

LAND USE APPLICATION SUMMARY

Property Location: 2635 3rd Avenue South
Project Name: 2635 3rd Avenue South
Prepared By: Mei-Ling Smith, Senior City Planner, (612) 673-5342
Applicant: 2535 Clinton Ave LLC
Project Contact: Chris Johnson
Request: To construct a second-floor deck within the required front yard and stairs exceeding the height of the first floor in the required south interior side yard.

Required Applications:

| | |
|-----------------|---|
| Variance | To allow a deck exceeding 50 square feet in the required front yard. |
| Variance | To allow stairs exceeding the height of the first floor in the required south interior side yard. |

SITE DATA

| | |
|-----------------------------------|--|
| Existing Zoning | R4 Multiple-Family District |
| Lot Area | 4,211 square feet / 0.10 acres |
| Ward(s) | 10; adjacent to 6 |
| Neighborhood(s) | Whittier Alliance; adjacent to Phillips West Neighborhood Organization |
| Designated Future Land Use | Urban Neighborhood |
| Land Use Features | Not applicable |
| Small Area Plan(s) | Not applicable |

| | | | |
|---|------------------|---------------------------------------|----------------|
| Date Application Deemed Complete | August 24, 2016 | Date Extension Letter Sent | Not applicable |
| End of 60-Day Decision Period | October 23, 2016 | End of 120-Day Decision Period | Not applicable |

BACKGROUND

SITE DESCRIPTION AND PRESENT USE. The subject property contains a two-and-a-half story multifamily building with five legal dwelling units. The first and second floors each contain two dwelling units and the basement contains an efficiency, storage, laundry, and mechanical rooms. Based on the City's permit records, the existing building was constructed in 1911 as a duplex and was converted to a multifamily building with five dwelling units in 1978. The site is relatively flat but is between four and five feet higher above the grade in the adjacent public right-of-way along 3rd Avenue South, to the west. The site is served by a residential alley.

SURROUNDING PROPERTIES AND NEIGHBORHOOD. The block on which the property is located has R2B, R4, and R5 zoning and contains predominately low-to-medium residential uses. Interstate 35W is located a few hundred feet to the east. The general vicinity also includes commercial uses and institutional uses, namely the Minneapolis Institute of Arts and the Minneapolis College of Art and Design.

PROJECT DESCRIPTION. The applicant is proposing to add a second egress exist to the second floor to comply with life and safety building code requirements. The applicant is proposing to add a door to the front unit on the second floor and construct a wooden deck off of the new entrance. The deck would occupy the entire 24-foot width of the second floor and would wrap around to the south side of the building, where there would be a new set of stairs with 24 risers and three-foot tall railings on both sides of the stairs. The proposed deck would be approximately 127 square feet in area, with a projection of between three and 10.5 feet off of the front building wall facing 3rd Avenue South. The proposed stairs would be three feet wide and would be located approximately 3.5 feet from the south property line.

In the R4 Multiple-Family District, the minimum front yard setback is 15 feet. However, the required front yard is increased when the established front yard of the neighboring residential buildings on the same block face exceed the front yard required by the zoning district. As there are residential buildings to both the north and south of the property, the required front yard is between 32 and 35 feet as established by a line joining those parts of both buildings nearest to the front lot line. The existing building is located 23 feet from the front property line. Therefore, any unpermitted obstructions located forward of the existing building require a variance.

The required side yard setback for a multiple-family building in the R4 district is $5+2x$, where "x" is equal to the number of floors above the first floor. The required setback for the north and south interior side yard is 7 feet.

A variance is required to allow a deck exceeding 50 square feet in area in required front yard. A variance is also required to allow stairs exceeding the height of the first floor in the required south interior side yard.

PUBLIC COMMENTS. Staff has not received any comments as of the printing of this report. Any additional 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 to allow a deck exceeding 50 square feet in the required front yard, 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 zoning code allows balconies, decks, and ground level patios not exceeding 50 square feet in area to project up to four feet into a required yard. The circumstances of the deck variance are not unique to the parcel and have been created by the applicant. The applicant states that constructing the deck in the proposed location is the best option given the way that the existing building was developed. The floor plans provided by the applicant show that a new door would be added to the recessed portion of the front unit on the second floor. In order to connect the proposed door to the proposed staircase that would provide the egress for this unit, the resulting deck projects 10.5 feet into the required front yard between the entry and the front property line and three feet where the deck connects this landing to the proposed staircase along the front of the building. A variance is required for any decks exceeding 50 square feet in the required front yard, and the proposed deck would be 127 square feet in area. As the applicant is proposing the location for the new entry and there are other feasible locations for a new door in this unit, staff does not find that a practical difficulty exists in meeting the maximum area allowed for a deck in a required front yard.

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 applicant is proposing to increase the maximum area for a deck from 50 feet to 127 feet in a required yard. The intent of having yard controls is to provide for the orderly development and use of land, and to minimize conflicts between adjacent land uses by regulating the dimension and use of yards by providing adequate light, air, open space, and separation of uses. The existing building is located only 23 feet from the front property line, whereas the neighboring residential buildings are between 32 and 35 feet from the front property line. As such, the existing building is already encroaching into the required front yard based on the location of the neighboring properties. The proposed deck would further diminish light and open space for the adjacent properties. Staff finds that the proposed deck is not in keeping with the spirit and intent of the ordinance or 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.*

The proposed deck may alter the essential character and be injurious to the use and enjoyment of property in the vicinity. The other multifamily buildings on the property comply with the building code's egress requirements by providing additional internal circulation and/or by adding egress stairs to the rear or side of the buildings. Staff finds that the proposed deck – which exceeds the permitted area by 77 square feet and is located in the front yard – would negatively impact the character of other property in the vicinity. Granting the variance would not likely be detrimental to the health, safety, or welfare of the general public.

VARIANCE

The Department of Community Planning and Economic Development has analyzed the application for a variance to allow stairs exceeding the height of the first floor in the required south interior side yard, 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 zoning code allows stairs not exceeding four feet in width, and entrance landings not exceeding sixteen square feet in area and not more than the height of the level of the first floor (or four feet above the average level of the adjoining natural grade, whichever is less), to be located in a required yard. The applicant is proposing a three-foot wide stairway within the south interior setback. The stairs and entrance landings extend to the second floor, or approximately 13 feet above grade, whereas the first floor foundation is approximately three feet above the adjacent grade. A variance is required to allow this stairway as an obstruction in the required south interior side yard, where the setback is seven feet and the stairway would be located approximately 3.5 feet from the south property line.

The existing building is located 6.5 feet from the south property line in this location, and approximately one foot from the property line at its nearest point on this side of the building. Given that the building is between one and 6.5 feet from the south property line, there are limited options for locating stairs with the necessary rise and run to meet the egress requirements for the second floor unit. Staff finds that there are practical difficulties that exist in complying with the ordinance because of circumstances unique to the property, and that these circumstances were not created by the applicant and are not based on economic considerations alone.

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 building was converted from a duplex to a multiple-family dwelling with five units prior to the adoption of the current zoning and building codes. The applicant is proposing to construct a new set of stairs in order to comply with applicable life and safety ordinances, which require a second means of egress from the second floor in this building. The proposed stairs would be three feet in width, which is narrower than the four foot maximum in the zoning code description for a permitted obstruction. In addition, the proposed three-foot-tall handrails would be less than 50 percent opaque, which also meets the criteria for the permitted obstruction. There are limited options for locating the egress stairs, given that the building's first floor is approximately three feet taller than the adjacent grade, and the building wall is only one foot from the property line between the middle of the structure and the rear yard. The stairway has been designed to be compatible with the footprint and scale of the existing building. The applicant's request to accommodate egress stairs and landings that exceed the height of the first floor is reasonable and is in keeping with the spirit and intent of the ordinance and 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.*

Granting the variance will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. The stairway has been designed to be compatible with the footprint and scale of the existing building and is necessary to accommodate mandated life and safety ordinances. The proposed stairway in the required yard adjacent to the south property

line would not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties.

RECOMMENDATIONS

The Department of Community Planning and Economic Development recommends that the Zoning Board of Adjustment adopt staff findings for the applications by Chris Johnson, on behalf of 2535 Clinton Ave LLC, for the property located at 2635 3rd Avenue S:

A. Variance to decrease the front yard setback.

Recommended motion: **Deny** the application for a variance to allow a deck exceeding 50 square feet in the required front yard.

B. Variance to decrease the side yard setback.

Recommended motion: **Approve** the application for a variance to allow stairs exceeding the height of the first floor in the required south interior side yard.

ATTACHMENTS

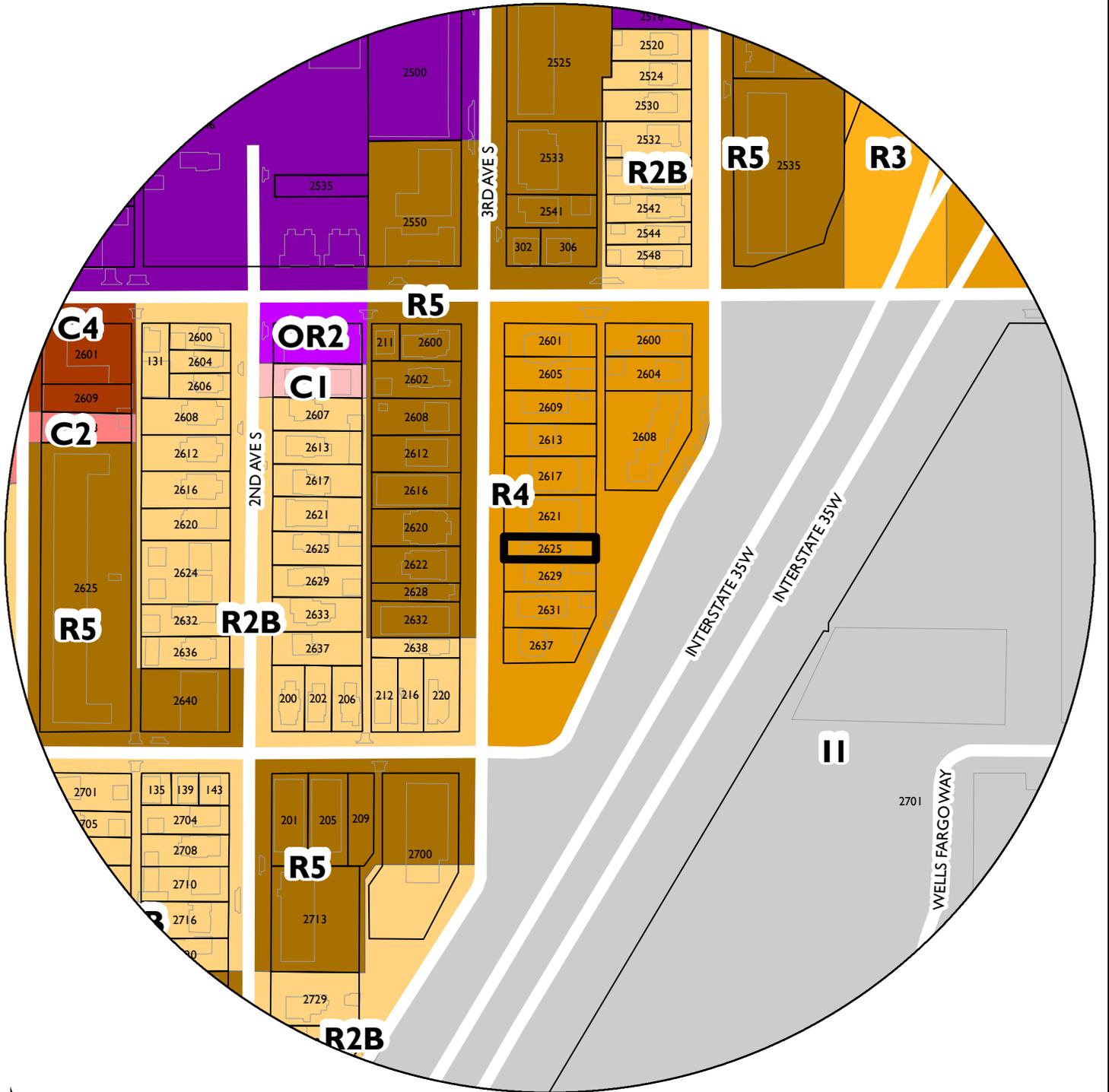
1. Zoning map
2. Oblique aerial photo
3. Written description and findings submitted by applicant
4. Survey
5. Plans
6. Building elevations
7. Photos

Chris Johnson

10th

NAME OF APPLICANT

WARD



North arrow pointing up.



PROPERTY ADDRESS
2625 3rd Avenue S

FILE NUMBER
BZZ-7860



3rd Ave S

8-2-2016

Variance Letter for 2625 3rd Av. S. Minneapolis

We are applying for a variance for the practical difficulties that exist in complying with the ordinance because of circumstances unique to this property.

These circumstances were not created by any design that my client has created in remodeling on this project, and are not based on economic considerations alone.

That this property needs a 2nd egress exit on the 2nd floor, and because this property is so close to the property lines on the north and south side,.

We are asking to put a front balcony and stair way on the south side to comply with egress requirements.

The existing property was built in a way that this seems the best option under the circumstances.

This proposed variance should not alter the essential character of the existing neighborhood, or be injurious to the use and enjoyment of other property in the vicinity . If granted the proposed variance swill not be detrimental to the health, safety or welfare of the general public or of those utilizing the property or nearby properties.

Chris Johnson
J.C.J. Construction
4601 Merribee Dr.
Golden Valley Mn. 55422
612-310-4276
jcjconstruction@q.com

Existing Condition Survey For:

JCJ CONSTRUCTION

Property located in Section
34, Township 29, Range 24,
Hennepin County, Minnesota

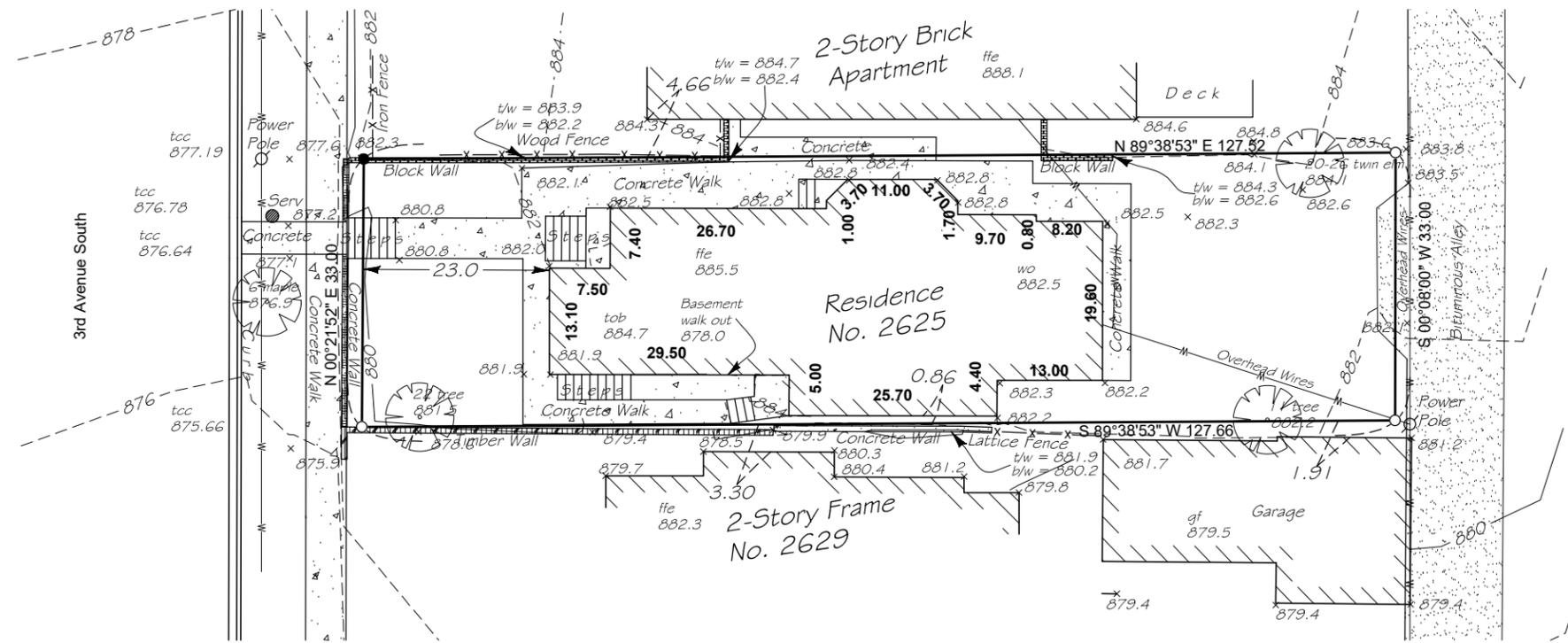
Property Address: 2625 3rd Ave. S Minneapolis, MN

Benchmark: Top of City of Minneapolis Monument # 430a
Elevation = 870.289

INVOICE NO. 85297
F.B.NO. 1090-08
SCALE: 1" = 20'

Basis for bearings is assumed

- Denotes Found Iron Monument
- Denotes Iron Monument
- Denotes Wood Hub Set for excavation only
- - - Denotes Existing Contours
- - - Denotes Proposed Contours
- x000.0 Denotes Existing Elevation
- 000.0 Denotes Proposed Elevation
- ← Denotes Surface Drainage



Existing Hard Cover
Residence = 1514 sq.ft
Concrete + Steps = 854 sq.ft
Total = 2368 sq.ft
Lot Area = 4211 sq.ft
Percentage = 56.2%

The Gregory Group, Inc.
d.b.a.
LOT SURVEYS COMPANY
Established in 1962
LAND SURVEYORS
REGISTERED UNDER THE LAWS OF STATE OF MINNESOTA
7601 73rd Avenue North (763) 560-3093
Minneapolis, Minnesota 55428 Fax No. 560-3522
Surveyors Certificate

The only easements shown are from plats of record or information provided by client.

I certify that this plan, specification, 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

Surveyed this 24th day of June 2016.

Signed Gregory R. Prasz
Gregory R. Prasz, Minn. Reg. No. 24992

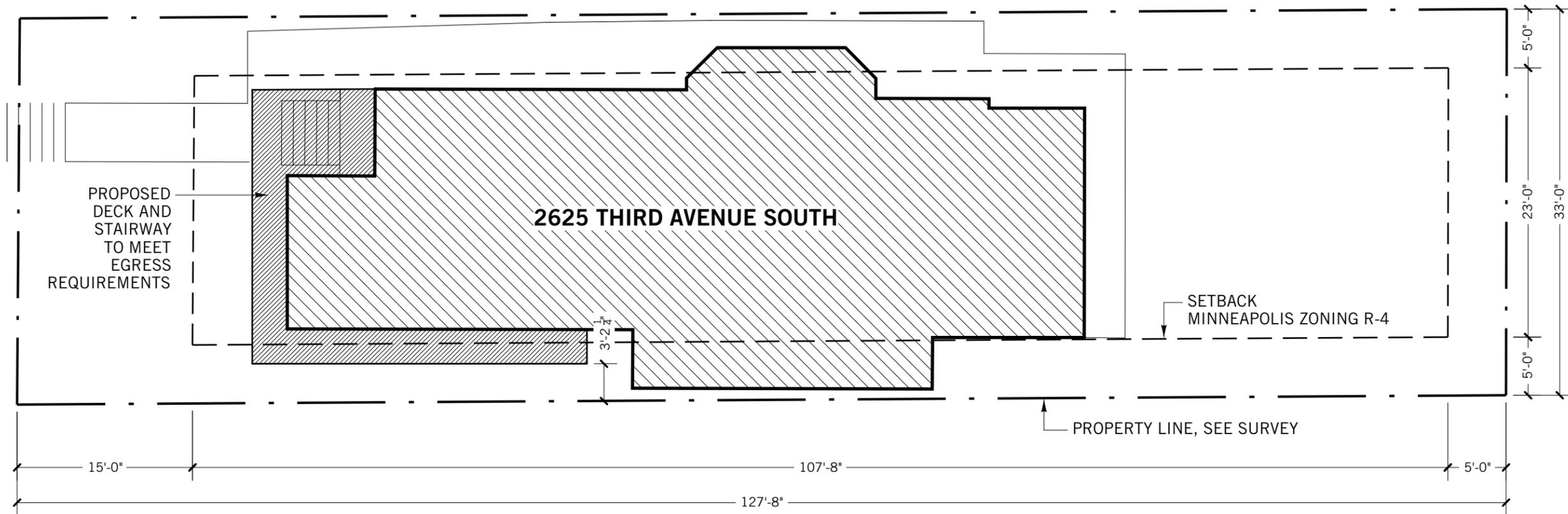
The south 33 feet of Lot 12, Block 2, R.A. DAVIDSON'S ADDITION TO MINNEAPOLIS
Hennepin County, Minnesota

| | |
|-----|------------------------------|
| Rev | Drawn By JFE |
| | File Name |
| | RAD-12-2fb109007inv85297.dwg |

6/22/16
16 mint 0629

Revisions
REVIEW 06/29/16

Drawn By
BK, LA



1 Proposed Site Plan

A0.1 SCALE: 1" = 10' (11 X 17 PAPER)

Egress Stair - Mint Properties
2625 Third Ave S. Minneapolis
Contact:
JCJ Construction, (612) 310-4276

Site Plan

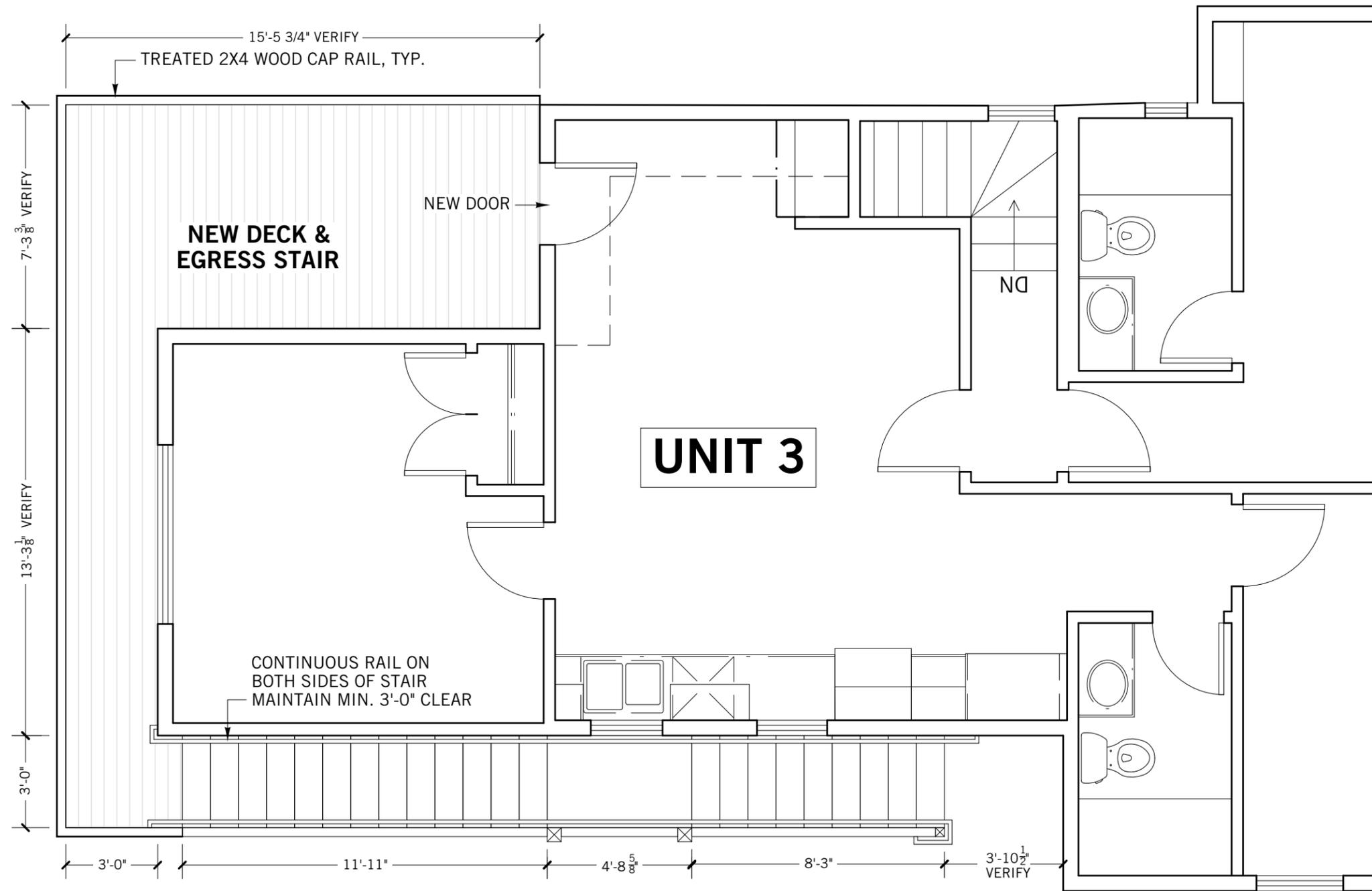
SCALE: 1/4"=1'-0"
UNLESS NOTED

A0.1

6/22/16
16 mint 0629

Revisions
REVIEW 06/29/16

Drawn By
BK, LA



1 Second Floor Plan

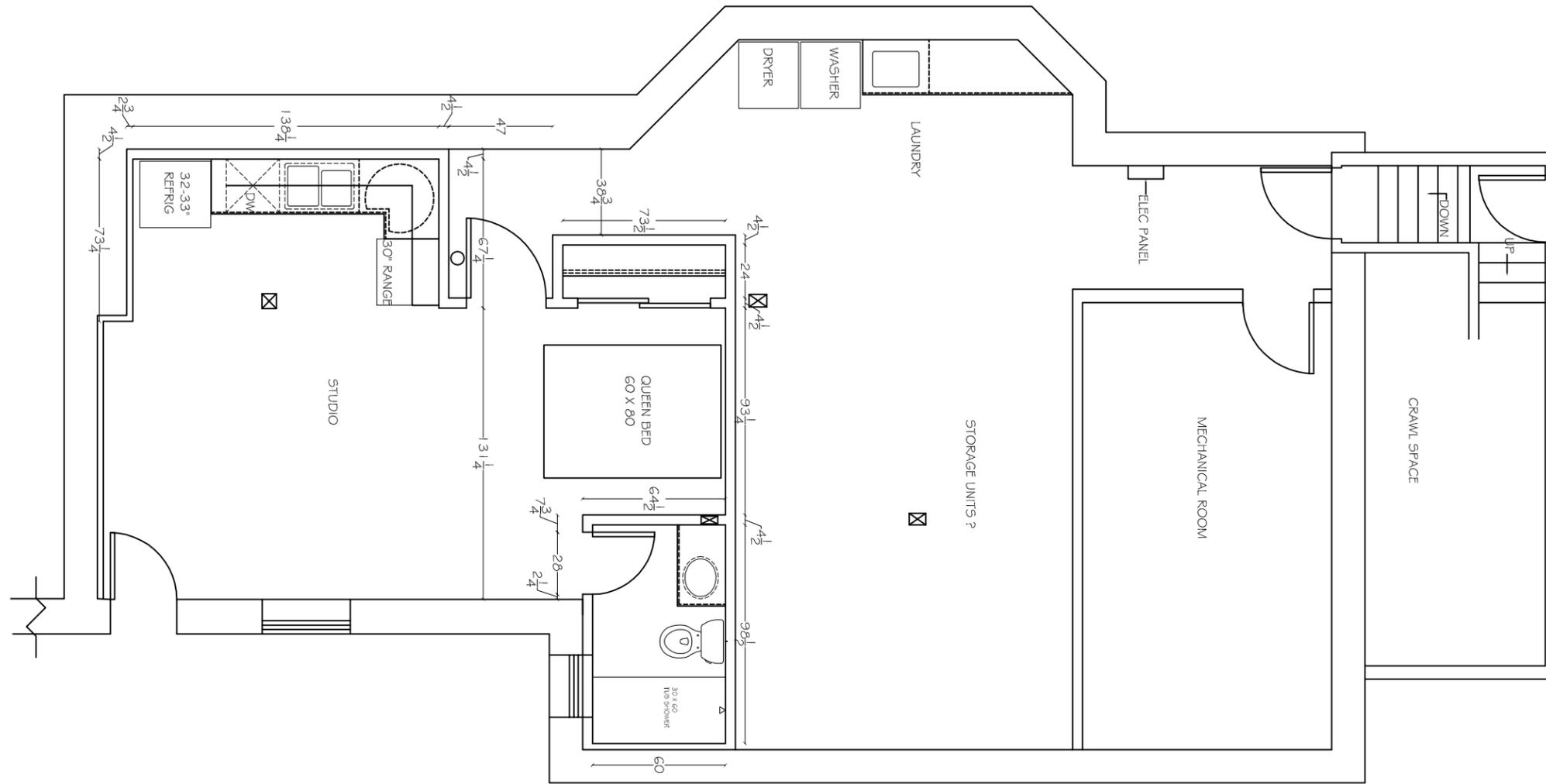
A1.0 SCALE: 1/4" = 1'-0" (11 X 17 PAPER)

Egress Stair - Mint Properties
2625 Third Ave S. Minneapolis
Contact: JCJ Construction, (612) 310-4276

**Second
Floor Plan**

SCALE: 1/4"=1'-0"
UNLESS NOTED

A1.0



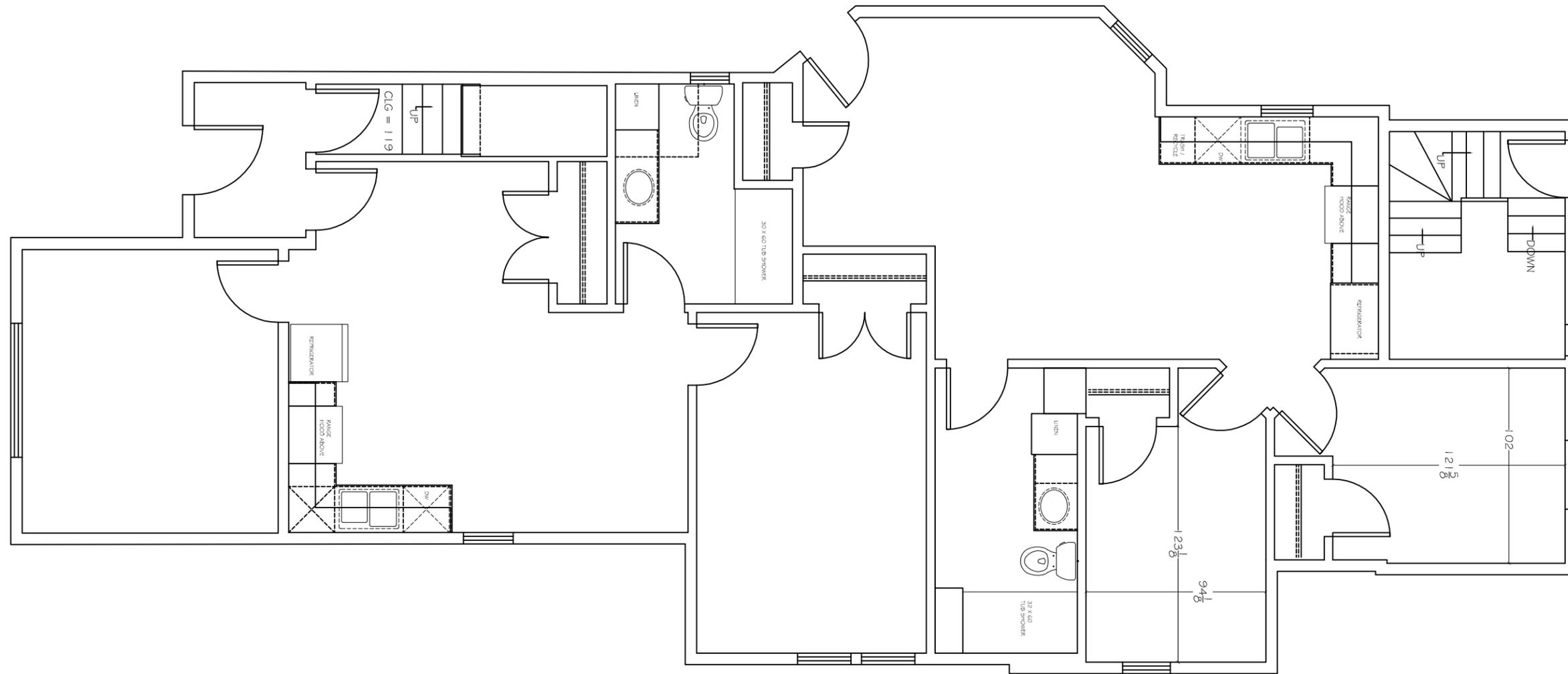
MINT PROPERTIES
 2635 3RD AVE S
 MINNEAPOLIS

JCJ CONSTRUCTION
 CHRIS JOHNSON
 612.310.4276

LOWER LEVEL NEW PLAN

CONSTRUCTION PLAN

SCALE: 3/16" = 1'-0"



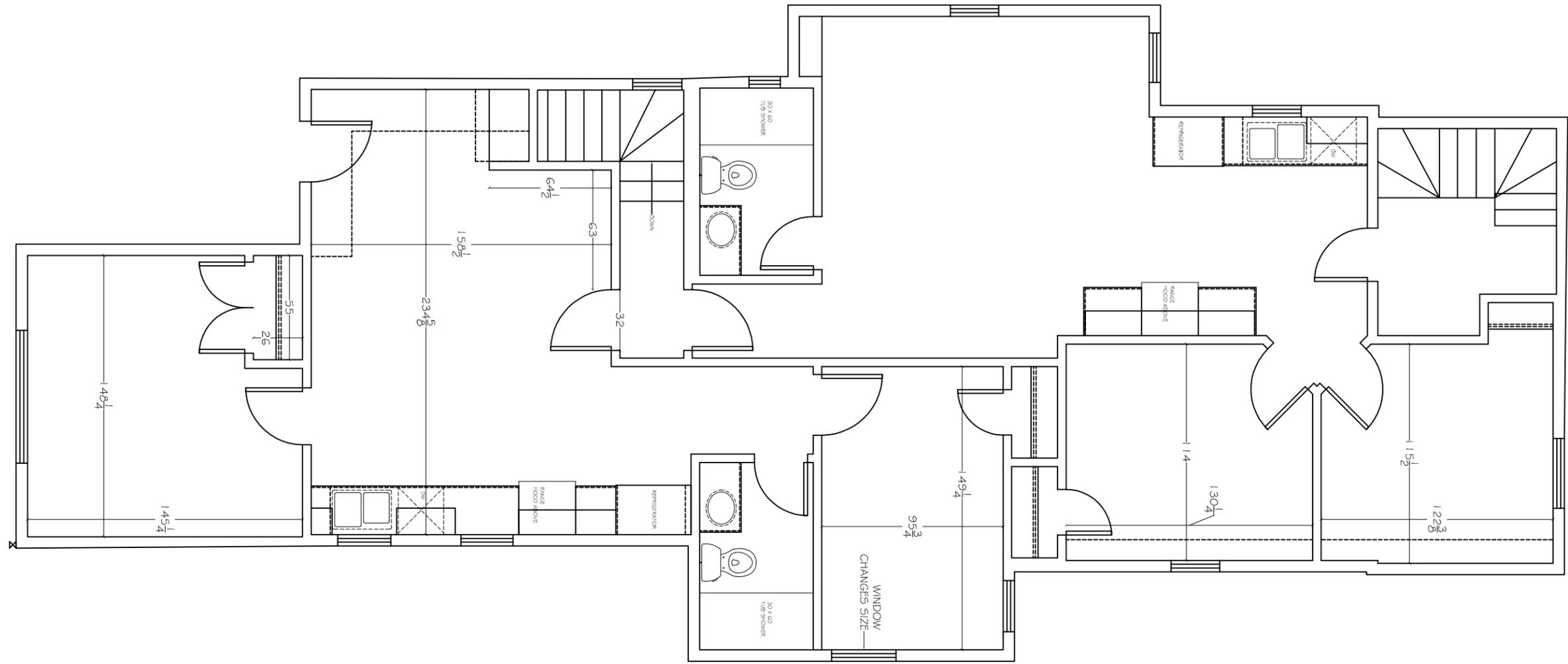
MINT PROPERTIES
 2635 3RD AVE S
 MINNEAPOLIS

JCJ CONSTRUCTION
 CHRIS JOHNSON
 612.310.4276

MAIN LEVEL NEW PLAN

CONSTRUCTION PLAN

SCALE: 3/16" = 1'-0"



MINT PROPERTIES
 2635 3RD AVE S
 MINNEAPOLIS

JCJ CONSTRUCTION
 CHRIS JOHNSON
 612.310.4276

SECOND LEVEL NEW PLAN

CONSTRUCTION PLAN

SCALE: 3/16" = 1'-0"

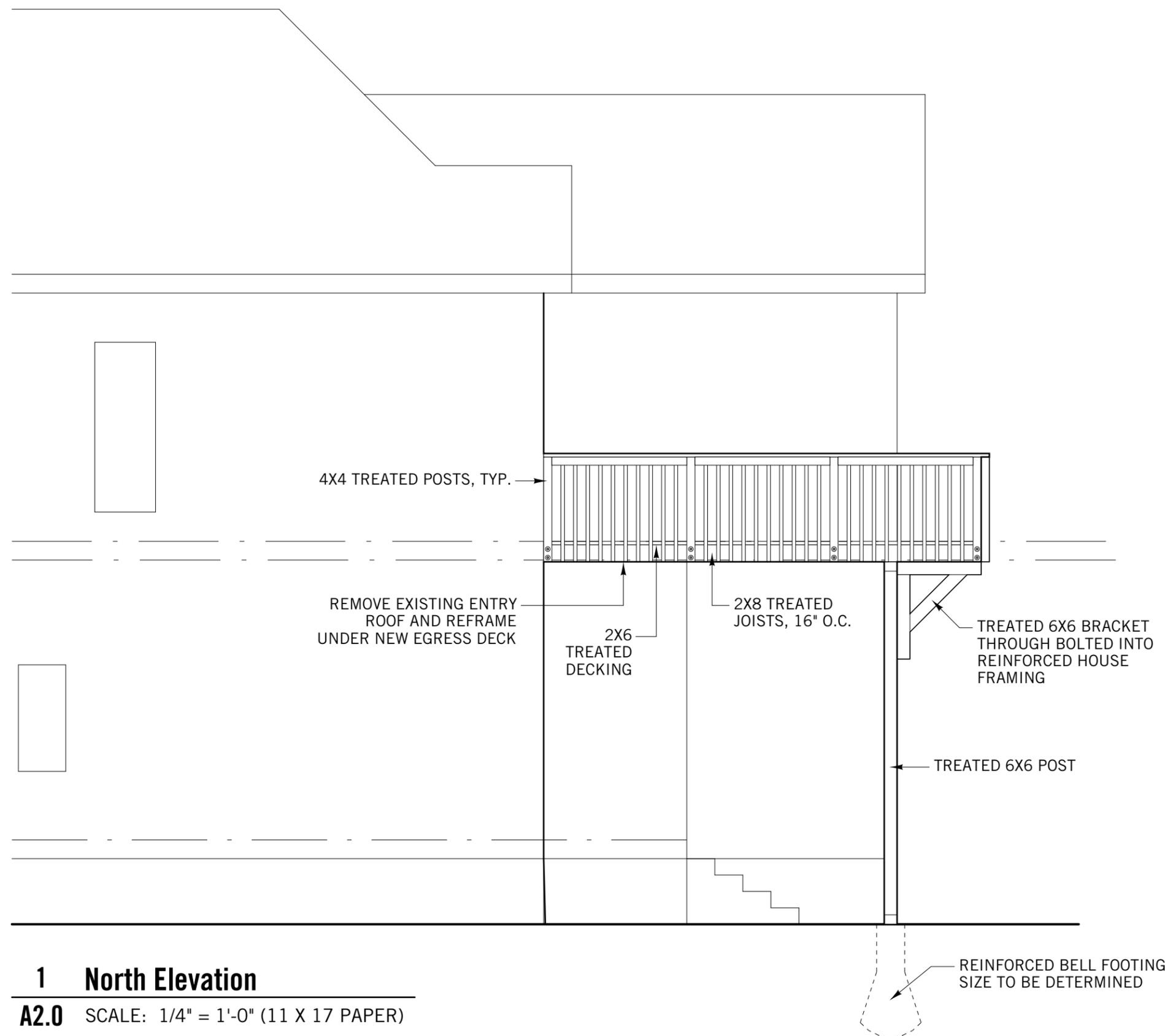
ALM DESIGN STUDIO

1359 Brompton St
St Paul MN 55108
612 208 2195
almdesignstudio.com

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1 North Elevation
A2.0 SCALE: 1/4" = 1'-0" (11 X 17 PAPER)

Egress Stair - Mint Properties
2625 Third Ave S. Minneapolis
Contact:
JCJ Construction, (612) 310-4276

**North
Elevation**

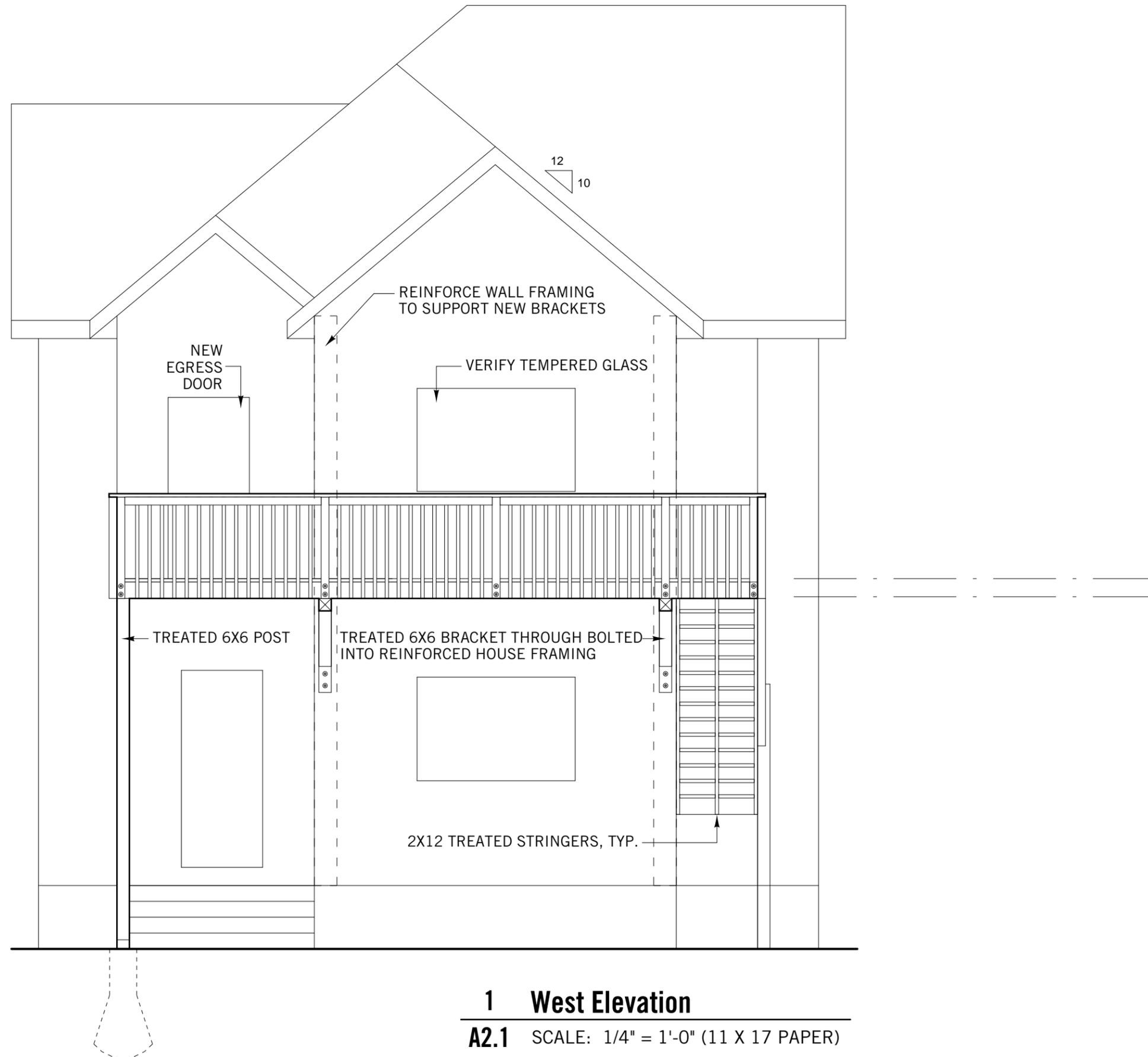
SCALE: 1/4"=1'-0"
UNLESS NOTED

A2.0

6/29/16
16 mint 0629

Revisions
REVIEW 06/29/16

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BK,LA



1 West Elevation
A2.1 SCALE: 1/4" = 1'-0" (11 X 17 PAPER)

Egress Stair - Mint Properties
2625 Third Ave S. Minneapolis
Contact:
JCJ Construction, (612) 310-4276

**West
Elevation**

SCALE: 1/4"=1'-0"
UNLESS NOTED

A2.1

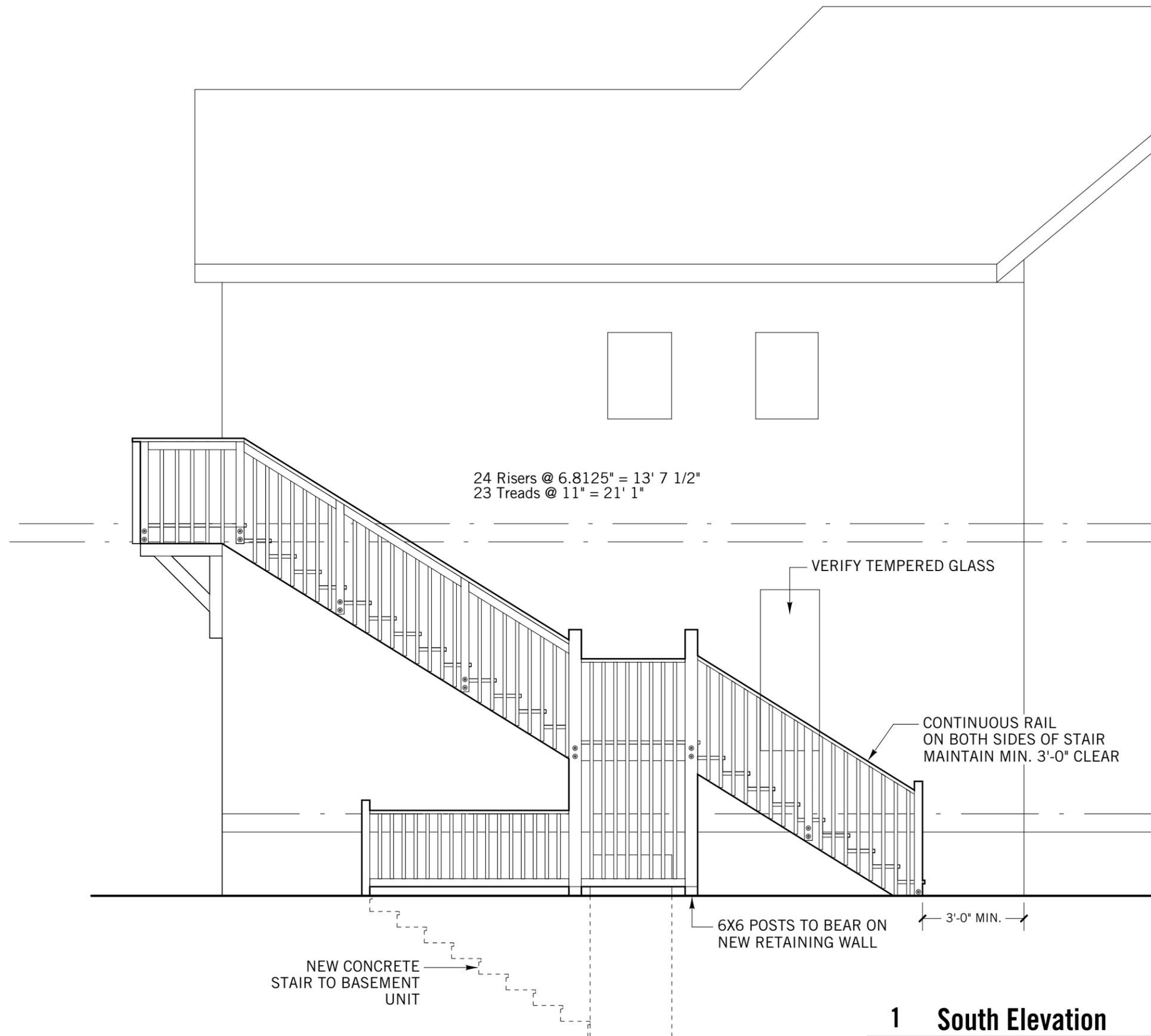
ALM DESIGN STUDIO

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St Paul MN 55108
612 208 2195
almdesignstudio.com

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24 Risers @ 6.8125" = 13' 7 1/2"
23 Treads @ 11" = 21' 1"

VERIFY TEMPERED GLASS

CONTINUOUS RAIL
ON BOTH SIDES OF STAIR
MAINTAIN MIN. 3'-0" CLEAR

6X6 POSTS TO BEAR ON
NEW RETAINING WALL

3'-0" MIN.

NEW CONCRETE
STAIR TO BASEMENT
UNIT

9 Risers @ 6.8889" = 5' 2"
8 Treads @ 1' 0" = 8' 0"

1 South Elevation

A2.2 SCALE: 1/4" = 1'-0" (11 X 17 PAPER)

Egress Stair - Mint Properties
2625 Third Ave S. Minneapolis
Contact:
JCJ Construction, (612) 310-4276

**South
Elevation**

SCALE: 1/4"=1'-0"
UNLESS NOTED

A2.2



