

Department of Community Planning and Economic Development – Planning Division
Variance and Minor Subdivision Application
BZZ-3416 & MS-169

Date: March 26, 2007

Applicants: Cam McCambridge and Blake Elliott

Address of Property: 4700 Vincent Avenue South

Project Name: Not applicable.

Contact Person and Phone: Cam McCambridge (952) 484-3280

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

Date Application Deemed Complete: February 28, 2007

End of 60-Day Decision Period: April 29, 2007

Ward: 13 **Neighborhood Organization:** Fulton Neighborhood Association

Existing Zoning: R1A Single-family District and SH Shoreland Overlay Districts

Proposed Zoning: Not applicable for this application.

Zoning Plate Number: 29

Legal Description: See survey.

Proposed Use: Parcel 1 (northerly parcel) will be 5,570 square feet and is proposed for a new single-family home and Parcel 2 (southerly parcel) will be 5,400 square feet and is proposed for a new single-family home.

Concurrent Review:

Variance: To reduce the minimum required front yard setback along 47th Street West from 20 feet to 8 feet to allow for the construction of a new single family dwelling on a reverse corner lot.

Minor Subdivision: To create two lots out of one parcel, demolishing or moving the existing single family dwelling and construction of two new single-family homes. Includes variance of subdivision standards for lot width where there is no alley from 50 feet to 40 feet and 41.25 feet wide.

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. A single-family home exists on one parcel, which is proposed to be demolished or moved and two new single-family homes are proposed on two new parcels.

Background: The proposed subdivision would create two parcels out of one parcel. The current parcel is made up of two platted lots, one lot is 42 feet wide and the other is 39.25 feet wide. There is an existing single-family home on the parcel. The applicant would like to create two separate parcels, demolish or move the existing single family home and construct two new single family homes, one on each of the newly created parcels. Parcel 1 is 5,570 square feet and 41.25 feet wide and is proposed as a site for a new single family home. Parcel 2 is 5,400 square feet and 40 feet wide and is proposed as a site for a new single family home.

The current parcel is reverse corner lot, with adjacent structures fronting along Vincent Avenue South and 47th Street West. The applicant is proposing to demolish or move the existing single family dwelling and construct two new single family dwellings on each of the proposed parcels. Parcel 1 will be the most affected parcel due to the adjacent structures and their frontage on both streets. The minimum front yard setback along 47th Street is 20 feet, which is the established and district setback in the R1A Single Family District. The applicant is proposing to construct a new single family dwelling 8 feet from the front property line along 47th Street West, so it will require a variance to the zoning code to reduce the front yard setback along 47th Street West from 20 feet to 8 feet.

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 1 is proposed at 41.25 feet wide and Parcel 2 is proposed at 40 feet wide and does not meet this standard, so it will require a variance of the subdivision regulations (in addition to the zoning code variance for front yard setback) for lot width of both lots.

Both parcels are in the SH Shoreland Overlay Districts. Any new development is required to comply with the standards of the SH Shoreland Overlay Districts and if this split is approved it does not constitute approval to build in these districts.

Any new single-family dwelling is subject to administrative site plan review for compliance with the standards of Chapter 530, Article VI. The applicant has not yet applied for administrative site plan review and will have to do so before permits may be issued.

As of the writing of this report, staff has received an e-mail with comments from the Fulton Neighborhood Association; they are attached to the report.

VARIANCE (of zoning code regulations to reduce the required front yard setback along 47th Street West from 20 feet to 8 feet on a reverse corner lot.)

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 applicant is proposing to subdivide the existing property and apply for a variance to reduce the required front yard setback along West 47th Street from 20 ft. to 8 ft. to allow for the construction of a new single family dwelling on a reverse corner lot. Strict adherence to the regulations would not allow for a new single family home to be constructed on the proposed Parcel 1 (northerly parcel) due to the increased setback restrictions. Staff could not identify hardship and believes that reasonable use exists for the property, because the existing zoning lot could easily accommodate the construction of one new single family home, without the need for any variances.

- 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 conditions upon which the front yard setback variance is requested are unique to the parcel of land and have been created by the applicant. The applicant is proposing a subdivision of the parcel to create two parcels to allow for the construction of two new single family dwellings. The existing parcel is a reverse corner lot, which is unique to the parcel of land, however, it is the applicants' desire to subdivide the property to allow for the construction of two new single family homes that has created the need for variance. Strict adherence to the regulations would not allow for the proposed single family dwelling on the proposed Parcel 1. Staff believes that reasonable use exists for the existing parcel without the need for variance. It is generally not reasonable to create a new lot that could not be built upon without a variance.

- 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.**

Staff believes that granting the setback variance may alter the essential character of the surrounding neighborhood and may be injurious to the use or enjoyment of other property in the vicinity. The existing structure at 4700 Vincent Avenue South is setback 18.2 feet to the front property line along 47th Street West. The adjacent property to the west, at 2919 West 47th Street is located 20 feet to the front property line along 47th Street West. The applicant is proposing to construct a new single family dwelling 8 feet to the front property line along 47th Street West. The proposed construction of the new single family home may alter the essential character of the locality by disrupting the block face along 47th Street West due to its proximity to the street.

- 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.**

The proposed subdivision would create two parcels out of one parcel. The current parcel is made up of two platted lots, 39.25 feet and 42 feet wide. There is an existing single-family home on the parcel. The applicant would like to create two separate parcels. Parcel 1 is 5,570 square feet and 41.25 feet wide and is proposed as a site for a new single family home. Parcel 2 is 5,400 square feet and 40 feet wide and is proposed as a site for a new single family home.

Zoning code:

Both parcels will be in conformance with the requirements of the zoning ordinance. The R1A Single Family District requires a minimum lot width of 40 feet and a minimum lot area of 5,000 square feet.

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 40 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 1 is 41.25 feet wide and Parcel 2 is 40 feet wide, neither parcel do not meet this standard, 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

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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. Parcel 1 is a reverse corner lot with an existing curb cut on 47th Street West. The applicants are proposing to close the existing curb cut, allow a new curb cut along Vincent Avenue South and have a shared drive easement accessing the rear of the lots where there will be detached accessory structures for each single family home. The applicants have proposed a very narrow driveway at 11 feet 3 inches wide, located in the required side yards between the two structures. This demonstrates the difficulty associated with creating two 40 foot wide lots that do not have 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 could be considered in conformance with the above noted language of the plan if it were just a simple creation of two lots. The City supports development of infill housing on vacant lots, however, this lot is not vacant. For this reason, staff does not believe 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 may have an effect on surrounding properties and it will change the character of the area due to proposed location of the new single family dwelling on Parcel 1 (northerly parcel). However, 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.**

Two new single family homes are proposed. 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 single family home with an existing curb cut on 47th Street West. The applicants are proposing to close the curb cut on 47th Street West and request a new curb cut along Vincent Avenue South, which will require Public Works approvals. The proposed shared driveway is 11 feet 3 inches wide and will abut both of the proposed structures. This illustrates the difficulty of providing access to the lots when proposing a subdivision when there is no alley access. The site is subject to the standards SH Shoreland Overlay Districts and the new single-family homes are subject to administrative site plan review.

- 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. The site is subject to the standards SH Shoreland Overlay Districts.

RECOMMENDATIONS:

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

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The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **deny** the variance to reduce the required front yard setback along 47th Street West from 25 feet to 8 feet to allow for the construction a new single family dwelling on a reverse corner lot at 4700 Vincent 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 **deny** the minor subdivision that would create two lots at 4700 Vincent Avenue South, including a variance of the lot width standards to the subdivision regulations to reduce the minimum lot widths of the two proposed lots from 50 to 40 and 41.25 feet wide, where there is no alley present.

Attachments:

- 1) Statement from applicant.
- 2) Zoning map.
- 3) Hennepin County map.
- 4) Survey.
- 5) Development plan.
- 6) Elevation proposed single-family homes.
- 7) Photos.