

**Department of Community Planning and Economic Development – Planning Division**  
Minor Subdivision Application  
MS-190

**Date:** October 6, 2008

**Applicant:** MaryAnn Campo

**Address of Property:** 512 West 53<sup>rd</sup> Street

**Project Name:** Not applicable

**Contact Person and Phone:** MaryAnn Campo (612) 822-3049

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

**Date Application Deemed Complete:** September 12, 2008

**End of 60-Day Decision Period:** November 11, 2008

**Ward:** 11     **Neighborhood Organization:** Tangletown Neighborhood Association

**Existing Zoning:** R1A Single-family District

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

**Zoning Plate Number:** 36

**Legal Description:** See survey

**Proposed Use:** Parcel A (easterly parcel) will be 6,019 square feet and contains an existing duplex and Parcel B (westerly parcel) will be 5,000 square feet and is the proposed site for future single-family home to be constructed onto the property.

**Concurrent Review:**

**Minor subdivision:** that would create two lots at 512 West 53<sup>rd</sup> Street in the R1A Single Family District, including a variance of the lot width standards to the subdivision regulations to reduce the minimum lot width of one of the proposed lots from 50 to 45.43 feet, where there is no alley present.

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

**Development Plan:** Please see attached survey. A duplex exists on one parcel and a future single-family home is proposed to be constructed on the other parcel.

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**Background:** The proposed subdivision would create two parcels out of one parcel. The current parcel is approximately 100.10 ft. by 110.07 ft. and there is an existing duplex and detached garage on the parcel.

The applicant previously made a request for minor subdivision of the parcel in 1995. The Zoning Administrator made the determination that the applicant could not request a minor subdivision of the parcel, because the use of the property and the lot area are nonconforming; therefore the area of the parcel could not be further reduced by a lot division. The applicant appealed this decision to the Board of Adjustment on October 30, 2005. The appeal of the decision of the Zoning Administrator was denied by the Board of Adjustment on November 29, 2005, and later granted by the City Council on appeal on January 4, 1996 (A-295). Once the City Council determined that the applicant could request a minor subdivision, the appropriate land use applications were submitted March 20, 1996. The applicant proposed to create two lots; Parcel A was proposed to be 6,394 square feet and 58.09 feet wide and the site of the existing duplex. Parcel B was proposed to be 4,624 square feet and 42.01 feet wide. In addition to the minor subdivision, the applicant requested variances to reduce the minimum lot area requirement from 5,000 square feet to 4,624 for Parcel B, to reduce the minimum West side yard from 15 feet to 5 feet for the principal entrance of the proposed structure on Parcel B, to reduce the minimum North rear yard setback for a second floor above a rear attached garage and to reduce the driveway width from 10 feet to 8.4 feet. The City Planning Commission denied all applications on April 24, 1996.

The applicant has come forward with a new proposal for subdividing the existing parcel since the applications applied for in 1996. The applicant would like to demolish the existing detached garage, create two separate parcels and construct a new single family home. Parcel A is 6,019 square feet and 54.67 feet wide and is the site of the existing duplex. Parcel B is 5,000 square feet and 45.43 feet wide and is proposed of a future single family home.

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 B is proposed at 45.43 feet wide and does not meet this standard, so it will require a variance of the subdivision regulations for lot width.

As of writing this staff report, staff has not received any correspondence from the neighborhood organization. Staff will forward comments, if any are received, at the City Planning Commission meeting.

### **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. There is an existing duplex on the parcel. The applicant would like to create two separate parcels. Parcel A is 6,019 square

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feet and 54.67 feet wide and is the site of the existing duplex. Parcel B is 5,000 square feet and 45.43 feet wide and is proposed as a site for future single family home that will be contrasted on the newly created lot.

**Zoning code:**

The parcels will meet the zoning code's minimum lot width and lot area for the R1A District.

**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 50 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 B is 45.43 feet wide, 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. The existing detached garage is accessed via a curb cut along 53<sup>rd</sup> Street West and driveway that leads to the rear of the property. The applicant is proposing to demolish the existing detached garage and construct two new garages. Parcel A will have a detached garage and Parcel B will have an attached garage. Both garages are proposed to be accessed via the existing curb cut and driveway, which will be shared between both properties. None of the parcels near the subject property have access to an alley and approximately one-half of the parcels zoned R1A, located within 350 feet of the subject property have lot widths of 45 feet or less. Staff believes that the site can support the required access to the property with the existing

driveway and curb cut and the proposed garages without the need for an increased lot width due to a lack of 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 is in conformance with the above noted language of the plan. The City supports development of infill housing on vacant lots. For this reason, staff believes 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 will not have an effect on surrounding properties or change the character of the area due to proposed location of the new single family dwelling on Parcel B (easterly parcel). 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.**

The existing duplex on the property will remain in its present location and the applicant is proposing to construct a new single-family home on Parcel B in the future. 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 detached garage on the property that would be located over the proposed property boundary; the location of the existing garage is prohibited. Therefore the applicant has proposed to demolish the existing detached garage and construct new garages for the existing duplex and the proposed single family home. Parcel A will have a detached garage and Parcel B will have an attached garage. Both garages are proposed to be accessed via the existing curb cut and driveway, which will be shared between both properties. Staff believes that the site can support the required access to the property with the existing conditions without the need for an increased lot width due to a lack of alley access.

- 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 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 that would create two lots at 512 West 53<sup>rd</sup> Street in the R1A Single Family District, including a variance of the lot width standards to the subdivision regulations to reduce the minimum lot width of one of the proposed lots from 50 to 45.43 feet, where there is no alley present, subject to the following condition:

- 1) Staff will not release the minor subdivision resolution for recording until after the existing garage is removed or relocated. The applicant has until October 6, 2009, to complete the work on the existing garage and record the resolution or the minor subdivision approval will expire.

### **Attachments:**

- 1) Written descriptions and findings submitted by the applicant.
- 2) Correspondence from neighbors
- 3) Zoning map
- 4) Hennepin County map
- 5) Survey and development plan
- 6) Photos
- 7) Oblique aerials