



**Request for City Council Committee Action
From the Department of Community Planning & Economic Development**

Date: March 24, 2005

To: Council Member Gary Schiff, Chair, Zoning & Planning Committee and Members of the Committee

Prepared by: Jim Voll, City Planner, (612) 673-3887

Approved by: Jason Wittenberg, Planning Supervisor

Subject: Moratorium Waiver.

Previous Directives: None.

Financial Impact: Not applicable

Community Impact:

Ward: 4

Neighborhood Notification: The Webber-Camden Neighborhood Organization was notified of the application by a e-mail dated March 3, 2005. As of the writing of this report staff has not received comments from the neighborhood.

City Goals: See staff report

Comprehensive Plan: See staff report

Zoning Code: See staff report

Living Wage/Job Linkage: Not applicable

Other: Not applicable

Background/Supporting Information: Please see attached staff report.

Department of Community Planning and Economic Development - Planning Division
Waiver From Moratorium Application
BZZ - 2245

Date: March 3, 2005

Applicant: Shawn Dormanen

Address Of Property: 3859 6th Street North

Contact Person And Phone: Shawn Dormanen 612-521-2100

Planning Staff And Phone: Jim Voll 612-673-3887

Date Application Deemed Complete: March 4, 2005

End of 60 Day Decision Period: May 3, 2005

Ward: 3 **Neighborhood Organization:** Webber-Camden

Existing Zoning: R2B Two-family Residential District

Reason For Waiver: To allow the construction of a new single-family home on the lot at 3859 6th Street North in the moratorium area that is defined as that part of north Minneapolis north of West Broadway to the Mississippi River and to the city limits and in the Willard-Hay, Near North, Harrison, and Sumner Glenwood Neighborhoods.

Background: The City Council has approved a moratorium on the construction of new single-family dwellings, two-family dwellings, and multiple-family dwellings of three and four units in the area of north Minneapolis bounded by West Broadway Avenue and the Mississippi River north to the city limits and to the city limits and in the Willard-Hay, Near North, Harrison, and Sumner Glenwood Neighborhoods, except housing being developed in conjunction with the Community Planning and Economic Development Department. The interim ordinance (Chapter 578) was approved by the City Council on June 18, 2004 and amended on August 20, 2004.

The applicant proposes to build a single-family home on the vacant lot at 3859 6th Street North North. A single-family home is a permitted use in the R2B District and is required to have a lot area of 5,000 and a lot width of 40 feet. This lot is 4,433 square feet and is 35 feet wide. It is nonconforming but is a lot of record, so variances are not necessary for lot area or width. This house will need a setback back variance for the front yard on 39th Avenue North. This side is a front yard because the lot is a reverse corner lot. Approval of the waiver does not guarantee that the variance will be approved.

Neighborhood Review: The Webber-Camden Neighborhood Organization was notified of the application by an e-mail dated March 3, 2005. As of the writing of this report, staff has not received any comments. Staff will forward comments, if any are received, to the Committee.

Findings:

Section 529.50 of the Minneapolis Code states that, “a waiver may be granted where the City Council finds substantial hardship caused by the restrictions and finds that the waiver will not unduly affect the integrity of the planning process or the purpose for which the interim ordinance is enacted.”

Hardship:

The applicant proposes to build a single-family home on the vacant lot at 3859 6th Street North. The applicant has purchased blueprints, has a construction crew waiting to do the work, and has a purchase agreement deadline. A delay at this point could constitute a hardship.

Interference with the purposes of the moratorium:

The city council is concerned about the effects of the design of new single-family dwellings, two-family dwellings, and multiple-family dwellings of three and four units, especially in and near older neighborhoods with low and moderate priced housing. The city council is concerned that the design of some newly constructed housing in these neighborhoods is incompatible with the traditional design of surrounding properties and may detract from the desirability of these areas as places to live. The city council also is concerned that the design of some newly constructed housing in these neighborhoods may negatively affect neighborhood livability and discourage homeownership, maintenance and investment in surrounding properties.

The city council is interested in protecting the livability of the study area by preserving the existing character of its traditional residential neighborhoods. Approximately one-third of the city’s total vacant residential lots are located within the study area. Many of these lots are available for residential development at low cost. The city council is concerned about future residential development in the study area without additional design standards for single-family dwellings, two-family dwellings, and multiple-family dwellings of three and four units. The city council is concerned that further development without such design standards could negatively affect existing and future residential development and contribute to neighborhood instability.

As a result of the important land use and zoning issues cited above, the city, through its planning division of the Community Planning and Economic Development Department (CPED), will conduct studies to consider possible amendments to the comprehensive plan or official zoning controls to address the issues of design standards for these residential uses. (Residential developments of five units or more are governed by the standards for conditional use permit and site plan review.)

This block of 6th Street is mainly two story homes with enclosed porches in front. Many have detached garages at the rear of the site. (Please see the attached photos).

The proposed home is of a similar architectural style (although it is only one and one-half stories) with the majority of the homes on the block and it does have architectural detail including a varied roof pitch and front and rear porches. The building meets the minimum window requirements of the code for the front façade and has a roof pitch similar to surrounding homes. It also has a basement and a garage at the rear of the site. Based on the criteria used for the other waiver proposals reviewed over the last year, staff would recommend approval with conditions that will require additional windows on the north side of the house; however, staff

now has a proposal for design requirements (scheduled to be heard by the City Planning commission on March 28, 2005), so the review standards for this and future waivers will take into consideration these standards.

The proposed design standards have not had a public hearing before the City Planning Commission or the City Council. They have been reviewed by the City Planning Commission at its Committee of the Whole meeting. In general, the design standards require that a new structure meet requirements that total a certain number of points. Points are awarded for the utilization of certain building materials, a detached garage, increased windows on all facades, provision of a deciduous tree, and for a porches and roof pitch that meet certain standards.

This house would meet the point requirements if additional windows are added to all facades. The percentage required would be 20 percent of each floor on the front façade and the north side and 15 percent for each floor on each of the other sides. The applicant has indicated that he is willing to meet these window requirements. The applicant would also receive points for providing a detached garage at the rear of the site, providing a basement, for meeting a roof pitch of 6/12 or steeper, and for the provision of a deciduous tree.

Recommendation of the Community Planning and Economic Development Department - Planning Division:

The Community Planning and Economic Development Department - Planning Division recommends that the City Council adopt the above findings and **approve** the waiver application for 3859 6th Street North subject to the following conditions:

- 1) Provision of additional windows that would equal 20 percent of each floor of the front corner side façades and 15 percent of each floor on each of the other sides of the building.