

Department of Community Planning and Economic Development – Planning Division
Variances and Minor Subdivision
BZZ-5540 and MS-219

Date: May 7, 2012

Applicant: Urban Homeworks

Address of Property: 2608-16 Blaisdell Avenue

Project Name: Not applicable.

Contact Person and Phone: Russ Barclay, Urban Homeworks, (612) 808-6507

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

Date Application Deemed Complete: April 12, 2012

End of 60-Day Decision Period: June 11, 2012

Ward: 6 **Neighborhood Organization:** Whittier Alliance

Existing Zoning: R5, Multiple family district

Proposed Zoning: Not applicable for this development

Zoning Plate Number: 25

Legal Description: See attached survey.

Proposed Use: Common lot line adjustment with no alterations to existing site conditions

Concurrent Review:

Variance: to reduce the north interior side yard setback from 7 feet to 5 feet for the existing multiple-family dwelling at 2616 Blaisdell Avenue.

Variance: to reduce the south interior side yard setback from 5 feet to 0 feet for existing surface parking, a patio, play equipment and a pergola at 2608 Blaisdell Avenue.

Minor subdivision: to adjust the common lot line between 2608 and 2616 Blaisdell Avenue.

Applicable zoning code provisions: Chapter 525, Article IX, Variances, specifically Section 525.520(1) “to vary the yard requirements, including permitting obstructions into required yards not allowed by the applicable regulations” and Chapter 598, Land Subdivision.

Development Plan: Please see attached plans. No alterations to the existing site conditions are proposed.

Background: Russ Barclay of Urban Homeworks is proposing to adjust the common lot line between the properties at 2608 and 2616 Blaisdell Avenue. The property at 2608 Blaisdell Avenue (Parcel 1) is owned by Calvary Baptist Church and contains a church and associated facilities such as parking and playground equipment. The property at 2616 Blaisdell Avenue (Parcel 2) is owned by Urban Homeworks and contains a multiple-family building with four dwelling units. Currently, a portion of the church’s parking area, their playground equipment and walkways are located on the property owned by Urban Homeworks at 2616 Blaisdell Avenue. The proposal at this time would adjust the common lot line by 37.8 feet and create a separate parcel for the church’s accessory facilities. No alterations are proposed to the existing structures or site conditions. Upon completion of the minor subdivision, Parcel 1 would be combined with the adjacent parcels under common ownership by Cavalry Baptist Church.

Multiple-family residential uses in the R5 district have a side yard setback requirement of five feet plus two feet for every story above the first floor. The existing building at 2616 Blaisdell Avenue is two stories in height, equating to a side yard setback requirement of seven feet. The side yard setback requirement for all other uses in the R5 district is also five feet plus two feet for every story above the first floor. The proposed location of the new lot line will result in a side yard setback of 5.05 feet for the multiple family dwelling at 2616 Blaisdell Avenue. A variance has been requested accordingly. The parking lot at 2608 Blaisdell Avenue will be located directly up to the side lot line. Other structures, including play equipment, a patio and a pergola will also be located in the required yard. A variance from five feet to zero feet has been requested.

Staff has not received any correspondence from the Whittier Alliance as of the writing of this report. Any correspondence, if received, will be forward to the Commission for review.

VARIANCE: (to reduce the north interior side yard setback from 7 feet to 5 feet for the existing multiple-family dwelling at 2616 Blaisdell Avenue.)

Findings as Required by the Minneapolis Zoning Code for the Variance:

- 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.**

Multiple-family residential uses in the R5 district have a side yard setback requirement of five feet plus two feet for every story above the first floor. The existing building at 2616 Blaisdell Avenue (Parcel 2) is two stories in height, equating to a side yard setback requirement of seven feet. The proposed location of the new lot line would result in a side yard setback of 5.05 feet for the existing structure.

Practical difficulties exist in complying with the ordinance. The applicant is proposing a minor subdivision that would rectify the situation of the parking and other structures for the church at 2608 Blaisdell Avenue (Parcel 2) being located on the residential property at 2616

Blaisdell Avenue (Parcel 2). The proposed location of the new lot line is as far to the north as possible in order for the church facilities to be located on their own property. Moving the property line any further to the north to comply with the setback requirement would result in a situation in which the church parking lot is still on the residential property.

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.

The request to allow a reduced setback along the north property line is reasonable. The applicant is proposing a setback of 5.05 feet, in lieu of the seven feet required. The setback increases to 5.92 feet at the east end of the building. As stated above, the proposed subdivision would rectify a situation in which parking and other structures for a church are located on an unaffiliated residential property. The proposed lot line location is located as far away from the residential structure as possible in order to separate the lots in a manner that would place all church facilities on a separate lot.

Granting this setback variance would be in keeping with the spirit and intent of the ordinance and comprehensive plan. In general, yard controls are established to provide for the orderly development and use of land and to minimize conflicts among land uses by regulating the dimension and use of yards in order to provide adequate light, air, open space and separation of uses. The physical conditions on the site are not changing and therefore the proposed setback would have no impact on access to light and air, open space or separation of uses. Further, if the adjacent property were to be redeveloped in the future, there would be adequate access to light and air and adequate separation of uses.

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.

The proposed setback would not alter the character of the locality or be injurious to the use and enjoyment of adjacent properties. The proposed setback would not be detrimental to the health, safety or welfare of the general public or those utilizing nearby properties. The physical conditions of the two properties are not changing. Instead, it is the relocation of the property line that results in the need for a variance.

VARIANCE: (to reduce the south interior side yard setback from 5 feet to 0 feet for existing surface parking, a patio, play equipment and a pergola at 2608 Blaisdell Avenue.)

Findings as Required by the Minneapolis Zoning Code for the Variance:

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.

The side yard setback requirement in the R5 district is five feet plus two feet for every story above the first floor. All facilities located along the south property line are accessory and would be considered a single story for purposes of determining the setback. Therefore, the setback requirement is five feet. The proposed location of the new lot line would result in a zero setback for the southernmost row of parking, a patio and playground. An existing pergola would also be in the new required side yard.

Practical difficulties exist in complying with the ordinance. The applicant is proposing a minor subdivision that would rectify the situation of the parking and other structures for the church at 2608 Blaisdell Avenue (Parcel 1) being located on the residential property at 2616 Blaisdell Avenue (Parcel 2). The new lot line is proposed in a location that would allow for the greatest side yard setback for the adjacent residential structure while still allowing for the church facilities to be located on a separate parcel. Moving the property line any further to the south would result in a greater setback variance required for the residential structure at 2616 Blaisdell Avenue.

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.

The request to allow a reduced setback along the south property line is reasonable. The variance is to allow for parking, a playground and a patio to be located directly on the property line and a pergola to be 1.5 feet from the property line. All structures are existing. As stated above, the proposed subdivision would rectify a situation in which parking and other structures for a church are located on an unaffiliated residential property. The proposed lot line is located in a manner that would result in the greatest setback for the adjacent residential structure while still separating the lots in a manner that would place all church facilities on a separate lot.

Granting this setback variance would be in keeping with the spirit and intent of the ordinance and comprehensive plan. In general, yard controls are established to provide for the orderly development and use of land and to minimize conflicts among land uses by regulating the dimension and use of yards in order to provide adequate light, air, open space and separation of uses. The variance is needed due the proposed minor subdivision. This subdivision will achieve separation of uses by placing the church facilities and the residential building on separate parcels. The parking spaces, patio, pergola and playground will not affect access to light and air.

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.

The proposed setback would not alter the character of the locality or be injurious to the use and enjoyment of adjacent properties. The proposed setback would not be detrimental to the health, safety or welfare of the general public or those utilizing nearby properties. A previous variance was approved for Parcel 1 in 2009 to allow parking in the required rear yard. The physical conditions of the two properties are not changing. Instead, it is the relocation of the property line between the two properties that results in the need for a variance.

MINOR SUBDIVISION

Required Findings:

- 1. The subdivision is in conformance with the land subdivision regulations and the applicable regulations of the zoning ordinance and policies of the comprehensive plan.**

The proposed Parcel 1 would not meet the minimum lot width and lot area requirements of the R5, Multiple family district. The minimum lot width in the R5 district is 40 feet and the minimum lot area is 5,000 square feet. The proposed lot would be 37.80 feet in width and 4,529 square feet in area. The proposed legal description for Parcel 1 would combine it with the adjacent parcels under common ownership by Calvary Baptist Church. Per Section 531.100 of the zoning code, if in a group of two or more contiguous lots or parcels of land owned or controlled by the same person, any individual lot or parcel is nonconforming as to lot width or lot area, such individual lot or parcel shall not be sold or developed as a separate parcel of land, but shall be combined with adjacent lots or parcels under the same ownership or control so that the combination of lots or parcels will equal one or more parcels of land each meeting the full lot width and lot area requirements of the zoning ordinance. The proposed legal description will comply with this provision and as a result the subdivision would be in conformance with the land subdivision regulations and zoning ordinance regulations.

- 2. The subdivision will not be injurious to the use and enjoyment of other property in the immediate vicinity, nor be detrimental to present and potential surrounding land uses, nor add substantially to congestion in the public streets.**

The proposed subdivision will not be injurious to the use and enjoyment of other property in the vicinity or be detrimental to surrounding land uses. No new development is proposed and no changes are proposed to the existing site conditions. The minor subdivision would adjust the common lot line between two properties so that all of the church facilities will be located on Parcel 1. This will not add congestion to the public streets.

- 3. All land intended for building sites can be used safely without endangering the residents or users of the subdivision and the surrounding area because of flooding, erosion, high water table, severe soil conditions, improper drainage, steep slopes, rock formations, utility easements, or other hazard.**

The land is not intended for any new construction. The site does not present any of the above noted hazards.

- 4. The lot arrangement is such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in securing building permits and in providing driveway access to buildings on such lots from an approved street. Each lot created through subdivision is suitable in its natural state for the proposed use with minimal alteration.**

The subject site is relatively flat and no change to the grading is proposed. Both properties contain existing structures and no new construction is proposed. Each lot is suitable in its current state for the existing uses.

The subdivision makes adequate provision for storm or surface water runoff, and temporary and permanent erosion control in accordance with the rules, regulations and standards of the city engineer and the requirements of these land subdivision regulations. To the extent practicable, the amount of stormwater runoff from the site after development does not exceed the amount occurring prior to development.

Existing utility and drainage provisions are adequate for the area.

RECOMMENDATIONS:

Recommendation of the Department of Community Planning and Economic Development – 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 variance to reduce the north interior side yard setback from 7 feet to 5 feet to allow the building for the property located at 2616 Blaisdell Avenue.

Recommendation of the Department of Community Planning and Economic Development – 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 variance to reduce the south interior side yard setback from 5 feet to 0 feet to allow the existing southernmost row of parking, a patio, a playground and a pergola for the property located at 2608 Blaisdell Avenue.

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

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the minor subdivision application for properties located at 2608 and 2616 Blaisdell Avenue.

Attachments:

- 1) Zoning map.
- 2) Statement and findings from the applicant.
- 3) Letters to Whittier Alliance and Ward 6 City Council office.
- 4) Survey.
- 5) Photos of the property and existing structures.