



CPED STAFF REPORT
Prepared for the Board of Adjustment

BOA Agenda Item #3
May 15, 2014
BZZ-6528

LAND USE APPLICATION SUMMARY

Property Location: 2828 28th Avenue South
Project Name: 2828 28th Avenue South
Prepared By: [Shanna Sether](#), Senior City Planner, (612) 673-2307
Applicant: Clover Valley Properties
Project Contact: Gustaf Kupetz
Request: To a 6th dwelling unit to an existing multiple-family residence.
Required Applications:

Variance	To reduce the minimum off-street parking from 6 spaces to 5 spaces, where one space is non-conforming, to allow for an additional (6th) dwelling within an existing multiple-family structure.
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SITE DATA

Existing Zoning	R4 Multiple Family District
Lot Area	7,536 square feet / .173 acres
Ward(s)	2
Neighborhood(s)	Longfellow Community Council
Designated Future Land Use	Urban Neighborhood
Land Use Features	North of an Activity Center South of an Industrial Employment District East of a Major Retail Center Lake Street (south of the property) is a Commercial Corridor
Small Area Plan(s)	Hiawtha/Lake Station Area Master Plan

Date Application Deemed Complete	April 21, 2014	Date Extension Letter Sent	Not applicable
End of 60-Day Decision Period	June 20, 2014	End of 120-Day Decision Period	Not applicable

BACKGROUND

SITE DESCRIPTION AND PRESENT USE. The subject property is approximately 48 feet by 157 feet (7,536 square feet). The first building permit on the property was to allow for five stucco flats in 1922.

SURROUNDING PROPERTIES AND NEIGHBORHOOD. There are a mix of land uses in the surrounding area. The predominant land use is single-family dwellings. In addition, there are several two-family dwellings, four apartment buildings, one restaurant, one industrial warehouse, two mixed use buildings, one large retail center and four vacant properties.

PROJECT DESCRIPTION. The applicant is proposing to convert an existing storage area in the basement of the existing multiple-family residence to a dwelling unit. There are five dwelling units in the existing building. There are two, two-car parking garages and one off-street parking space at the rear of the property. The detached garage at the northwest corner of the property has one door and the second car could not access the parking garage and meet the maneuvering requirements in the zoning code. Therefore, staff recognizes that the existing five-unit building has four off-street parking spaces and one parking stall with nonconforming rights. The applicant is required to provide an additional stall for the proposed 6th dwelling. There is not sufficient area on the property to provide the additional off-street parking stall; therefore, the applicant is seeking a variance.

PUBLIC COMMENTS. Staff has received a letter of support from the Longfellow Community Council; a copy of the letter is attached to the staff report. Any additional correspondence received prior to the public meeting will be forwarded on to the Board of Adjustment for consideration.

ANALYSIS

VARIANCE

The Department of Community Planning and Economic Development has analyzed the application for a variance to reduce the minimum off-street parking from 6 spaces to 5 spaces, where one space is nonconforming, to allow for an additional (6th) dwelling within an existing multiple-family structure based on the following findings:

- I. *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 five-unit multiple family residence with two two-car garages and one off-street parking stall at the rear of the property. According to the applicant, the existing dwellings do not use all of the garage stalls. In addition, the subject property is located one block to the Midtown Greenway bicycle path and the applicant is proposing to add additional bicycle parking space. Further, the area is well served by transit. The property is located one and a half blocks from a MetroTransit stop serving the #21 bus on Lake Street, a commercial corridor, and two blocks from 26th Avenue south with a stop serving the #7 bus. 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.

RECOMMENDATIONS

Recommendation of the Department of Community Planning and Economic Development for the Variance:

The Department of Community Planning and Economic Development recommends that the Board of Adjustment adopt the above findings and **approve** the application for a variance to reduce the minimum off-street parking from 6 spaces to 5 spaces, where one space is non-conforming, to allow for an additional (6th) dwelling within an existing multiple-family structure for the property located at 2828 28th Avenue South in the R4 Multiple-Family District, subject to the following conditions:

1. Bicycle parking shall be provided to accommodate no fewer than six (6) bicycle 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 May 15, 2016, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.

ATTACHMENTS

1. Written description and findings submitted by applicant
2. Zoning map
3. Site plan
4. Floor plans
5. Photos
6. Correspondence