

Department of Community Planning and Economic Development
Variance
BZZ-6147

Date: August 8, 2013

Applicant: Providence Development, LLC

Address of Property: 1812 1st Avenue South

Contact Person and Phone: Greg Hjelle, (612) 209-2698

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

Date Application Deemed Complete: July 11, 2013

End of 60-Day Decision Period: September 9, 2013

Ward: 6 **Neighborhood Organization:** Stevens Square Community Organization

Existing Zoning: OR3 Institutional Office Residence District

Existing Overlay District: PO Pedestrian Oriented Overlay District

Zoning Plate Number: 20

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

Variance: to reduce the minimum off-street parking requirement from 23 to 22 spaces, where 22 spaces are legally nonconforming, to allow for one additional dwelling unit within an existing multiple-family structure

Applicable zoning code provisions: Chapter 525, Article IX Variances, Specifically Section 525.520(6) “to vary the applicable minimum and maximum number of required off-street parking...spaces” and Chapter 547 Office Residence Districts

Background: The subject property is approximately 75 feet by 140 feet (10,500 square feet). The first building permit on the property was to allow for a 3-story brick apartment building with 25 dwelling units in 1924. The applicant is proposing to add one additional dwelling unit in the basement of the existing structure. The existing space within the structure is the rental office for the building. The subject property does not have access to any legal off-street parking spaces. The minimum parking requirement for residential uses is one off-street parking space per dwelling. In the OR3 Institutional Office Residence District, the minimum off-street parking requirement is reduced to 90% of the minimum parking per section 541.410 of the zoning code. The minimum off-street parking requirement for offices would be 4 spaces, if the office space were a minimum of 1,000 square feet. The floor area is approximately 550 square feet and therefore the existing office space does not have a minimum off-

street parking requirement. Therefore, the existing building has nonconforming rights to 22 off-street parking stalls for the 25 dwellings and 0 for the existing office. 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 requirement from 23 to 22 spaces, where 22 spaces are legally nonconforming, to allow for one additional dwelling unit within an existing multiple-family structure.

Staff has not received correspondence from the Steven Square Community Organization. Staff will forward comments, if any are received, at the Board of Adjustment public hearing.

VARIANCE: to reduce the minimum off-street parking requirement from 23 to 22 spaces, where 22 spaces are legally nonconforming, to allow for one additional dwelling unit within 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 use of the building, existing parking options and the availability of alternative transportation options and on-street parking. The existing structure is a twenty-five unit multiple-family residence and rental office without any off-street parking. The subject property is located in the PO Pedestrian Oriented Overlay District and is well served by transit. The property is located one-half block from a MetroTransit stop serving the #17 and #18 Hi-Frequency buses. In addition, the applicant is proposing to add additional bicycle parking on the property. 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 consistent 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 previous office use and

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 on-street parking and alternative forms of transportation including walking, biking and busing. 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 off-street parking requirement from 23 to 22 spaces, where 22 spaces are legally nonconforming, to allow for one additional dwelling unit within an existing multiple-family structure located at 1812 1st Avenue South in the OR3 Institutional Office Residence District and PO Pedestrian Oriented Overlay District, subject to the following conditions of approval:

1. Bicycle parking shall be provided to accommodate no fewer than five (5) 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 August 8, 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 Lilligren and Stevens Square Community Organization
3. Zoning map
4. Existing survey
5. Site plan
6. Proposed floor plans
7. Photos