

Department of Community Planning and Economic Development – Planning Division
Variance and Minor Subdivision Application
BZZ-3808 & MS-182

Date: October 29, 2007

Applicants: Anderson Engineering of MN

Address of Property: 400 Logan Avenue North

Project Name: Not applicable.

Contact Person and Phone: Dave Anderson (763) 412-4090

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

Date Application Deemed Complete: October 5, 2007

End of 60-Day Decision Period: December 4, 2007

Ward: 5 **Neighborhood Organization:** Harrison

Existing Zoning: R1A Single-family District

Proposed Zoning: Not applicable for this application.

Zoning Plate Number: 12

Legal Description: See survey.

Proposed Use: Parcel 1 (northerly parcel) will be 5,431 square feet and contains an existing single family home and Parcel 2 (southerly parcel) will be 4,676 square feet and is the proposed to be sold by the owner and would support development of a single family home.

Concurrent Review:

Variance: to reduce the minimum lot area requirement from 5,000 sqft. to 4,676 sqft. to allow for a minor subdivision.

Variance: to reduce the minimum lot width requirement from 40 feet to 36.96 feet to allow for a minor subdivision.

Minor subdivision

Applicable Code Provisions: Chapter 525, Article IX, Variances, Specifically Section 525.520(2) “to vary the lot area or lot width requirements.” Chapter 598 Subdivisions.

Development Plan: Please see attached survey. A single family home exists on one parcel and the other lot would be sold and would be developable for a new single family home.

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Background: The proposed subdivision would create two parcels out of one parcel. The current parcel is approximately 79.83 ft. by 126.51 ft. and the underlying platting shows five parcels platted towards 4th Avenue North. There is an existing single family home on the parcel. The applicant would like to create two separate parcels and sell the lot to the south, which could be developed for a new single family home. Parcel 1 is proposed to be 5,431 square feet and 42.87 feet wide and is the site of the existing single family home. Parcel 2 is proposed to be 4,676 square feet and 36.96 feet wide and would allow for the construction of a new single family home.

The minimum lot area requirement for a lot in the R1A District is 5,000 sqft. The existing lot is approximately 10,107 sqft. and due to the existing location of the single family home and the required interior side yard setback of five feet.. Therefore, applicant has proposed to create the southerly lot at 36.96 feet wide, which reduces the lot area to 4,676 sqft. and a variance to reduce the minimum lot area is required. The maximum variance allowed by the Zoning Code is 30 percent. The applicant is proposing a 6.5 percent variance.

The minimum lot width in the R1A Single-family District is 40 feet. The existing lot is approximately 79.83 feet wide and due to the existing location of the single family home and the required interior side yard setback, the applicant has proposed to create the southerly lot at 36.96 feet wide. The maximum variance allowed by the Zoning Code is 30 percent. The applicant is proposing a 7.6 percent variance.

Any future development of a single family home will also be subject to the conditions of the design standards outlined in section 530.280 in the zoning ordinance.

530.280. Design standards. New single and two-family dwellings and multiple-family dwellings having three (3) or four (4) dwelling units shall comply with the applicable regulations of this zoning ordinance, including but not limited to the standards of Chapter 535, Regulations of General Applicability, related to front entrance, window area, and walkway requirements, and limitations on attached garages facing the front lot line. In addition, the zoning administrator shall ensure that such uses obtain a minimum of fifteen (15) points from Table 530-2, Single and two-family dwellings and multiple-family dwellings having three or four dwelling units. Standards used to meet the minimum requirement must remain in place for a period of not less than fifteen (15) years from the date of approval.

As of the writing of this report, staff has not received any comments from the Harrison Neighborhood Association.

VARIANCES

Findings Required by the Minneapolis Zoning Code:

- 1. The property cannot be put to a reasonable use under the conditions allowed by the official controls and strict adherence to the regulations of this zoning ordinance would cause undue hardship.**

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Lot area: The applicant is seeking a variance to reduce the required lot area from 5,000 sq. ft. to 4,676 sq. ft. (6.5%) for the southerly parcel to allow for the proposed minor subdivision in the R1A District. Strict adherence to the regulations would not allow for the proposed subdivision or the new construction of a single family home onto the newly created lot, because the lot would be less than 5,000 sq. ft. The applicant has demonstrated that a single family dwelling could be constructed on the proposed lot and would meet the requirements of the zoning code. The subdivision of the property will allow for the existing single-family home to remain and a new single family home to be constructed on the newly created parcel and would constitute a reasonable use of the property.

Lot width: The applicant is seeking a variance to reduce the required lot width from 40 feet to 36.96 feet (7.6%) for the southerly parcel to allow for the proposed minor subdivision in the R1A District. Strict adherence to the regulations would not allow for the proposed subdivision or the new construction of a single family home onto the newly created lot, because the lot would be less than 40 feet wide. The applicant has demonstrated that a single family dwelling could be constructed on the proposed lot and would meet the requirements of the zoning code. The subdivision of the property will allow for the existing single-family home to remain and a new single family home to be constructed on the newly created parcel and would constitute 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.**

Lot area: The conditions upon which the variance is requested are unique to the parcel of land and were not created by the applicant. Due to the location of the existing single family dwelling, the applicant has proposed to create the lot at 36.96 feet, which equates to 4,676 sqft. of lot area, in order to allow for the minimum five foot interior side yard setback between the existing house and the proposed property line. The applicant would need to acquire an additional 324 square feet of land to meet the minimum lot area in the R1A District without a variance. Staff found several examples of properties on the same block and within the immediate area with single-family homes on similarly sized lots.

Lot width: The conditions upon which the variance is requested are unique to the parcel of land and were not created by the applicant. The underlying platting of this parcel shows five 25.3 foot wide parcels platted towards 4th Avenue South. The applicant is proposing to subdivide the property into two parcels, towards Logan Avenue North, in order to prevent the creation of a reverse corner lot and to allow for the existing single family dwelling to remain. The lot is 79.83 feet in width and is zoned R1A Single Family District. A variance to reduce the minimum lot width would be required even if the parcel was platted as two lots facing Logan Avenue North. The applicant is proposing the minor subdivision in this location to provide the required 5 foot interior side yard setback between the existing home and the proposed property line. Staff does not believe the existing platting or location of the single family dwelling is a circumstance created by the applicant.

- 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 variances will not alter the essential character of the surrounding neighborhood or be injurious to the use or enjoyment of other property in the vicinity as the proposed single-family dwelling will be similarly-sized in comparison to other properties in the vicinity, including 407, 411, and 413 Knox Avenue North and 418 Logan Avenue North, which are only 33 feet wide and 4158 sqft.; the smallest lots on the block. Staff believes that the single-family dwelling fits the character of the surrounding area and the additional unit meets 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.**

Granting the variances would likely have no impact on the congestion of area streets or fire safety, nor would the proposed single-family dwelling be detrimental to the public welfare or endanger the public safety since the applicant is providing on-site parking spaces.

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 underlying platting shows five substandard lots platted towards 4th Avenue South. There is an existing single-family home on the parcel. The applicant would like to create two separate parcels and sell the lot to the south, which could be developed for a new single family home. Parcel 1 is proposed to be 5,431 square feet and 42.87 feet wide and is the site of the existing single family home. Parcel 2 is proposed to be 4,676 square feet and 36.96 feet wide and would allow for the construction of a new single family home.

Zoning code:

The applicant has requested a variance of the minimum lot area and lot width of the zoning ordinance for the southerly lot. The R1A Single Family District requires a minimum lot area of 5,000 square feet and the proposed southerly parcel will be 4,676 square feet; the minimum lot width is 40 feet and the proposed southerly parcel is 36.96 feet. Parcel 1 meets the minimum lot area and lot width requirements.

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There is an existing shed located on proposed Parcel 2. No accessory structure shall be constructed or established on any lot prior or the time of construction of the principal structure to which it is accessory, per 537.30.

Subdivision regulations:

The proposed parcels meet the subdivision regulations.

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 a new single family dwelling on Parcel 2 (southerly 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 home on the property will remain in its present location and the newly created lot will allow for the future development with a single family home. 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.**

Both of the proposed parcels have access to an existing alley. The existing parcel has a bituminous parking area off of the alley in the southeast corner, on proposed Parcel 2. Staff is recommending that, as a condition of approval, the commission require the applicant to remove the bituminous in this area and provide an off-street parking area on Parcel 1. The applicant has shown that a 22 foot by 24 foot garage would be able to be constructed on Parcel 2 for future development, without the need for additional variance.

- 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 lot area variance:

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the variance to reduce the minimum lot area requirement from 5,000 sqft. to 4,676 sqft. to allow for a minor subdivision for the property located at 400 Logan Avenue North in the R1A Single-Family District.

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

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the variance to reduce the minimum lot width requirement from 40 feet to 36.96 feet to allow for a minor subdivision for the property located at 400 Logan Avenue North in the R1A Single-Family District.

Recommendation of the Community Planning and Economic Development Department – Planning Division for the minor subdivision:

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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 400 Logan Avenue North in the R1A Single-Family District, subject to the following conditions:

1. The applicant shall remove the existing shed on Parcel 2.
2. The applicant shall remove the existing bituminous on Parcel 2.

Attachments:

1. Statement of use and Findings
2. Copy of an e-mail sent October 3, 2007, to CM Samuels and Harrison Neighborhood Association
3. Zoning map
4. Hennepin County Map
5. Survey and development plan
6. Photos