

Department of Community Planning and Economic Development – Planning Division
Minor Subdivision Application
MS-193

Date: April 20, 2009

Applicants: Patrick and Zelda Fahey

Address of Property: 2609 and 2615 52nd Street West

Contact Person and Phone: Patrick and Zelda Fahey, (612) 728-9830

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

Date Application Deemed Complete: March 27, 2009

End of 60-Day Decision Period: May 26, 2009

Ward: 13 **Neighborhood Organization:** Folwell Neighborhood Association

Existing Zoning: R1 Single Family District

Proposed Zoning: Not applicable for this application.

Zoning Plate Number: 35

Proposed Use: Parcel A (2609 52nd Street West) will be 9415.5 square feet and contains a single family dwelling and Parcel B (2615 52nd Street West) will be 7852 square feet and contains a single family dwelling.

Minor Subdivision: To move the common lot line between two properties including:

- variance of the large lot provision of the subdivision regulations to reduce the minimum lot area in a large lot district from 8,634 square feet to 7,852 square feet
- variance of the lot width standards to the subdivision regulations to reduce the minimum lot width of one of the proposed lots from 60 to 59.26 feet, where there is no alley present.

Applicable Code Provisions: Chapter 598 Subdivisions.

Development Plan: Please see attached survey.

Background: The subdivision consists of two platted lots. The applicants are adjusting the common lot line between the two lots by moving the west lot line of 2609 52nd Street West (Parcel A) 5.9 feet to the east to transfer property from 2615 52nd Street West (Parcel B). Both parcels will meet all of the requirements of the zoning code for lot area and lot width. There is a greater lot area required (11,245.5 square feet) in the Land Subdivision Regulations based on the average of the lot sizes within 350 feet of

the property. Neither of the existing lots meets this minimum required lot area based on the large lot district.

MINOR SUBDIVISION

Required Findings:

1. Subdivision is in conformance with the land subdivision regulations and the applicable regulations of the Zoning Code, and policies of the Comprehensive Plan.

The proposed subdivision would adjust the common lot line between two parcels by 5.9 feet. Both lots are currently developed with single family homes. The applicant would like to adjust the common lot line to give allow for a wider driveway and the future construction of a carport to 2609 52nd Street West. Parcel A is 9,415.5 square feet and 71.06 feet wide and is the site of an existing single family dwelling. Parcel B is 7,852 square feet and 59.26 feet wide and is the site of an existing single family dwelling.

Zoning code:

The parcels will meet the zoning code's minimum lot width and lot area for the R1 District.

Subdivision regulations:

As noted above, the R1 Single-family District requires a lot area of 6,000 square feet. In addition to this zoning code requirement, Section 598.240(2)[a] of the subdivision regulations requires that lot area shall not be less than the average of the single and two-family lots located in whole or in part within the same zoning district within three hundred fifty (350) feet, where such average lot area exceeds the minimum zoning requirement by fifty (50) percent or more. The two existing parcels do not meet the minimum lot area established by the average within 350 feet. The average lot area is 11245.5 square feet. Parcel A is increasing in lot area from 8,634 square feet to 9,415.5. The lot area of Parcel B is reduced from 8,634 square feet to 7,852 square feet, so a variance of the subdivision regulations for lot width to allow for further reduction of the large lot area.

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 large lot provision is to ensure that new lots are consistent with the surrounding properties. Neither of the existing parcels currently meets the average lot area. Further, by adjusting the common lot line, the overall average lot size in the immediate area will remain unchanged because the overall lot area is not lost through creation of an entirely new lot, but instead would simply be shifted from one parcel to another. Staff believes that the proposed subdivision meets the intent of the subdivision regulations to ensure that these lots are consistent with other properties in the vicinity.

The Parcel B does not meet the minimum lot width of the subdivision regulations.

As noted above, the R1 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 50 to 60 feet. Parcel B is 59.26 feet wide, so a variance of the subdivision regulations for lot width to eliminate the requirement for an additional 10 feet beyond the 50 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. There is an existing driveway and attached garage on Parcel B that are accessed from the west portion of the lot; the opposite side of the proposed lot line adjustment and the applicant is not proposing any changes to 2615 52nd Street West. Staff believes that a lot with existing access and a lot width of 59.26 feet is appropriate.

Parcel B does not meet the minimum lot area requirement based on the average lot areas within 350 feet.

Comprehensive plan

Staff has identified the following policies of the Minneapolis Plan that are relevant to the submitted applications:

9.21 Minneapolis will preserve and enhance the quality of living in residential neighborhoods, regulate structures and uses which may affect the character or desirability of residential areas, encourage a variety of dwelling types and locations and a range of population densities, and ensure amenities, including light, air, privacy and open space.

Implementation Steps

Apply the form and density approach within the context of a neighborhood or a site and within the framework of The Minneapolis Plan and NRP Plans when evaluating the appropriateness of development proposals for specific sites.

It is the staff opinion that the subdivision is in conformance with the above noted language of the plan. For this reason, staff believes that the subdivision is in conformance with the goals of the comprehensive plan.

2. 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 adjust the common lot line between two parcels; both lots are currently developed with single family homes. This will not be out of character with the area and will not affect congestion to the public streets.

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

The site does not present the other 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 driveway access 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.

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Existing utility and drainage provisions are adequate for the existing development.

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 application for properties located at 2609 and 2615 52nd Street West.

Attachments:

- 1) Written descriptions and findings submitted by the applicant
- 2) Zoning map
- 3) Hennepin County map
- 4) Survey
- 5) Photos