

## LAND USE APPLICATION SUMMARY

*Property Location:* 1101 7<sup>th</sup> Street Southeast  
*Project Name:* 1101 7<sup>th</sup> Street Southeast Driveway  
*Prepared By:* [Janelle Widmeier](#), Senior City Planner, (612) 673-3156  
*Applicant:* Stephen Chan  
*Project Contact:* Stephen Chan  
*Request:* To construct a driveway with two parking spaces accessory to a single-family dwelling.

*Required Applications:*

<b>Variance</b>	To reduce the minimum front yard requirement adjacent to 7 <sup>th</sup> Street Southeast to allow parking has been <b>returned</b> .
<b>Variance</b>	To reduce the interior side yard requirement from 5 feet to 3.7 feet to allow parking.
<b>Variance</b>	To allow a surface parking space to be located less than 6 feet from habitable space of a dwelling.
<b>Variance</b>	Of the UA University Area Overlay District standards to allow parking outside of the rear 25 feet of a lot.

## SITE DATA

<b>Existing Zoning</b>	R2B Two-family District UA University Area Overlay District
<b>Lot Area</b>	2,582 square feet
<b>Ward(s)</b>	3
<b>Neighborhood(s)</b>	Marcy Holmes Neighborhood Association
<b>Designated Future Land Use</b>	Urban Neighborhood
<b>Land Use Features</b>	Not applicable
<b>Small Area Plan(s)</b>	<a href="#">Marcy-Holmes Neighborhood Master Plan (2014)</a>

<b>Date Application Deemed Complete</b>	May 18, 2015	<b>Date Extension Letter Sent</b>	Not applicable
<b>End of 60-Day Decision Period</b>	July 17, 2015	<b>End of 120-Day Decision Period</b>	Not applicable

## BACKGROUND

**SITE DESCRIPTION AND PRESENT USE.** The existing use is a single-family dwelling. The existing dwelling was permitted for construction in 1900. No parking currently exists on the site. The site has frontage on two streets, 11<sup>th</sup> Avenue Southeast and 7<sup>th</sup> Street Southeast, and is a reverse corner lot.

**SURROUNDING PROPERTIES AND NEIGHBORHOOD.** Uses in the immediate area are predominantly residential. Single-family dwellings are located on the adjacent properties to the north and east of the subject property. A public park, Marcy Park, is located to the west across 11<sup>th</sup> Avenue.

**PROJECT DESCRIPTION.** The applicant is proposing to construct a driveway and curb cut to provide two off-street parking spaces for the property of 1101 7<sup>th</sup> Street Southeast. The spaces (one compact and one standard) would be tandem-parked in the driveway. No parking currently exists on the site. The proposed driveway would be accessed from 7<sup>th</sup> Street to create a parking area on the east side of the dwelling. The proposed driveway/parking area would be 9.5 feet wide on-site. The curb cut is proposed to be only 8 feet wide. It would also jog to the west to avoid an existing mature, boulevard tree, which is costly to remove, and to provide a minimum separation of 5 feet from the root base of the tree to minimize adverse effects on the health of the tree. Regrading would be done to accommodate the grade change between the public sidewalk and the new parking area. The parking area is required to be located at least 5 feet from the east interior side lot line. The parking area would be set back 3.7 feet. A variance is required to reduce the minimum interior side yard requirement. All surface parking spaces are also required to be located at least 6 feet from habitable space of a dwelling. The proposed parking area would be 0 feet from the subject dwelling, requiring a variance. The UA University Area Overlay District standards also require all parking for a single-family dwelling to be located in the rear 25 feet of the property. Because the parking area would extend 35 feet from the north lot line, a variance is needed. The proposal would comply with all other applicable zoning code requirements. If the variances are approved, Public Works, Park Board and Zoning approval is also needed for the curb cut.

**PUBLIC COMMENTS.** No correspondence has been received from the neighborhood group. 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 1) a variance to reduce the interior side yard requirement from 5 feet to 3.7 feet to allow parking, 2) a variance to allow a surface parking space to be located less than 6 feet from habitable space of a dwelling and 3) a variance of the UA University Area Overlay District standards to allow parking outside of the rear 25 feet of a lot 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.*

**All variances:** Practical difficulties exist in complying with the ordinance. No parking exists on the site. There are limited options where an off-street parking space can be located. The site is a

smaller than an average-sized residential lot in Minneapolis. The footprint of the dwelling occupies much of the site. The site is a reverse corner lot with front yards required along each adjacent street where no parking is allowed. The largest open area of the site is on the east side of the dwelling, where it is 13.2 feet from the side lot line. This distance does not allow sufficient room for a parking space, a 5 foot interior side yard, and 6 feet of separation from the dwelling. The location of the existing dwelling does not allow the driveway to be shifted away from the side lot line to create a wider interior side yard. If the parking were to be shifted towards the side lot line, the parking spaces would be less than 6 feet from the adjacent dwelling.

The applicant is proposing to provide two off-street parking spaces. No parking has existed on the site since the dwelling was constructed in 1900. Today's zoning code generally requires a minimum of one parking space per dwelling unit. Because the existing use was established prior to the minimum parking requirement taking effect, the use has grandfather rights for the minimum off-street parking requirement. The applicant has requested a variance of the UA overlay district standards to allow a second off-street parking space because of a shortage of on-street parking. One of the spaces is proposed to ensure availability of an accessible space. Although an accessible restricted parking zone is located adjacent to the subject property on 11<sup>th</sup> Avenue, this space has not been available for use by the applicant who applied to have the designated space next to their house. The applicant has indicated that it is often parked in by users of the public park across the street or persons who are not authorized to park there. Being in close proximity to the University of Minnesota, there is a high demand for on-street parking. In the immediate area, there are on-street parking restrictions that further affect parking availability.

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.*

**All variances:** In general, yard controls are established to provide for the orderly development and use of land and to minimize conflicts among land uses by regulating the dimension and use of yards in order to provide adequate light, air, open space and separation of uses. The intent of the separation requirement is to provide adequate separation between surface parking and dwellings to reduce adverse impacts of parking areas. The UA University Area Overlay District is established to ensure high quality residential development through site design and off-street parking regulations that acknowledge the unique demands placed on land uses near a major center of educational employment and enrollment.

No parking exists on the site. As described above, there is a shortage of on-street parking in the immediate area. However, the proposal would likely have adverse effects on the property of 1107 7<sup>th</sup> Street Southeast. The dwellings located on the properties of 1101 and 1107 7<sup>th</sup> Street Southeast are separated by only 15.8 feet. The proposed parking area must be 0 feet from the existing dwelling to avoid being less than 6 feet from the dwelling to the east. The location of the existing dwelling does not allow the driveway to be shifted away from the side lot line to create a wider interior side yard. The adjacent dwelling has windows that would overlook the driveway and parking area. Although the UA overlay district contains provisions for screening, the screening is only required to be 3 feet tall. Providing effective screening with landscaping would be difficult with only a 3.7 foot wide side yard and would require a variance for any fence exceeding a height of 4 feet. With the limited on-site space for landscaped area, there is also less area to store snow. For these reasons, the request is not reasonable or consistent with the intent of the ordinance and the comprehensive plan.

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.*

**All variances:** The property located to the north (710 11<sup>th</sup> Avenue Southeast) has a driveway and parking area adjacent to the shared lot line. This property is not likely to be adversely affected by the granting of the variances. There are also other properties in the area where vehicles are parked in required interior side yards, are closer than 6 feet to adjacent dwellings, and are not located in the rear 25 feet of the property as demonstrated by the photos submitted by the applicant. However, the yard, parking separation and location ordinances were established to prevent the creation of more parking situations like those in the attached photographs, which have detracted from the residential character of the neighborhood.

The granting of the variances also has the potential to be injurious to the use and enjoyment of the adjacent property to the east at 1107 7<sup>th</sup> Street Southeast and could be detrimental to the health, safety or welfare of the public. The dwellings located on the properties of 1101 and 1107 7<sup>th</sup> Street Southeast are separated by only 15.8 feet. Locating a parking area between the two dwellings will likely result in adverse effects. The location of the existing dwelling does not allow the driveway to be shifted away from the side lot line to create a wider interior side yard. The proposed parking area must be 0 feet from the existing dwelling to avoid being less than 6 feet from the dwelling to the east. The adjacent dwelling has windows that would overlook the driveway and parking area. Although the UA overlay district contains provisions for screening, the screening is only required to be 3 feet tall. Providing effective screening with landscaping would be difficult with only a 3.7 foot wide side yard and would require a variance for any fence exceeding a height of 4 feet. With the limited on-site space for landscaped area, there is also less area to store snow. There is an approximately 3 foot grade change between the proposed parking area and the public sidewalk. The dwellings are located 6 feet from the front lot line adjacent to 7<sup>th</sup> Street. To avoid removing the boulevard tree, the driveway is proposed to be angled. The combination of the grade change, location of the dwellings, and driveway angle reduces visibility, which would likely increase the potential for conflicts between vehicles and pedestrians. Lastly, the addition of a curb cut would likely result in the loss of an off-street parking space.

## RECOMMENDATIONS

The Department of Community Planning and Economic Development recommends that the Zoning Board of Adjustment adopt staff findings for the application(s) by Stephen Chan for the property located at 1101 7<sup>th</sup> Street Southeast:

**A. Variance to reduce the minimum interior side yard requirement.**

Recommended motion: **Deny** the variance to reduce the interior side yard requirement from 5 feet to 3.7 feet to allow parking.

**B. Variance to allow a surface parking space to be located less than 6 feet from habitable space of a dwelling.**

Recommended motion: **Deny** the variance to allow a surface parking space to be located less than 6 feet from habitable space of a dwelling.

**C. Variance of the UA University Area Overlay District standards.**

Recommended motion: **Deny** the variance of the UA University Area Overlay District standards to allow parking outside of the rear 25 feet of a lot.

## ATTACHMENTS

1. Written description and findings submitted by applicant
2. Zoning map
3. Site survey and site plan
4. Photos of proposed driveway location
5. Photos of surrounding properties

## Statement of Proposed Use & Description of Project

### **Proposed Land Use:**

To add a new driveway in the yard space on the east side of the property on 1101 7th Street SE, Minneapolis, MN55414.

### **Project Description:**

The project will involve an 8 feet curb cut on the 7<sup>th</sup> Street SE for the entrance of the proposed driveway to be constructed on the east side of the house. The proposed driveway will be 9.5 feet wide by 53 feet length to accommodate 2 parking spaces --- 1 compact car (15 feet depth) and 1 standard car (18 feet depth) --- next to the house but behind the 20 feet setback from front property line. Adjacent to the parking spaces (33 feet x 9.5 feet at the north of the proposed driveway) at the north end and at the east property line will have solid fencing, 3 feet in height. The intent is to prevent vehicles from parking on the landscaping adjacent to the parking area in order to meet the UA standards for screening and curbing requirements. The proposed driveway will be graded to allow for the 2.6 feet elevation from the concrete sidewalk to the front of the house.

Due to the small size of the property lot (0.06 acre) at a Reverse Corner Lot, the City of Minneapolis Development Planning & Review Office has recommended the following findings for which zoning approval is sought:

1. Variance to side yard setback requirement (3.7 feet from Property Line vs 5 feet).
2. Variance to park within six feet of a residential structure (parking will be 4 feet vs 6 feet next to dwelling).
3. Variance to allow parking on the driveway (two cars will be parked behind the 20 feet setback from the front property line).
4. Variance to allow parking in the rear 25 feet of the property.

Contact person name:	Stephen Chan
Mailing address:	1101 7th Street SE, Minneapolis, MN 55414
Email:	<a href="mailto:spkachan@msn.com">spkachan@msn.com</a>
Phone:	651-231-8533
Property owner:	Stephen Chan
Property address:	same as above
PID:	24-029-24-24-0055

Property legal description

Municipality: MINNEAPOLIS

Addition Name: AUDITOR'S SUBD. NO. 028, Lot: 092

Block: THAT PART OF LOT 12 BLK 13 THWINGS ADDN TO MPLS  
AND OF THE NWLY 46 95/100 FT OF LOT 92 AUD SUBD NO 28 LYING SWLY OF A  
LINE PARALLEL WITH AND 55 FT NELY FROM THE SWLY LINE OF SAID LOT 92

## **Statement of Explanation for Variance Application**

### **Proposed Land Use:**

To add a new driveway in the yard space on the east side of the property on 1101 7th Street SE, Minneapolis, MN55414.

### **Project Description:**

The project will involve an 8 feet curb cut on the 7<sup>th</sup> Street SE for the entrance of the proposed driveway to be constructed on the east side of the house. The proposed driveway will be 9.5 feet wide by 53 feet length to accommodate 2 parking spaces --- 1 compact car (15 feet depth) and 1 standard car (18 feet depth) --- next to the house but behind the 20 feet setback from front property line. Adjacent to the parking spaces (33 feet x 9.5 feet at the north of the proposed driveway) at the north end and at the east property line will have solid fencing, 3 feet in height. The intent is to prevent vehicles from parking on the landscaping adjacent to the parking area in order to meet the UA standards for screening and curbing requirements. The proposed driveway will be graded to allow for the 2.6 feet elevation from the concrete sidewalk to the front of the house.

Due to the small size of the property lot (0.06 acre) at a Reverse Corner Lot, the City of Minneapolis Development Planning & Review Office has recommended the following findings for which zoning approval is sought:

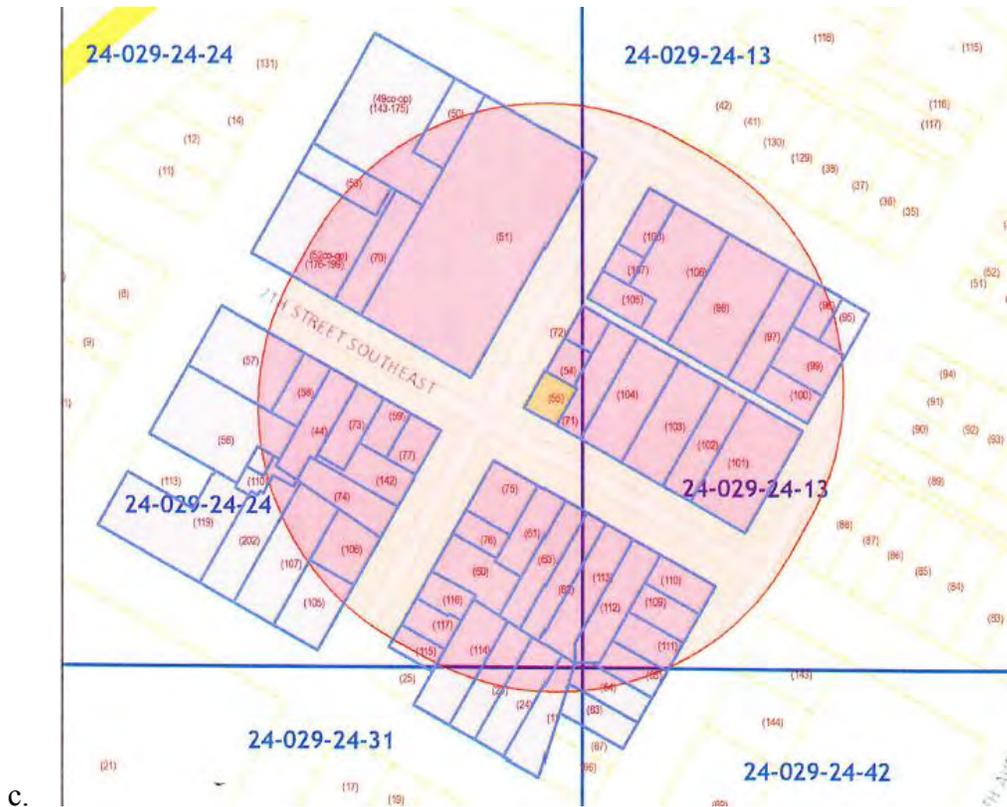
1. Variance to side yard setback requirement (3.7 feet from Property Line vs 5 feet).
2. Variance to park within six feet of a residential structure (parking will be 4 feet vs 6 feet next to dwelling).
3. Variance to allow parking on the driveway (two cars will be parked behind the 20 feet setback from the front property line).
4. Variance to allow parking in the rear 25 feet of the property.

### **Statement of Explanation for the 3 Variances:**

(1) The practical difficulty in complying with the City ordinances for which the above 4 variances pertains to is the very small property lot. Such a small property lot at a Reverse Corner is unique to the zoning of the blocks shown in the map below. Due to the limited yard space separating the two adjacent neighbors' properties, there is insufficient yard space to meet the 5 feet side yard setback from the property line and for parking to be located 25 feet rear of the property. Because of the small lot, there is insufficient space for the

construction of a driveway further away from the residential structure. The parking area will have to be adjacent to the dwelling on the rear end of the driveway. The 4 variances are sought for the construction of the proposed driveway (9.5 feet wide and 53 feet length next to my house). The parking area (9.5 feet x 33 feet) will be located at the north end of the proposed driveway and will be used to park one compact and one standard car on occasions when off-street parking is unavailable. The hardships for the circumstances to park our cars next to my home are two-fold:

- a. The handicap parking space (originally assigned for my wife, Anne Chan) for off-street parking on the 11<sup>th</sup> Avenue side of my property is often occupied by vehicles of visitors to the Public Park located across my house, or of students (from neighborhood residents or non-resident commuters) with or without proper handicap parking permit displayed on their vehicles. I am attaching a renewal application for permanent disability parking certificate issued to my wife for proof of her permanent handicap parking plate status from the Department of Public Safety.
- b. The increase in crime rate in the neighborhood in the last few years has posed a safety concern for my daughters, who work 2<sup>nd</sup> shift nursing and often have to walk a long distance from their parked cars to home at mid-night. In the last few years, off-street parking outside our house is virtually impossible in the evenings of weekdays and weekends due to parties around our neighborhood, and on event days at the TCF Stadium. The parking problem has gotten worse with the new student apartments recently built around our neighborhood. The parking problem in my area is acknowledged by the Marcy-Holmes Neighborhood Association, who wrote a letter of support on 6/16/2015 for approval of the City variances for my proposed driveway.



- (2) As the property owner, we will comply with the spirit and intent of the appropriate ordinances related to the above variances by limiting our use of the proposed driveway only for occasional parking of our cars when there is no off-street parking space available near our home. When the cars are parked on the proposed driveway parking space, the car will not extend beyond the designated parking areas, which will be surrounded by solid fence built behind the 20 feet setback from the front property line.
  
- (3) The proposed 4 variances listed above 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 variances will not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties.

Minnesota Department of Public Safety  
Driver and Vehicle Services  
445 Minnesota Street  
St. Paul, MN 55101  
**Web:** [dvs.dps.mn.gov](http://dvs.dps.mn.gov) **Phone:** 651.297.3377  
**TTY** for hearing impaired customers: 651.282.6555 ✓

Pre-Sorted  
First-Class Mail  
U.S. POSTAGE  
PAID  
Permit No. 171  
Twin Cities MN

**Disability Certificate Renewal Notice**

PS2020-08

P445912 05 15



T4 P1 \*\*\*\*\*AUTO\*\*3-DIGIT 554  
ANNE JOSEPHINE CHAN  
1101 7TH ST SE  
MINNEAPOLIS MN 55414-1412

**Application for renewal of a permanent disability parking certificate**

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This form to be completed and signed by the disabled individual (when applicable).

PLEASE NOTE: No physician signature is required on this renewal.

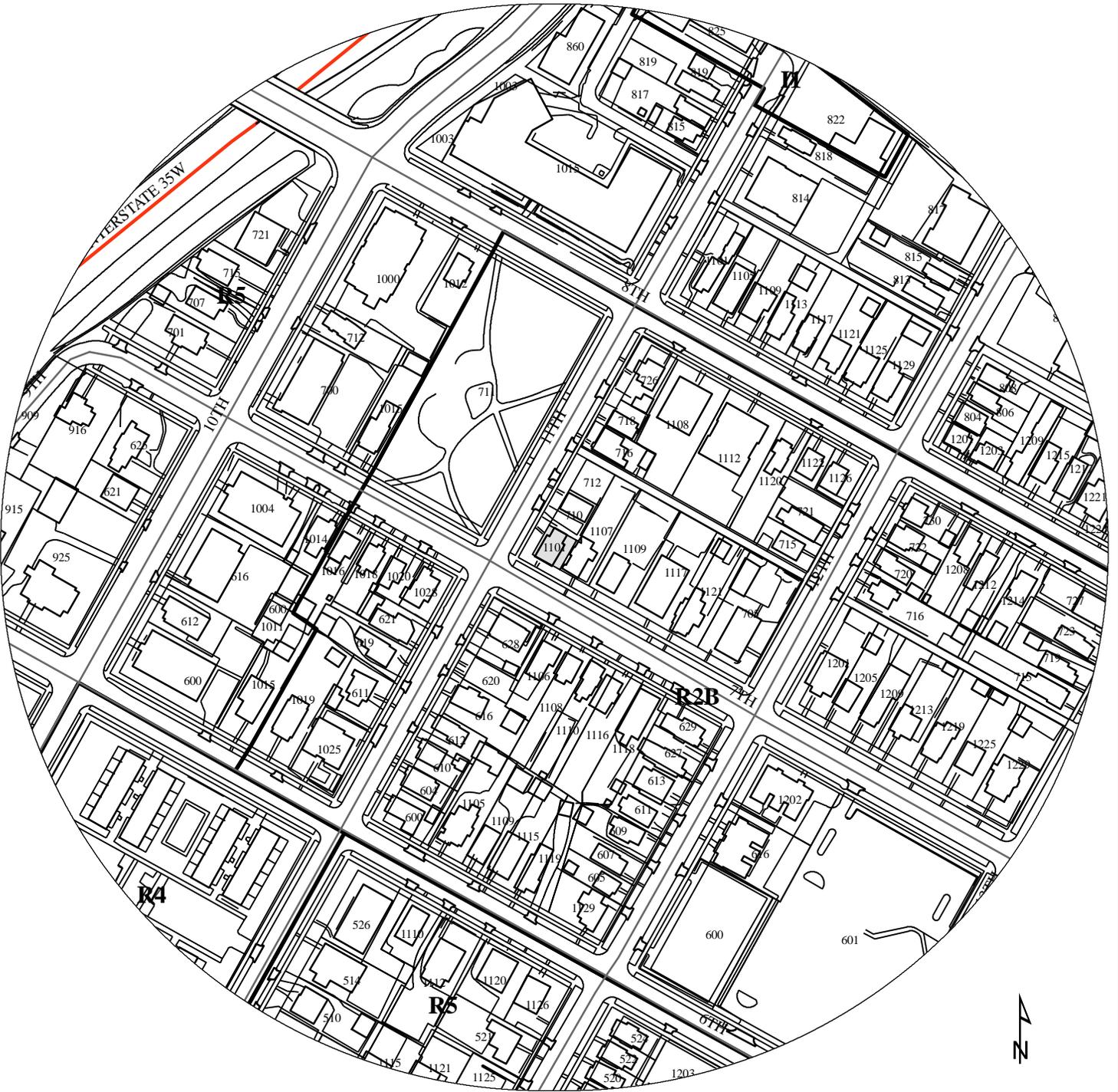
Signature: Ame Chan Date: 5/1/2015

Driver License/ ID Card #: M1213103990406  
Date of birth: 2/28/1955

Place in a stamped envelope and return to:  
Minnesota Department of Public Safety  
Driver and Vehicle Services Division  
445 Minnesota Street  
St. Paul, MN 55101-5164

Phone: (651) 297-3377  
Office Locations: (651) 297-2005  
TTY: (651) 282-6555  
[dvs.dps.mn.gov](http://dvs.dps.mn.gov)

To receive your renewal before the expiration date, sign and return this card in a stamped envelope to the address above within 10 days.



PROPERTY ADDRESS  
**1101 7th St SE**

FILE NUMBER  
**BZZ-7187**

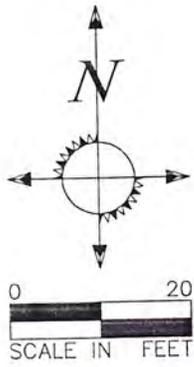
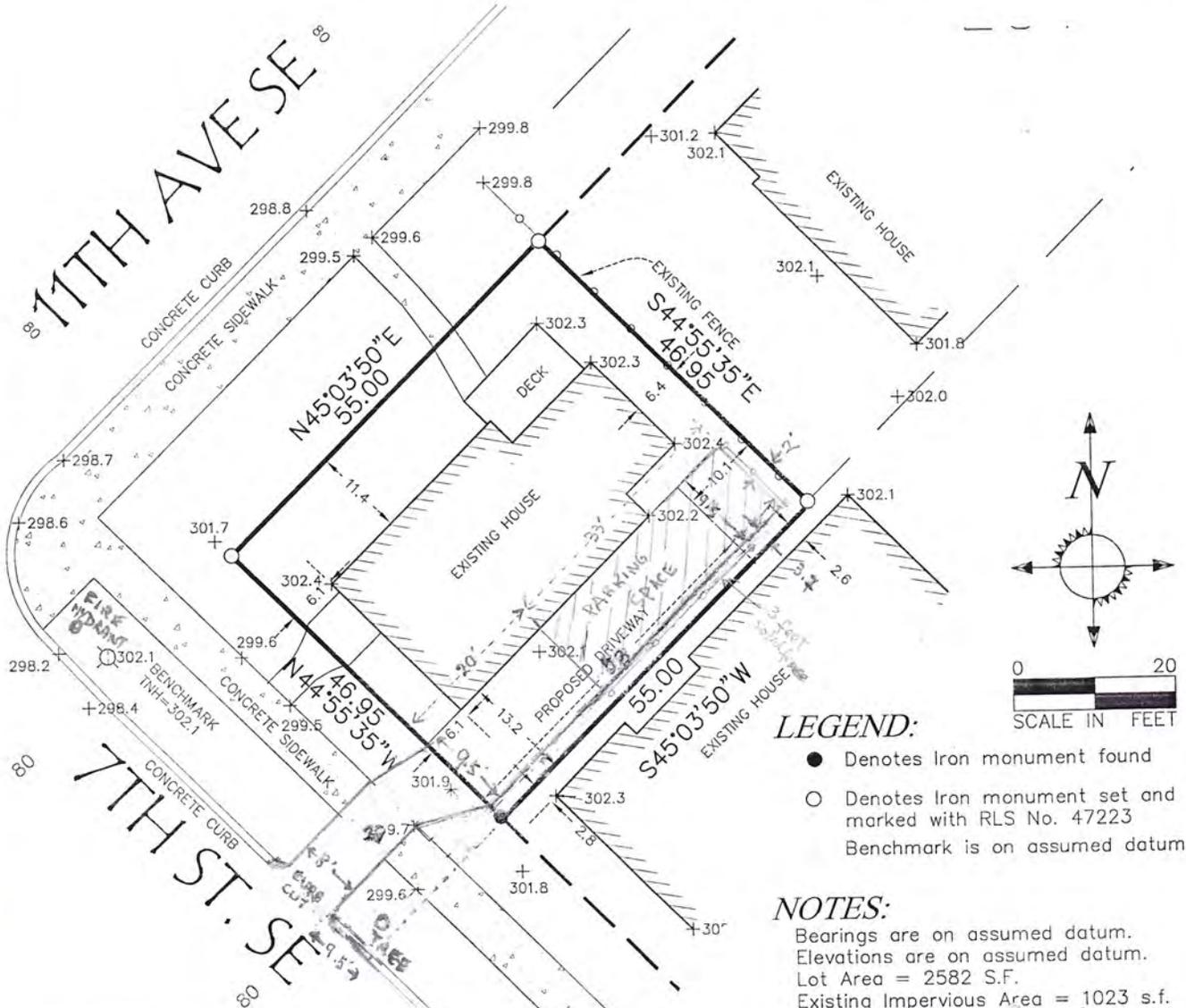
# CERTIFICATE OF SURVEY FOR STEPHEN CHAN

**PROPERTY ADDRESS**

1101 7th Street SE  
Minneapolis, MN

**DESCRIPTION:** FROM TAX RECORDS

That part of Lot 12, Block 13 Thwings Addition to Minneapolis and of the Northwesterly 46.95 feet of Lot 92, Auditors Subdivision No.28 lying Southwesterly of a line parallel with and 55 feet Northeastly from the Southwesterly line of said Lot 92. Hennepin County, Minnesota. Subject to easements of record, if any.



- LEGEND:**
- Denotes Iron monument found
  - Denotes Iron monument set and marked with RLS No. 47223
  - Benchmark is on assumed datum.

- NOTES:**
- Bearings are on assumed datum.
  - Elevations are on assumed datum.
  - Lot Area = 2582 S.F.
  - Existing Impervious Area = 1023 s.f.
  - Proposed driveway 503 s.f. (9.5 x 53)
  - Percent Impervious Area = 59.10%

I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the state of Minnesota.

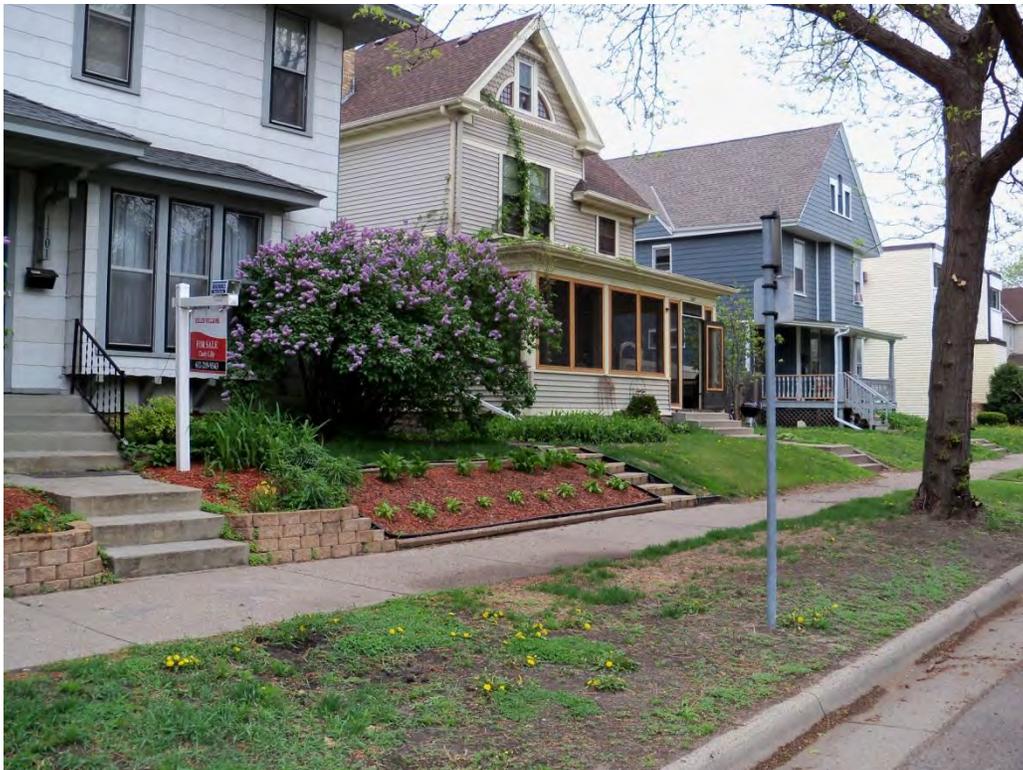
Theresa K. Foster  
DATE \_\_\_\_\_ LIC. NO. MN 47223

1440 Arcade St. Suite 250  
Saint Paul, MN 55106  
Phone: 651-768-0112  
Fax: 651-776-0206  
E-mail: info@mpasso.com

civil engineering - land surveying - site planning

M:\Projects\3622-001\3649\3622 Chen\3622-001 Thwings Addition To Minneapolis\3622-001\CERT.dwg 5/13/2015 11:02:01 PM CBT

1101 7<sup>th</sup> Street SE: Photos & Existing Structures (7<sup>th</sup> St View)



**1101 7<sup>th</sup> Street SE: Photos & Existing Structures (7<sup>th</sup> St View, continued)**



Parking is prohibited on the odd side of 7<sup>th</sup> St SE from 9am to 5pm Mon to Fri

1101 7<sup>th</sup> Street SE: Photos & Existing Structures (7<sup>th</sup> St & 11<sup>th</sup> Ave SE Intersection)



**1101 7<sup>th</sup> Street SE: Photos & Existing Structures (7<sup>th</sup> St & 11<sup>th</sup> Ave SE Intersection)**



Street Light location on NW corner of Cross Streets Intersection

Parking is prohibited on the odd side of 11<sup>th</sup> Ave SE from 9am to 5pm Mon to Fri

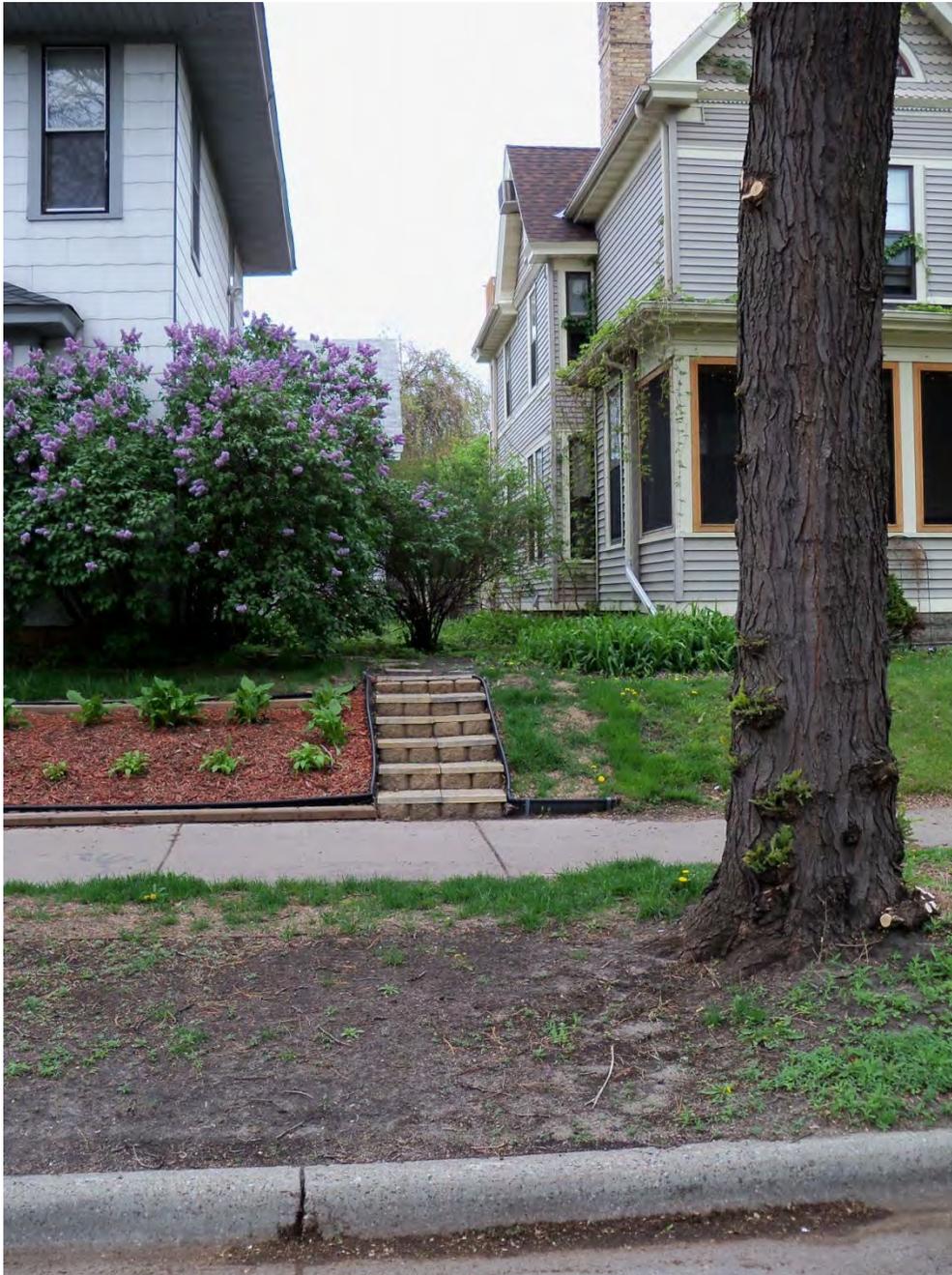
1101 7<sup>th</sup> Street SE: Photos & Existing Structures (11<sup>h</sup> Ave SE View)



710 11<sup>th</sup> Ave SE Neighbor & Driveway

**Proposed New Driveway Between Property & 1107 7<sup>th</sup> St SE (neighbor),**

**Front View (7<sup>th</sup> Street)**





**Proposed New Driveway Between Property & 1107 7<sup>th</sup> St SE (neighbor)**

**Back View**



Dual Lighting Motion Detector installed on outside wall of Property (next to upper floor window)

(Always on at dimmed setting from dusk to dark)

Note that the temporary storage shed will be removed.



NO  
PARKING  
DRIVE  
WAY

381 EHY

2L013C





1026

1026



1028

8200114





610

422-AYA

892-867









