

Department of Community Planning and Economic Development – Planning Division
Variances
BZZ 5068

Date: February 24, 2011

Applicant: Eric Hermanson

Address of Property: 1512 28th Street West

Contact Person and Phone: Eric Hermanson, (651) 373-4787

Planning Staff and Phone: Shanna Sether, (612) 673-2307

Date Application Deemed Complete: January 3, 2011

End of 60-Day Decision Period: March 4, 2011

End of 120-Day Decision Period: May 3, 2011 (*Staff sent extension letter on February 4, 2011*)

Ward: 10 **Neighborhood Organization:** East Isles Residents Association

Existing Zoning: R5 Multiple Family District

Zoning Plate Number: 24

Proposed Use: Four dwelling units

Concurrent Review:

- Variance to reduce the minimum lot size from 5,000 square feet to 4,790 square feet.
- Variance to reduce the required off-street parking from 4 spaces to 3 spaces

Applicable zoning code provisions: Chapter 525, Article IX Variances, Specifically Sections 525.520(2) “to vary minimum lot area or lot width requirements up to 30 percent...” and 525.520(6) “to vary the applicable minimum...number of required off-street parking...”, Chapter 541 Off-Street Parking and Loading and Chapter 546 Residence Districts

Background: The subject site is approximately 50 ft. by 95 ft. (4,790 sqft.) and contains an existing multiple family dwelling with four units. The building was constructed in 1910 as a two and one-half story brick flat with three dwelling units. No additional building permits or records indicate the legal conversion of the property from three to four units. The legal use of the property is three dwelling units. The applicant received a notification of noncompliance from Housing Inspections on November 29, 2010, regarding an illegal 4th dwelling unit in the basement of the existing structure. The applicant has information that the building was illegally converted to four units by a previous owner in 1987 and is requesting to legalize the existing 4th dwelling unit within the existing structure.

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The R5 District requires 700 square feet of lot area per dwelling unit or 5,000 square feet, whichever is greater. The minimum lot area required at the time of the illegal conversion in 1987 was 900 sq.ft of lot area per dwelling unit or 5,000 sq. ft., 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 700 square feet of lot area per dwelling unit. Therefore, the applicant is applying for a variance to reduce the minimum lot area dwelling from 5,000 sq. ft. to 4,790 sq. ft. to establish a four-unit multiple family use and building.

The minimum off-street parking for dwellings in the zoning code is one off-street parking space per dwelling unit. The same provision was applicable at the time of the illegal conversion in 1987. The applicant is proposing to legalize an existing fourth dwelling in the basement. There are three existing off-street parking spaces provided at the rear of the property. The applicant would be required to provide one additional off-street parking space to meet the required parking. The applicant has stated that there is insufficient space on the property to allow for an additional space and is therefore applying for a variance to reduce the required parking from 4 spaces to 3 spaces.

As of writing this staff report, staff has not received any correspondence from the East Isles Residents Association. Staff will forward comments, if any are received, at the Board of Adjustment meeting.

VARIANCE: to reduce the minimum lot size requirement from 5,000 square feet to 4,790 square feet (4.2 percent) to allow for an additional dwelling unit within an existing building.

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 R5 District, the minimum lot area requirement is 5,000 square feet or 700 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 4,790 square feet in order to legalize a fourth dwelling unit within an existing building. Lot area requirements are established to ensure compatibility with surrounding uses. The surrounding area contains a mix of land uses, including medium and high density residential. The two adjacent structures at 2736 and 2740 Humboldt Avenue South were also constructed as triplexes by the same owner and builder in 1910 as the subject property. The property immediately to the north is a multiple-family residence with 24 dwelling units. The next property to the north is a six-unit multiple-family residence. The property owner would be required to obtain an additional 210 sq. ft. of lot in order to allow for the existing use to remain. Additional land may not be acquired from the adjacent properties, because it would create lots that are nonconforming to lot area. Staff cannot find that there is a reasonable alternative to the variance and that strict adherence to the zoning ordinance would create undue hardship, as the lesser requirement of 700 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.**

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The conditions upon which the variance is requested are unique to the parcel of land and were not created by the applicant. The lot is 4,790 sq. ft. in size and is zoned R5 Multiple Family District, which allows for medium to high density. The applicant would need to acquire an additional 210 sq. ft. of land to add the proposed dwelling unit within the existing building on the subject site without a variance. This would be difficult to obtain because the adjacent properties are developed. Staff does not believe the existing lot size of the property is a circumstance created by the applicant. The overall surrounding area consists of a significant number of multiple family units. Many of which are located on lots that do not conform to the minimum lot area as well.

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. The surrounding area contains a mix of land uses, including medium and high density residential. The surrounding area contains a mix of land uses, including medium and high density residential. The two adjacent structures at 2736 and 2740 Humboldt Avenue South were also constructed as triplexes in 1910 by the same owner and builder. The property immediately to the north is a multiple-family residence with 24 dwelling units. The property to the north of that is a six-unit multiple-family residence. The proposed lot area would meet the intent of the ordinance as the lesser requirement of 700 square feet of lot area per unit is satisfied and the building has existed in the existing configuration on the site for many 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.

Granting the variance would likely have little to no impact on the congestion of area streets as there is sufficient area to allow for three-off street parking spaces, bicycle parking and a number of alternative forms of transportation nearby. Further, staff believes that the existing fourplex would not increase the danger of fire safety, nor would it be detrimental to the public welfare or endanger the public safety.

VARIANCE: to reduce the required number of off-street parking spaces from 4 spaces to 3 spaces to allow for an additional dwelling unit within an existing building.

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.

The applicant is seeking a variance to reduce the required off-street parking by one parking stall, in order to allow for the legal conversion from 3 to 4 dwelling units. There are three off-street parking spaces and bicycle parking available on the property. The subject property is unique in the fact that there are a substantial amount of available alternatives to vehicle transportation nearby. The subject property is located one block from the Midtown Greenway and there is a

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Nice Ride MN Station at 26th and Hennepin. In addition, there is a Metro Transit stop one block away that is served by five bus routes and two blocks away is the Uptown Transit Center which is served by an additional four bus routes. And finally, at the YWCA, there are three Hour Cars available for public use. The subject site does not permit any area sufficient enough in size to allow for any additional off-street parking area. The constraints of the site have been created by the existing building location and the size of the lot and are not circumstances created by the applicant. Strict adherence to the regulations would not allow for the conversion from 3 units to 4 within an existing building and would cause undue 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 circumstances for which the variance is sought are unique to the parcel of land and have not been created by the applicant. There are many existing uses that are nonconforming to the parking requirement based on the age of the properties in the vicinity. The applicant states that there are three off-street parking spaces and bicycle parking available on the property. The subject property is unique in the fact that there are a substantial amount of available alternatives to vehicle transportation nearby. The subject property is located one block from the Midtown Greenway and there is a Nice Ride MN Station at 26th and Hennepin. In addition, there is a Metro Transit stop one block away that is served by five bus routes and two blocks away is the Uptown Transit Center which is served by an additional four bus routes. And finally, at the YWCA, there are three Hour Cars available for public use. The subject site does not permit any area sufficient enough in size to allow for any additional off-street parking area. The constraints of the site have been created by the existing building location and the size of the lot and are not circumstances created by the applicant.

- 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 the variance will not alter the essential character of the surrounding neighborhood and will not be injurious to the use or enjoyment of other property in the area. There are many existing uses that are nonconforming to the parking requirement based on the age of the properties in the vicinity. The applicant states that there are three off-street parking spaces and bicycle parking available on the property. The subject property is unique in the fact that there are a substantial amount of available alternatives to vehicle transportation nearby. The subject property is located one block from the Midtown Greenway and there is a Nice Ride MN Station at 26th and Hennepin. In addition, there is a Metro Transit stop one block away that is served by five bus routes and two blocks away is the Uptown Transit Center which is served by an additional four bus routes. And finally, at the YWCA, there are three Hour Cars available for public use.

- 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.**

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Granting the variance would likely have little to no impact on the congestion of area streets as there is sufficient area to allow for three-off street parking spaces, bicycle parking and a number of alternative forms of transportation nearby. Further, staff believes that the existing fourplex would not increase the danger of fire safety, nor would it be detrimental to the public welfare or endanger the public safety.

RECOMMENDATIONS

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 area from the required 5,000 square feet to 4,790 square feet in order to allow for the legal conversion from three to four dwelling units within an existing building located at 1512 West 28th Street in the R5 Multiple Family 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 required parking from four spaces to three spaces in order to allow for the legal conversion from three to four dwelling units within an existing building located at 1512 West 28th Street in the R5 Multiple Family District.

Attachments:

- 1) Written descriptions and findings submitted by the applicant
- 2) Copy of e-mail sent to East Isles Residents Association and CM Tuthill
- 3) Zoning map
- 4) Site plan
- 5) Floor plans
- 6) Photographs