

**Department of Community Planning and Economic Development**  
Variance  
BZZ 5917

**Date:** February 28, 2013

**Applicant:** KLP Real Estate, LLC

**Address of Property:** 1109 7<sup>th</sup> Street SE

**Contact Person and Phone:** Daniel Perkins, (561) 870-2468

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

**Date Application Deemed Complete:** January 22, 2013

**End of 60-Day Decision Period:** March 23, 2013

**Ward: 3      Neighborhood Organization:** Marcy-Holmes Neighborhood Association

**Existing Zoning:** R2B Two-Family District

**Existing Overlay District:** UA University Area Overlay District

**Zoning Plate Number:** 15

**Proposed Use:** Two-Family Dwelling

**Variance:** to reduce the minimum lot area requirement from 10,000 square feet to approximately 9,480 square feet (5.2%) to allow for the conversion from a single-family dwelling to a two-family dwelling

**Applicable zoning code provisions:** Chapter 525, Article IX Variances, Specifically Section 525.520(2) “to vary the minimum lot area” and Chapter 546 Residence Districts

**Background:** This application was continued at the February 14, 2013, Zoning Board of Adjustment meeting to allow for notification of the 3<sup>rd</sup> Ward City Council office.

The subject property is approximately 61.87 by 153.23 (9,481 square feet). The first building permit on the property was to allow for a 24 foot by 46 foot single-family dwelling in 1891. A 12 foot by 18 foot detached garage was later constructed on the property in 1916.

The applicant is proposing to renovate the existing 5-bedroom single-family dwelling and construct a 750 square foot rear addition to allow for a second dwelling on the property. The proposed two-family dwelling would have 3 bedrooms in each dwelling. The subject property is located in the UA University Area Overlay District that has specific guidance to ensure high quality residential development through site design and off-street parking requirements due to the unique demands placed on land uses near the

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University of Minnesota. The specific requirements in the UA Overlay District that are relevant to the proposed project include the required number of parking stalls, which is based on the total number of bedrooms, and the design of the off-street parking area. The minimum off-street parking requirement is one-half (½) parking space per bedroom, but not less than one (1) space per dwelling unit. The proposed two-family dwelling requires a minimum of 3 off-street parking spaces. The applicant is proposing to improve the parking area along the public alley and provide 4 off-street parking spaces, including 3 standard stalls and one van-accessible handicapped stall. The proposed parking area also meets the design standards established in the UA Overlay District. The applicant will also be required to comply with the minimum bicycle or motorized scooter parking of one space per bedroom.

A two-family dwelling in the R2B District requires a minimum lot area requirement of 10,000 sq. ft. The subject property is approximately 9,481 sq. ft. and does not have the minimum lot area required to allow for a two-family dwelling. Therefore, the applicant has applied for a variance to reduce the minimum lot area from 10,000 sq. ft. to 9,481 sq. ft. (5.2%).

Staff has received a letter, dated November 21, 2012, from Marcy-Holmes Neighborhood Association stating that their Board of Directors voted to not support the variance. A copy of the letter is attached to the staff report. Since attending the neighborhood meetings, the applicants have revised their proposed plans and the applicant attended the Land Use Committee meeting on February 12, 2012, and Board Meeting February 19, 2013. Staff will forward any new or additional information, if any is received, at the Board of Adjustment public hearing.

**VARIANCE:** to reduce the minimum lot area requirement from 10,000 square feet to approximately 9,480 square feet (5.2%) to allow for the conversion from a single-family dwelling to a two-family dwelling

**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 9,481 square feet in size and the use of a two-family dwelling requires a minimum of 10,000 square feet of lot area. In 1992, the city council directed staff to commence a zoning study of the R2B District and the effects of conversion of single-family to two-family dwellings and enacted a moratorium on conversions. As a result of the study, the city council concluded that in order to maintain the low density character of single-family neighborhoods and promotion of home ownership, maintenance and investment in residential property, two-family dwellings established January 1, 1995, were required to have a minimum lot area of 10,000 square feet instead of 5,000 square feet. Further, the city council concluded that two-family dwellings existing on January 1, 1995, are permitted uses with a minimum of 5,000 square feet of lot area.

The applicant would need to acquire an additional 519 sq. ft. 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 and are nonconforming rooming houses, where the lot area cannot be reduced per section 531.20 of the zoning code. Staff finds that the existing lot size of the property is not a circumstance created by the applicant. The existing single-family dwelling has a total of five bedrooms. With the additional dwelling unit, the property will have a total of 6 bedrooms. The overall surrounding area consists of a significant number of single- and two-family dwellings and nonconforming rooming houses and apartment buildings. The applicant is unable to construct an addition to allow for the additional dwelling unit in a manner that is consistent with the predominant pattern of development on the block or in the immediate area. There are 12 duplexes within 350 feet that are zoned R2B. The average total lot area for these 12 duplexes is 3,992 square feet.

**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 R2B Two-family District is established to provide for an environment of predominantly low density, single and two-family dwellings and cluster developments. The applicant is proposing to renovate the existing 5-bedroom single-family dwelling and construct a 750 square foot rear addition to allow for a second dwelling on the property. The proposed two-family dwelling would have 3 bedrooms in each dwelling. The surrounding area is predominately developed with single-, two-family structures, rooming houses and apartment buildings. Staff finds the proposed two-family dwelling to 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 medium density and nonconforming residential uses. The adjacent dwelling to the west at 1107 7<sup>th</sup> Street SE is nonconforming dwelling with 5 rooming units and the structure to the east at 1117 7<sup>th</sup> Street SE is a nonconforming rooming house with 10 rooming units. The two structures to the north at 1108 and 1112 8<sup>th</sup> Street SE have 13 and 17 dwelling units, respectively. The proposed addition would result in a net increase of one bedroom to the existing property. Further, the proposed two-family dwelling would exceed the minimum parking requirement and meet the design requirements for the parking area in the UA Overlay District. In addition, the applicant is proposing to renovate the existing structure, which is in disrepair. The applicant is proposing to replace windows and side the existing dwelling and proposed addition with 7-inch cement-based siding. 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 renovations and additions will require a building permit and compliance with the applicable building codes.

**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 allow reduce the minimum lot area requirement from 10,000 square feet to approximately 9,480 square feet (5.2%) to allow for the conversion from a single-family dwelling to a two-family dwelling located at 1109 7<sup>th</sup> Street SE in the R2B Two-Family District and UA University Area Overlay 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.

**Attachments:**

1. Written descriptions and findings submitted by the applicant
2. Letters to Council Member Hofstede and Marcy-Holmes Neighborhood Association
3. Zoning map
4. Existing survey
5. Site plan
6. Building elevations
7. Floor plans
8. Photos