

**Department of Community Planning and Economic Development - Planning Division**  
Minor Subdivision Application  
MS-163

**Date:** January 8, 2007

**Applicant:** Joseph and Kathy Setten, and Jeff and Erin Mitchell

**Address of Property:** 3920 – 3922 Sheridan Avenue South

**Project Name:** Not applicable.

**Contact Person and Phone:** Deborah Ruppert, 612-385-1150

**Planning Staff and Phone:** Michael Wee, 612-673-5468

**Date Application Deemed Complete:** December 7, 2006

**End of 60-Day Decision Period:** February 6, 2007

**Ward:** 13     **Neighborhood Organization:** Linden Hills

**Existing Zoning:** R1 Single-family District

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

**Zoning Plate Number:** 29

**Legal Description:** See survey.

**Existing Use:** A duplex.

**Concurrent Review:** Minor subdivision.

**Development Plan:** The survey showing the existing duplex is attached.

**Background:** The house at 3920-3922 Sheridan Avenue South is a side-by-side duplex. The applicants are proposing a “party-wall” split to allow separate ownership of the two units of the existing legally nonconforming duplex located in an R1 District. The subdivision ordinance allows a split, on lots with an existing side-by-side two-family dwelling, along the party wall to allow separate ownership of each side of the building, provided that covenants are recorded to state that the parcels may be used separately as long as the existing building is continued. If the building is destroyed, then the parcels shall be combined to make a single parcel that conforms to the requirements of the subdivision regulations (Section 598.240(5)). This prevents the creation of substandard lots.

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The entire parcel is 65 feet by 115 feet. After the subdivision, the north lot will be 36.82 feet wide and the south lot will be 38.18 feet wide. A detached garage is located on the north lot. There is no plan on building another detached garage on the south lot. Additional two surface parking spaces also exist at the south end of the property. The covenant will be required with the approval that the property will continue to be used as a separate parcel only for such period as the existing dwellings are continued, or replaced within 180 days after the destruction of either dwelling. In addition, an easement agreement for the shared parking will be added to the covenant.

**Required Findings:**

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

The subdivision is in conformance with the design requirements of the zoning code and the land subdivision regulations. The comprehensive plan shows this area as appropriate for residential development or uses.

**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 site contains a side by side duplex with a detached garage at the rear off of the alley. No new units or new detached garage is proposed.

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

The site does not present the above hazards. No building sites are being created. The duplex is existing.

**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 existing access or grading is proposed. Each unit will have its own parking accessed through the public alley.

**5. The subdivision makes adequate provision for stormwater runoff, and temporary and permanent erosion control in accordance with rules, regulations and standards of the city engineer and the requirements of the 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 site.

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

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The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for minor subdivision down a party wall for property located at 3920 – 3922 Sheridan Avenue South.

**Attachments:**

1. Statement of purpose
2. Zoning map
3. Survey/Legal Description
4. Photos