

**Minneapolis City Planning Department Report
BZZ- 1196**

Date: June 16, 2003

Applicant: Hossein Azhakh

Address Of Property: 4137 France Avenue South

Date Application Deemed Complete: May 7, 2003

End of 60 Day Decision Period: July 7, 2003

End of 120 Day Decision Period: September 5, 2003

Applicant Waive 60 Day Requirement: No

Contact Person and Phone: Hossein Azhakh, 2418 University Avenue SE, Minneapolis, MN 55414;
tel: 612-623-113, cell: 612-812-6666, fax: 612-623-4899

Planning Staff and Phone: Lonnie Nichols, 612-673-5468, lonnie.nichols@ci.minneapolis.mn.us

Ward: Thirteen (13) **Neighborhood Organization:** Linden Hills

Existing Zoning: R1A (Single Family District-Low Density)

Proposed Zoning: R3 (Multi-Family District-Medium Density)

Zoning Plate Number: Twenty-nine (29)

Legal Description: Lot 39 Ex Alley Auditor's Subdivision No. 131. (PID: 08-028-24-23-0053)

Proposed Use: Change zoning to allow construction of duplex on the site.

Previous Actions: Not Applicable

Concurrent Review: None

Signage: Not Applicable (None Proposed)

Appropriate Section(s) of the Zoning Code: Chapter: 520-Introductory Provisions; 521-Zoning Districts and Maps Generally; 525-Administration and Enforcement; 546-Residence Districts

Background: Hossein Azhakh has filed application to rezone the vacant lot at 4137 France Avenue South from a R1A (Single-family, low density) zoning district to a R3 (Multiple-family, medium density) zoning district to allow the construction of a duplex. The lot area is 6272 sf. As per chapter

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546 of the zoning code, the minimum lot area needed for a two-family dwelling is 12,000 sf in the R2 district, 10,000 sf in the R2B district if established after January 1, 1995, and 5,000 sf or 2,500 sf per dwelling unit, whichever is greater in the R3 district. Any development on the lot will need to address drainage onto adjacent neighbors' property due to the lot levels. The Linden Hills Neighborhood organization did not submit a written statement to staff. Staff has received comments in support of, indifferent to (neutral), and opposed to the rezoning. In this area, France Avenue is the western boundary of the City of Minneapolis. The City of Edina borders the western side of France Avenue. Staff also feels the proposed site plan needs revision, even though the applicant is only applying for a rezoning at this time. The front yard set back should be increased in order to pass the string test between existing adjacent properties. The applicant has proposed a 23 foot wide by 35 foot long (805 sf) driveway from the alley to a garage attached to the house.

Findings As Required By The Minneapolis Zoning Code:

1. Whether the amendment is consistent with the applicable policies of the comprehensive plan.

The applicant's proposal does not appear to be inconsistent with the following policies of chapter four (4) of the comprehensive plan. This is because the comprehensive plan does not distinguish between single family homes and duplexes, both are considered low density residential.

- 4.9 Minneapolis will grow by increasing its supply of housing.
- 4.10 Minneapolis will increase its housing that is affordable to low and moderate income households.
- 4.11 Minneapolis will improve the availability of housing options for its residents.
- 4.12 Minneapolis will reasonably accommodate the housing needs of all its citizens.
- 4.13 Minneapolis will expand the type and range of housing types for residents with substantial choice.

2. Whether the amendment is in the public interest and is not solely for the interest of a single property owner.

The proposed rezoning is in the interest of the applicant. The application materials state to change the zoning from single family to accommodate a duplex will defuse the added pre-construction costs (soil remediation, catch basins, storm sewer connections) onto two units instead of just one. The proposed rezoning is in the public interest in terms of adding dwelling units to a vacant site.

3. Whether the existing uses of property and the zoning classification of property within the general area of the property in question are compatible with the proposed zoning classification, where the amendment is to change the zoning classification of particular property.

The immediate and general area is zoned R1 and R1A. The nearest other zoning district of R2B is two blocks to the East, three blocks to the South are areas zoned C1, C2, OR1, R4, and R5. There is a multifamily housing complex located two-hundred (200) feet North of the site and a few legally conforming duplexes zoned R1 or R1A in the area.

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4. Whether there are reasonable uses of the property in question permitted under the existing zoning classification, where the amendment is to change the zoning classification of particular property.

A reasonable use for the vacant lot exists under the current R1A zoning, a single family home.

5. Whether there has been a change in the character or trend of development in the general area of the property in question, which has taken place since such property was placed in its present zoning classification, where the amendment is to change the zoning classification of particular property.

Staff is not aware of a change in the character or trend of development in the general area that has taken place since the property (4137 France Avenue South) was placed in its present zoning classification. The general area has remained single family, with scattered duplexes and a few commercial properties.

Recommendation Of The City Planning Department:

The City Planning Department recommends that the City Planning Commission and City Council adopt the above findings and deny the application (**BZZ 1196**) to rezone the property at 4317 France Avenue South from R1A to R3.

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CORRESPONDENCE

Kelly Westhoff
4141 France Ave. So.
Minneapolis, MN 55416
612 922 4487
kellywesthoff@yahoo.com

June 16, 2003

Dear Mr. Nichols,

I am writing in regards to the property at 4137 France Avenue So. I own the property located directly to the south - 4141 France Avenue So. We met the other week when you came to photograph the area. My name is Kelly Westhoff.

I will not be able to attend the hearing today, Monday the 16th, concerning Mr. Azhakh's application to rezone the mentioned lot. However, I wanted to voice my displeasure over this application.

Mr. Azhakh has owned the lot for a number of years, and in that time, little-to-nothing has been done with the property. Apparently, there is some misunderstanding with the city about how to fix the grade of the lot and the resulting drainage problems this would create for the adjacent property owners.

As I understand it, if Mr. Azhakh raised his lot's grade to meet the city's requirements, his land will be higher than the land next to him on both sides. If there is water damage to my lot, I would be able to sue him, in which case, I believe he would have a case against the city.

I do not know enough of the details to point fingers, however, I am opposed to the building of a duplex on 4137 France Avenue South. It is not a very large lot and my concern is that any duplex built on the property would have to be either:

1. so wide as to practically touch my house,
2. or so long that it would extend all the way to the alley, thus leaving no space for a back yard and consequently infringing on any backyard privacy I currently have.

I am also concerned about parking with a duplex. Parking is restricted on France Avenue. Currently, no parking is allowed on the west side of the street. On the east side of the street, overnight restrictions exist in the winter due to the fact that France Avenue is an emergency route. Where will parking be allocated for the proposed duplex? In the alley? A four-car garage will hardly fit.

In the spring of 2002, Mr. Azhakh had a real estate agent call me and inquire as to my willingness to sell my lot. My house, I was told, would be demolished so that Mr. Azhakh could construct another duplex. I was not interested in this proposal at the time, and continue to be of the same mind.

Mr. Bill Koncak with the MCDA has had previous contact with Mr. Azhakh and has even been out to the properties to consult with those involved, including myself and the owner of the adjacent property to the north.

I have attached this exact letter as a word document for easy printing.

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If you have any questions or concerns, please do not hesitate to contact me.

Regards,

Kelly Westhoff

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CORRESPONDENCE

June 3, 2003

Lonnie Nichols
Senior Planner
250 4th St., Rm. 300
Minneapolis, MN 55415

Mr. Nichols

I am writing in regard to the rezoning application filed by Hossein Azhakh for the vacant lot at 4137 France Avenue South. I own the property at 4133 France Avenue South, directly to the north of Mr. Azhakh's property. Mr. Azhakh has filed to rezone the lot from R1A (single-family, low density) to R3 (multiple-family, medium-density).

I do not oppose Mr. Azhakh's application to re-zone to R3. However, up until this point it has been my understanding that there have been issues with water drainage and soil that have caused impediments to Mr. Azhakh building on the lot. If a building is erected on the lot without addressing the water drainage issue, my property will experience significant run-off of water from Mr. Azhakh's property. This will result in flooding of my property and high repair costs. I hope that the issues are resolved prior to the building of the proposed property. If the issue is not addressed then I strongly oppose the re-zoning application and even the erection of any building.

I will be attending the City Planning Commission meeting on June 16, 2003 and will be able to discuss the situation in person. If you have any questions prior to then, feel free to contact me.

Thank you

Pierre Kormann
5823 Xerxes Ave S
Minneapolis, MN 55410
612-926-6298
pkormann@mn.rr.com

re:
4133 France Avenue South
Minneapolis, MN 55416

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-----Original Message-----

From: marjory newton and jack newton [SMTP:marjac@visi.com]
Sent: Wednesday, June 04, 2003 4:19 PM
To: Nichols, Lonnie J
Subject: Names and phone numbers

Re your telephone call:

Betsy Hodges: betsyhodges@qwest.net <<mailto:betsyhodges@qwest.net>>, 925-5999, cell: 229-5999 Co-chair LHiNC Board

Madalyn Cioci: madalyncioci@msn.com <<mailto:madalyncioci@msn.com>>, 926-5249, W: 926-2906 Coordinator (Staff)

- 1) Rezoning automatically go to the City Council. There is no appeal mechanism other than court.
- 2) R2B would not work in this case as the property is 6272 square feet. Duplexes established after the adoption of the code requires 5,000 square feet per unit or 10,000 square feet. A 30% variance would reduce it to 7,000 square feet. Therefore, there is not enough land to rezone to R2B.
- 3) R3 requires 2,500 square feet per unit or 5,000 square feet. Three units would require 7,500 square feet. 30% variance would require 5250 square feet. The applicant could put a triplex on the site if rezoned to R3. Rezoning cannot be conditioned, however, three units would require a variance and the City is under no obligation to grant a variance.

I hope this responds to your concerns. Neil Anderson