the site and surrounding area