

Department of Community Planning and Economic Development – Planning Division
Conditional Use Permit & Variances
BZZ – 2617

Date: October 31, 2005

Applicant: 522 Ridgewood AG, LLC

Address of Property: 522 Ridgewood Avenue

Project Name: 522 Ridgewood Avenue Condominiums

Contact Person and Phone: Bryce Ferrell, (612) 597-1003

Planning Staff and Phone: Janelle Widmeier, (612) 673-3156

Date Application Deemed Complete: September 13, 2005

End of 60-Day Decision Period: November 12, 2005

Ward: 7 Neighborhood Organization: Stevens Square Community Organization

Existing Zoning: OR2 High Density Office Residence District

Proposed Zoning: Not applicable for this application

Zoning Plate Number: 18

Legal Description: Not applicable for this application

Proposed Use: Multiple-Family Residence

Concurrent Review:

Conditional use permit: to increase the maximum number of dwelling units from 9 to 11 for an existing multiple-family dwelling.

Variance: to reduce the minimum lot size requirement from 7,700 square feet to 7,007 square feet, or 9 percent.

Variance: to reduce the minimum gross floor area requirement of an efficiency unit from 350 square feet to 334 square feet.

Variance: to reduce the minimum parking requirement from 10 spaces to 3 spaces, where 5 spaces are grandfathered.

Applicable zoning code provisions: Chapter 525, Article VII Conditional Use Permits; and Chapter 525, Article IX Variances.

Background: The applicant, Bryce Ferrell, on behalf of 522 Ridgewood AG, LLC proposes to legalize two dwelling units in an existing multiple-family residence located at 522 Ridgewood Avenue. The property is located in a high density residential area South of I-94 and East of Lyndale Avenue South. In 1925, a 2-story, 9-unit residential structure with a garden level was constructed on the subject site. Prior to the purchase of the building by the present owner, three additional units were established in the lower level. The zoning office determined that these three units were not legally established and are therefore nonconforming. The determination was based on the building permit records for the property, which only identified nine dwelling units. The applicant is proposing to legalize two of the three nonconforming units. These units are identified as “Unit 10” and “Unit 11” on the attached floor plans.

A multiple-family dwelling is allowed as a conditional use in the OR2 District. The property is deemed to have a conditional use permit for nine dwelling units. Adding two dwelling units requires a modification of the conditional use permit. The minimum lot area requirement in the OR2 district is 700 square feet per dwelling unit. The 11 units proposed do not meet that requirement. Unit “11” has less floor area than the minimum requirement for an efficiency unit. In general, the zoning code requires that one parking space is provided for each dwelling unit. Residential uses in the OR2 district are required to provide only 90 percent of the general requirement. The parking requirement for the legal dwelling units is eight spaces. Three legally sized and located spaces are provided on site to the rear of the building. Because the nine units established before the zoning code required parking, five spaces are grandfathered. With the addition of two dwelling units, the minimum parking requirement increases to 10 spaces, where five spaces are still grandfathered. The additional two required parking spaces cannot be provided on site. Variances are requested to meet these requirements.

Correspondence from the neighborhood group, Stevens Square Community Organization, was received on October 24, 2005. Staff will forward additional comments, if any are received, at the City Planning Commission meeting.

CONDITIONAL USE PERMIT

Findings as required by the Minneapolis Zoning Code for the conditional use permit:

The Community Planning and Economic Development Planning Division has analyzed the application and from the findings below concludes that the establishment, maintenance, or operation of the proposed conditional use:

- 1. Will not be detrimental to or endanger the public health, safety, comfort or general welfare.**

Two additional dwelling units on the site should not prove detrimental to public health, safety, comfort or general welfare provided the building complies with all applicable building codes and life safety ordinances.

- 2. Will not be injurious to the use and enjoyment of other property in the vicinity and will not impede the normal or orderly development and improvement of surrounding property for uses permitted in the district.**

The area is fully developed. Two additional dwelling units should not affect any development or improvement of surrounding properties. However, the lack of off-street parking for the additional units would likely contribute to congestion in the streets. Only three parking spaces are provided for the existing dwelling units. On-street parking is limited in this area. Parking is not allowed on the North side of Ridgewood Avenue. Increasing density without providing a sufficient off-street parking facility could negatively affect the use and enjoyment of other property in the vicinity by further exacerbating a parking shortage.

- 3. Adequate utilities, access roads, drainage, necessary facilities or other measures, have been or will be provided.**

The site is served by existing infrastructure. The access drive from Ridgewood Avenue is shared with the adjacent residential property to the East.

- 4. Adequate measures have been or will be provided to minimize traffic congestion in the public streets.**

The applicant has indicated that indoor bike storage is provided for residents. There are several bus routes that run on Lyndale Avenue. However, measures have not been provided to accommodate the increased parking demand the two additional units may create if the unit owners also own vehicles. On-street parking is limited in this area, and parking is not allowed on the North side of Ridgewood Avenue. Currently, the residents park in a haphazard fashion behind the building. The space is approximately 25 by 50 feet in area. The applicant indicated that six vehicles can park there. The existing arrangement does not comply with zoning code requirements and is not grandfathered. Also, one of the spaces encroaches onto the adjacent property. A compliant arrangement allows three vehicles to park behind the building. The additional units would likely increase traffic congestion in the area, which already has a traffic congestion problem.

- 5. Is consistent with the applicable policies of the comprehensive plan.**

According to Map 9.10, as found in *The Minneapolis Plan*, this site is designated as multifamily residential. In the Marketplaces: Neighborhoods chapter found in *The Minneapolis Plan*, Policy 4.9 states that, “Minneapolis will grow by increasing its supply of housing.” One of the implementation steps of this policy states that the City should “support the development of new medium- and high-density housing in appropriate locations throughout the City.” The sites proximity to downtown makes it appropriate for higher density and could be in compliance with the goals of *The Minneapolis Plan*.

- 6. And, does in all other respects conform to the applicable regulations of the district in which it is located, with the approval of this conditional use permit.**

CPED Planning Division Report
BZZ – 2617

Some existing conditions on the site are not in compliance with district requirements. Trash containers are not screened from adjacent residential uses. The dumpsters are currently located in the required interior side yard on the East side of the building. Trash containers cannot be located in any required yard except the rear yard. The trash containers should be relocated with screening added that complies with Section 535.80 Screening of Refuse Containers. The rear parking area is surfaced with class-5 gravel, which is not allowed by the zoning code. The parking area should be surfaced with a dustless all-weather hard surface material capable of carrying a wheel load of 4,000 pounds.

The use of the site for a multi-family residence would conform to the applicable regulations of the districts in which it is located upon relocating and screening the trash containers, paving the rear parking area, and approval of the conditional use permit and the variances.

VARIANCES -- **1)** to reduce the minimum lot size requirement from 7,700 square feet to 7,007 square feet, or 9 percent; **2)** to reduce the minimum gross floor area (GFA) requirement of an efficiency unit from 350 square feet to 334 square feet; and **3)** to reduce the minimum parking requirement from 10 spaces to 3 spaces, where 5 spaces are grandfathered

Findings Required by the Minneapolis Zoning Code for the Proposed Variance:

- 1. The property cannot be put to a reasonable use under the conditions allowed and strict adherence to the regulations of this zoning ordinance would cause undue hardship.**

Variance to reduce the lot size requirement: The applicant is requesting to reduce the minimum lot size requirement per dwelling unit from 700 square feet to 637 square feet. The applicant has indicated that “Unit 11” is an affordable unit. The Zoning Code defines affordable housing as “Housing affordable to households whose income does not exceed 50 percent of the metropolitan median income, as determined by the U.S. Department of Housing and Urban Development.” The size or location of units in a building may impact the market value of for-sale housing, but does not necessarily qualify it as affordable housing. Two or more units could be combined eliminating the need for the variance. The existing number of legal units is a reasonable use of the property and strict adherence to the regulations should not cause undue hardship.

Variance to reduce the GFA of an efficiency unit: The minimum floor area requirement for dwelling unit is 500 square feet and 350 square feet for an efficiency unit. The nine legally established units are between 500 and 600 square feet in area. The two units that have not been legally established are efficiency units. The unit labeled as “Unit 10” would be 434 square feet in area. “Unit 11” would be 334 square feet in area. Two or more units could be combined eliminating the need for this variance. The existing number of legal units is a reasonable use of the property and strict adherence to the regulations should not cause undue hardship.

Variance to reduce the parking requirement: The applicant is requesting to reduce the parking requirement from 10 to 3 spaces to allow two additional dwelling units. The use has grandfather rights to five parking spaces. The applicant has indicated that up to six vehicles currently park

behind the building. This parking arrangement does not meet the minimum stall and drive aisle sizes required by the Minneapolis zoning code to accommodate maneuvering and parking of vehicles. The site is insufficient in size to accommodate the parking demand of an 11 unit building with only three legally sized stalls on-site. The applicant has indicated that no other parking except on-street parking is available in the area. The existing number of legal units is a reasonable use of the property and strict adherence to the regulations should not cause undue hardship.

- The circumstances are unique to the parcel of land for which the variance is sought and have not been created by any persons presently having an interest in the property. Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of the ordinance.**

Variance to reduce the lot size requirement, variance to reduce the GFA of an efficiency unit, and variance to reduce the parking requirement: The site has close proximity to downtown with nearby transit options. It is an area appropriate for higher density housing. The nine units that have been legally established are a reasonable use of the property. The two units that were illegally established resulted in a nonconforming unit size and nonconforming parking. Although the illegal establishment of two additional units may not have been a circumstance created by the current owners, it is not a circumstance that is related to the parcel of land. Increasing the number of legally established units that increases the parking requirement is a circumstance created by the present owner.

- The granting of the variance will be in keeping with the spirit and intent of the ordinance and will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity.**

Variance to reduce the lot size requirement and variance to reduce the parking requirement: The area is fully developed. Lot area requirements and parking regulations are established to provide for the orderly development and use of land and to minimize conflicts among land uses. However, measures have not been provided to accommodate the increased parking demand the two additional units may create if the unit owners also own vehicles. Currently, the residents park in a haphazard fashion behind the building. The space is approximately 25 by 50 feet in area. The applicant indicated that six vehicles can park there. The existing arrangement does not comply with zoning code requirements and is not grandfathered. Also, one of the spaces encroaches onto the adjacent property. A compliant arrangement allows three vehicles to park behind the building. Increasing density without providing a sufficient off-street parking facility does not meet the intent of the ordinance and could negatively affect the use and enjoyment of other property in the vicinity by further exacerbating a parking shortage.

Variance to reduce the GFA of an efficiency unit: The granting of the variance should not affect surrounding uses. The purpose of the minimum unit size is to distinguish between a rooming unit and a dwelling unit. If the eleventh unit is a separate living quarter with a complete kitchen facility, sleeping area and bathroom, the intent of the ordinance would be met.

- 4. The proposed variance will not substantially increase the congestion of the public streets, or increase the danger of fire, or be detrimental to the public welfare or endanger the public safety.**

Variance to reduce the lot size requirement: Because a variance to reduce the minimum parking requirement would also be necessary to allow two additional units, the proposed variance could increase congestion of the public streets. The proposed variance should not increase the danger of fire or endanger public safety.

Variance to reduce the GFA of an efficiency unit: The Planning Department does not expect that granting the variance would affect congestion or public safety.

Variance to reduce the parking requirement: The applicant has indicated that indoor bike storage is provided for residents. There are several bus routes that run on Lyndale Avenue. On-street parking is limited in this area, and parking is not allowed on the North side of Ridgewood Avenue. Only three parking spaces are provided for the existing dwelling units. The applicant indicated that there is no other off-street parking available in the area. Although transit options are available, the additional units would likely further increase traffic congestion in the area. The proposed variance should not increase the danger of fire or endanger public safety.

RECOMMENDATIONS

Recommendation of the Community Planning and Economic Development Department – Planning Division for the Conditional Use Permit:

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **deny** the application for a conditional use permit to increase the maximum number of dwelling units from 9 to 11 for an existing multiple-family dwelling for the property located at 522 Ridgewood Avenue.

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

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **deny** the application for a variance to reduce the minimum lot size requirement from 7,700 square feet to 7,007 square feet, or 9 percent for the property located at 522 Ridgewood Avenue.

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

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **deny** the application for a variance to reduce the minimum gross floor area requirement of an efficiency unit from 350 square feet to 334 square feet for the property located at 522 Ridgewood Avenue.

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

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **deny** the application for a variance to reduce the minimum parking requirement from 10 spaces to 3 spaces, where 5 spaces are grandfathered for the property located at 522 Ridgewood Avenue.

Attachments:

1. Statement of use
2. Findings
3. Correspondence
4. Zoning map
5. Plans
6. Photos