

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

Date: November 14, 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

End of 120-Day Decision Period: On October 27, 2005, staff sent the applicant a letter extending the decision period no later than January 11, 2006.

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 10 for an existing multiple-family dwelling.

Variance: The variance to reduce the minimum lot size requirement from 7,700 square feet to 7,007 square feet, or 9 percent has been **withdrawn** by the applicant.

Variance: The variance to reduce the minimum gross floor area requirement of an efficiency unit from 350 square feet to 334 square feet has been **withdrawn** by the applicant.

Variance: to reduce the minimum parking requirement from 9 spaces to 3 spaces, where 5 spaces are grandfathered.

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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 a dwelling unit 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 one of the three nonconforming units. This unit is identified as “Unit 10” on the attached floor plans. The other two nonconforming units would be converted to storage for the condominium owners.

The applicant originally applied for a conditional use permit (CUP) to allow 11 units in the building. After speaking with the neighborhood group, the applicant decided to change the CUP request from 11 units to 10 units. They would convert “Unit 11” into storage space for the other residents of the building. The 11th unit was nonconforming as to unit size and needed a variance to reduce the floor area requirement. By no longer using it as a dwelling, the need for the variance was eliminated. Also, a 10-unit building would comply with the minimum lot size requirement, eliminating the need for the lot size variance.

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 another dwelling unit requires a modification of the conditional use permit. 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 a dwelling unit, the minimum parking requirement increases to 9 spaces, where five spaces are still grandfathered. The additional required parking space cannot be provided on site. A variance is requested to meet this requirement.

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.

An additional dwelling unit 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. An additional dwelling unit should not affect any development or improvement of surrounding properties. However, the lack of off-street parking for the additional unit 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 additional unit may create if the owner of Unit 10 also owns a vehicle. 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.

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) The variance to reduce the minimum lot size requirement from 7,700 square feet to 7,007 square feet, or 9 percent has been withdrawn by the applicant; 2) The variance to reduce the minimum gross floor area (GFA) requirement of an efficiency unit from 350 square feet to 334 square feet has been withdrawn by the applicant; 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.**

The applicant is requesting to reduce the parking requirement from 9 to 3 spaces to allow an additional dwelling unit. 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

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size to accommodate the parking demand of an 10 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.

- 2. 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.**

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 additional unit that was illegally established resulted in nonconforming parking. Although the illegal establishment of an additional unit 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.

- 3. 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.**

The area is fully developed. 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 additional unit may create if the unit owner also owns a vehicle. 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.

- 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.**

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 unit 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 to reduce the minimum lot size requirement:

The application for a variance to reduce the minimum required lot area has been **withdrawn**.

Recommendation of the Community Planning and Economic Development Department – Planning Division for the Variance to reduce the minimum floor area of an efficiency unit:

The application for a variance to reduce the minimum floor area of an efficiency unit has been **withdrawn**.

Recommendation of the Community Planning and Economic Development Department – Planning Division for the Variance to reduce the minimum parking requirement:

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