



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

**Date:** July 27, 2006

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

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

**Approved by:** Jason Wittenberg, Development Services Supervisor

**Subject:** Appeal of the decision of the City Planning Commission by Robert Margl

**Previous Directives:** None.

<b>Financial Impact:</b> Not applicable
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<p><b>Community Impact:</b></p>
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<p><b>Ward:</b> 3</p>
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<p><b>Neighborhood Notification:</b> The St. Anthony West Neighborhood Organization was notified of the application by a letter from the applicant dated May 12, 2006.</p>
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<p><b>City Goals:</b> See staff report</p>
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<p><b>Comprehensive Plan:</b> See staff report</p>
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<p><b>Zoning Code:</b> See staff report</p>
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<p><b>Living Wage/Job Linkage:</b> Not applicable</p>
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<p><b>End of 60/120 Day Decision Period:</b> On June 13, 2006, staff sent a letter to the applicant extending the 60/120 day decision period to no later than September 15, 2006.</p>
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<p><b>Other:</b> Not applicable</p>
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**Background/Supporting Information:** Shafer Hartman, on behalf of Duane Arens, applied for a lot area variance from the required minimum 5,000 square feet to 4,257 square feet and a minor subdivision to split one lot into two parcels to create one parcel for an existing duplex and one parcel for a new single-family home at 600 4<sup>th</sup> Street NE. Notwithstanding the staff recommendation, the City Planning Commission approved the variance and minor subdivision at its meeting of June 26, 2006. Robert Margl, at 610 4<sup>th</sup> Street NE, filed an appeal of the Planning Commission's decision (please see attached appeal) on July 6, 2006.

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

250 South Fourth Street, Room 300  
Minneapolis, MN 55415-1385  
(612) 673-2597 Phone  
(612) 673-2526 Fax  
(612) 673-2157 TDD

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**MEMORANDUM**

DATE: July 17, 2006

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 June 26, 2006

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The following actions were taken by the Planning Commission on June 26, 2006. 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 Martin, El-Hindi, Krause, Motzenbecker, Nordyke, Schiff and Tucker – 7

Not Present: Henry-Blythe, Krueger, and LaShomb (excused)

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**15. Shafer Hartman (BZZ-3019 and MS-151, Ward 3), 600 4<sup>th</sup> St NE ([Jim Voll](#)). This item was continued from the June 12, 2006 meeting.**

**A. Variance:** Application by Shafer Hartman, on behalf of Duane Arens, for a variance to reduce the minimum required lot size in the R2B District from 5,000 square feet to 4,257 square feet for property located at 600 4<sup>th</sup> St NE.

**Action:** Notwithstanding staff recommendation, the City Planning Commission **approved** the variance application to reduce the minimum required lot area from 5,000 square feet to 4,257 square feet for property located at 600 4<sup>th</sup> St NE based on the following findings:

1. A two-car garage is a reasonable use for property zoned R2B and a two-car garage is also a reasonable use for a single family home. Without variance, would not be able to achieve that use on this lot. If the variance were not granted and the lot line was moved

to the east to create a conforming lot, then one property could possibly have a 3-car garage while the other would be limited to a one-car garage.

**B. Minor Subdivision:** Application by Shafer Hartman, on behalf of Duane Arens, for a minor subdivision for property located at 600 4th St NE to create two lots; one for the existing duplex and one for a new single-family home.

**Action:** Notwithstanding the staff recommendation, the City Planning Commission **approved** the minor subdivision application for property located at 600 4th St NE based on the following findings:

1. Not having a garage is a hardship, combination of existing structures, somewhat unique character associated with Sixth Street versus Fourth, including similar lots.
2. With the granting of the variance, the proposal complies with the Land Subdivision Regulations.

Staff Voll presented staff report.

Bob Margl (610 4<sup>th</sup> St): I am the owner of this property and I am here to voice my concern about the building of a residence on the backside of the lot at 600. Just a little background, the building has been in my wife's family for about 85 years. My wife had raised her children at that address and, for various reasons, had decided in the 1990's to move to Plymouth. We had lived in Plymouth for some time and my wife had always wanted to come back to the old neighborhood. In 2000, we had made a determination to move back that property again, because of its uniqueness, because of its neighborhood feel. In moving back we had converted it from a duplex to a single family home. Some of the things that we've done to that property since we've moved in, and again we're planning on making it our permanent residence; we've put in elevated gardens, paver stone walkways around the gardens, new driveway, new sidewalk and a new deck. We have about \$50,000 invested in that property. The idea behind that was that we wanted to put down roots; this is where we wanted to stay. When approached by the owners at the 600 properties, I guess my immediate reaction was having a two and a half story building or two story building with a fairly high roof angle put right to the back of my property line, again nine feet off that property line, would basically put shadows over everything that I'd done in the back yard. Our intention was to come to the neighborhood and enjoy the neighborliness of it. Our intention is to retire there. Some of the things that were mentioned in the letter that were negatives as far as crime, we haven't experienced any of that. As far as having driveways that separate the back of our lot, we don't see that as a problem. As far as having a garage in the back, I don't worry about what's happening behind it. I don't see that as a real negative as far as whether or not I'd stay there or tear the garage down and put a building back there. I wanted to live there until I die or put in a nursing home or something like that. The idea of having this property put right in the back yard, basically, it goes against the idea of what we moved into the neighborhood for. It would make me uncomfortable if I'm out in my back yard and I've got people peering from their window into my yard.

Anna Margl (610 4<sup>th</sup> St): I inherited the house next door to the property. I raised my two kids. I was a single mother for a long time. That's why we moved, I like where we lived. It wasn't very crowded. Even in the suburbs, we had a new house with a large lot and I

felt at home there. I never worry about crimes. I was there from 1970 until 1989. My two children grew up there. I was a single mother for a long time.

President Martin: Ms. Margl, I don't mean to be rude, but I wish you would talk about the variance and the subdivision please.

Anna Margl: Ok. The thing is that, there was an issue of crime. The addition of a large or small house there would just make that backyard very crowded for us and would really destroy the look of our garden, yard and the neighborhood in general.

President Martin: Ok. Thank you. Anyone else for item number 15?

Duane Arens (600 4<sup>th</sup> St): I'm not only the owner of 600 4<sup>th</sup> St, but I live there. I've owned it for ten years. My car has been broken into five times in the last two years. We've had window peekers in our house. Our neighbor to the west of us about a month ago, two of his tenants had their windows smashed out. I can appreciate my neighbors saying they don't have any crime. I have a problem with crime there and I think the vacant lot seems to be a magnet for it. Across the street there was a purse snatching. When I got to my neighborhood night out, there doesn't seem to be a whole lot of crime on 4<sup>th</sup> Street and 6<sup>th</sup> Avenue. It seems to congregate on my lot there. Because of the way it is, because it's on a corner and the way it's designed, you can't see the lot from our house. We can't put patio furniture out there. I have a couple small boys and we don't like them playing out there because we can't see them. I think the way it's designed with the garage in the middle and with the driveway, it's like a physical barrier to the empty lot which is useless to us. This would be a great way to... would it solve all the crime? No. I bet, though, that my car won't be broken into five times with two security lights on two new garages and so forth. I can appreciate the staff being conservative on their approach to this. I've seen houses built pretty close to the neighborhood that were built in the '70's that don't seem to fit into the neighborhood. This house, we've worked closely with the Planning department. It's going to have a porch, be two and half stories, and it's going to look just like the other houses. You'll be able to drive by it and this house will look like it's been there 100 years. I think it blends in well with the neighborhood. Some wording in the application, on the third page it says "while the rest of the parcel is smaller than 5000 square feet, it will be large enough for a single family home and garage without any other variances". Further to that, it says "the new structure will not be out of character with homes on Sixth Street". We've worked with some of the neighbors. I think we're back now with a stronger project. We're leaving up some of the trees, some of the fencing... those are some of the recommendations from the neighbors. Within one block of the block that I live on, west of University, there are 20 lots that are smaller than this one and so I think that the character seems to fit in pretty well. I have letters of support from neighbor's right across the street and letters of support from the very next neighbor. He supports the project and thinks it will be good for the neighborhood. Of course I support it. Three of the four neighbors that are going to surround this project support this project. It was interesting to see a system statement that the City of Minneapolis wrote to the Met Council. Part of that strategy to help absorb the next million people that are going to be moving into the metro area is to increase density and encourage infill development. I think this project not only does that, but it does it with a quality project. Because I do have that kind of reverse kind of lot on the corner, I kind of wondered what was going on

the opposite side on the corner of the block I live. I wonder if they have the same problem. I went over, just on the other side of my block, and ... they filled in their lot. They don't have the same problems I do because they infilled it. That's a duplex right there. They did the same thing that I'd like to do. I think that's probably all.

Commissioner Tucker: I notice that your lot is 10,990 square feet so it would seem that you could split into one of 5000 and one of 5990, why did you not do that? Then you wouldn't even have to be here.

Duane Arens: Because I want to put a new garage onto my house. To put a new garage on and to have the... I forget how many feet it has to be from the garage. That's basically what decided what the property line was so I could put a garage on to my house and probably have a standard size garage with the property line going a few feet after that.

President Martin: Ok. Thank you. Anyone else?

Dan Brady (620 4<sup>th</sup> St NE): There is another letter in your staff report from another neighbor who lives at 710 4<sup>th</sup> Street NE and he is opposed to this variance and he has the same lot, basically. His letter specifies...

President Martin: Yeah, we've got it.

Dan Brady: Ok. Sorry about that. Another issue that I'm a little disappointed about is Mr. Arens had information about the Met Council and it's probably because he's a member of the Met Council...

President Martin: He's actually not a member, he's a staff member.

Dan Brady: Staff member... and for us sit here and listen to what the Met Council wants to do regarding the next 20 years, I don't think is truly a fair thing. One extra household on the street is not going to alleviate the one million people density problem.

President Martin: It starts. It's a little step.

Dan Brady: Ok.

President Martin: It's not going to alleviate it, clearly.

Dan Brady: Those are the two issues I wanted to bring up. One other thing, I realize that crime has been discussed. I'm one of those homeowners that hasn't has crime affected, but it would alleviate the break-ins of the car if you park the car in the garage or build a fence. It doesn't require building another house. That's all I have to say.

President Martin: Ok. Thank you.

Michael Rainville (89 7<sup>th</sup> Ave NE): I'm from the St. Anthony West neighborhood. I am here to express the neighborhood support for this project. Mr. Arens came to show us. Our concern was that it's approved by you, but even more so that the neighbors were

involved. I can see from the packet that the neighbors have all been contacted and there's great passion in the neighborhood. On a personal level, I am happy that the neighbor right next to him feels comfortable with this. The last point I have, our neighborhood has taken smaller lots and has taken these smaller lots and built houses on them. I've been before you previously to ask for you to grant variances for those projects that we've done. This is one small step towards infill and density. Thank you.

Commissioner Tucker: The problem with this is finding the hardship in denying this application. Do you have any suggestions what the hardships would be that we would put in our findings?

Michael Rainville: No. We have a young family trying to raise two boys and they want a nice safe garage to drive the car into. They want to utilize that empty space. It always breaks my heart when families leave the neighborhood and I think as a community we should do everything to encourage children and young families to live in the city.

President Martin closed the public hearing.

Commissioner Schiff: My question is for staff. This, when I look at similar homes, similar size and similar orientation on the side street, this proposal fits the character of what is happening already on that block so can you walk through the findings in the staff report and explain because you didn't seem to leave much gray area. The report's pretty clear cut that it doesn't qualify for a hardship and is not a reasonable use.

Staff Voll: I guess I disagree. I thought I left a lot of gray area. I'm not trying to be snippy, but I felt like this was a tough call and I think when we go through the findings...when we talk about the subdivision findings...maybe I should go to the variance findings.

Commissioner Schiff: It says "staff can find no reason why strict adherence would be an undo hardship".

Staff Voll: We really couldn't find a hardship. I mean, you could move the lot line over. You probably couldn't move the lot line over because you wouldn't get the two parking spaces that you would need, but it seemed to us that this was different than a lot of the other things you see in the neighborhood because a lot of the other things you see in the neighborhood are existing. A lot of the other properties, even the ones that Mr. Rainville talked about that we did with GMHC and I worked on a couple of those. Those were lots of record where you're putting a house on a lot and you can't say to somebody 'you can't use your property at all' and I think we always differentiate between that and somebody who has a larger lot and trying to split it. When we talked about the character on finding number three, it's tough to say what the character of the neighborhood is because if you look at it on 6<sup>th</sup>, they are large lots with big houses, but if you look at it on 4<sup>th</sup>, they're small lots with small houses so I think I just said that on here 'there are smaller house lots to the west that front on 6<sup>th</sup> Ave NE, but there are larger homes and lots fronting on 4<sup>th</sup>'...I had it turned around there before, I'm sorry... 'the new structure should not be out of character with the homes on 6<sup>th</sup> Street, but may be out of character with the larger homes on 4<sup>th</sup>' so I think we're laying out that it's hard to say what the character of the neighborhood is. It clearly said in the fourth finding that it shouldn't have any affect on congestion, it's just adding another single family home so

I think what we're saying in the first finding is that we didn't see what the hardship was. It seems to us that it was just an attempt, it's not a bad thing, but it's an attempt to put another house on a lot. We have lots of big lots throughout the city where you could do that and while we want density and while we could certainly say 'well, you're almost there', that doesn't necessarily mean it's a hardship.

Commissioner Schiff: Let me ask you this way, in looking at these two applications, wouldn't it logically be that you'd analyze the subdivision first and if the subdivision is reasonable...

Staff Voll: I think the subdivision is reasonable, but...and I think I put language in there that says the reason we were denying the subdivision is because we couldn't approve the variance. I don't know if I took it a step further to say that if you approve the variance you could approve the subdivision, but that's certainly the case. I don't think we saw a problem with the subdivision. If we had an alley on the back of this we'd certainly say... and if there weren't those other lots platted the other way because you may see something like that in the future, we typically see a lot of problems with that, but those aren't evident in this particular case. I don't think there's a problem with the subdivision, it was just the variance findings.

Commissioner Schiff: If the subdivision is ok and we say the lot meets the findings for how you create a legal lot in the city of Minneapolis, then if that's approvable, then just looking at just the variance, isn't the hardship burden found by the size of the lot?

Staff Voll: Maybe we're splitting hairs as staff, but it just seems a little bit different than where you have the previous situation where you have three platted lots. They were platted that way and just by the grace of building the house one foot over you can't develop your lot like everyone else, but in this particular case you have a lot platted like other lots and the desire is to put another home on it. There's a difference there and it may be subtle. I don't think this is one of those things where staff is saying that this is the end of the world but it's a subtle difference. Just the desire to build another house isn't a hardship in itself.

Commissioner Krause: Have we ever said that having a garage in Minnesota is a hardship? Not having a garage is a hardship?

Staff Voll: I think if you're going down that track, what I can see being an issue here is that...Commissioner Tucker talked about it... is that why don't you just move the lot line over. The reason you can't move the lot line over is both structures have to have required parking. You have to have the lot line six feet from the garage in this particular circumstance. If you move the lot line over far enough, which I think would have to be ten feet or so to get to the 5000, then you don't leave enough room for two parking spaces and then they have to get a parking variance. There may be a difficulty there. I don't think we've ever said it's a hardship to say that you can't have a garage. Typically when you do a new development we want you to meet all of the parking requirements.

Commissioner Krause: So it's a combination of the existing structures, the desire for a garage and then this somewhat unique character associated with 6<sup>th</sup> Street versus 4<sup>th</sup>.

Voll: Those are the combinations of factors we're seeing here, yes.

President Martin: Ok Commissioners we still have a variance and subdivision.

Commissioner El-Hindi: It seems to me based on what Jim was saying that if a lot line were to move about 10 feet or so that it would basically meet the requirement for the lot area. Basically what it means is that the existing building would have a one car garage and the new building would have a three-car garage and we practically end up with the same situation so it seems to me there may be some technicality that we should focus on the intent of the code than the actual technicality of it in this instance.

Commissioner Tucker: If we look at it as Commissioner Schiff suggested looking at the subdivision first and say that this is desirable for the neighborhood and we are always trying to increase density and this is a reasonable way to do it then you try to find out what's the most reasonable way to split this one parcel. I think the diagram, as shown, allowing both parcels to have this two-car garage then becomes reasonable and you use the hardship that if you move the lot line over 11.1 feet you would make parking for Parcel A impossible and thus we would approve it.

President Martin: Does someone want to make a motion about the subdivision?

Commissioner Schiff: I'll move approval of that. (Commissioner Krause seconded)

President Martin: We need findings because we're going against the staff recommendations.

Commissioner Krause: I mentioned some of them before and I guess I would add one more which is that we either grant a variance to the lot size or we have to be prepared to grant a variance to the setback for that garage. Frankly, I would prefer...because the lot line is not something that anybody's going to see, the buildings they will. If I have to choose between those two I would rather grant the variance here.

President Martin: All those in favor? Opposed?

The motion carried 5-1.

Commissioner Schiff: A two-car garage is a reasonable use for a property zoned R2B and a two-car garage is also a reasonable use for a single family home and that without the variance granted, you would not be able to achieve that use on this lot.

President Martin: So you're moving...

Commissioner Schiff: The approval of the variance. (Commissioner Krause seconded).

President Martin: Further discussion? All those in favor? Opposed?

The motion carried 5-1.

**Department of Community Planning and Economic Development – Planning Division**  
Variance and Minor Subdivision Application  
BZZ-3019 & MS-151

**Date:** June 26, 2006

**Applicant:** Duane Arens

**Address of Property:** 600 4<sup>th</sup> Street NE

**Project Name:** Not applicable.

**Contact Person and Phone:** Shafer Hartman – Hartman & Son Builders 612-201-2438

**Planning Staff and Phone:** Jim Voll 612-673-3887

**Date Application Deemed Complete:** May 18, 2006

**End of 60-Day Decision Period:** July 17, 2006

**Date Extension Letter Sent:** June 13, 2006

**End of 120 Day Decision Period:** September 15, 2006

**Ward:** 3      **Neighborhood Organization:** St. Anthony West

**Existing Zoning:** R2B Two-family District

**Proposed Zoning:** Not applicable for this application.

**Zoning Plate Number:** 14

**Legal Description:** See survey.

**Existing/Proposed Use:** Parcel A (easterly parcel) will be 6,633 square feet and contains a two-family home. Parcel B (westerly parcel) will be 4,257 square feet and is proposed for a new single-family home.

**Concurrent Review:**

**Variance:** To reduce the minimum required lot area from 5,000 square feet to 4,257 square feet.

**Minor Subdivision:** To create two parcels out of one parcel.

**Applicable Code Provisions:** Chapter 525, Article IX, Variances, Specifically Section 525.520(2) “to vary the lot area or lot width requirements up to thirty (30) percent.” Chapter 598 Subdivisions.

**Development Plan:** Please see attached survey. A two-family home exists on the lot.

**Background:** This item was continued from the June 12, 2006 meeting of the City Planning Commission to allow the applicant to meet with neighbors. Additional material has been added

to the staff report. The proposed subdivision would create two parcels out of one lot. The current lot is 66 feet wide and 165 feet deep. There is a duplex on the lot. The applicant would like to create separate parcels; one for the duplex and one for a new single-family home.

Both parcels will meet all of the requirements of the zoning code and the subdivision ordinance with the exception of the minimum lot area for Parcel B. The R2B district requires 5,000 square feet of lot area for a duplex that was legally established before 1995 and 5,000 square feet of lot area for single-family homes. Parcel A will have 6,633 square feet of lot area. Parcel B will have 4,257 square feet of lot area. Parcel B will need a variance from the required lot area of 5,000 square feet to 4,257 square feet. The maximum lot area and lot width can be reduced by variance is 30 percent. The lot area variance is a 15 percent reduction.

The lot is currently a reverse corner lot, so this split will not create a reverse corner lot or reverse frontage lot.

The new single-family home is subject to administrative site plan review for 1-4 unit dwellings. It appears that the home will meet 11 of the required 15 points, receiving points for the following: 5 for a basement, 4 for materials, and 2 for roof pitch. The applicant should be able to receive 3 points if the windows on the side and rear elevations are increased to 10 percent and 1 point for a deciduous tree in the front yard. This would provide the required 15 points.

As of the writing of this staff report, staff has not received any comments from the neighborhood group.

### **VARIANCES (to reduce the required lot area)**

#### **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.**

Both parcels will meet all of the requirements of the zoning code and the subdivision ordinance with the exception of the minimum lot area for Parcel B. The R2B district requires 5,000 square feet of lot area for a duplex that was legally established before 1995 and 5,000 square feet of lot area for single-family homes. Parcel A will have 6,633 square feet of lot area. Parcel B will have 4,257 square feet of lot area. Parcel B will need a variance from the required lot area of 5,000 square feet to 4,257 square feet. The maximum lot area and lot width can be reduced by variance is 30 percent. The lot area variance is a 15 percent reduction. The site is square and flat and is not smaller than lots in the surrounding area. Staff can find no reason why strict adherence to the zoning code would be an undue hardship or unreasonable.

- 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 site consists of one duplex on one lot. The applicant proposes to create two parcels; one for the existing parcel and one for a new single family home. The easterly parcel will meet the

lot area requirements of the R2B District, but the proposed westerly parcel needs lot area variance. The lot is rectangular and flat and is similar to many lots in the area and slightly larger than others (please see plat map). Staff can find no unique circumstance. The need for the variance is created only by the desire to add a second structure to the site.

- 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.**

The intent of minimum lot area requirements is to provide reasonably sized lots that allow for adequate room for the principal and accessory structures, sidewalks and drives, and yards. While the westerly parcel is smaller than the required 5,000 square feet, it will be large enough for a future single-family home and garage without any other variances from the provisions of the zoning code. However, it will have a small back yard that is only 9 feet deep. Granting this variance may circumvent the intent of the ordinance.

There are four smaller lots to the west that front on 6<sup>th</sup> Avenue NE, but there are larger homes and lots fronting on 4<sup>th</sup> Street NE. The new structure should not be out of character with the homes on 6<sup>th</sup> Street NE, but may be out of character with the larger homes on 4<sup>th</sup> Street NE.

- 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 duplex already exist 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.**

Both parcels will be in conformance with the requirements of the subdivision ordinance and comprehensive plan. Both will be in conformance with the requirements of the zoning code with the exception of lot area for Parcel B. The R2B district requires 5,000 square feet of lot area for single-family homes and for a duplex that was legally established before 1995. Parcel A will be 6,633 square feet and Parcel B will be 4,257 square feet. The applicant has applied for a variance to reduce the required lot area of Parcel B. Staff is not recommending approval of the variance, and without the variance the subdivision will not meet the minimum lot area requirement, so staff is recommending that the subdivision be denied as well.

**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 proposed subdivision will create two parcels out of one lot with an existing two-family home. There are four smaller lots to the west that front on 6<sup>th</sup> Avenue NE, but there are larger homes and lots fronting on 4<sup>th</sup> Street NE. The new structure should not be out of character with the homes on 6<sup>th</sup> Street NE, but may be out of character with the larger homes on 4<sup>th</sup> Street NE. The subdivision should have no effect on congestion, as it will not significantly increase traffic demand at the site. The duplex already exist at the site.

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.

The site does not present the above noted hazards.

**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.**

No change to the grading is proposed. Access is currently off of 6<sup>th</sup> Avenue NE and this will not change. The applicant proposes a shared drive for the two parcels.

**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 structures.

#### **RECOMMENDATIONS:**

##### **Recommendation of the Community Planning and Economic Development Department – Planning Division for the lot area variance:**

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **deny** the variance application to reduce the minimum required lot area from 5,000 square feet to 4,257 square feet for property located at 600 4<sup>th</sup> Street NE.

##### **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 application for property located at 600 4<sup>th</sup> Street NE.

**Attachments:**

- 1) Statement from applicant.
- 2) Neighborhood correspondence.
- 3) Zoning map.
- 4) Aerial photo.
- 5) Hennepin County map.
- 6) Survey.
- 7) Site plan and elevations.
- 8) Photos.