

Department of Community Planning and Economic Development – Planning Division
Variance and Minor Subdivision Application
BZZ-3059 & MS-152

Date: June 26, 2006

Applicants: Mike Ashling and Carrie Gustafson

Address of Property: 2708 & 2716 Drew Avenue South

Project Name: Not applicable.

Contact Person and Phone: Mike Ashling 612-578-5171

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

Date Application Deemed Complete: May 25, 2006

End of 60-Day Decision Period: July 24, 2006

Ward: 7 **Neighborhood Organization:** Cedar-Isles-Dean Neighborhood Association

Existing Zoning: R1 Single-family District

Proposed Zoning: Not applicable for this application.

Zoning Plate Number: 23

Legal Description: See survey.

Existing/Proposed Use: There are currently two single-family homes on the site. Parcel A (north parcel) will be 6,400 square feet and contains a single-family home. Parcel B (center parcel) will be 6,400 square feet and is proposed for a new single-family home. Parcel C (south parcel) will be 6,400 square feet and contains an existing single-family home.

Concurrent Review:

Variance: To reduce a minimum required side yard setback for from 6 feet to 4.9 feet.

Minor Subdivision: To create three parcels/lots out of two parcels.

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

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Development Plan: Please see attached survey. Two existing single-family homes are on the parcels. The new lot/parcel that is proposed will be suitable for a single-family home.

Background: The site consists of three platted lots that were at one time split into two parcels. The north existing parcel at 2708 Drew is 85 feet wide and has 10,839 square feet of lot area. The south existing parcel at 2716 Drew is 65 feet wide and has 8,278 square feet of lot area. The applicants propose transferring 15 feet from the south parcel to the north parcel to allow for the creation of three parcels/lots that match the original platting of the area. They are reestablishing the three original platted lots. There are two existing single-family homes and this will allow one more single-family house.

All of the parcels will meet the requirements of the zoning code and the subdivision ordinance with the exception of the north side yard setback for the existing house on proposed Parcel C (2716 Drew). The R1 District requires 6,000 square feet of lot area and 50 feet of frontage for single-family homes. All three parcels will be approximately 6,400 square feet and 50 feet wide. The R1 District requires 6 foot interior side yards. The existing house at 2716 Drew will be 4.9 feet from the new parcel/lot line as proposed on the survey, so a variance is necessary to allow the setback to be reduced from 6 feet to 4.9 feet.

There is a fence on the north parcel and a walkway on the south parcel that both encroach onto the proposed center parcel. These items are required to be modified to meet the requirements of the zoning code.

Parcel B will be suitable for a new single-family home, but no structure is proposed at this time. Any new single-family home is subject to administrative site plan review for 1-4 unit dwellings.

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

VARIANCE (to reduce the required interior side yard from 6 feet to 4.9 feet)

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 property consists of three platted lots that meet the requirements of the R1 District, but the existing home on the southerly lot/parcel is 4.9 feet from the common lot line. The house can not be moved and requiring the applicant to meet the setback would prohibit the use of the center parcel, which conforms to the code in every other way, for a new single-family home. This would prevent the similar use of a property that is same size and width as many of the lots in the surrounding area. The only other alternative that does not require variances would be to leave the lot undeveloped. This is a hardship. The requested variance will allow a reasonable use of the property.

- 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 three platted lots that meet the requirement of the R1 District, but the existing house is 4.9 feet from the common lot line. This is a condition that is not generally applicable to most other properties in the area.

- 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 side yard setbacks is to provide a reasonable buffer between homes and to allow access to light and air for structures. A new home on the proposed center parcel/lot will be required to meet a six foot setback from the property line and with the existing 4.9 foot setback on the south parcel this should provide an adequate buffer. Granting this variance will not circumvent the intent of the ordinance.

- 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.**

All parcels are in conformance with the requirements of the subdivision ordinance and comprehensive plan. All of the parcels will meet the requirements of the zoning code and the subdivision ordinance with the exception of the north side yard setback for the existing house on proposed Parcel C (2716 Drew). The R1 District requires 6,000 square feet of lot area and 50 feet of frontage for single-family homes. All three parcels will be approximately 6,400 square feet and 50 feet wide. The R1 District requires 6 foot interior side yards. The existing house at 2716 Drew will be 4.9 feet from the new parcel/lot line as proposed on the survey, so a variance is necessary to allow the setback to be reduced from 6 feet to 4.9 feet. Staff is recommending approval of 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 create three parcels or lots, which match the original platting, out of two parcels. While there are some larger parcels in the immediate area, the majority of the lots are approximately 6,400 square feet with 50 feet of frontage. An additional single-family home should not be out of character with the area. The subdivision should have no effect on congestion, as it will not significantly increase traffic demand 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 or conditions.

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.

The site is basically flat, but there is a grade change at the east and west sides of the lots. Minimal grading will be necessary for a new single-family home. Access is existing and from the alley along the rear of the site.

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.

RECOMMENDATIONS:

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

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the variance application to reduce the minimum required north side yard setback from 6 feet to 4.9 feet for property located at 2716 Drew 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 **approve** the minor subdivision application for properties located at 2708 and 2716 Drew Avenue South.

Attachments:

- 1) Statement from applicant.
- 2) Neighborhood correspondence.
- 3) Zoning map.
- 4) Hennepin County map.
- 5) Survey.
- 6) Photos.