

Department of Community Planning and Economic Development
Variance
BZZ-6321

Date: December 12, 2013

Applicant: Sherman Associates

Address of Property: 2931-2937 Bloomington Avenue

Contact Person and Phone: Brad Goering, (612) 332-3000

CPED Staff and Phone: Brad Ellis, (612) 673-3239

Date Application Deemed Complete: October 28, 2013

End of 60 Day Decision Period: December 27, 2013

Ward: 09 **Neighborhood Organization:** East Phillips Improvement Coalition

Existing Zoning: C1 Neighborhood Commercial District

Zoning Plate Number: 26

Legal Description: Not applicable

Proposed Use: A two-family dwelling with accessory parking for a nearby commercial use.

Concurrent Review:

Variance: to reduce the required front yard from fifteen (15) feet to nine (9) feet for the front building wall and to (0) feet for a patio for a new two-family dwelling in the C1 Neighborhood Commercial district.

Variance: to increase the maximum number of vehicles permitted to be parked outdoors for a residential use from four (4) to eight (8).

Zoning code section authorizing the requested variances: Chapter 525, 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” and Section 525.520(11) “to increase the maximum number of vehicles permitted to be parked outdoors.”

Background: The subject properties are two 41’ x 123’ lots totaling 10,124 square feet. The properties are currently vacant aside from a foundation/basement constructed in 2008 from an earlier development project that was not completed.

This property has been the subject of two prior land use applications. BZZ-3548 was for a mixed-use building with two commercial spaces and two dwelling units. It received City Planning Commission

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approvals in 2007 for a variance to the minimum parking requirements and site plan review. As part of a 2003 development agreement between the Minneapolis Community Development Agency, the then-current property owners, and East Phillips Commons LLC, the project was required to provide eight (8) spaces for a commercial use located at 1536 Lake Street East. 2937 Bloomington Avenue originally contained the parking for 1536 Lake Street East. The original approvals of BZZ-3548 have since expired, but the applicant did begin construction in 2008 based on the approvals granted. Construction was suspended after completion of the basement and foundation that is still in place on the site. BZZ-4397 was a proposal for a six unit residential structure in the same location. BZZ-4397 was returned to the applicant after being inactive for over 30 days after submittal.

The applicant is now proposing that a two-family dwelling be constructed in the location of the earlier approved development. Generally there are not required yards in the C1 Neighborhood Commercial District; neither a mix-use nor a multiple family dwelling of five (5) units or more have a required front yard in the C1. However, a single- or two-family dwelling is required to provide a front yard setback of fifteen (15) feet as well as five (5) feet in the interior sides and rear. Therefore, a variance is required to reduce the required front yard for the proposed duplex, even though a variance was not required for the earlier submittals. The development agreement is still binding, so the applicant is required to provide eight (8) parking spaces for the commercial use at 1536 Lake Street East. However, the zoning code restricts the number of vehicles that can be parked outdoors for a residential use to two (2) spaces per dwelling unit. Therefore a variance is required to allow more than four (4) unenclosed parking spaces.

The applicant has not yet submitted an application for administrative site plan review for the new two-family dwelling. A preliminary analysis indicates that the dwelling would meet the minimum standards of a new two-family dwelling, as well as receive 15 out of 24 possible points for the provision of the following:

- The structure includes a basement as defined by the building code (5 points);
- The primary exterior building material will be cement-based siding (4 points);
- Not less than twenty (20) percent of the walls on each floor that face a public street, not including walls on half stories, are windows (3 points);
- A flat roof where there is at least one existing building with a flat roof within one hundred (100) feet of the site (2 points);
- The development includes at least one (1) deciduous tree in the front yard (1 point).

The minimum point total to be approved for a new two-family dwelling is 15.

At the time of writing of this report, staff has not received any comments on the project. Staff will forward comments, if any are received, at the Board of Adjustment meeting.

Findings Required by the Minneapolis Zoning Code:

VARIANCE: to reduce the required front yard from fifteen (15) feet to nine (9) feet for the front building wall and to (0) feet for a patio for a new two-family dwelling.

- 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 location of the foundation and the requirement for commercial parking. Ordinarily no setbacks are required for structures in the C1 Commercial District; the site plan review chapter calls for new buildings to be at least eight (8) feet from the front lot line. The applicant is proposing to locate the development nine feet from the property line, with a patio extending right to the property line. The building is proposed in its location to make use of the existing foundation, but also to allow for the parking to the rear – the applicant would not be able to provide the eight spaces required by the development agreement if the new dwelling were located farther back on the property. The location of the existing foundation and the requirement for commercial parking have created practical difficulties in complying with the ordinance. While the applicant constructed the foundation in its existing location, the applicant did not create the requirement for accessory commercial parking on the property.

- 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 applicant is seeking a variance to reduce the required front yard setback from fifteen (15) feet to nine (9) feet for the front building wall and to (0) feet for a patio. The applicant is proposing to construct a new two-family dwelling, which is a permitted use in the C1 Neighborhood Commercial District. The purpose of yard requirements is to provide for orderly development and use of land and to minimize conflicts among land uses by governing the location of accessory uses and structures. The adjacent neighbor to the north is a commercial building built to the property line. The property to the south is also a commercial building with a portion built to the front property line. A two-family home located close to the front lot line is a reasonable use on 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.**

The granting of this variance will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. All other structures along the east side of the 2900 block of Bloomington Avenue are constructed on or within eight (8) feet of the front lot line along Bloomington. The proposed two-family dwelling would be in character with the locality. Granting the variance will not increase the danger of fire safety or be detrimental to the public welfare or endanger the public safety.

VARIANCE: to increase the maximum number of vehicles permitted to be parked outdoors for a residential use from four (4) to eight (8).

- 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 outdoor parking variance is requested are unique to the parcel of land due to the development agreement requiring the parking for the commercial use at 1536 Lake Street East. While the development agreement was modified in such a way that a commercial use is no longer required as part of the redevelopment, the parking requirement is still binding. The intent of the ordinance is to prevent residential uses from over-parking on a given property in a way that would affect the character and livability of a community. The parking requested is for a commercial use on a nearby property that had been using the lot for parking prior to the redevelopment attempts. The parking requirement has created practical difficulties in complying with the ordinance.

- 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 applicant is seeking a variance to increase the maximum number of vehicles permitted to be parked outdoors for a residential use. The regulations are in place to prevent over-parking on residential properties and preserve community character and livability. In this case, the parking is not for the residential use but for a nearby commercial use. Both a duplex and a parking lot are reasonable uses in the C1 Neighborhood Commercial District. The property is located at the intersection of a commercial corridor (Lake Street East) and a community corridor (Bloomington Avenue).

- 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 of the variance will not alter the essential character of the surrounding neighborhood or be injurious to the use or enjoyment of other property in the vicinity. There are commercial uses all around the property and the parking lot will reduce on-street parking for commercial uses. Should the variance be granted it will not be detrimental to the health, safety and welfare of the general public or of those utilizing the property or nearby properties.

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 the findings above and **approve** the variance to reduce the required front yard to reduce the required front yard from fifteen (15) feet to nine (9) feet for the front building wall and to (0) feet for a patio to allow for the construction of a new two-family dwelling with accessory commercial parking located at 2931-2937 Bloomington in the C1 Neighborhood Commercial District.

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 the findings above and **approve** the variance to increase the maximum number of vehicles permitted to be parked outdoors for a residential use from four (4) to eight (8) to allow for the construction of a new two-family dwelling with accessory commercial parking located at 2931-2937 Bloomington in the C1 Neighborhood Commercial District, subject to the following condition:

1. The Department of Community Planning and Economic Development and any other applicable City departments review and approve the final site and landscape plans.

Attachments:

- 1) Written description and findings submitted by the applicant
- 2) Zoning map
- 3) Survey and site plans
- 4) Floor plans
- 5) Elevations
- 6) Photographs