

**Department of Community Planning and Economic Development – Planning Division**  
Minor Subdivision Application  
MS-162

**Date:** December 18, 2006

**Applicants:** Mark Abboud, 10664 Sterling Drive, Woodbury, MN 55129

**Address of Property:** 1204 Kenwood Parkway

**Project Name:** Not applicable for this development

**Contact Person and Phone:** Room Inc., 4706 Nicollet Avenue South, Minneapolis, MN 55405, (612) 823-6025

**Planning Staff and Phone:** Becca Farrar, 612-673-3594

**Date Application Deemed Complete:** November 15, 2006

**End of 60-Day Decision Period:** January 13, 2007

**Ward: 7      Neighborhood Organization:** Kenwood-Isles Area Association

**Existing Zoning:** R2 (Two-family) district

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

**Zoning Plate Number:** 17

**Lot area:** 24,012 square feet or .55 acres

**Legal Description:** See survey.

**Existing Use:** A duplex dwelling unit is currently located on the site.

**Concurrent Review:**

- Minor Subdivision to create two parcels out of one parcel for future development of two new duplex dwelling units.

**Applicable Code Provisions:** Chapter 598 Subdivisions.

**Development Plan:** Please see attached. Both parcels would be developed for two-family homes.

**Background:** The subject property consists of two platted lots under one property (tax) identification number (PID). The proposed subdivision will separate the two platted lots with a shift or alteration of

the platted lot line in order to accommodate the required minimum lot width of 40 feet and lot area of 12,000 square feet for two new two-family dwellings in the R2 district for each parcel. This will enable the applicant to obtain individual PID's for the two lots. The lots as proposed meet the minimum required lot area and width, but a variance of the subdivision ordinance standards is required as it relates to lot width. Section 598.240(2) a, states that where no alley is provided, the required minimum lot width shall be increased by 10 feet, meaning 50 feet would be required for each proposed lot. The variance of the subdivision ordinance is part of the minor subdivision application and is not considered a separate application. The R2 district requires 12,000 square feet for a two-family home and 40 feet of lot width. Both Lot 1, the west parcel and Lot 2, the east parcel will be 12,006 square feet in size and 40 feet wide. The existing duplex on site will be demolished in order to construct a duplex dwelling unit on each lot.

The proposed development plan demonstrates that the site can be developed in compliance with all required R2 district standards inclusive of all required setbacks. The applicant proposes to develop both sites for two-family homes. Access to the site would be maintained via the existing shared driveway located along the west property line.

Staff has not received official correspondence from the Kenwood-Isles Area Association stating a position on the application prior to the printing of this report.

### **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 zoning code and comprehensive plan, however, a variance of the subdivision ordinance standards is required as it relates to lot width. The R2 district requires 12,000 square feet for a two-family home and 40 feet of lot width. Both Lot 1, the west parcel and Lot 2, the east parcel will be 12,006 square feet in size and 40 feet wide. Section 598.240(2) a, states that where no alley is provided, the required minimum lot width shall be increased by 10 feet, meaning 50 feet would be required for each proposed lot. While variances from the zoning code require a separate application, variances from the subdivision standards are done as a part of the subdivision application subject to the standards listed below. The large lot provision is not applicable for the proposed subject parcels. The average lot size of the single-family and two-family zoning lots located in whole or part of 350 feet of the site within the R2 district is 9,926 square feet. The proposed lot sizes are 12,006 square feet.

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

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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 site would continue to utilize the existing shared driveway on the west side of the site for both proposed two-family dwellings. Therefore, the subdivision ordinance provision requiring an additional 10 feet for each lot would not appear necessary as access to the site is being maintained and provided. Staff recommends granting the variance.

**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 separate two platted lots with a shift or alteration of the platted lot line to accommodate the required minimum lot width of 40 feet and the minimum lot area requirement of 12,000 square feet for two-family homes in the R2 district for both parcels. This will not be out of character with the area and will not add significant congestion to the public streets.

**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 have steep slopes on the northern portion of the site. The proposed structures shall be reviewed by Public Works and Inspections if necessary to ensure that the building sites can be used safely without endangering the residents of the surrounding area. Further, the development would be subject to compliance with Section 535.300(a) 4 of the zoning code. The site does not present the rest of 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.**

Any proposed changes to the grading on-site will be reviewed by Public Works. Access to the site will be maintained off of the shared driveway along the west property line.

**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 proposed structures.

**RECOMMENDATIONS:**

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the minor subdivision application and the lot width variance for the property located at 1204 Kenwood Parkway.

**Attachments:**

- 1) Zoning map
- 2) Hennepin County map
- 3) Survey
- 4) Survey showing proposed lot division
- 5) Development Plan