

Department of Community Planning and Economic Development – Planning Division
Variance
BZZ 5395

Date: December 1, 2011

Applicant: John Varghese and Pramol Mathew

Address of Property: 2800 Fremont Avenue South

Contact Person and Phone: Pramol Mathew, (612) 879-9895

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

Date Application Deemed Complete: October 25, 2011

End of 60-Day Decision Period: December 24, 2011

Ward: 10 **Neighborhood Organization:** Lowry Hill East Neighborhood Association

Existing Zoning: R5 Multiple Family District.

Proposed Use: New accessory parking area

Concurrent Review:

- Variance to reduce the minimum required front yard setback along 28th Street West on a reverse corner lot from 15 feet to zero feet.
- Variance to allow for a parking between the principal structure and the front lot line.
- Variance to reduce the minimum distance between a principal structure and accessory parking area from the required six feet to zero feet.

Zoning code section authorizing the requested variance: Chapter 525, Article IX Variances, Specifically Section 525.520(1) “to vary the yard requirements, including permitted obstructions into required yards not allowed by the applicable regulations” and Section 525.520(8)(8) “to permit parking that cannot comply with the location requirement for on-site parking...”.

Background: The lot is approximately 45 feet by 80 feet (3,600 square feet) and consists of an existing two-family dwelling on a reverse corner lot. The structure on the subject property was constructed in 1886 and the property has never had access to off-street parking. The applicant is proposing to install a new curb cut along 28th Street West that would access a new 487 square foot parking area to allow for two vehicles. There is a minimum required yard of 15 feet along 28th Street West and the applicant is proposing to pave the parking area right up to the property line. Parking areas are not allowed in the required front yard; therefore, the applicant is requesting a variance to reduce the required front yard long 28th Street West from 15 feet to zero feet to allow for the new parking area. In the residence

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districts parking areas are not allowed between the principal structure and the street. Therefore the applicant is requesting a variance to allow parking between the principal structure and the street.

Further, open parking spaces are not allowed to be located less than six feet to a dwelling per section 537.80 of the zoning code.

537.80. - Distance from dwelling. No detached accessory building or open parking space shall be located closer than six (6) feet from a dwelling of any type. Detached parking garages serving residential uses shall be located entirely to the rear of the principal residential structure.

The applicant has shown that the parking area will be paved right up to the dwelling. Therefore, the applicant is requesting a variance to reduce the minimum distance between a principal structure and accessory parking area from six feet to zero feet.

Staff has received a letter from the Lowry Hill East Neighborhood Association and a copy is attached to the report. Staff will forward additional comments, if any are received, at the Board of Adjustment meeting.

Findings Required by the Minneapolis Zoning Code:

VARIANCES (1) to reduce the front yard from 15 feet to 0 feet to allow for a new parking area and **(2)** to allow for a parking between the principal structure and the front lot line

- 1. Practical difficulties exist in complying with the ordinance because of circumstances unique to the property. The unique circumstances were not created by persons presently having an interest in the property and are not based on economic considerations alone.**

Both variances: Staff recognizes that there are unique circumstances of the property, including the increased setback along 28th Street West based on the lot type and lack of alley access; however, staff does not believe they contribute to a practical difficulty in complying with the ordinance. The existing structure was built in 1886 and was converted from a single-family dwelling to a two-family dwelling in 1906. The existing structure appears to be setback in a consistent manner with the adjacent homes along 28th Street West. Therefore, the subject property has nonconforming rights to the off-street parking requirement of two spaces. Staff has concerns with the location of the proposed parking area as it would be located in the front yard and immediately adjacent to the public sidewalk. The proposed location would require vehicles to back out over the public sidewalk to the public street.

- 2. The property owner or authorized applicant proposes to use the property in a reasonable manner that will be in keeping with the spirit and intent of the ordinance and the comprehensive plan.**

Both variances: Staff does not believe that the applicant is proposing to use the property in a reasonable manner that is consistent with the zoning code and comprehensive plan. The purpose of yard requirements is to provide for orderly development and use of land and to minimize conflicts among land uses by governing the location of accessory uses and structures. Further, in the residence districts, off-street parking areas shall not be located between the principal building

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and the front lot line. Staff has concerns with the location of the proposed parking area directly adjacent to the public sidewalk. The proposed location would require vehicles to back out over the public sidewalk onto 28th Street West, which is a one-way street.

- 3. The proposed variance will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. If granted, the proposed variance will not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties.**

Both variances: Staff believes that the granting of this variance may negatively alter the essential character and be injurious to the use or enjoyment of other property in the vicinity. Staff has concerns with the location of the proposed parking area in the front yard and directly adjacent to the public sidewalk. The proposed location would require vehicles to back out over the public sidewalk onto 28th Street West, which is a one-way street. Further, granting of the variance will not likely increase the danger of fire safety, but may potentially be detrimental to the public welfare or endanger the public safety based on the proposed location. Vehicles exiting the proposed parking area would have a difficult time seeing cars driving down the street given the adjacent neighbors landscaping and fence to the west.

VARIANCES to allow for a new parking closer than 6 ft. to a dwelling

- 1. Practical difficulties exist in complying with the ordinance because of circumstances unique to the property. The unique circumstances were not created by persons presently having an interest in the property and are not based on economic considerations alone.**

Staff recognizes that there are unique circumstances of the property, including the substandard lot area, increased setback and lack of alley access; however, staff does not believe they contribute to a practical difficulty. The existing structure was converted from a single-family dwelling to a two-family dwelling in 1906 and has not ever had off-street parking. Staff has concerns with locating a parking area directly adjacent to the existing dwelling next to windows and an existing deck.

- 2. The property owner or authorized applicant proposes to use the property in a reasonable manner that will be in keeping with the spirit and intent of the ordinance and the comprehensive plan.**

Staff does not believe that the applicant is proposing to use the property in a reasonable manner that is consistent with the zoning code and comprehensive plan. Standards governing accessory uses and structures are established to provide for the orderly development and use of land and to minimize conflicts among land uses by governing the type, size, location and operational characteristics of accessory uses and structures. Staff has concerns with locating a parking area directly adjacent to the existing dwelling next to windows and an existing deck.

- 3. The proposed variance will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. If granted, the proposed variance will not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties.**

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Staff believes that the granting of this variance would negatively alter the essential character and be injurious to the use or enjoyment of other property in the area. Staff has concerns with locating a parking area directly adjacent to the existing dwelling next to windows and an existing deck. Further, granting of the variance will not likely increase the danger of fire safety, but may potentially be detrimental to the public welfare or endanger the public safety based on the proposed location, considering vehicles will have to back-out onto the public right-of-way.

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

The Department of Community Planning and Economic Development Planning Division recommends that the Board of Adjustment adopt the findings above and **deny** the variance to reduce the required front yard setback along 28th Street West from 15 feet to zero feet to allow for the new parking area located at 2800 Fremont Avenue South in the R5 Multiple Family District.

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

The Department of Community Planning and Economic Development Planning Division recommends that the Board of Adjustment adopt the findings above and **deny** the variance to allow for a parking between the principal structure and the front lot line to allow for the new parking area located at 2800 Fremont Avenue South in the R5 Multiple Family District.

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

The Department of Community Planning and Economic Development Planning Division recommends that the Board of Adjustment adopt the findings above and **deny** the variance to reduce the minimum distance between an open parking space and a dwelling from 6 feet to zero feet to allow for the new parking area located at 2800 Fremont Avenue South in the R5 Multiple Family District.

Attachments:

- 1) Written descriptions and findings submitted by the applicant
- 2) Copy of e-mail sent to the Lowry Hill East Neighborhood Association and CM Tuthill
- 3) Copy of the letter received from Lowry Hill East Neighborhood Association
- 4) Zoning map
- 5) Site plan
- 6) Photographs