



# CPED STAFF REPORT

Prepared for the Zoning Board of Adjustment  
 BOA Agenda Item #8  
 September 10, 2015  
 BZZ-7313

## LAND USE APPLICATION SUMMARY

*Property Location:* 2801 18<sup>th</sup> Avenue South  
*Project Name:* Accessory Dwelling Unit Conversion (ADU): Stairway Variance  
*Prepared By:* Aaron Hanauer, Senior City Planner, (612) 673-2494  
*Applicant:* Nicolas R. Collard  
*Project Contact:* Nicolas R. Collard  
*Request:* To allow an external stairway to lead to an accessory dwelling unit.  
*Required Applications:*

<b>Variance</b>	To vary a development standard in Chapter 537 and allow for an existing, unenclosed stairway to provide access to a proposed accessory dwelling unit.
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## SITE DATA

<b>Existing Zoning</b>	R2B/Two Family District
<b>Lot Area</b>	6,039 square feet / 0.14 acres
<b>Ward(s)</b>	9
<b>Neighborhood(s)</b>	East Phillips
<b>Designated Future Land Use</b>	Urban Neighborhood
<b>Land Use Features</b>	Cedar Avenue Community Corridor is located one block to the east
<b>Small Area Plan(s)</b>	<u>Midtown Greenway Land Use and Development Plan (2007)</u>

<b>Date Application Deemed Complete</b>	July 24, 2015	<b>Date Extension Letter Sent</b>	N/A
<b>End of 60-Day Decision Period</b>	September 22, 2015	<b>End of 120-Day Decision Period</b>	N/A

## BACKGROUND

### SITE DESCRIPTION AND PRESENT USE.

The project site is located a block west of Cedar Avenue South and a block north of the Midtown Greenway. The subject property is a reverse corner lot at the intersection of 18<sup>th</sup> Avenue South and 28<sup>th</sup> Street East as the neighboring property to the east, 1811 28<sup>th</sup> Street East, faces 28<sup>th</sup> Street. The lot is approximately 84 feet wide (along 18<sup>th</sup> Avenue South) by 72 feet deep (along 28<sup>th</sup> Street East).

The lot contains a two-story, single-family residential structure and a two-car, detached garage. The main structure has an exterior staircase along the western elevation, a deck along the eastern portion of the property, and a pergola to the south of the property. The detached garage is located along the southern property line and is accessed via a curb cut on 18<sup>th</sup> Avenue South. An approximately six-foot high fence extends from the house to the detached garage.

The principal structure was likely built prior to 1900 (a building permit for the original construction or an index card was not available). The entire structure has approximately 2,345 square feet of floor area (including finished basement area) and a footprint of 1,206 square feet.

### SURROUNDING PROPERTIES AND NEIGHBORHOOD.

The parcels that line Cedar Avenue South to the east of the project site are zoned R5 and R6 and contain a mix of multiple-family dwellings and low-density residential structures. The 2700 and 2800 blocks of 16<sup>th</sup>, 17<sup>th</sup>, and 18<sup>th</sup> Avenue South are primarily zoned R2B/Two-Family Residential and contain one and two-family residential structures.

### PROJECT DESCRIPTION.

In December of 2014, the City Council adopted a zoning code amendment that allows accessory dwelling unit (ADUs) on lots that contain single- and two-family dwellings. Among the standards that were required for internal ADUs was that the stairways leading to an internal accessory dwelling unit shall be enclosed (Section 537.110 7 (d))

The applicant is proposing to establish an accessory dwelling unit on the second floor of a single-family dwelling. The applicants are proposing to have a two-bedroom main unit on the first floor and basement and a one-bedroom, accessory dwelling unit on the second floor. The applicant/property owner intends to live on the first floor and rent out the second floor ADU.

The subject single-family building has an existing external stairway on the western elevation (along 18<sup>th</sup> Avenue South) leading to the proposed ADU on the second floor. The external stairway was permitted in 1984 (B530752). As part of this project the applicant is proposing to maintain the unenclosed stairway leading to the second floor; no exterior changes are proposed as part of this variance request.

**PUBLIC COMMENTS.** As of the writing of this report, one letter of support for the variance request was received. No communication has been received by the East Phillips Neighborhood Association. Any correspondence received prior to the public meeting will be forwarded on to the Zoning Board of Adjustment for consideration.

## ANALYSIS

## VARIANCE

The Department of Community Planning and Economic Development has analyzed the application for a variance of the accessory dwelling unit standards to allow an existing, unenclosed stairway to provide access to a proposed accessory dwelling unit, 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 applicant is proposing to establish an ADU on the second floor of an existing single-family dwelling. An ADU is a permitted accessory use to a single-family dwelling. There is an existing, unenclosed stairway that leads from the ground level to the second floor along the western elevation. Because the stairs are not proposed to be enclosed, a variance is required to legally establish the ADU.

Practical difficulties exist in complying with the ordinance because of circumstance unique to the property. The subject property has had a permitted external stairway along 18th Avenue South for over 30 years. Requiring the property owner to enclose the stairway or to remove it would likely have an adverse impact on the building's existing and original design. In addition, given that the property is a reverse corner lot and substandard in terms of lot depth (the lot is 72 feet deep; a typical R2B lot is 125 feet deep), fewer options exist in having a second entrance to the second floor accessory dwelling unit.

It is recognized that neither the zoning code nor the building code requires a second staircase as a means of egress. However, utilizing the interior staircase for the primary/only access to the ADU presents functional issues. The staircase is not separate from the single-family dwelling as the internal staircase is within the living area of the main unit. Although a separate staircase is not required, it would be uncommon for the primary/only access to an ADU to occur within the living space of the main unit.

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 intent of the zoning code requirement that stairways leading to the ADU shall be enclosed was to reduce/eliminate the amount of exterior changes made to principal structures, reduce the overall bulk of structures, and to ensure that adding an ADU would not adversely impact the character of surrounding low-density residential areas. The property owner proposes to use the property in a reasonable manner that will be in keeping with the spirit and intent of the zoning ordinance. The applicants are proposing to legally establish an accessory dwelling unit, which is a permitted accessory use to a single and two-family structure in the R2B district. They would like to maintain an exterior stairway that has been on the home for more than 30 years; the previous owner legally built the external stairway. The applicant's proposal to establish an accessory dwelling unit by maintaining the unenclosed stairway will not lead to additional exterior changes to the main structure. In addition, the existing stairway on the subject property does not have a significant impact to the bulk of the structure. The principal structure when including the external stairway covers 21 percent of the lot; lots in the R2B district are allowed to cover up to 45 percent of the zoning lot (546.140-Maximum Lot Coverage). It should also be noted that the external stairway will be approximately 24 feet from the front property line along 18<sup>th</sup> Avenue South; 36 feet from the interior property line to the west, and 42 feet from the interior property line to the south.

Allowing the accessory dwelling unit will also be in keeping with the spirit of the comprehensive plan as it will be preserving the diversity of the city's neighborhood while allowing for increased density

in order to attract and retain long-term residents (Land Use Policy 1.8), allow the city to grow by increasing the housing supply (Housing Policy 3.1), foster complete communities by preserving and increasing high quality housing opportunities suitable for all ages and household types (Housing Policy 3.6), and maintaining and preserving the quality and unique character of the city’s existing housing stock (Urban Design Policy 10.7).

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 the proposed variance will not alter the essential character of the locality. The existing external stairway was built in a way that does not detract from the original design or the area. The stairway was painted a dark red to match trim on the house and garage. In addition, French doors were added to the second floor entrance area. This design element provides an inviting entrance both externally and internally and also provides additional eyes on the street. Requiring the property owner to enclose the stairway or to remove it would likely have an adverse impact on the building’s existing and original design.

Granting of the variance will also not be injurious to the use or enjoyment of other property in the vicinity nor to those utilizing the property. As previously mentioned the external stairway will be setback an ample distance from the front property line (approximately 24 feet) and neighboring property lines (a minimum of 36 feet). In addition, the exterior staircase will provide an additional level of safety for occupants of the ADU by providing two means of egress. Furthermore, the accessory dwelling unit will meet all other required zoning code standards outlined in Chapter 537- Accessory Uses and Structures. As a condition of approval, an Administrative Review for an Accessory Dwelling Unit application shall receive city approval prior to the establishment of the ADU.

**RECOMMENDATIONS**

The Department of Community Planning and Economic Development recommends that the Zoning Board of Adjustment adopt staff findings for the application by Nicolas Collard for the property located at 2801 18<sup>th</sup> Avenue South:

**A. Variance of the accessory dwelling unit standards.**

Recommended motion: **Approve** the application for a variance of the accessory dwelling unit standards to vary a development standard in Chapter 537 and allow for an existing, unenclosed stairway to provide access to a proposed accessory dwelling unit, subject to the following condition:

- I. An Administrative Review for an Accessory Dwelling Unit application shall receive city approval prior to the establishment of the ADU.

**ATTACHMENTS**

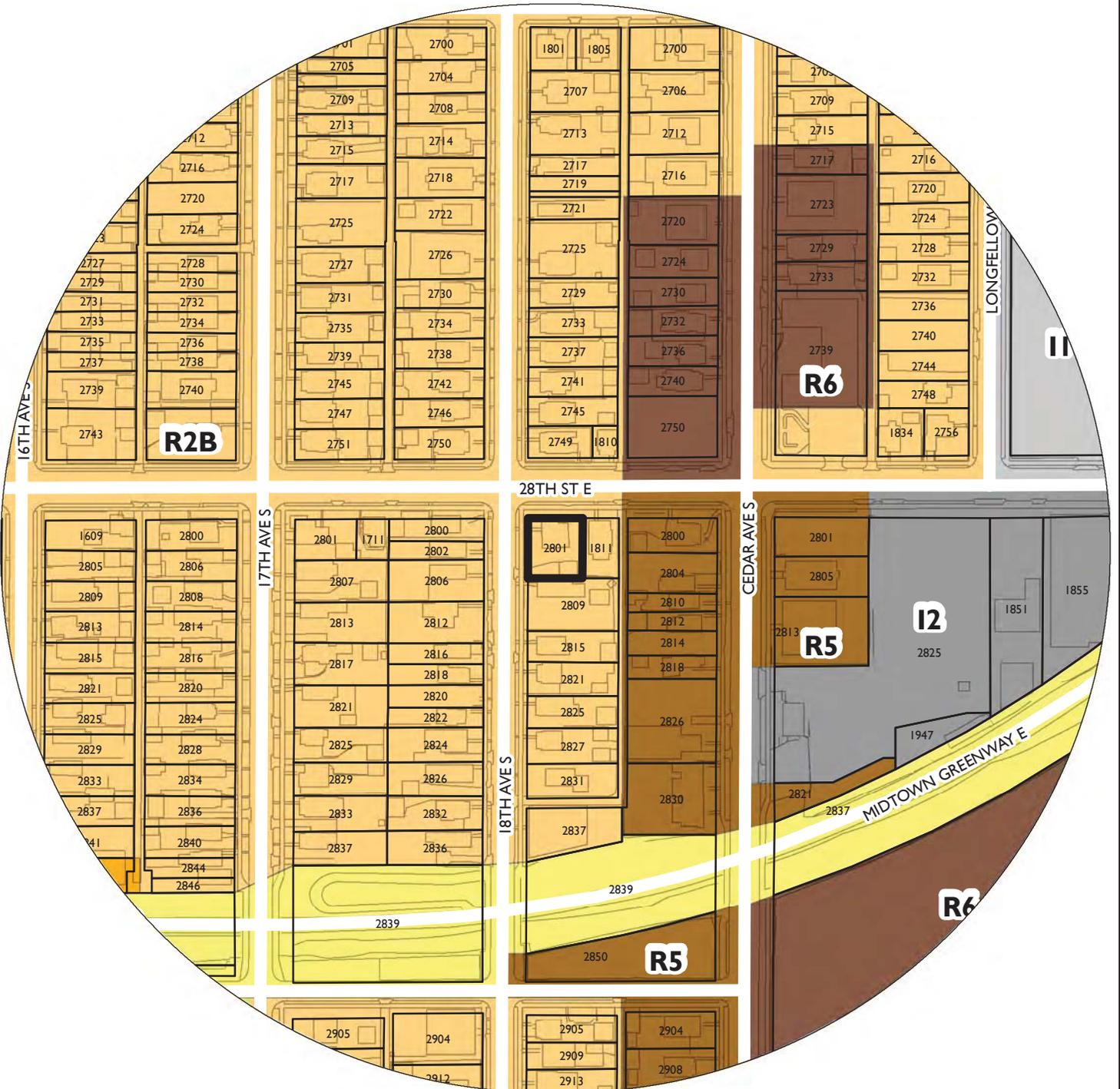
1. Zoning map
2. Aerials
3. Written description and findings submitted by applicant
4. Site plan, floor plans, and section
5. Site survey (if applicable)
6. Images
7. Public comment

Nicolas Collard

9th

NAME OF APPLICANT

WARD

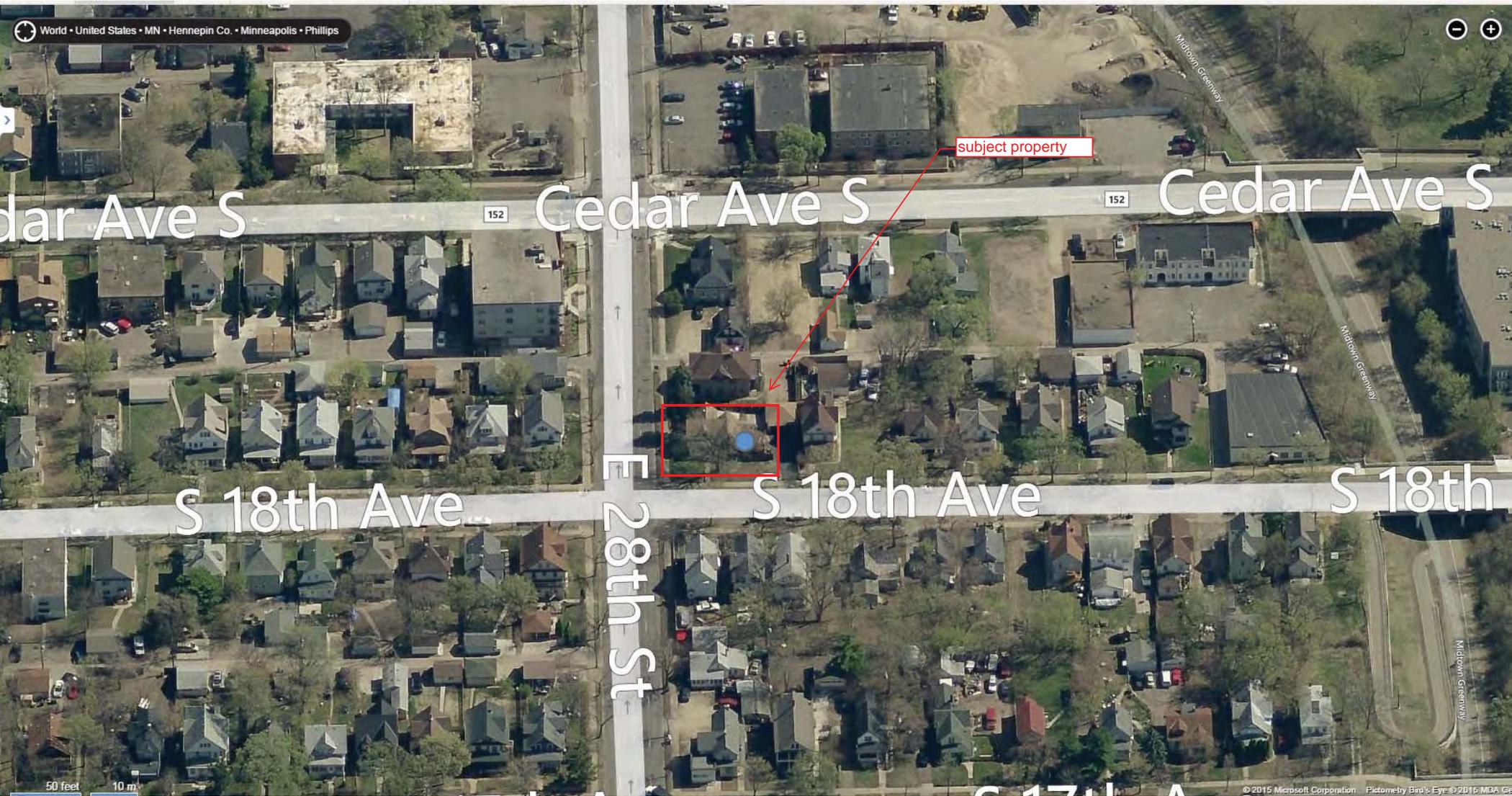


PROPERTY ADDRESS

2801 18th Avenue South

FILE NUMBER

BZZ-7313



Cedar Ave S

Cedar Ave S

Cedar Ave S

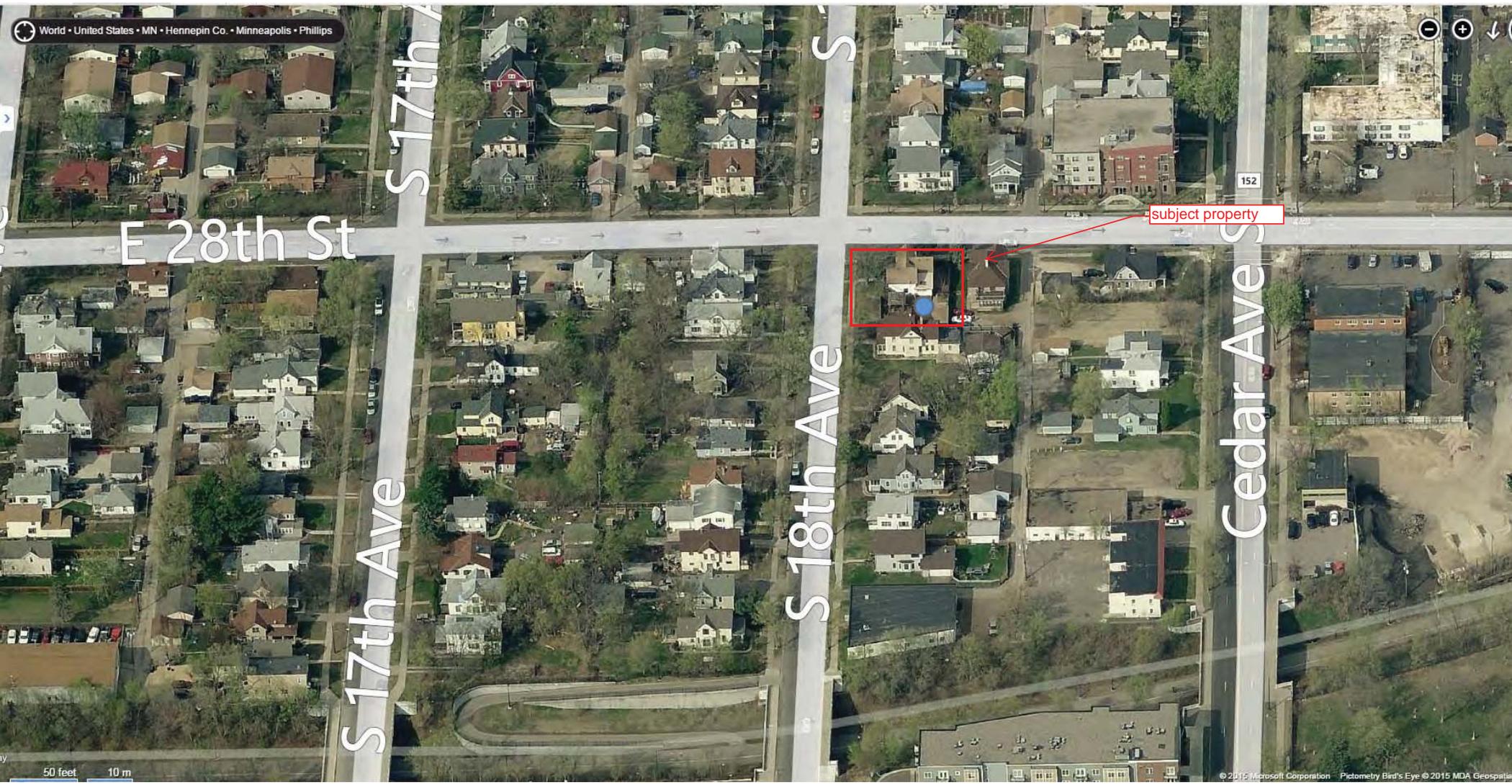
S 18th Ave

S 18th Ave

S 18th

E 28th St

subject property



World • United States • MN • Hennepin Co. • Minneapolis • Phillips

E 28th St

S 17th Ave

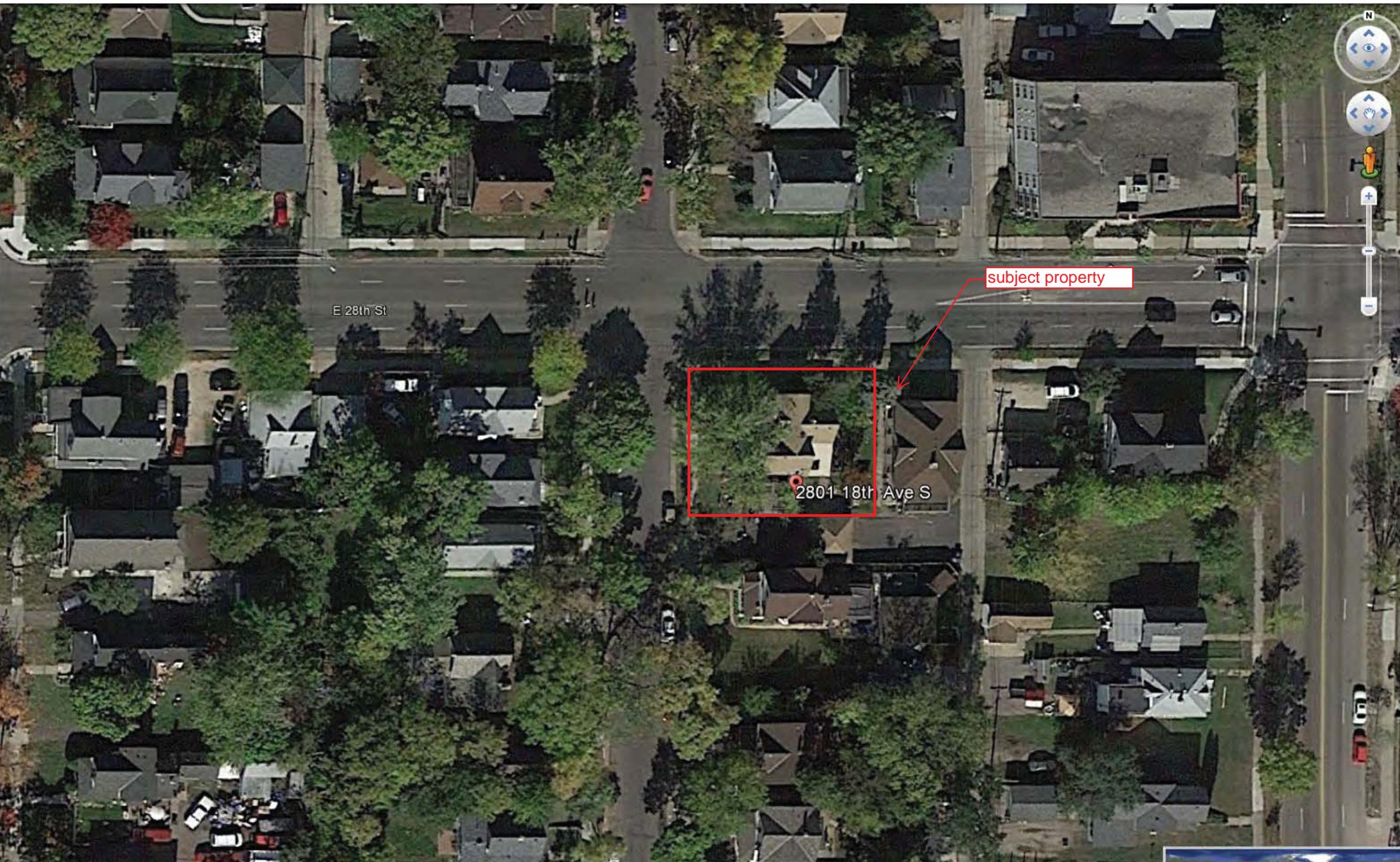
S 18th Ave

Cedar Ave S

subject property

50 feet 10 m

© 2015 Microsoft Corporation Pictometry Bird's Eye © 2015 MDA Geospatial



subject property

2801 18th Ave S

E 28th St

Land Use Application, Description and Proposed Variance  
Nicolas Collard, owner  
Site: 2801 18th Ave S.

To all concerned,

I am applying for an **Accessory Dwelling Unit** (ADU) for the 2nd floor at 2801 18th Ave S. I am also proposing a Variance under Minneapolis Zoning Code (Chapter 525, Section 140) in my general land use application. The Variance is this: I am proposing that the **exterior stairwell** at 2801 18th Ave S. **remain in place**, in my application for the ADU at said property. No new construction is proposed, nor do I propose any changes to existing construction.

This project came about because I learned that my home is ineligible for duplex conversion. At 6,000+ sq. ft., this property is too small. Yet, I wish to maintain a kitchen on the 2nd floor of the house. 2801 is currently a family homestead: my mother lives with me in the lower half of the house (includes finished basement). We are both of limited means, and must have a renter(s) on the 2nd floor in order to afford living here.

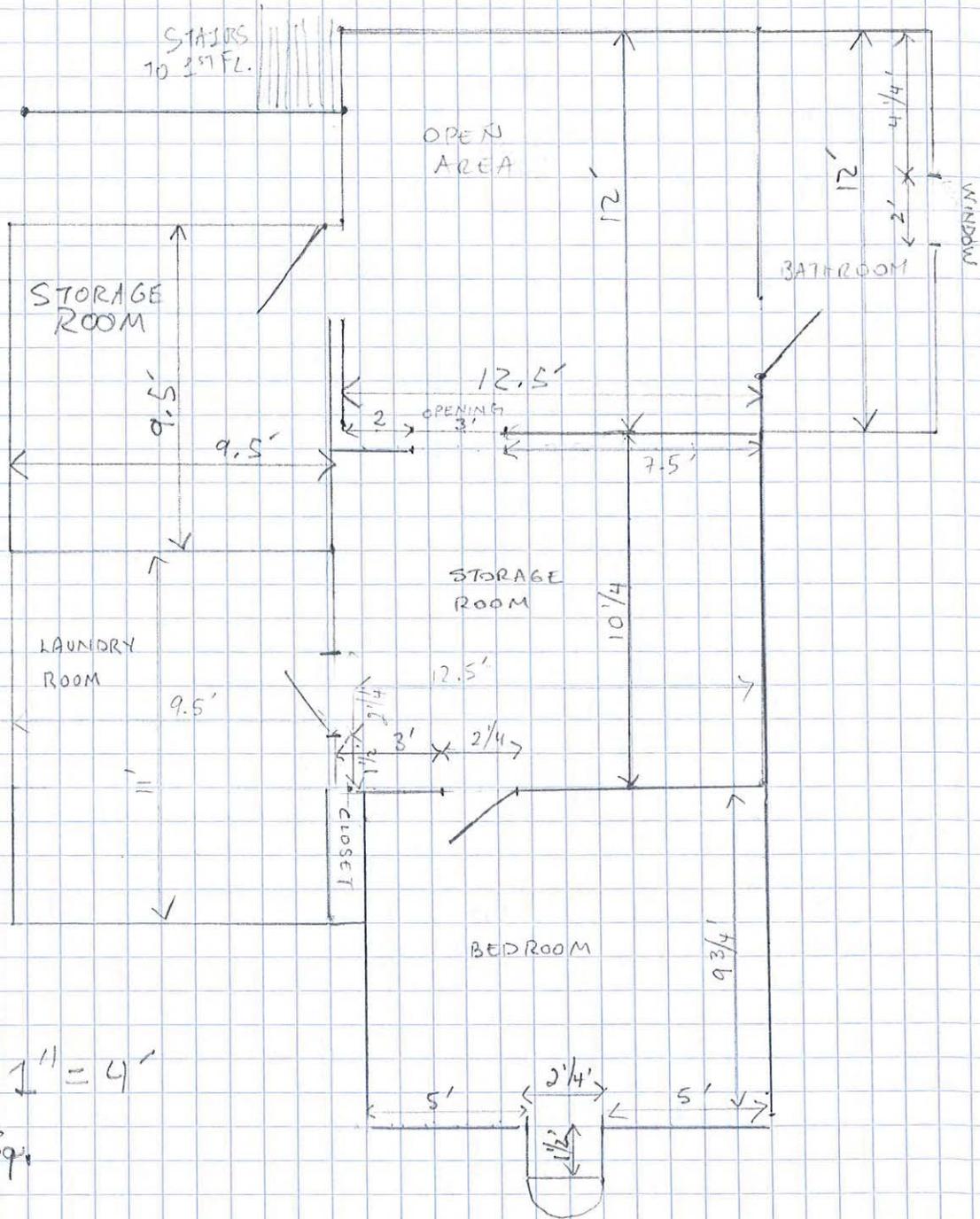
Therefore, I have proposed an ADU under Minneapolis Zoning Code. The Code as currently written disallows the construction or presence of any unenclosed staircase. My house however, has had an exterior staircase (in addition to the primary stairs interior) for over 10 years (I purchased 5 years ago). Demolishing the staircase would depreciate the property and cause the house to lose a significant asset, as well as rendering useless the doors on the 2nd floor leading to the staircase. I do not have the disposable income necessary for the construction project that would be required to remodel those doors, and so I have proposed the Variance.

Please feel free to contact me with any concerns. Regards,  
Nicolas Collard  
2801 18th Ave S.  
Minneapolis, MN 55407  
612-724-4012  
nicollard@hotmail.com



# BASEMENT

## BASEMENT FLOOR PLAN



SCALE 1" = 4'  
LPH/Sq

BASEMENT FLOOR PLAN  
2801 18<sup>th</sup> Ave S,

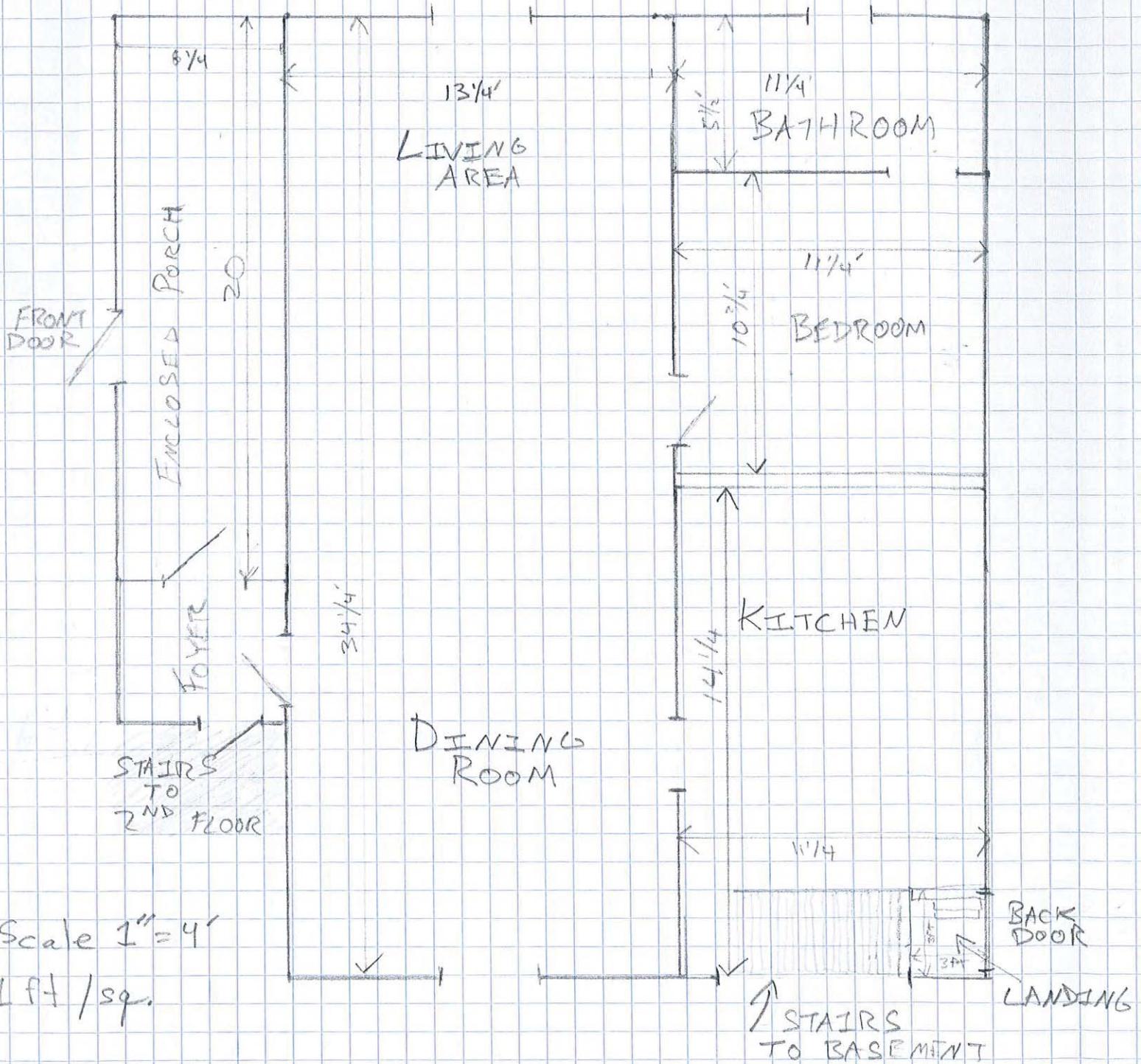


# FLOOR PLAN

1ST FLOOR PLAN

2801 18<sup>th</sup> AVE S.

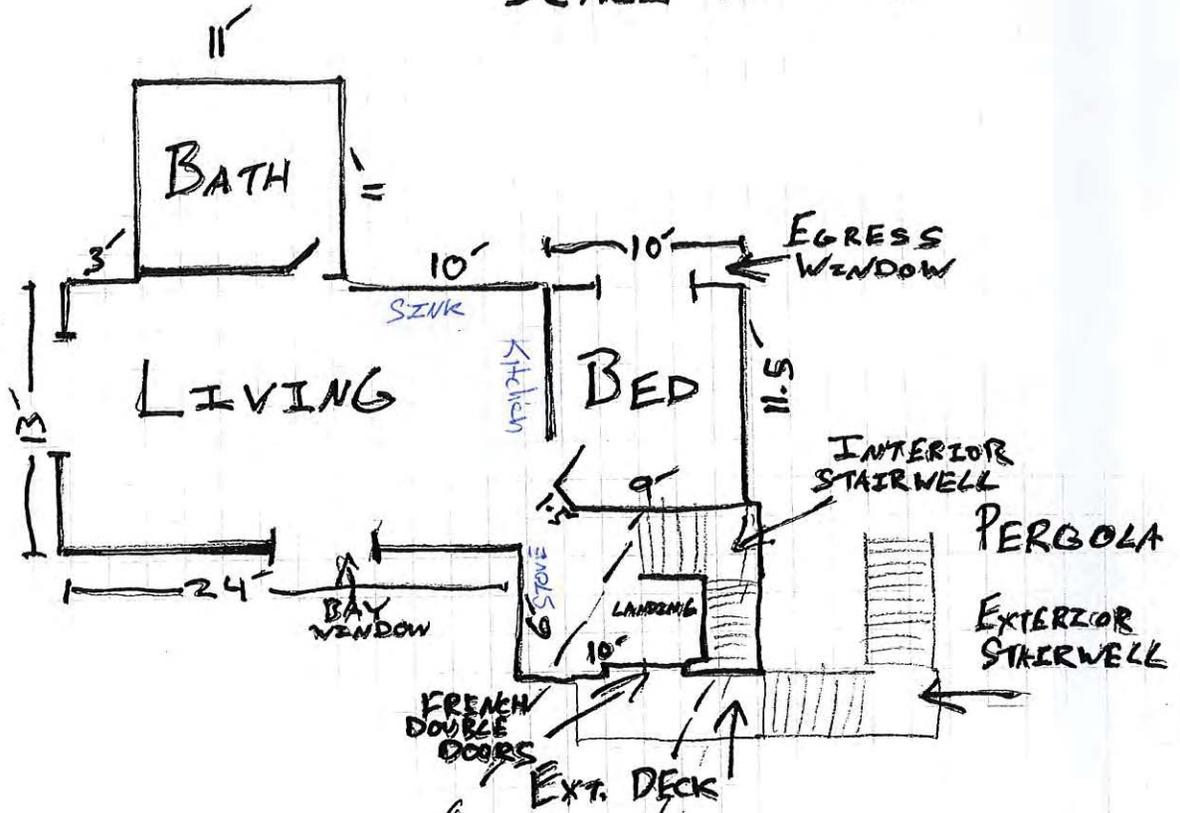
1<sup>st</sup> FLOOR



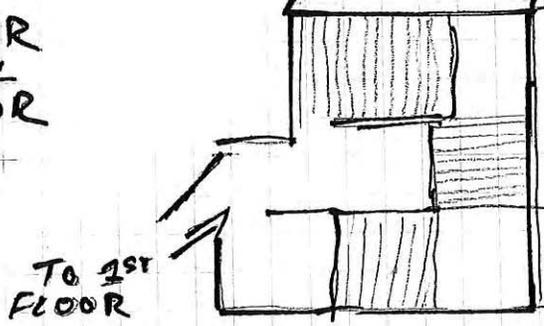
2ND FLOOR PLAN

SCALE 1" = 8'

FLOORPLAN  
2ND FLOOR

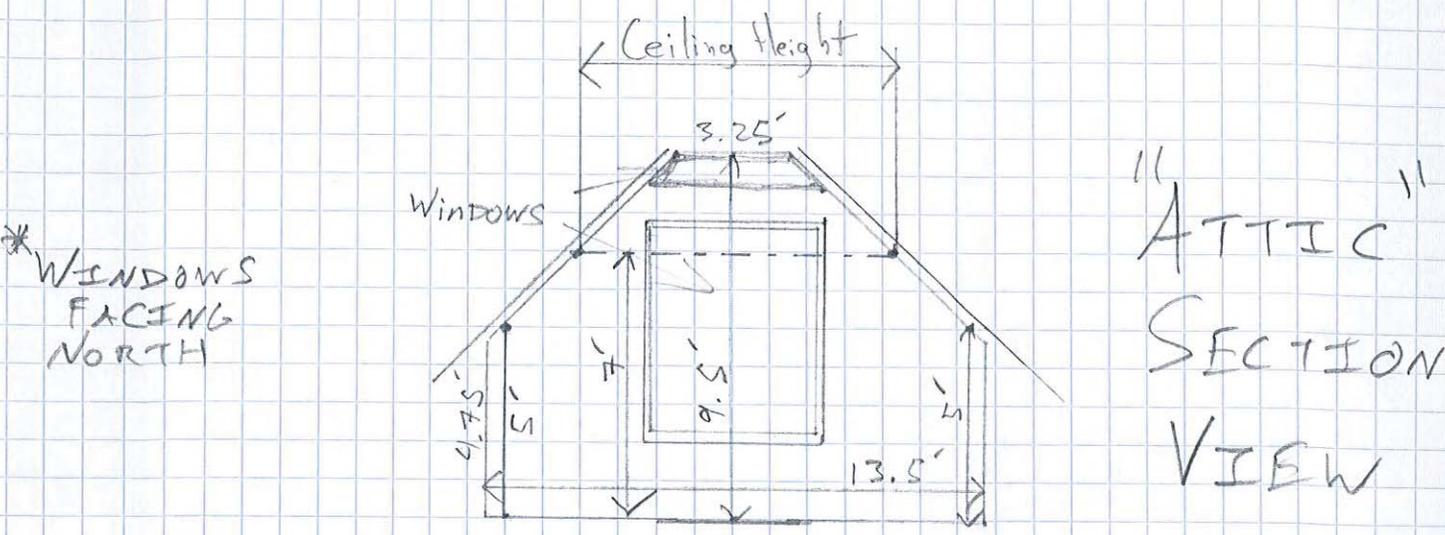


INTERIOR  
STAIRWELL  
W/ 1ST FLOOR  
CUTAWAY



SCALE 1" = 4'

2801 18<sup>th</sup> AVE S. 2<sup>ND</sup> FLOOR : PROPOSED  
DATE : 4/7/15  
ADU



2801 18<sup>th</sup> Ave S.  
2<sup>ND</sup> FLOOR, PROPOSED ADU

SCALE 1" = 4'  
1 ft / sq.

subject property



Subject property along 18th Avenue South

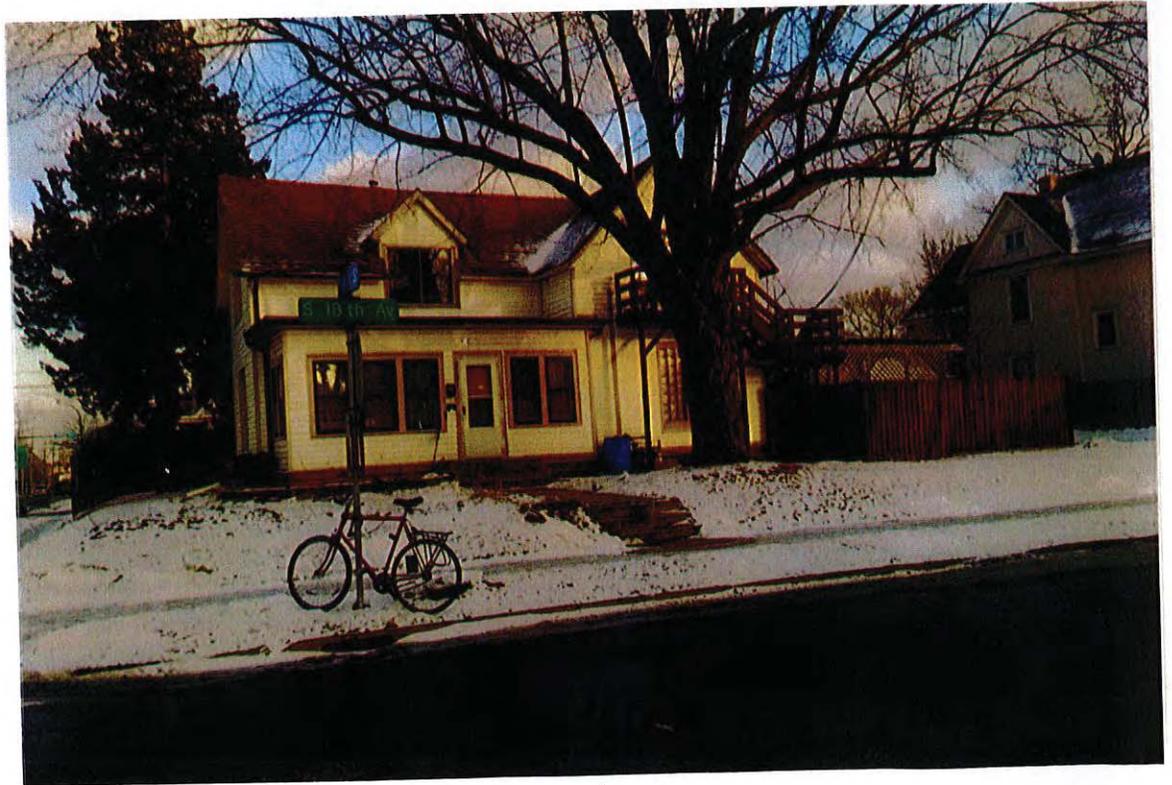
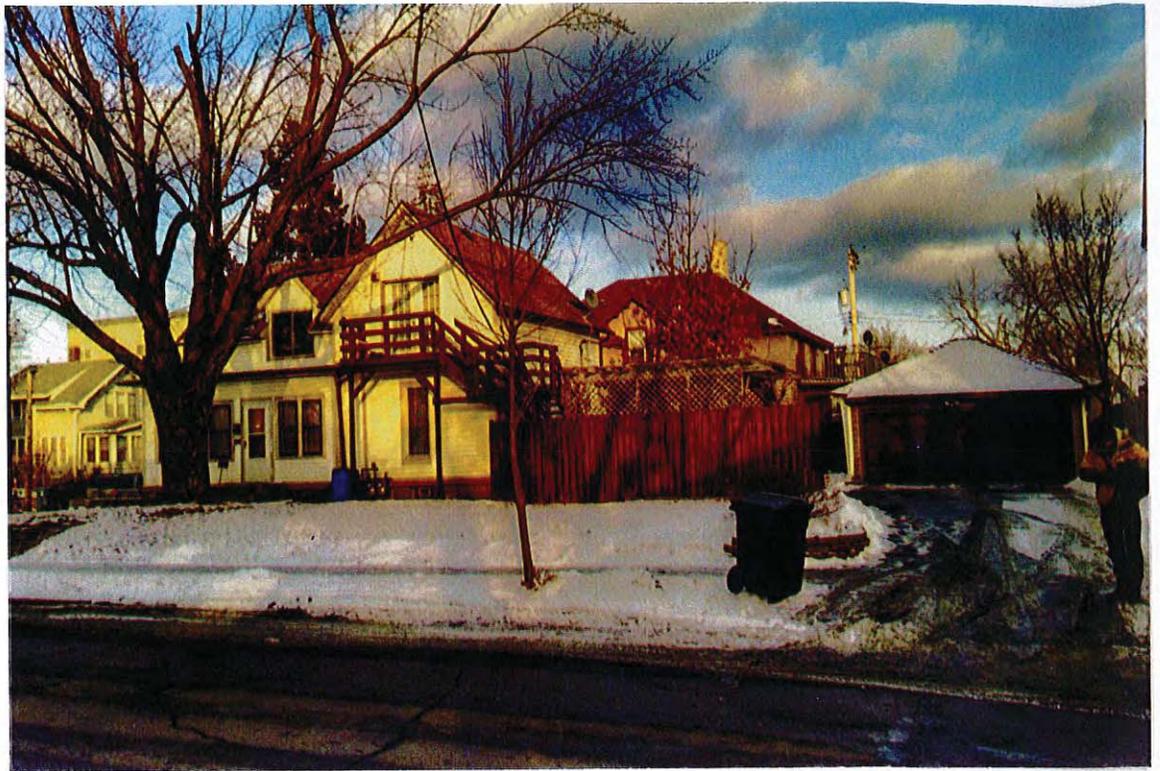
subject property



Subject property along 28th Street East



neighboring properties along 18th Avenue South







**Hanauer, Aaron M.**

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**From:** Tim Springer <thegreenwayguy@gmail.com>  
**Sent:** Monday, August 31, 2015 8:19 PM  
**To:** Hanauer, Aaron M.  
**Subject:** BZZ-7313

Dear Mr. Hanauer:

I support the Nicolas Collard's request for a variance to allow for an existing, unenclosed stairway to a proposed accessory dwelling unit at 2801 18th Ave S.

Cheers,

Tim Springer  
Owner and occupant at 2836 18th Ave S, Minneapolis, MN  
612 355 9600