

Department of Community Planning and Economic Development – Planning Division
Variance
BZZ-5561

Date: May 24, 2012

Applicant: Leroy E Broberg & G T Hoehn

Addresses of Property: 221 Franklin Avenue West

Project Name: 221 Franklin Avenue West

Contact Person and Phone: Kris Broberg, (612) 701-9985

Planning Staff and Phone: Thomas Leighton, (612) 673-3853

Date Application Deemed Complete: April 30, 2012

End of 60-Day Decision Period: June 29, 2012

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

Existing Zoning: R5 Multiple Family District

Zoning Plate Number: 27

Legal Description: Not applicable for this application

Proposed Use: 6 unit apartment building

Concurrent Review:

- Variance to reduce the minimum required front yard setback along Pleasant Avenue from the required 15 feet to 0 feet for a parking lot for a six unit building on a reverse corner lot.

Applicable zoning code provisions: Chapter 525.520(1) “to vary the yard requirements, including permitted obstructions into required yards not allowed by the applicable regulations”

Background: The subject property is approximately 55 feet wide by 100 feet deep (5,484 square feet) and is located on the southeast corner of Franklin Avenue West and Pleasant Avenue South. The building is a multifamily dwelling with six dwelling units, five of which are legally recognized in City records. The applicants want to establish the sixth unit as a legal dwelling unit. Among other things this requires bringing the parking lot into conformance with the requirements of the zoning code for parking lots.

The area behind the building has been paved for decades. It is accessed from the alley to the east by crossing the intervening properties, and it seems to have been a historic condition that the parking lot is

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part of a shared parking area for the subject building, the neighboring building to the east, and the neighboring building to the south. These neighboring properties are also owned by the applicants.

The east extent of the parking lot currently extends to within 3 feet of the public sidewalk along Pleasant Avenue, which is about 5 feet into the public right of way. The applicants propose to reduce the eastern extent of the parking lot to a point that is four feet inside their property line for the parking spaces, and to the property line for a turnaround area. They would landscape the area between the parking lot and the public sidewalk in such a way that it meets the landscaping and screening requirements of the zoning code. This would require an encroachment permit from the City of Minneapolis.

Five parking spaces are required by the zoning code, because the availability of high frequency transit service at Franklin and Pleasant allows for a reduction of one parking space. Six parking spaces are proposed.

The applicant has notified the Whittier Alliance about this variance application. Property owners within 350 feet of the property have also received legal notice of the application. No comments have been received to date. Staff will forward comments, if any are received, at the Board of Adjustment meeting.

VARIANCE: to reduce the minimum required front yard setback along Pleasant Avenue from the required 15 feet to 0 feet for a parking lot for a six unit building on a reverse corner lot

Findings Required by the Minneapolis Zoning Code:

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 circumstances upon which the setback variance is requested are unique to the parcel of land due to the zoning classification of the properties in the area, the scale of the buildings that were constructed, and their historic reliance on surface parking. This combination of circumstances is a unique condition that supports the consideration of flexibility with respect to setbacks.

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.

Allowing the parking lot to extent to within four feet of the property line for the parking spaces, and 0 feet of the property line for the turnaround would result in a parking area that extends well past the building to the south, and past the near corner of the building it serves. The zoning code has multiple provisions that are intended to keep parking areas unobtrusive, and in line with or behind neighboring buildings. The required front setback on Pleasant Avenue, for example, under the current Zoning Code, would be 15 feet or the setback established by the neighboring building to the south. It is deemed to have been originally constructed when the Zoning Code requirement was simply 15 feet, but the intent of that simplified requirement is also for parking areas to adhere to setbacks that keep them in line with or behind neighboring structures.

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Staff believes that reducing the parking lot by one additional parking space, and increasing the setback from Pleasant Avenue by the corresponding 8-1/2 feet would represent a better balance between the private provision of parking, and the visual impact on the public realm. It would allow landscaping and screening of the parking area to be located entirely on the applicants' property, and it would allow for a slightly deeper turnaround. After the required seven foot width of landscaping and screening (per the zoning code) is installed, the depth of the turnaround would be 5-1/2 feet instead of 4 feet.

Staff believe that it would be reasonable to allow a setback variance from 15 feet to 12-1/2 feet for the parking spaces, and to 7 feet for the turnaround.

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.

Granting the requested variance would result in a parking lot of reduced dimensions in comparison with the extent of the current parking lot. So it would have a reduced visual impact on the residential environment. And its impact would be mitigated by the proposed landscaping. However, it would still extent roughly 12 feet past the near corner of the building it serves, and a greater distance past the building to the south. So it would still have a significant visual impact.

Staff believes that reducing the parking lot by one additional parking space and scaling it back a corresponding distance would have a reduced impact on the character of the area, the enjoyment of property in the area, and the welfare of the general public.

RECOMMENDATIONS:

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

The Community Planning and Economic Development Department - Planning Division recommends that the Board of Adjustment adopt the findings above and **deny** the variance to reduce the minimum required front yard setback along Pleasant Avenue from the required 15 feet to 0 feet for a parking lot for a six unit building on a reverse corner lot, and in lieu thereof **approve** a variance to reduce the minimum required front yard setback along Pleasant Avenue from the required 15 feet to 7 feet for the proposed turnaround area and to 12'-6" for the parking spaces, for a parking lot for a six unit building on a reverse corner lot, subject to the following condition of approval:

1. The landscaping plan shall meet the landscaping and screening requirements of Section 530.170 of the zoning code, subject to review and approval of CPED-Planning staff.

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Attachments:

1. Applicants' Statement
2. Zoning map
3. Aerial
4. Site plan
5. Landscaping plan
6. Photograph