



CPED STAFF REPORT
Prepared for the Board of Adjustment

BOA Agenda Item #4
December 11, 2014
BZZ-6923

LAND USE APPLICATION SUMMARY

Property Location: 2410 Fillmore Street Northeast
Project Name: 2410 Fillmore Street Northeast – Front Yard Parking Variance
Prepared By: [Andrew Liska](#), City Planner, 612.673.2264
Applicant: Chad Moffenbier
Project Contact: Chad Moffenbier
Request: Variance to allow for parking in the required front yard.
Required Applications:

Variance	To allow parking that cannot comply with the location requirements for on-site parking, as specified in Chapter 537, Accessory Uses and Structures, and Chapter 541, Off-Street Parking and Loading.
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SITE DATA

Existing Zoning	R2B
Lot Area	7,224 square feet
Ward(s)	I
Neighborhood(s)	Windom Park
Designated Future Land Use	Urban Neighborhood
Land Use Features	N/A
Small Area Plan(s)	N/A

BACKGROUND

SITE DESCRIPTION AND PRESENT USE. The subject property is zoned R2B and is approximately 42 feet by 172 feet (7,224 square feet). A two and one half story duplex originally constructed in 1894 occupies this site. The dwelling sits 8 feet from the south property line; however a section of curb runs along the property line. The distance from the dwelling to the curb is 7 feet 8 inches. The dwelling is 4 feet from the north property line. The zoning code does not allow residential driveways to be less than 8 feet in width.

There is no detached or attached garage on this property and there is no alley access. The 2400 block of Fillmore Street NE contains a cul-de-sac as the road dead ends before intersecting with Lowry Avenue. This parcel has an existing front curb cut off of Fillmore Street NE and has legal grandfather rights to maintain this driveway.

Date Application Deemed Complete	November 17, 2014	Date Extension Letter Sent	N/A
End of 60-Day Decision Period	January 16, 2015	End of 120-Day Decision Period	N/A

SURROUNDING PROPERTIES AND NEIGHBORHOOD. The dwelling to the north, 2414 Fillmore Street NE has a detached garage to the rear that is accessed from a front curb cut. The property to the south, 2406 Fillmore Street NE has a detached garage to the rear of the dwelling that is accessed via an easement off of 24th Avenue NE. Due to the dead end of Fillmore Street NE just to the north and the fact that no alleys serve either side of this block, on-street parking in this area is somewhat constrained.

PROJECT DESCRIPTION. The applicant created a parking pad in the front yard of the duplex to provide off-street parking for the tenants of the duplex. The parking pad is approximately 12 feet by 30 feet (360 square feet) and the location of the proposed parking pad in the front yard does not meet the location requirements as specified in Chapter 537, Accessory Uses and Structures, and Chapter 541, Off-Street Parking and Loading.

This variance application is stemming from violation letters received from zoning enforcement inspectors.

PUBLIC COMMENTS. As of writing this staff report, staff has not received any correspondence from the Windom Park Neighborhood Association. Staff will forward comments, if any are received, at the Board of Adjustment meeting.

ANALYSIS

VARIANCE

The Department of Community Planning and Economic Development has analyzed the application for a variance of Chapter 525, Article IX Variances, specifically Section 525.520(8) “to permit parking that cannot comply with the location requirements for on-site parking, as specified in Chapter 537, Accessory Uses and Structures, and Chapter 541, Off-Street Parking and Loading.” based on the following [findings](#):

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. The proximity of the dwelling to the lot lines and the lack of the alley serving this property from the rear were not created by the applicant and the request is not based on economic considerations.

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 not proposing to use the property in a manner than keeps with the spirit and intent of the ordinance and comprehensive plan. Code is very clear in demonstrating where vehicles shall be parked to preserve open front yards traditionally seen in urban neighborhoods. Comprehensive Plan Chapter, 10 Urban Design, also provides insight regarding the use of yards as found in 10.8.2, “Infill development shall incorporate the traditional layout of residential development that includes a standard front and side yard setbacks, open space in the back yard, and detached garage along the alley or at back of lot.”

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 proposed parking pad variance will alter the essential character of the neighborhood. Traditionally, residential lots without alley access had a front curb cut and driveway leading to the rear. This proposed parking pad does not align with the traditional urban neighborhood model and while permitting the proposed parking pad may reduce the need for on-street parking, it doesn't fit with the character of the area. Health, safety, and welfare of the general public will not be compromised if this variance is granted.

The property will retain the right to the driveway that aligns with the front curb cut as this is common with parcels that do not have alley access; this will not alter the essential character of the locality.

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 **deny** the application for a variance to allow parking that cannot comply with the location requirements for on-site parking, as specified in Chapter 537, Accessory Uses and Structures, and Chapter 541, Off-Street Parking and Loading for the property located at 2410 Fillmore Street Northeast.

ATTACHMENTS

1. Written description and findings submitted by applicant
2. Zoning map
3. Site Plan
4. Photos of Site
5. Correspondence

11-10-14

To Whom It May Concern;

Listed below are the findings that support our request for a variance. At our property located at 2410 Fillmore St. NE Minneapolis MN 55418.

1. This property is a rental duplex. Due to the fact that we have no alley and we cannot drive vehicles to the back of the house due to the narrow space, we would like to add a 20' x 30' asphalt addition to the front driveway. This will be used for additional parking thus requiring a variance.
2. This property is located on a dead end street so there is very little on-street parking.
3. There have been altercations between neighbors (including the police) fighting over the parking situation.

Thank you for your consideration.

Sincerely,

Chad Moffenbier

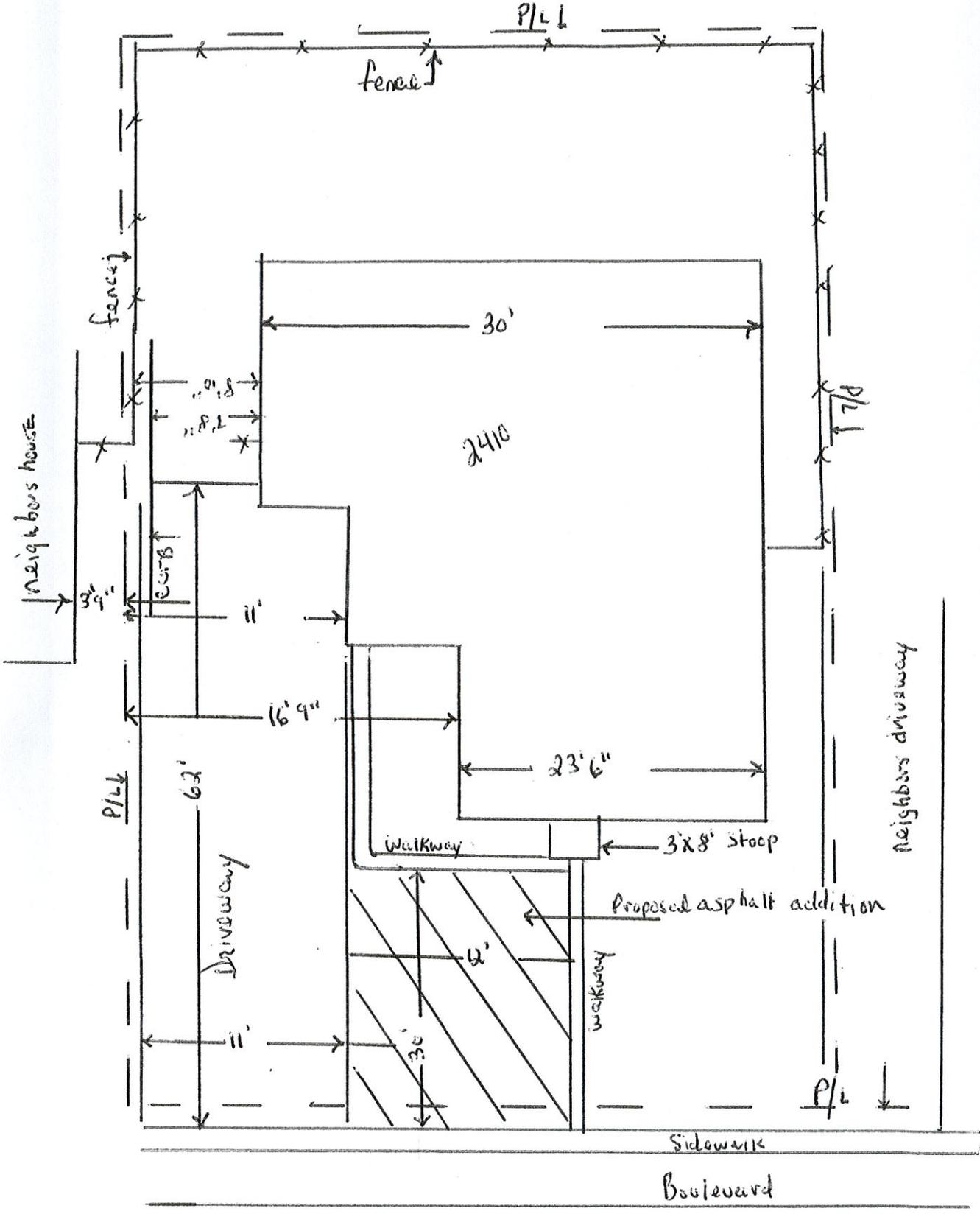
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Fillmore St. N.E.







