

Department of Community Planning and Economic Development
Variances
BZZ 5923

Date: February 28, 2013

Applicant: Urban Vintage Apartments, LLC

Address of Property: 1941 Fremont Avenue South

Contact Person and Phone: Joshua Keller, (612) 709-6052

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

Date Application Deemed Complete: February 4, 2013

End of 60-Day Decision Period: April 5, 2013

Ward: 7 **Neighborhood Organization:** Lowry Hill Neighborhood Association

Existing Zoning: R4 Multiple-Family District

Existing Overlay District: Not applicable

Zoning Plate Number: 18

Proposed Use: Seven dwellings within an existing multiple-family residential structure

Concurrent Review

- Variance to reduce the minimum lot area per dwelling from 1,250 square feet to approximately 1,075 square feet (14%) to allow for an additional (7th) dwelling in an existing multiple-family structure.
- Variance to reduce the minimum off-street parking from 7 spaces to 6 spaces, where 4 are provided and 2 are non-conforming to allow for an additional (7th) dwelling in an existing multiple-family structure.

Applicable zoning code provisions: Chapter 525, Article IX Variances, Specifically Section 525.520(2) “to vary the minimum lot area” and 525.520(6) “to vary the applicable minimum and maximum number of required off-street parking...spaces” and Chapter 546 Residence Districts

Background: The subject property is approximately 56 feet by 134.4 feet (7,526 square feet). The first building permit on the property was to allow for six brick flats in 1912. A 43 foot by 20 foot detached garage was later constructed on the property in 1921. An addition to the garage was constructed in 1952 to add on 22 feet by 20 feet.

Department of Community Planning and Economic Development Report
BZZ 5923

The applicant is proposing to add one additional dwelling unit in the basement of the each of the existing structures. The proposed dwelling would have two bedrooms and approximately 720 square feet of habitable area. The maximum density allowed in the R4 Multiple-Family District is 1,250 square feet of lot area per dwelling unit. The proposed use would have seven dwelling units and the lot would be required to have a minimum of 8,750 square feet of lot area. The subject property is approximately 7,526 square feet in area and does not have the minimum lot area required to allow for the proposed dwelling. The property would include approximately 1,075 square feet of lot area per dwelling. Therefore, the applicant has applied for a variance to reduce the minimum lot area from 1,250 square feet to approximately 1,075 square feet (14%) to allow for an additional (7th) dwelling in an existing multiple-family structure.

The minimum parking requirement for residential uses is one off-street parking space per dwelling. The existing detached garage on the property has five garage stalls. The use of a six-unit, multiple-family residence was established prior to having a minimum parking requirement. Therefore, the existing building has nonconforming rights to one off-street parking stall. With the additional proposed dwelling, one additional off-street parking space is required. There is not sufficient space on the property to allow for an additional parking stall. Therefore, the applicant is applying for a variance to reduce the minimum off-street parking from 7 spaces to 6 spaces, where 5 are provided and 1 is non-conforming to allow for an additional (7th) dwelling in an existing multiple-family structure.

The applicant owns this property and the adjacent structure at 1937 Fremont Avenue South. This property is also a six-unit, multiple-family residential structure constructed in 1912. The applicant is proposing to add a seventh dwelling unit in this existing structure and would require the same two variances (BZZ 5922).

Staff has not received correspondence from the Lowry Hill Neighborhood Association. Staff will forward comments, if any are received, at the Board of Adjustment public hearing.

VARIANCE: to reduce the minimum lot area per dwelling from 1,250 square feet to approximately 1,075 square feet (14%) to allow for an additional (7th) dwelling in an existing multiple-family structure.

Findings as 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.**

There are practical difficulties unique to the property and were not created by the applicant. The lot is approximately 7,526 square feet in size and the additional dwelling unit requires a total lot area of 8,750 square feet of lot area. The applicant would need to acquire an additional 1,224 square feet of land to add the proposed dwelling unit within the existing building on the subject site without a variance. This would not be possible to obtain because the adjacent properties are developed with existing multiple-family dwellings, where the lot area cannot be further reduced. Further, according to the 1934 Building and Housing Survey and Building Index Card (1912-

1974), this property has a history of a large number of tenants and roomers. In 1934, this six-unit building was occupied by 24 people, 10 of which were roomers. The Building Index Card references 6 dwelling units with 9 tenement units and 1 rooming unit. The additional dwelling unit will be approximately 720 square feet and have two bedrooms. The overall surrounding area consists of apartment buildings, including two 26-unit buildings to the north of the subject site, in the R4 District and single- through four-family dwellings in the R2 Two-Family District. Staff finds that the existing lot size of the property, the historic occupancy of the structure and the density of the surrounding area are not circumstances created by the applicant.

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 R4 Multiple-Family District is established to provide for an environment of predominantly medium density residential uses, including apartments and some institutional and public uses. The proposed density of the residential use would be approximately 41 dwellings per acre, which is consistent with the range of medium density which falls between 20-50 dwelling units per acre. The applicant is proposing to add a seventh dwelling unit in the existing basement of the structure. The proposed dwelling would replace an existing storage area, but would retain the existing laundry facilities that are available to all of the residents in the building. The overall surrounding area consists of apartment buildings, including two 26-unit buildings to the north of the subject site, in the R4 District and single- through four-family dwellings in the R2 Two-Family District. Staff finds that the existing lot size of the property, the historic occupancy of the structure and the density of the surrounding area are not circumstances created by the applicant.

Staff finds the proposed dwelling unit within the existing structure would be a reasonable use of the property.

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.

Lot area requirements are established to ensure compatibility with surrounding uses. The surrounding area contains a mix of land uses, including low to high density and nonconforming residential uses. The two structures to the north at 1929 and 1933 Fremont Avenue South have 26 dwelling units on lots of approximately 10,125 square feet of lot area (390 square feet of lot area per dwelling). The structure at 1945 Fremont Avenue South was constructed at the same time and by the same owner as 1937 and 1941 Fremont Avenue South as 7 dwellings in 1912 on a similarly sized lot. Therefore, staff finds that 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. Finally, if granted the proposed variances will not be detrimental to the health, safety or welfare of the general public. The proposed dwelling unit will require a building permit and compliance with the applicable building codes and life safety ordinances.

VARIANCE: to reduce the minimum off-street parking from 7 spaces to 6 spaces, where 5 are provided and 1 is non-conforming to allow for an additional (7th) dwelling in an existing multiple-family structure.

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 variance is requested are unique to the parcel of land, based on the existing parking options and the availability of alternative transportation options and on-street parking. The existing structure is a six-unit multiple family residence with a five-car garage at the rear of the property. According to the applicant, the existing dwellings do not use all of the garage stalls and they lease out stalls to other residences in the neighborhood. In addition, the applicant is proposing to add additional bicycle parking on the property. Further, the area is well served by transit. The property is located two blocks from a MetroTransit stop serving the #2 bus and three blocks to Hennepin Avenue, a commercial corridor, which has a stop serving the #2, #6 and #12 buses. Staff finds that the availability of on-street parking and alternative forms of transportation including walking, biking and busing exist, in this case. These circumstances have not been created by the applicant.

- 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 finds that the applicant is proposing to use the property in a reasonable manner that will be in keeping with the spirit and intent of the ordinance and comprehensive plan. The intent of parking and loading regulations are established to recognize the parking and loading needs of uses and structures, to enhance the compatibility between parking and loading areas and their surroundings, and to regulate the number, design, maintenance, use and location of off-street parking and loading spaces and the driveways and aisles that provide access and maneuvering space. The regulations promote flexibility and recognize that excessive off-street parking conflicts with the city's policies related to transportation, land use, urban design, and sustainability. Staff finds that the variance to reduce the required parking by one space to allow for the additional dwelling unit is a reasonable request based on the availability of on-street parking and alternative forms of transportation including walking, biking and busing.

- 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.**

Staff finds that the granting of this variance would not negatively alter the essential character or be injurious to the use or enjoyment of other property in the area. The applicant is adding additional bicycle parking to the property and according to the applicant, there is sufficient parking available on the property if the new tenant(s) needed off-street parking. Staff finds that the proposed variance will not be detrimental to the health, safety or welfare of the general public.

Recommendation of the Department of Community Planning and Economic Development:

The Department of Community Planning and Economic Development recommends that the Board of Adjustment adopt staff findings and **approve** the variance to reduce the minimum lot area per dwelling from 1,250 square feet to approximately 1,075 square feet (14%) to allow for an additional (7th) dwelling in an existing multiple-family structure located at 1941 Fremont Avenue South in the R4 Multiple-Family District, subject to the following conditions of approval:

1. Approval of the final site, elevation and floor plans by the Department of Community Planning and Economic Development.
2. All site improvements shall be completed by February 28, 2015, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.

Recommendation of the Department of Community Planning and Economic Development:

The Department of Community Planning and Economic Development recommends that the Board of Adjustment adopt staff findings and **approve** the variance to reduce the minimum off-street parking from 7 spaces to 6 spaces, where 5 are provided and 1 is non-conforming to allow for an additional (7th) dwelling in an existing multiple-family structure located at 1941 Fremont Avenue South in the R4 Multiple-Family District, subject to the following conditions of approval:

1. Bicycle parking shall be provided to accommodate no fewer than two (2) bicycles on the property and shall meet the minimum requirements for long-term bicycle parking.
2. Approval of the final site, elevation and floor plans by the Department of Community Planning and Economic Development.
3. All site improvements shall be completed by February 28, 2015, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.

Attachments:

1. Written descriptions and findings submitted by the applicant
2. Letters to Council Member Goodman and Lowry Hill Neighborhood Association
3. Zoning map
4. Building Index Card (1912-1974)
5. 1934 Building and Housing Survey
6. Building Permits (1912, 1921 and 1952)
7. Existing survey
8. Site plan
9. Existing floor plans
10. Proposed floor plans
11. Photos