

LAND USE APPLICATION SUMMARY

Property Location: 3508 45th Street East
Project Name: Internal Accessory Dwelling Unit
Prepared By: Joe Giant, City Planner, (612) 673-3489
Applicant: Cody & Amy Johnson
Project Contact: Cody & Amy Johnson
Request: To allow an internal accessory dwelling unit
Required Applications:

Variance	To allow an existing, unenclosed stairway to access an internal accessory dwelling unit.
-----------------	--

SITE DATA

Existing Zoning	RIA Single-Family District
Lot Area	16,609 square feet
Ward(s)	12
Neighborhood(s)	Ericsson (Standish-Ericsson Neighborhood Association)
Designated Future Land Use	Urban Neighborhood
Land Use Features	Adjacent to 46 th St Activity Center
Small Area Plan(s)	46 th and Hiawatha Station Area Master Plan

BACKGROUND

SITE DESCRIPTION AND PRESENT USE. The subject property, 3508 45th Street East, is an irregularly shaped parcel with an area of 16,609 square feet located in the RIA Single-Family District. The property currently contains a two-story single-family dwelling with an attached front-loading garage constructed in 1998. A wooden stairway and second-story deck exists on the east side of the home and leads to a door connecting the deck to habitable space above the garage.

SURROUNDING PROPERTIES AND NEIGHBORHOOD. The subject property is located in the Ericsson neighborhood of south Minneapolis. The Blue Line LRT right-of-way runs adjacent and parallel to the east property line. Forty-fifth Street East terminates in a cul-de-sac in front of the property, just before it would intersect the LRT right-of-way. A berm and row of trees extend along the east property line of the subject property in order to provide screening from the train.

Date Application Deemed Complete	October 2, 2015	Date Extension Letter Sent	NA
End of 60-Day Decision Period	December 2, 2015	End of 120-Day Decision Period	NA

Properties to the west contain primarily detached single-family homes. The 46th St LRT station is located to the south of the property. The public sidewalk located in front of the subject property continues past the cul-de-sac and forms a pedestrian pathway leading to the nearby LRT station.

PROJECT DESCRIPTION. The applicant plans to convert the habitable space above the existing attached garage into an internal accessory dwelling unit (ADU). The ADU would have a floor area of approximately 440 square feet. Access to the ADU would be provided by an existing, unenclosed stairway and balcony located on the east side of the home leading to a door on the second floor. According to Section 537.110(7)(d) of the zoning code, stairways leading to an internal ADU must be enclosed. Therefore, the applicant has applied for a variance to allow an existing, unenclosed stairway leading to an internal ADU.

PUBLIC COMMENTS. Any correspondence received prior to the public meeting will be forwarded 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 development standards for accessory uses and structures 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.*

A practical difficulty exists due to the unique location of the subject property. The property is the last house on a dead-end street adjacent to the LRT right-of-way. The stairwell is not visible from practically any vantage point on nearby residential properties and it is partially screened from the LRT right-of-way by a berm and row of trees.

The stairway and balcony have existed for many years and would not be changed or enlarged through the creation of an ADU. Enclosing the existing stairway or requiring that the interior of the home be reconfigured to accommodate an internal stairway would be disproportionately burdensome for the applicant compared to the public benefit gained. The exterior stairway and unique location of the home are existing conditions that were not created by the applicant, and the requested variance is not based solely 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 property contains a single-family home. Single-family homes are permitted in the RIA district and are the primary land use in the surrounding area. An ADU is a permitted use accessory to a single-family home. In all other respects besides the unenclosed stairway, the ADU complies with the zoning ordinance. The intent of the regulation requiring enclosed stairways is to reduce/eliminate the amount of exterior modifications made to homes, to 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 unenclosed stairway and balcony are existing conditions, and no exterior modifications would be necessary to convert the space above the garage into an ADU.

Allowing the accessory dwelling unit is consistent with several policies contained within the comprehensive plan.

- It preserves the diversity of the city's neighborhoods while allowing for increased density in order to attract and retain long-term residents (Land Use Policy 1.8).
- It allows the city to grow by increasing the housing supply (Housing Policy 3.1).
- It fosters complete communities by preserving and increasing high quality housing opportunities suitable for all ages and household types (Housing Policy 3.6).
- It maintains and preserves the quality and unique character of the city's existing housing stock (Urban Design Policy 10.7).

In addition to these policies, the ADU supports the goal of providing a diversity of housing types in close proximity to transit.

The property is located within the area encompassed by the 46th St LRT station area small area plan. The future land use map in the station area plan identifies the planned character of the parcel as low-density residential.

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 variance will not alter the essential character of the locality. The existing stairs and balcony would not be visible from any other residential properties except for a small portion of the backyard of the property to the north, and the stairway would be located more than 45 feet from both the front property line and the east property line.

Allowing the existing stairway would not be detrimental to the health, safety, or welfare of the general public. It is possible that the creation of the ADU would marginally improve public safety by providing increased natural surveillance of the pedestrian pathway connecting the public sidewalk with the 46th St LRT station.

RECOMMENDATIONS

The Department of Community Planning and Economic Development recommends that the Zoning Board of Adjustment adopt staff findings for the application by Cody and Amy Johnson for the property located at 3508 45th Street East:

A. Variance of the accessory dwelling unit development standards

Recommended motion: **Approve** the application for a variance of the accessory dwelling unit development standards of Chapter 537 to allow for an existing, unenclosed stairway to provide access to an internal accessory dwelling unit, subject to the following conditions:

1. Approval of the final site, elevation, and floor plans by the Department of Community Planning and Economic Development;
2. All site improvements shall be completed by November 5, 2017, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance;
3. An Administrative Review for an Accessory Dwelling Unit application shall receive City approval prior to the establishment of the accessory dwelling unit.

ATTACHMENTS

1. Zoning Map
2. Statement of proposed use and findings by applicant
3. Site plan and floor plan
4. Photos
5. Letter to Standish-Ericsson Neighborhood Association and Ward 12 office

PROJECT DESCRIPTION: When we purchased our home the previous owners had built a mother in-law suite above the attached two-stall garage. Now as the owners of the property, we would like to utilize this space as an Accessory Dwelling Unit (ADU). The current exterior entrance into this space is by an uncovered staircase (and deck) on the east side of our property. We are seeking a variance to allow for this staircase to remain uncovered for entrance purposes into our ADU.

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.*
 - Our property is unique in that we have no immediate neighbors to the south, east or north. Our property's entire east side abuts Hiawatha Ave. and the Metro Transit's Blue Line tracks. In addition, there is a large amount of space between the staircase and the property line. Given the unique nature of our property, none of our neighbors can see the staircase from their homes. Furthermore, the staircase/deck structure simply looks like an elevated deck on our home, which does not look out of place or an afterthought.

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.*
 - Our property is a single dwelling home; this is an allowed use. Our home is owner-occupied so ADUs are permitted. We will comply with all other aspects of the ordinance.

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 staircase/deck is constructed in a manner that aligns with the character of the home. We feel the existence of the current staircase/deck adds to the overall appeal to our property and the ADU. The current structure does not impede on any of our neighbors nor does it detract from the esthetics of the property.
 - The current staircase in place to access our ADU is well constructed and visually appealing. In addition, the staircase leads to a large attached deck that can only be accessed by the ADU. This deck will offer our future tenants a great place to relax and entertain during seasonable weather. The location of the staircase is not visible by our neighbors.

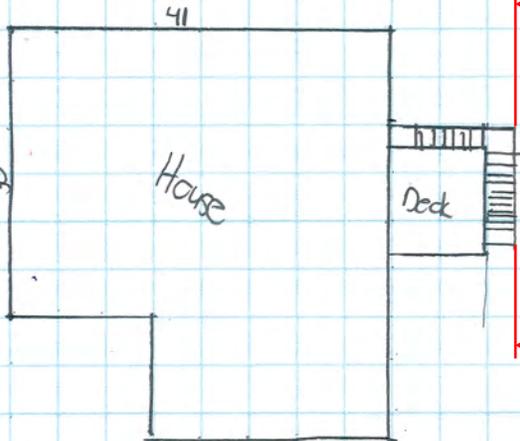
North
↑

1 Square =
5 Ft

Huatha Ave

Metro Transit Blue Line

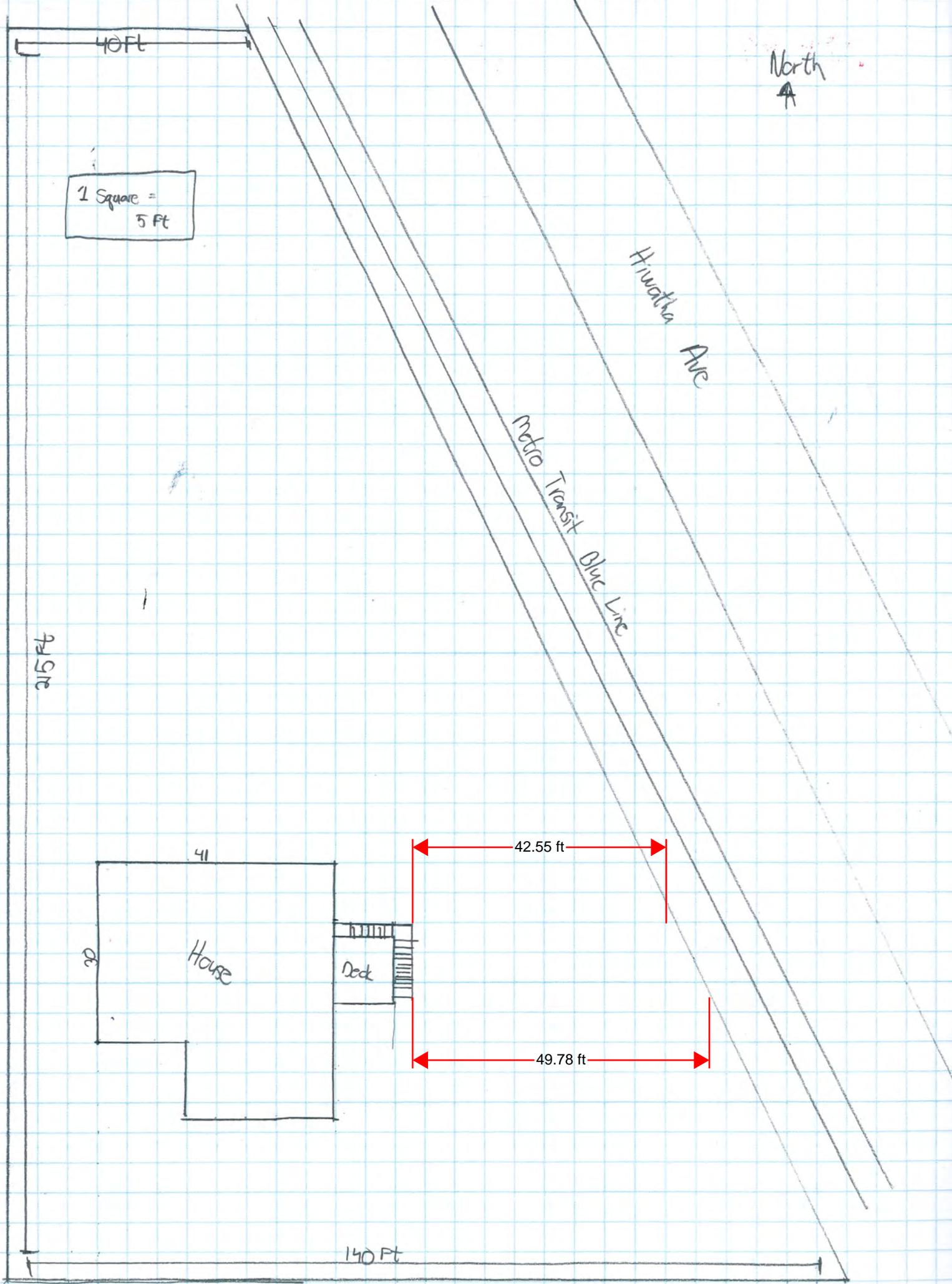
215 Ft

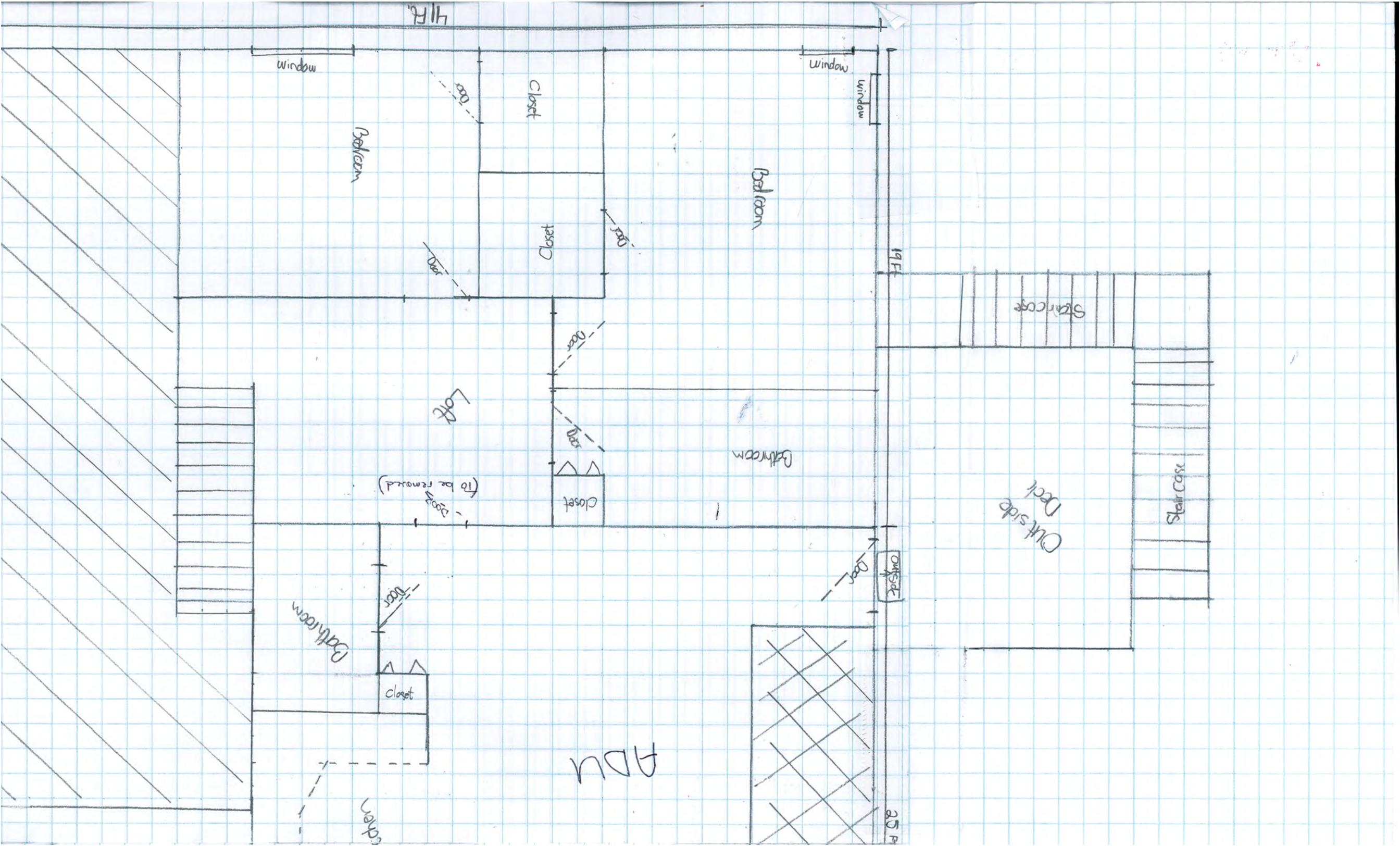


42.55 ft

49.78 ft

140 Ft





41 ft

Window

Bedroom

Closet

Door

Closet

Door

Door

Window

Window

Bedroom

19 ft

Staircase

Loft

Bathroom

Closet

Door (to be removed)

Door

Door

Outside

Door

Outside Deck

Staircase

Bathroom

closet

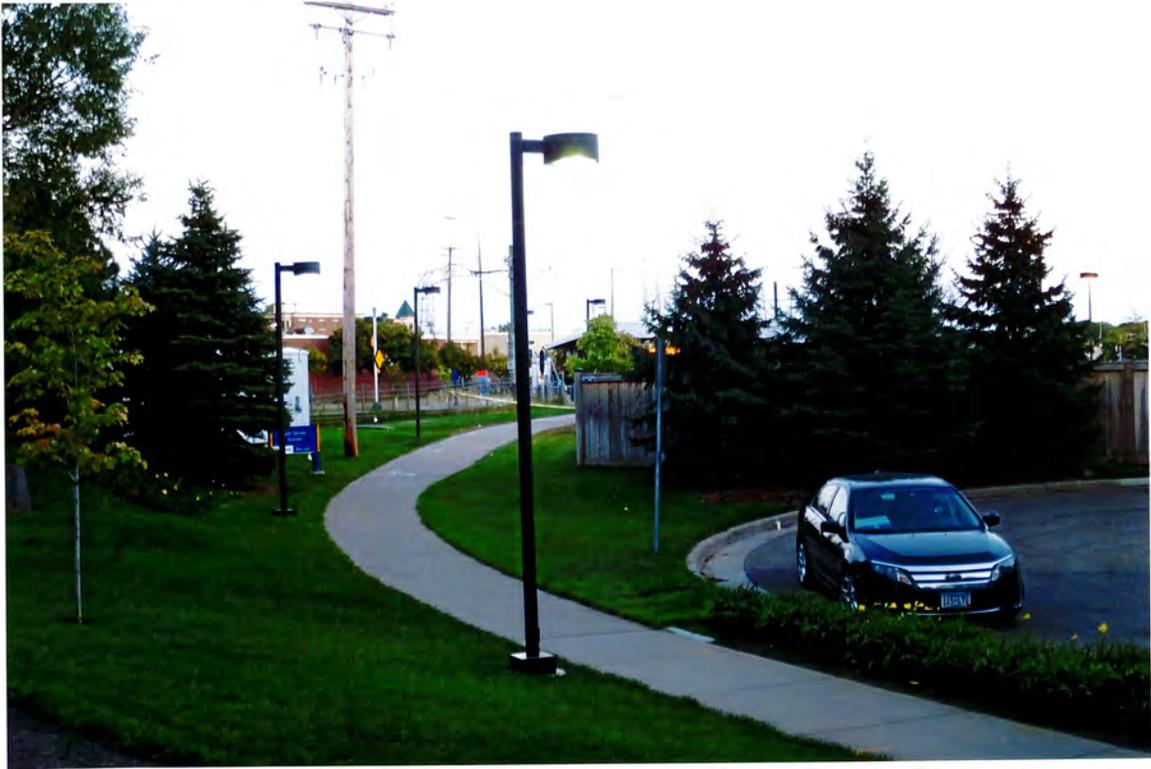
Door

ADU

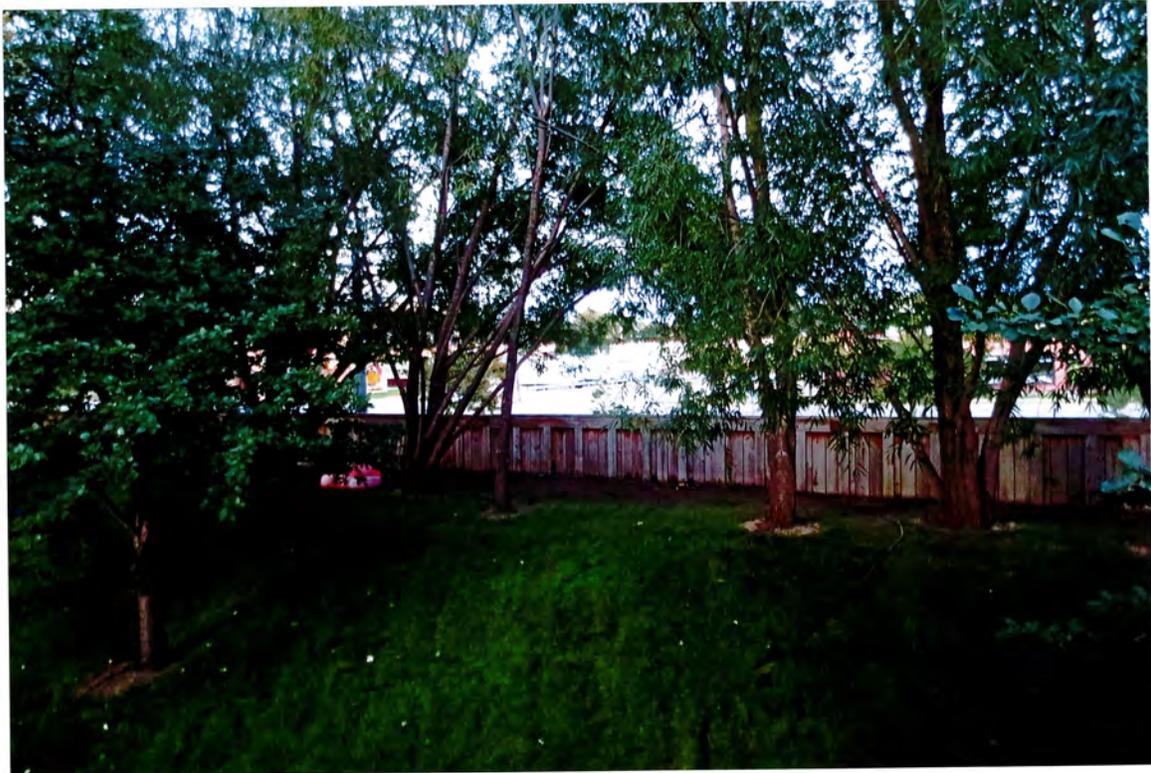
chairs

25 ft

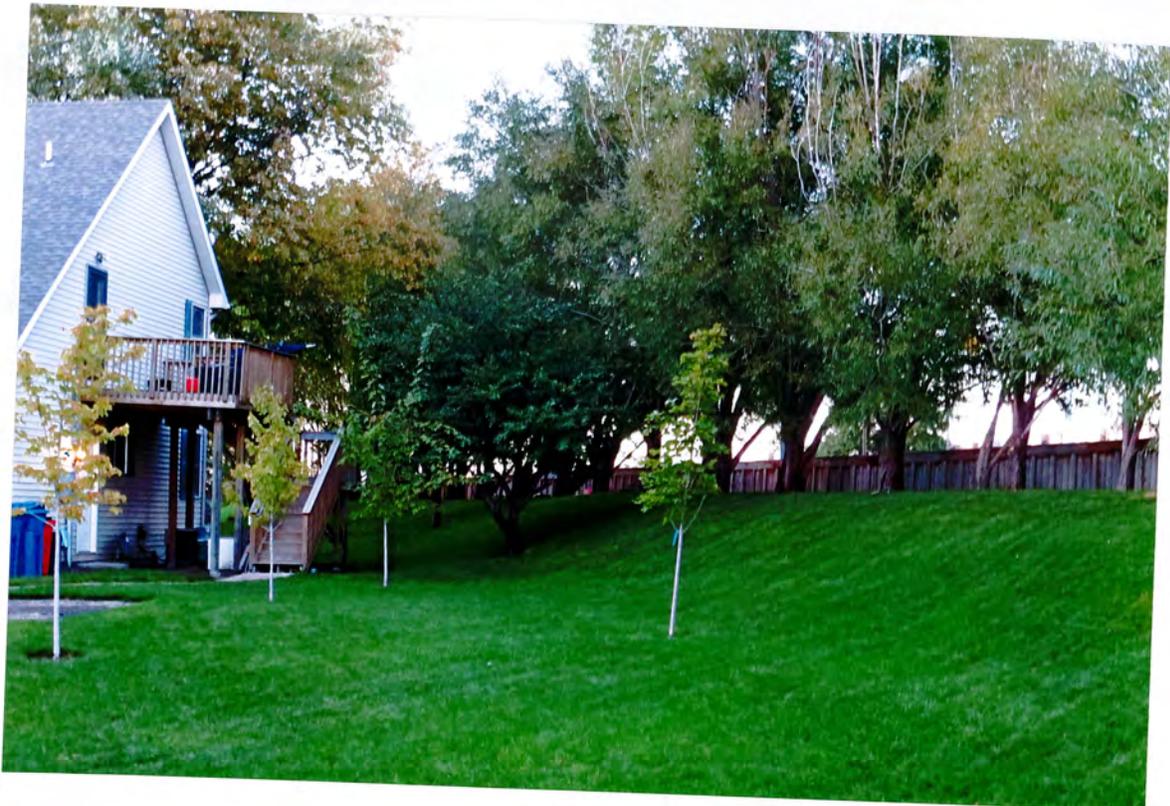


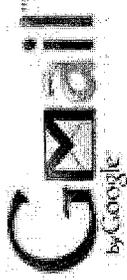


view to south



view to east





Cody Johnson <cody.rustin.johnson@gmail.com>

Minneapolis General Land Use Application (Accessory Dwelling Unit)

1 message

Cody Johnson <cody.rustin.johnson@gmail.com>

To: office@standish-ericsson.org, andrew.johnson@minneapolismn.gov

Cc: Amy Macht <machtamy@hotmail.com>

Wed, Sep 30, 2015 at 9:10 AM

I am writing to inform you that my wife and I are submitting an application to incorporate an Accessory Dwelling Unit (ADU) into our primary residence. The ADU will be incorporated into our home's current footprint and no additional structure(s) will be needed. The ADU will be approximately 700 sq/ft in size and will be located above our two-stall attached garage.

Our property's address is 3508 E. 45th St, 55406, which is adjacent to the 46th St. Light Rail Station. (We are the first home as you head North from the Light Rail platform on to 45th St.)

To incorporate the existing structure of our home, we are seeking a variance for our ADU. At present, our home has a exterior staircase (and deck) leading up to the unit; which does not conform with ADU policy. The east side of our home (the side the staircase is located on) abuts the Light Rail tracks and Hiawatha Ave; we have no immediate homes or neighbors to the east of us. In addition, given the size of our property and positioning of it, there is substantial green space between the staircase and the property line and no neighbors from our property's front or rear can see the staircase.

Applicants: Cody & Amy Johnson

Address: 3508 E 45th St., Minneapolis, MN 55406

Phone Number: 612-807-8854

Email: cody.rustin.johnson@gmail.com / machtamy@hotmail.com