

Department of Community Planning and Economic Development
Variance
BZZ-6095

Date: June 24, 2013

Applicant: Blake Bonjean

Address of Property: 815 14th Avenue SE

Project Name: N/A

Contact Person and Phone: Paula Merrigan, DJR Architecture, (612) 676-2730

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

Date Application Deemed Complete: May 24, 2013

End of 60-Day Decision Period: July 30, 2013

Ward: 3 Neighborhood Organization: Marcy Holmes

Existing Zoning: I1, Light Industrial district; UA, University Area Overlay district

Proposed Zoning: On May 20, 2013 the City Planning Commission approved an application for rezoning to the R5, Multiple-family Residence district. The rezoning will be considered by the Zoning and Planning Committee of the City Council on June 20, 2013 and the full City Council on June 28, 2013.

Zoning Plate Number: 15

Lot area: 21,083 square feet

Legal Description: Block 001, Thwings Addition to Minneapolis, Hennepin County, Minnesota.

Proposed Use: Construction of a 5-story building with 36 dwelling units.

Concurrent Review:

- Variance to reduce the north side yard setback from 13 feet to six feet.

Applicable zoning code provisions: 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.”

Background: The development site is located at the intersection of 13th Avenue SE and the Burlington Northern Railway tracks. The east side of the site is bordered by the pedestrian bridge at the end of 14th Avenue SE. The subject site currently contains a single-story light industrial building and a large surface parking lot. The applicant proposes to demolish the existing structure and construct a new 5-story, 36-unit residential building with 100 bedrooms. Parking is provided within the building on the first floor. The property is zoned I1, Light Industrial district and is located in the University Area Overlay district. The applicant is requesting rezoning (base zoning) to the R5, Multiple-family Residence district.

The principal residential entrance to the building will be located along 13th Avenue SE and will open into a lobby. The front elevation of the building is activated with other amenities including a fitness room, club room and study room. Secondary entrances are located along the south property line, facing the alley, and the east property line, facing the pedestrian bridge. The unit mix for the residential component is eight two-bedroom units and 28 three-bedroom units. The parking is located on the ground floor and will be accessed from the center of the alley on the south side of the site.

On May 20, 2013 the City Planning Commission approved the following applications for this project:

- Rezoning from the I1, Light Industrial district to the R5, Multiple-family Residence district
- Conditional use permit to increase height in the R5 district from four stories or 56 feet to five stories, 60.5 feet.
- Variance to reduce the south side yard setback from 13 feet to zero.
- Variance to reduce the north side yard setback from 13 feet to nine feet.
- Variance to reduce the front yard setback from 15 feet to 5'4".
- Variance to reduce the vehicle parking requirement from 50 spaces to 34 spaces.
- Variance to increase the floor area ratio in the R5 district from 2.4 to 2.6.
- Variance to increase the maximum lot coverage in the R5 district from 70 percent to 70.6 percent.
- Site plan review.

As a condition of approval of the site plan review application, the Planning Commission required balconies that are a minimum of five feet deep on the north elevation on floors three through five. Adding balconies to this elevation would encroach further in to the side yard than what was previously approved, requiring an additional side yard setback. Residential uses in the R5 district have a minimum side yard setback requirement of 5+2x, but not more than 15 feet. The applicant is proposing a five story building, requiring a minimum side yard setback of 13 feet. Along the north property line, adjacent to the railroad tracks, the building setback is proposed at ten feet with a one foot overhang. The balconies would project within six feet of this north property line. A variance to reduce the north side yard setback from 13 feet to six feet has been requested accordingly.

No correspondence had been received from the Marcy Holmes Neighborhood Association regarding this specific application. Any correspondence, if received, will be forwarded to the Commission for review.

VARIANCE: (to reduce the north side yard setback from 13 feet to six feet)

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.**

Residential uses in the R5 district have a minimum side yard setback requirement of $5+2x$, but not more than 15 feet. The applicant is proposing a five story building, requiring a minimum side yard setback of 13 feet. Along the north property line, adjacent to the railroad tracks, the building setback is proposed at ten feet. As noted above, the City Planning Commission attached a condition of approval to the site plan review application considered on May 20, 2013, requiring balconies with a minimum depth of five feet on the north side of the building. The applicant has added the balconies on floors three through five as required, resulting in a side yard setback of six feet. A variance to this side yard setback has been requested accordingly. Practical difficulties exist in complying with the ordinance. The site is uniquely shaped, narrowing to just 39 feet in width along the east property line. The width of the proposed building is intended to maximize the number of enclosed parking spaces while allowing for an adequate separation between uses. These circumstances are unique to the property and have not been created by the applicant. Additionally, the circumstances are unique in that the element of the building that is projecting further into the required yard was specifically required by the City Planning Commission.

- 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.**

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 urban design policies of the comprehensive plan also address this issue in calling for building placement to allow light and air into the site and surrounding properties. The closest structure to the north of the site is over 250 feet away. The site is separated from Van Cleve Park by railroad tracks creating a 150 foot separation between the proposed building and the south edge of the park. As such, the proposed setback with the balcony projection would also allow for adequate access to light and air for the subject site and surrounding properties.

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 surrounding area contains a mix of residential uses and one light industrial use. The existing building on the site is built from side lot line to side lot line with no setbacks. The proposed building will provide a more substantial north side yard setback than the existing structure and will not alter the character of the locality or be injurious to the use or enjoyment of other property in the vicinity. As noted above, properties to the north will be minimally impacted by the proposed setback due to the location of the railroad trench. The addition of balconies and the proposed side yard setback would not be detrimental to the health, safety or welfare of the general public or those utilizing nearby properties as it will allow for adequate access to light and air and minimize potential impacts on those utilizing nearby properties. Balconies will allow for additional outdoor space for residents and activity on the north side of the building. It is worth noting, however, that the proposed setback will bring residents closer to an active rail corridor. The applicant is proposing a landscaped buffer and ornamental fencing between the building and the tracks.

RECOMMENDATIONS:

Recommendation of the Department of Community Planning and Economic

Development for the variance to reduce the north side yard setback from 13 feet to six feet:

The Department of Community Planning and Economic Development recommends that the City Planning Commission adopt the above findings and **approve** the application for a variance to reduce the north side yard setback from 13 feet to six feet for the property at 815 14th Avenue SE.

Attachments:

1. Statement of findings and project description
2. PDR Report
3. Zoning Map
4. Site plan, floor plans and elevations
5. Photos