Request for City Council Committee Action from the Department of Community Planning & Economic Development—Planning Division

Date: April 19, 2007
To: Council Member Gary Schiff, Chair, Zoning & Planning Committee and Members of the Committee
Referral to: Zoning & Planning Committee

Subject: Appeal of the decision of the City Planning Commission denying applications for variance and minor subdivision to allow for two new single family dwellings located at 4700 Vincent Avenue South.

Recommendation: The following action was taken by the Planning Commission on March 26, 2007 (BZZ-3416 and BS-169):

> **A. Variance:** Application by Cam McCambridge and Blake Elliott, on behalf of Dorothy Brisco, for a variance to reduce the required front yard setback along 47th St W from 20 feet to 8 feet to allow for the construction a new single family dwelling on a reverse corner lot at 4700 Vincent Ave S.
>
> **Action:** The City Planning Commission adopted the findings and **denied** the variance to reduce the required front yard setback along 47th St W from 20 feet to 8 feet to allow for the construction a new single family dwelling on a reverse corner lot at 4700 Vincent Ave S.
>
> **B. Minor Subdivision:** Application by Cam McCambridge and Blake Elliott, on behalf of Dorothy Brisco, for a minor subdivision that would create two lots at 4700 Vincent Ave S, including a variance of the lot width standards to the subdivision regulations to reduce the minimum lot widths of the two proposed lots from 50 to 40 and 41.25 feet wide, where there is no alley present.
>
> **Action:** The City Planning Commission adopted the findings and **denied** the minor subdivision that would create two lots at 4700 Vincent Ave S, including a variance of the lot width standards to the subdivision regulations to reduce the minimum lot widths of the two proposed lots from 50 to 40 and 41.25 feet wide, where there is no alley present.

Ward: 13

Prepared by: Shanna Sether, City Planner (612-673-2307)
Approved by: Jason Wittenberg, Development Services Supervisor
Presenters in Committee: Shanna Sether, City Planner

Community Impact

- Neighborhood Notification: The Fulton Neighborhood Association and Linden Hills Neighborhood Council were notified of the applications.
- City Goals: See staff report
- Comprehensive Plan: See staff report
- Zoning Code: See staff report
- End of 60/120-day decision period: On April 5, 2007, staff sent a letter to the applicant extending the 60 day decision period to no later than June 28, 2007.

Supporting Information

Cam McCambridge and Blake Elliott, on behalf of Dorothy Brisco, have filed an appeal of the decision of the City Planning Commission denying the applications for the aforementioned variance and minor subdivision to allow for two new single family dwellings for the property located at 4700 Vincent Avenue South. At its meeting on March 26, 2007, the City Planning Commission voted 8-0 to deny both applications. The appeal (attached) was filed on April 5, 2007. The City Planning Commission minutes and Planning Division staff report are attached.

The appellants have stated that the decision is being appealed for the following reasons. First, that there is hardship due to the existing ordinances and the expectation that this property remain a large lot and be out of character in the neighborhood. Second, that this property, based on its lot size, would allow for a structure with a greater building square footage than any of its neighbors and therefore it would not fit the character and integrity of the neighborhood. The appellant's complete statement of the action being appealed and reasons for the appeal are attached.

Excerpt from the
CITY PLANNING COMMISSION
MINUTES
Minneapolis Community Planning & Economic Development (CPED)
Planning Division

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MEMORANDUM

DATE: April 6, 2007

TO: Steve Poor, Manager, Community Planning & Economic Development - Planning Division

FROM: Jason Wittenberg, Supervisor, Community Planning & Economic Development - Planning Division, Development Services

CC: Barbara Sporlein, Director, Community Planning & Economic Development Planning Division

SUBJECT: Planning Commission decisions of March 26, 2006

The following actions were taken by the Planning Commission on March 26, 2007. As you know, the Planning Commission's decisions on items other than rezonings, text amendments, vacations, 40 Acre studies and comprehensive plan amendments are final subject to a ten calendar day appeal period before permits can be issued:

Commissioners Present: President Motzenbecker, El-Hindi, Huynh, LaShomb, Mains, Nordyke, Schiff, and Tucker – 8

Not Present: Norkus-Crampton (excused) and Williams (excused)

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6. Cam McCambridge and Blake Elliott (BZZ-3416, MS-169, Ward: 13), 4700 Vincent Ave S (Shanna Sether).

A. Variance: Application by Cam McCambridge and Blake Elliott, on behalf of Dorothy Brisco, for a variance to reduce the required front yard setback along 47th St W from 20 feet to 8 feet to allow for the construction a new single family dwelling on a reverse corner lot at 4700 Vincent Ave S.

Action: The City Planning Commission adopted the findings and **denied** the variance to reduce the required front yard setback along 47th St W from 20 feet to 8 feet to allow for the construction a new single family dwelling on a reverse corner lot at 4700 Vincent Ave S.

B. Minor Subdivision: Application by Cam McCambridge and Blake Elliott, on behalf of Dorothy Brisco, for a minor subdivision that would create two lots at 4700 Vincent Ave S, including a variance of the lot width standards to the subdivision regulations to reduce the minimum lot widths of the two proposed lots from 50 to 40 and 41.25 feet wide, where there is no alley present.

Action: The City Planning Commission adopted the findings and **denied** the minor subdivision that would create two lots at 4700 Vincent Ave S, including a variance of the lot width standards to the subdivision regulations to reduce the minimum lot widths of the two proposed lots from 50 to 40 and 41.25 feet wide, where there is no alley present.

Staff Sether presented the staff report noting that on page seven, the staff report reads that the variance to reduce the required front yard setback along 47th St W was from 25 feet to 8 feet to allow for the construction a new single family dwelling on a reverse corner lot at 4700 Vincent Ave S, when it should read that it was from 20 feet to 8 feet.

Commissioner Mains: I'm going to start being the jargon police here. What is a reverse corner lot? I may be a newbie, but I'm expecting a lot of the public doesn't have a clue either. I would appreciate in the future that we try to hold jargon down to a minimum in these meetings.

Staff Sether: A reverse corner lot is a lot that has two frontages. It is established through the platting process. In this case we have a parcel that is located at 4700 Vincent Ave S. The front yard and the original platting for this parcel is along Vincent Ave S. The adjacent neighbors, as you'll see to the north and the south, are all platted towards Vincent Ave S. The adjacent neighbor, however, to the west at 2919 is addressing off of 47th St W. This happened through a lot split that was done previously to create two parcels from a very similar parcel that we see here at 4700 Vincent Ave S. Because the adjacent neighbor fronts along 47th St W and the other adjacent neighbor to the south addresses along Vincent Ave S, it creates frontages for this affected parcel, this corner parcel, along both Vincent Ave S and 47th St W which means there's a front yard requirement on both sides. Does that answer your question a little better?

Commissioner Mains: Yes. I live in Seward so it's a very common thing in my neighborhood.

Commissioner Huynh: Thank for very much for putting that map together. It's very helpful to be able to distinguish between which current lots are in compliance with the 50 foot requirement, but also which lots are under the 50 foot requirement. If the applicant was to come back and subdivide vertically, I guess, looking at the properties to the west of the site, then there wouldn't be a need for a variance and the city would be approving that just looking at subdividing it horizontally versus vertically?

Staff Sether: There may not be a required variance for the lot width, however, there will be multiple variances for that more corner lot because that structure would be located almost completely within the front yard setback along Vincent Ave S. Staff typically discourages any proposals for minor subdivision oriented away from, in this case, Vincent Ave S.

Commissioner Huynh: Thank you very much.

President Motzenbecker opened the public hearing.

Blake Elliott (3205 47th St W) [not on sign-in sheet]: From the beginning of our process here to subdivide the unique property at 4700 Vincent Ave S, we've had a few objectives. The first objective being continuity. The subject property on the corner of 47th and Vincent was originally platted as two single family lots connected via a land tie facing towards Vincent Ave. Our goal is to reestablish these two lots. In reestablishing this double lot into its original two lots the end result would be two lots measured at 41.25 by 135 giving you 5570 square feet and 40 by 135 giving you 5400 square feet. As you can see on the graph, this lot size would be much more continuous with the surrounding neighbors as well as the entire neighborhood that consists of predominately 40-42 lot widths. In order to bring this corner property back into sync with the surrounding lots, there are two issues that must be addressed. Under normal lot circumstances, this lot size of 40 feet in width and over 5000 square feet of area would suffice, but as a result of the zoning code, this property would require an additional 10 feet of lot width as there is no alley on this block or any of the other surrounding blocks. As you can see, there are 103 lots located within the block surrounding our property. Of these 103 lots there are three that have a lot size large enough to fit the 50 foot minimum lot width requirement; ours being one of them. Of these 100 nonconforming properties, the overwhelming majority have a front drive that easily allows accessibility to a detached rear garage and is a characteristic of this neighborhood. The second variance that is relevant in this case is a minimum front yard setback along 47th Street of 20 feet where there is a reverse corner lot. When this property was originally platted as two city lots, they faced Vincent Ave. In the time since, the city of Minneapolis instituted zoning codes that labeled this property as a reverse corner. Without the code's implementation there would be no need for this variance application. Furthermore, as you can see, the corner lots that are aligned in an east-west direction, there are zero that would fit the 20 foot setback variance. At an eight foot setback, the corner house would fit the alignment of all similarly faced corner lots within this neighborhood. Aside from the reestablishing continuity, our other objective in this process was to allow for flexibility as input came from the city as well as the neighborhood. As most of us know, the size and design of our homes in the Fulton neighborhood, as well as in the entire city of Minneapolis, is of utmost importance. Throughout this process we are trying to be as delicate and understanding of concerns of these issues. We voluntarily went over and above what was required by us as developers and builders. We had multiple meetings with the Fulton Neighborhood Association and concerned neighbors explaining our plans and addressing any issues they felt were important. Once it was known that the lot and design of our plans were very much resembling the existing neighborhood, the feedback was positive and the Fulton Neighborhood Association unanimously voted not to oppose our plan. Our builder, Eric Zender of Zender Homes has been with us every step of the way and is planning to build two homes that are two stories and 2500 square feet. This fits in perfectly with the neighboring homes that are two stories and very close in square footage. Along this process, we have also tried to be flexible with our dealings with CPED hoping they would guide in what the city would feel is the best solution. We have taken their advice to add the dual Vincent Ave facing driveway, thus reducing traffic flow on the busier 47th St and bringing the driveway to Vincent Ave, creating a continuous look along the street. This now seems to be out of favor with CPED judging from the staff report. Again, we would consider a change to an easement along the backs of both houses if the city feels this is a much more viable solution. Throughout this entire process we have tried to accomplish our objectives and maintain the integrity and the wishes of the neighborhood and the city. Both Cam and I live in the Fulton neighborhood of Minneapolis and have tried to develop the property as well as find a builder that would put emphasis on keeping the integrity of the neighborhood in mind. We have also made strides to donate as much of the existing structure as possible to non-profits like the Green Institute. Although this slows down our construction timeline, we feel it is something we need do to for our environment and our community. The existing structure at 4700 Vincent is in very rough shape and we feel that the numbers don't add up to be able to drastically renovate the home and come out even. This is not a reasonable use for this property. Unfortunately, from a business and profit standpoint, if we are unable to complete this subdivision, which would result in two single family homes at 2500 square feet, we would have no other choice but to be forced to sell it to another interested builder that is wanting to remove the house and

put a 6000 square foot on the property. With the lot size as large as it is, this would be allowable under city codes. This seems like a solution that the city and the neighborhood would not want and I have been trying to fight against it, but under current codes there would be little control. With our proposed plan, we are allowing the city and the neighborhood to have choices to create two single family homes that are new construction, but have the size and design elements that allow them to look as if they have been there for years. We just want reasonable use of our land; reasonable being what every one of our surrounding neighbors have; nothing more, nothing less.

Commissioner Mains: [not on microphone]

Staff Sether: On the north property line for parcel one, the minimum required front yard setback, because it's a reverse corner lot, is two thirds of 20 feet which comes out to 13 feet, three inches.

Commissioner Mains: But what are you planning…

President Motzenbecker: That's what it is. It's 13 feet…

Commissioner Mains: And what is the setback of the houses to the immediate west that face 47th?

President Motzenbecker: I believe those were about 20 feet.

Blake Elliott: I'm sorry, to clarify, the discrepancy between the graph that we put up dealing with minimum lot width, the three lots that were in conformance of the 50 foot minimum on our graph… we didn't take into account the reverse frontage lots which have 50 feet, but they're the odd shaped 60 by 95 and talking to CPED and the likes, that was not a possible solution for us to cut the lot that way. Really where we're coming from is, just to be frank, what are our options here? They're not allowing us to cut it like our neighbors behind us to the reverse frontage lot and CPED, at least in preliminaries, is in denial of our plan to do it this way. From the input from the city and the stories about McMansions, it doesn't seem like the city and the neighborhood want a 6000 square foot house on there, but from a business standpoint those are our choices.

President Motzenbecker: We got it.

Commissioner Huynh: That's basically just looking at the, not so much the massing of the proposed single family, but at more of the placement. I'm looking at the proposed locations. Could you make the homes work within the variance requirements of the 20 feet?

Blake Elliott: No, because you're dealing with a 41.25 wide lot. If you're coming 20 feet off the edge and five feet off the other edge, you've got a 16 foot wide house and I believe that 22 is the minimum.

Commissioner Huynh: But your argument is basically just economic and not…

Blake Elliott: No, our argument is that we just want our lot to be what everybody else in the neighborhood has as a lot. This lot…

Erik Zender [not on sign-in sheet]: I'm the proposed builder. What we're looking at doing is actually more similar to what is in the neighborhood now. The foot print is 1260 square feet. Most of the neighboring houses on that block are similar; some of them are maybe even larger. They're two story houses and have a craftsman style. Most of the houses on that block are two story houses. There are quite a few 1 and a half as well. Just to touch on the shared driveway, the driveway is 11 and a half feet wide. The average driveway width on that street is nine feet. There are actually a couple of

shared driveways, which is what we proposed, that are nine feet wide so ours is actually two foot, three inches wider than the other two shared driveways on that street. It's more similar to everything else that's going on. It fits in the neighborhood better than a 1950's rambler, which looks out of place if you ask me.

President Motzenbecker: Anyone else wishing to speak to this? We do have a large packet of letters and emails that have been sent in. If you sent one in and you're coming up to speak, we ask that you not repeat what was said in here because we have had these and we are able to read them. I know there's a lot of people here and it looks like some are for and some are against, but if we start hearing things over and over, I am going to tell you that we get it and we understand your concerns and we'll just move on to the next one. If you do come up, please bring new information, something different than the person before you has had, we'd appreciate that.

Jeremy Cram (2925 W 47th St): I did write you a letter so I will not talk explicitly to that other than to say that the law is pretty black and white on this. Article nine says explicitly "the circumstances are unique to the parcel of land for which the variance is sought and has not been created by any person having interest in the property". That variance, that need for it and that eight foot setback absolutely is being created by these gentlemen. They're coming to you saying they don't have any other options, but they chose to buy this property. They're purely speculative investors. I don't begrudge them for wanting to make a profit, but for them to come and plead poverty, for lack of better word, and their rights are being limited…we need to take that in the context of what their interests are in this property. As far as other houses being eight feet, I am on one of those other reverse corner lots along 47th St, 2925, those other houses are not eight foot setbacks, they are 18-20 foot setbacks so there are ways to use this property that don't require an eight foot setback. In the entire distance from Xerxes all the way to the lake, which is four blocks, there are only other two other houses that I know of that are eight foot setbacks. Most houses do not…well, there may not be 20 feet or not that eight feet. From an aesthetic perspective, what this will create is a…they proposed this house to be 45 feet long so it will create 45 feet by about 20 feet high at the…eight feet back so you're talking about 45 feet by 20 feet high, eight feet back from the sidewalk. That, I think, would be unsightly. A couple of people have referenced the Fulton Neighborhood Association. All of the people here who are going to talk to you today who oppose this are members of the Fulton neighborhood; they did not solicit any feedback from any folks in the neighborhood. Obviously that's what the hearing is here for, but the Fulton Neighborhood Association, while I applaud their efforts, did not solicit any input from the neighborhood. I appreciate the fact that they're trying to speak for the Fulton neighborhood, but I don't think they speak for many of the residents gathered here today. Again, there wasn't an input process; there was no announcement to us for us to attend that meeting. I want you to weigh that as you consider that the Fulton Neighborhood Association did endorse this.

Dave Mitchell (4708 Vincent Ave S): I agree with the staff recommendations in terms of reasonable use for the property does exist. The setback does alter the essential nature of the neighborhood that Jeremy just alluded to, but I'd also disagree with one of their findings in terms of the detrimental to the public welfare and endangering public safety. I would argue that having the driveway on the Vincent side of the street actually isn't endangerous to the local surroundings because of the intersection at 47th and Vincent does not have a stop sign for the Vincent Ave traveling north or south on Vincent Ave, however, it does have a stop sign traveling east-west on the 47th St side. Currently, the existing property has the driveway on the 47th St side. As Jeremy said, with the Fulton Neighborhood Association, I did not have an opportunity to input. I can't say I didn't do anything actively to seek out when that meeting was occurring, but once I did find out that this meeting was occurring, I was very interested. Blake talked about choices. The choice is here, if it gets down to that, in terms of two houses or a single house. I would argue that I'd take my chances with the single house and oppose the split of the two lots. The reason being is purely form a selfish interest, I admit that. If you take a

look at the pictures that were provided. On one of the pictures it shows my house, but you look at the lot, the yard… you don't even see the current structure. In terms of enjoying that property in terms of the green space, the site lines and visibility… that's been in place, I'm assuming, at least 50 years. My house was built in 1924 and I believe that the existing structure was built somewhere in the early 1950's. I don't know for sure. That enjoyment of the site lines, the green space… that's been in place for 50 years and I do believe by splitting the lot in two, that will disrupt the use of that property.

Peter Price (4652 Vincent Ave S) [not on sign-in sheet]: A few weeks ago we received notice from the city that Cam McCambridge and Blake Elliott "on behalf of Dorothy Brisco, have submitted the following application for a variance" or whatever to build two single family homes. My wife and I purchased our house, which is directly across 47th St from the property in question, in 1992. I have known Dorothy Brisco for 15 years. As a matter of clarification, it's my understanding that they haven't closed on the property yet so it's not, strictly speaking, theirs. In any case, I can tell you most assuredly, because I spend a lot of time helping Dorothy out, that no two homes would ever be built on her property "on her behalf". She took great pride in her house, in the rose garden that was situated in her back yard and I just know that that's not what she wanted. I do know, however, that Dorothy signed a notice of the request for the variance. I saw a PDF or photocopied version of that document that she signed. It contained, or what I saw, contained no mention of two homes or houses being built in place of her house. That immediately raises the question, to me, is this ethical behavior? Dorothy's 90 years old and I believe just moved to an assisted living facility. This may not be the place whether that's ethical behavior or not…

President Motzenbecker: No. If we could keep to the items at hand, please.

Peter Price: I understand, but that was my introduction to what's going on with this property so I just wanted to set that as background. Mr. McCambridge and Mr. Zender appear…

President Motzenbecker: Speak to us. This isn't a debate between anyone.
Peter Price: Mr. McCambridge and Mr. Zender had a neighborhood meeting and they presented their plans. Their plans, as I understand them, is for Mr. McCambridge and Mr. Elliott to sell the property in the short term to Mr. Zender immediately after the closing so that he may put in the two homes. Here and there, Mr. McCambridge expressed his feeling about caring about the neighborhood and I just came here to say that I care about the neighborhood too. My caring kind of takes a different form. It doesn't involve removing what's there and scraping and flipping and overdeveloping, it involves thoughtful attention to development, to the space, to what will go in there. I live directly across the street. I walk down my stairs every morning looking at that property. I know what the grass looks like in the side yard and what the roses look like there. I just want you to know that those things are what make the neighborhood. To replace them with the large side of a big house that doesn't fit within the existing lot, to me, would be a travesty. I just ask during your deliberations that you keep the intent of these rules for variances in mind and respect that the feeling of the neighborhood is there because of the space and the size and the way things are today. For those of us who live there, we love that. With regard to choices, the gentlemen have the choice of finding a buyer who will make an addition rather than a McMansion. That's a choice everyone can make.

Dan Thompson (4700 Upton Ave S): I do live on a reverse corner lot that was divided back in 1950. I have 11 feet to the house to the south of me, that's not good. As soon as my parents move out of that house, I will take the house off the property and make it back into a full lot. I am probably 12 feet off the sidewalk. My house was built in 1901. The other house that I own is across the street and that is one that is probably close to eight feet from the curb. It is a duplex facing Upton, but it has a nice presence and doesn't obstruct the view for the people looking down to the lake. The fact that 47th is a

busy street; it is not the busiest compared to Vincent. It is busy with respect to people walking down to Lake Harriet. It is one of the busiest streets to the lake at that point.

Pat Mcilvenna (4653 Vincent Ave S): I'm kitty-corner from the proposed. I just want to make three quick points. One of them is that I do live in Linden Hills, not Fulton. I was totally unaware of this. By law, I supposed I wouldn't have had to be informed. I've lived in my home for 18 years. When people have gone to expand homes in our neighborhood, we have worked together and we have gone door to door. I built a garage a few years ago and I didn't rely upon just the law, I went door to door and asked "is this going to get in your way? What do you think?" I don't feel that these folks are working with me personally. The second is, I feel a little bit as though we are being threatened with McMansions. To me, two homes added together probably added up to around the 6000 square foot McMansion they referred to and there will probably be a lot less sidewalk to maybe I'd rather prefer that. The third thing is, most of our homes are not 2500 square feet; mine's 1400. A lot of our homes are not huge homes. I do feel it's out of character for our neighborhood.

Trudy Thompson (4700 Upton Ave S): The house, from a friend of ours who is a contractor, is sound, basically. It's not something that really has to be torn down. He actually would be very interested in buying it and just putting a second floor. He lives in the neighborhood. Forty-seventh is like a parkway with people walking by all over. The neighborhood has a feel, like people have said. I think one of the things is that things don't have to be torn down and replaced, they can be adjusted a little bit to fit a new family's lifestyle and with consideration of neighbors around it, especially on the adjacent properties. I think there's a lot that we need to do about saving some stuff instead of just ripping down and building up and making a buck. Have consideration for neighbors and people instead of just what you can make out of it.
President Motzenbecker: Ok. I am going to take just one more comment, please. I see someone getting up.

Mike Hunter (4648 Upton Ave S): Just a comment about adding a second story. When I bought my house, it was a 900 square foot, 1950 style house and I added the second story. Today, the neighbors tell me the house fits right in to the neighborhood and I would rather see something like that done to the house.

President Motzenbecker closed the public hearing.

Commissioner Nordyke: We had a situation that looked relatively similar to this like a month or two back, same kind of issues with the neighborhood and the splitting of the lot and we went ahead and did that. Do you remember, was that because it was not a reverse corner?

Staff Wittenberg: Commissioner Nordyke, if I remember correctly, a couple of the principal differences between that situation and this one is that, you're right, it was not a reverse corner lot and in that case there was alley access. In fact, it was a condition of approval that the alley be extended all the way through to both lots.

Commissioner Nordyke: Ok. Thanks. The issue with this lot, even though it's unusual for this situation here, is that there really aren't any options. This is going to stay like this, isn't it? This is just going to remain a lot of this size because of the way it's a reverse corner lot and the subdivision rules and that kind of stuff. Is that accurate?

Staff Sether: Well, unless the applications are approved today. There is another option, potentially, that maybe an application that could be an application that could be heard before the Board of Adjustment and that would be to have the lots remain at their current size at 39.25 and 42 feet. There

would be a lot width variance required for that northerly parcel, parcel 1, from 40 feet down to 39.25 feet because you don't enter into the subdivision regulations when you just do the property identification split, but reverse corner frontage variances would be required to allow for new construction. There's an alternative if it goes back to two lots for other applications that may be proposed down the road. Other than that, unless approved today, the lot will remain as it is, as one parcel.

Commissioner Nordyke: I, just from the consistency of the neighborhood standpoint, don't have a lot of trouble with the idea of splitting it, but given the staff report… I guess, if there are some people that have been on this body longer than me that can come up with a finding, I mean, I just can't see coming up with a finding to make that happen given the circumstances.

Commissioner Tucker: I will move the staff recommendation to deny the front yard setback. I think we've been very consistent in looking at neighboring houses and seeing how far back they are set, that's the standard. This is a promenade down to the lake, a very busy pedestrian street, and this is no time to start taking away that principle. For that reason, I would support the staff recommendation (LaShomb seconded).

Commissioner LaShomb: I think the operative word is hardship. The simple fact of the matter is that this lot can be put to very good use. It's already being put to good use, there's a house on it. Going with the variance to reduce the front yard setback to eight feet isn't necessary because it's demonstrated that it can be put to reasonable use. The only hardship, if you will, which isn't really a hardship, is "well, we'd like to split the lot because we [tape ended]…and build two houses." That isn't a hardship under the terms of variances. I don't see any alternative but to comply with the staff recommendation and that's to deny the variance simply because there's no hardship that I can see.

President Motzenbecker: All those in favor? Opposed?

The motion carried 7-0.

Commissioner Tucker: I will move staff recommendation to deny the minor subdivision (Huynh seconded).

President Motzenbecker: Any further discussion? All those in favor? Opposed?

The motion carried 7-0.

Department of Community Planning and Economic Development – Planning Division
Variance and Minor Subdivision Application
BZZ-3416 & MS-169

Date: March 26, 2007

Applicants: Cam McCambridge and Blake Elliott

Address of Property: 4700 Vincent Avenue South

Project Name: Not applicable.

Contact Person and Phone: Cam McCambridge (952) 484-3280

Planning Staff and Phone: Shanna Sether (612) 673-2307

Date Application Deemed Complete: February 28, 2007

End of 60-Day Decision Period: April 29, 2007

Ward: 13 **Neighborhood Organization:** Fulton Neighborhood Association

Existing Zoning: R1A Single-family District and SH Shoreland Overlay Districts

Proposed Zoning: Not applicable for this application.

Zoning Plate Number: 29

Legal Description: See survey.

Proposed Use: Parcel 1 (northerly parcel) will be 5,570 square feet and is proposed for a new single-family home and Parcel 2 (southerly parcel) will be 5,400 square feet and is proposed for a new single-family home.

Concurrent Review:

Variance: To reduce the minimum required front yard setback along 47th Street West from 20 feet to 8 feet to allow for the construction of a new single family dwelling on a reverse corner lot.

Minor Subdivision: To create two lots out of one parcel, demolishing or moving the existing single family dwelling and construction of two new single-family homes. Includes variance of subdivision standards for lot width where there is no alley from 50 feet to 40 feet and 41.25 feet wide.

Applicable Code Provisions: Chapter 525, Article IX, Variances, Specifically Section 525.520(1) “to vary the yard requirements.” Chapter 598 Subdivisions.

Development Plan: Please see attached survey. A single-family home exists on one parcel, which is proposed to be demolished or moved and two new single-family homes are proposed on two new parcels.

Background: The proposed subdivision would create two parcels out of one parcel. The current parcel is made up of two platted lots, one lot is 42 feet wide and the other is 39.25 feet wide. There is an existing single-family home on the parcel. The applicant would like to create two separate parcels, demolish or move the existing single family home and construct two new single family homes, one on each of the newly created parcels. Parcel 1 is 5,570 square feet and 41.25 feet wide and is proposed as a site for a new single family home. Parcel 2 is 5,400 square feet and 40 feet wide and is proposed as a site for a new single family home.

The current parcel is reverse corner lot, with adjacent structures fronting along Vincent Avenue South and 47th Street West. The applicant is proposing to demolish or move the existing single family dwelling and construct two new single family dwellings on each of the proposed parcels. Parcel 1 will be the most affected parcel due to the adjacent structures and their frontage on both streets. The minimum front yard setback along 47th Street is 20 feet, which is the established and district setback in the R1A Single Family District. The applicant is proposing to construct a new single family dwelling 8 feet from the front property line along 47th Street West, so it will require a variance to the zoning code to reduce the front yard setback along 47th Street West from 20 feet to 8 feet.

The minimum lot width in the R1A Single-family District is 40 feet. Both parcels meet this requirement. In addition to this zoning code requirement, Section 598.240(2) [a] of the subdivision regulations requires that lot width be increased by 10 feet when an alley is not provided. The two lots do not have access to an alley, so the lot width is required to be increased from 40 to 50 feet. Parcel 1 is proposed at 41.25 feet wide and Parcel 2 is proposed at 40 feet wide and does not meet this standard, so it will require a variance of the subdivision regulations (in addition to the zoning code variance for front yard setback) for lot width of both lots.

Both parcels are in the SH Shoreland Overlay Districts. Any new development is required to comply with the standards of the SH Shoreland Overlay Districts and if this split is approved it does not constitute approval to build in these districts.

Any new single-family dwelling is subject to administrative site plan review for compliance with the standards of Chapter 530, Article VI. The applicant has not yet applied for administrative site plan review and will have to do so before permits may be issued.

As of the writing of this report, staff has received an e-mail with comments from the Fulton Neighborhood Association; they are attached to the report.

VARIANCE (of zoning code regulations to reduce the required front yard setback along 47th Street West from 20 feet to 8 feet on a reverse corner lot.)

Findings Required by the Minneapolis Zoning Code:

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 proposing to subdivide the existing property and apply for a variance to reduce the required front yard setback along West 47th Street from 20 ft. to 8 ft. to allow for the construction of a new single family dwelling on a reverse corner lot. Strict adherence to the regulations would not allow for a new single family home to be constructed on the proposed Parcel 1 (northerly parcel) due to the increased setback restrictions. Staff could not identify hardship and believes that reasonable use exists for the property, because the existing zoning lot could easily accommodate the construction of one new single family home, without the need for any variances.

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 conditions upon which the front yard setback variance is requested are unique to the parcel of land and have been created by the applicant. The applicant is proposing a subdivision of the parcel to create two parcels to allow for the construction of two new single family dwellings. The existing parcel is a reverse corner lot, which is unique to the parcel of land, however, it is the applicants' desire to subdivide the property to allow for the construction of two new single family homes that has created the need for variance. Strict adherence to the regulations would not allow for the proposed single family dwelling on the proposed Parcel 1. Staff believes that reasonable use exists for the existing parcel without the need for variance. It is generally not reasonable to create a new lot that could not be built upon without a variance.

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.**

   Staff believes that granting the setback variance may alter the essential character of the surrounding neighborhood and may be injurious to the use or enjoyment of other property in the vicinity. The existing structure at 4700 Vincent Avenue South is setback 18.2 feet to the front property line along 47th Street West. The adjacent property to the west, at 2919 West 47th Street is located 20 feet to the front property line along 47th

Street West. The applicant is proposing to construct a new single family dwelling 8 feet to the front property line along 47th Street West. The proposed construction of the new single family home may alter the essential character of the locality by disrupting the block face along 47th Street West due to its proximity to the street.

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 variance should have no effect on congestion, as it will not significantly increase traffic demand at the site. The variance should not be detrimental to the public welfare or safety and will not increase the danger of fire.

MINOR SUBDIVISION

Required Findings:

1. **The subdivision is in conformance with the land subdivision regulations and the applicable regulations of the zoning ordinance and policies of the comprehensive plan.**

   The proposed subdivision would create two parcels out of one parcel. The current parcel is made up of two platted lots, 39.25 feet and 42 feet wide. There is an existing single-family home on the parcel. The applicant would like to create two separate parcels. Parcel 1 is 5,570 square feet and 41.25 feet wide and is proposed as a site for a new single family home. Parcel 2 is 5,400 square feet and 40 feet wide and is proposed as a site for a new single family home.

   Zoning code:

   Both parcels will be in conformance with the requirements of the zoning ordinance. The R1A Single Family District requires a minimum lot width of 40 feet and a minimum lot area of 5,000 square feet.

   Subdivision regulations:

   The proposed parcels do not meet the minimum lot width of the subdivision regulations.

   As noted above, the R1A Single-family District requires a lot width of 40 feet. In addition to this zoning code requirement, Section 598.240(2)[a] of the subdivision regulations requires that lot width be increased by 10 feet when an alley is not provided. The two parcels do not have access to an alley, so the lot width is required to be increased from 40 to 50 feet. Parcel 1 is 41.25 feet wide and Parcel 2 is 40 feet wide, neither parcel do not meet this standard, so a variance of the subdivision regulations for

lot width to eliminate the requirement for an additional 10 feet beyond the 40 feet required by the zoning ordinance.

598.310. Variances. Where the planning commission finds that hardships or practical difficulties may result from strict compliance with these regulations, or that the purposes of these regulations may be served to a greater extent by an alternative proposal, it may approve variances to any or all of the provisions of this chapter. In approving variances, the planning commission may require such conditions as it deems reasonable and necessary to secure substantially the objectives of the standards or requirements of these regulations. No variance shall be granted unless the planning commission makes the following findings:

(1) There are special circumstances or conditions affecting the specific property such that the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of land.

(2) The granting of the variance will not be detrimental to the public welfare or injurious to other property in the area in which the property is located.

The purpose of the lot width requirement is to provide room for driveways on lots where there is no alley access. Lot widths are required to be increased to allow for a driveway on the side of the house. Parcel 1 is a reverse corner lot with an existing curb cut on 47th Street West. The applicants are proposing to close the existing curb cut, allow a new curb cut along Vincent Avenue South and have a shared drive easement accessing the rear of the lots where there will be detached accessory structures for each single family home. The applicants have proposed a very narrow driveway at 11 feet 3 inches wide, located in the required side yards between the two structures. This demonstrates the difficulty associated with creating two 40 foot wide lots that do not have alley access.

Comprehensive plan

Staff has identified the following policies of the Minneapolis Plan that are relevant to the submitted applications:

4.9 Minneapolis will grow by increasing its supply of housing.

Implementation Steps

Support the development of new medium- and high-density housing in appropriate locations throughout the City.

Support the development of infill housing on vacant lots. Use partnerships and incentives to reduce city subsidy level and duration of vacancy.

Use new and strengthened strategies and programs to preserve and maintain existing housing stock.

Review policies and practices that determine the appropriate scale of residential development on properties that come into city ownership or request City development assistance.

It is the staff opinion that the subdivision could be considered in conformance with the above noted language of the plan if it were just a simple creation of two lots. The City supports development of infill housing on vacant lots, however, this lot is not vacant. For this reason, staff does not believe that the subdivision is in conformance with the goals of the comprehensive plan.

2. **The subdivision will not be injurious to the use and enjoyment of other property in the immediate vicinity, nor be detrimental to present and potential surrounding land uses, nor add substantially to congestion in the public streets.**

   The subdivision may have an effect on surrounding properties and it will change the character of the area due to proposed location of the new single family dwelling on Parcel 1 (northerly parcel). However, it should not add congestion to the public streets as it would only add one single-family home to the area.

3. **All land intended for building sites can be used safely without endangering the residents or users of the subdivision and the surrounding area because of flooding, erosion, high water table, severe soil conditions, improper drainage, steep slopes, rock formations, utility easements, or other hazard.**

   Two new single family homes are proposed. It does not appear that any of the above noted conditions exist at the site.

4. **The lot arrangement is such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in securing building permits and in providing driveway access to buildings on such lots from an approved street. Each lot created through subdivision is suitable in its natural state for the proposed use with minimal alteration.**

   There is an existing single family home with an existing curb cut on 47th Street West. The applicants are proposing to close the curb cut on 47th Street West and request a new curb cut along Vincent Avenue South, which will require Public Works approvals. The proposed shared driveway is 11 feet 3 inches wide and will abut both of the proposed structures. This illustrates the difficulty of providing access to the lots when proposing a subdivision when there is no alley access. The site is subject to the standards SH Shoreland Overlay Districts and the new single-family homes are subject to administrative site plan review.

5. **The subdivision makes adequate provision for storm or surface water runoff, and temporary and permanent erosion control in accordance with the rules, regulations and standards of the city engineer and the requirements of these**

land subdivision regulations. To the extent practicable, the amount of stormwater runoff from the site after development does not exceed the amount occurring prior to development.

Existing utility and drainage provisions are adequate for the existing and proposed structures. The site is subject to the standards SH Shoreland Overlay Districts.

RECOMMENDATIONS:

Recommendation of the Community Planning and Economic Development Department – Planning Division for the lot width variance:

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **deny** the variance to reduce the required front yard setback along 47th Street West from 25 feet to 8 feet to allow for the construction a new single family dwelling on a reverse corner lot at 4700 Vincent Avenue South.

Recommendation of the Community Planning and Economic Development Department – Planning Division for the minor subdivision:

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **deny** the minor subdivision that would create two lots at 4700 Vincent Avenue South, including a variance of the lot width standards to the subdivision regulations to reduce the minimum lot widths of the two proposed lots from 50 to 40 and 41.25 feet wide, where there is no alley present.

Attachments:

1) Statement from applicant.
2) Zoning map.
3) Hennepin County map.
4) Survey.
5) Development plan.
6) Elevation proposed single-family homes.
7) Photos.