

**Department of Community Planning and Economic Development – Planning Division**  
Variance and Minor Subdivision Application  
BZZ-3286 & MS-160

**Date:** November 27, 2006

**Applicants:** Cam McCambridge, 3207 47<sup>th</sup> Street West, Minneapolis, MN 55410, (952)484-3280

**Address of Property:** 3205 & 3207 47<sup>th</sup> Street West

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

**Contact Person and Phone:** Cam McCambridge, 3207 47<sup>th</sup> Street West, Minneapolis, MN 55410, (952)484-3280

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

**Date Application Deemed Complete:** October 17, 2006

**End of 60-Day Decision Period:** December 15, 2006

**Ward:** 13      **Neighborhood Organization:** Fulton Neighborhood Association and Linden Hills Neighborhood Council

**Existing Zoning:** R1A (Single-family) district

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

**Zoning Plate Number:** 29

**Lot area:** 10,420 square feet or .24 acres

**Legal Description:** See survey.

**Existing Use:** Lot 1 (northerly parcel) will be 5,290 square feet in size and contains a non-conforming two-family home and Lot 2 (southerly parcel) will be 5,130 square feet in size and would be developed as a single-family home.

**Concurrent Review:**

- Variance of the interior side yard setback requirement for the existing rear entrances located along the proposed interior side yard from 15 feet to 4.8 feet.
- Minor Subdivision to create two parcels out of one parcel; one for the existing duplex dwelling unit and a new parcel for future single-family home development.

**Applicable Code Provisions:** Chapter 525, Article IX, Variances, Specifically Section 525.520(1) and

Chapter 598 Subdivisions.

**Development Plan:** Please see attached survey. A non-conforming two-family home exists on the north parcel. The southerly parcel would be developed as a single-family home.

**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 slight shift or alteration of the platted lot line in order to accommodate the required minimum lot width of 40 feet in the R1A district for both parcels. 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 the existing non-conforming two-family home is located 4.8 feet from the proposed common property line. Typically, the property would be subject to a 5 foot setback requirement along the interior side yard however, the property is subject to Section 535.250 of the zoning code which requires a setback of 15 feet when interior side yard entrances face the interior lot line. The applicant requests a variance from 15 feet to 4.8 feet to allow the home to encroach into the setback for the reestablishment of the platted lots. The applicant has agreed to remove the interior side yard entrances as a condition of approval, which would mean that the required setback would be 5 feet contingent on the removal of the rear entrances. Staff is processing the request from 15 feet to 4.8 feet as the entrances have not been removed prior to the printing of this report.

Both parcels will meet all of the requirements of the zoning code and the subdivision ordinance with the exception of the interior side yard setback requirement. The existing duplex is a non-conforming use in the R1A district. The R1A district requires 5,000 square feet of lot area for a single-family home and 40 feet of lot width. Lot 1, the north parcel containing the existing non-conforming two-family home will be 5,290 square feet in size and 41.25 feet wide. Lot 2, the vacant south parcel will be 5,130 square feet in size and 40 feet wide.

Staff has not received official correspondence from either the Fulton Neighborhood Association or Linden Hills Neighborhood Council stating a position on the applications prior to the printing of this report.

## **VARIANCE**

### **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 two platted lots under one property (tax) identification number (PID) that with a slight shift or alteration of the platted lot line can both meet the requirements of the R1A District, but the existing two-family home is 4.8 feet from the common lot line. The house can not be moved and requiring the applicant to meet the required setback of 15 feet due to the entrances along the interior side yard would prohibit the use of the other lot, which conforms to the code in every other way, for a new single-family home. The only other alternative that does not require variances would be to leave the lot

undeveloped. This could be considered 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 two platted lots under one property (tax) identification number (PID) that are both able to meet the requirements of the R1A District with a slight shift or alteration of the platted lot line, but the existing two-family home is 4.8 feet from the proposed common lot line. This is a condition that is not generally applicable to 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 southerly lot will be required to meet a five foot setback from the property line and with the existing 4.8 foot setback on the northerly lot 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 result in a significant increase in traffic demand at the site. One duplex already exists at the site and the addition of a single-family home would not be expected to 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.**

Both parcels will be in conformance with the requirements of the subdivision ordinance and comprehensive plan. Both will be in conformance with the requirements of the zoning code with the exception of the interior side yard setback requirement for the northern parcel or Lot 1. The existing structure on the northern parcel is a non-conforming two-family dwelling and requires a 15 foot setback due to the existing entrances along the proposed interior side yard. The applicant has agreed to remove the entrances along the proposed interior side yard as a condition of approval. The R1A district requires 5,000 square feet for a single-family home and 40 feet of lot width. Lot 1, the north parcel containing the existing non-conforming two-family home will be 5,290 square feet in size and 41.25 feet wide. Lot 2, the vacant south parcel will be 5,130 square feet in size and 40 feet wide.

**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 slight shift or alteration of the platted lot line to accommodate the required minimum lot width of 40 feet in the R1A 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 not present 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.**

No change to the grading is proposed and alley access to the newly created lot is existing.

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

The Department of Community Planning and Economic Development– Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the variance application to reduce the required interior side yard setback from 15 feet to 4.8 feet for property located at 3205 & 3207 47<sup>th</sup> Street West subject to the following conditions:

1. Removal of the doors at the rear of the structure, adjacent to the interior side yard.

CPED – Planning Division Report  
MS-138 & BZZ-2742

**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 for properties located at 3205 & 3207 47<sup>th</sup> Street West.

**Attachments:**

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