

Department of Community Planning and Economic Development - Planning Division
Minor Subdivision Application
MS- 118

Date: August 9, 2004

Applicants: Sandra and John Maliga

Address of Property: 244 Morgan Avenue South

Contact Person and Phone: Sandra Maliga 612-374-4984

Planning Staff and Phone: Jim Voll 612-673-3887

Date Application Deemed Complete: July 7, 2004

End of 60-Day Decision Period: September 5, 2004

Ward: 7 Neighborhood Organization: Bryn-Mawr

Existing Zoning: R1 Single-family Residential District

Proposed Zoning: Not applicable for this application.

Plate Number: 17

Legal Description: Please see attached survey.

Proposed Use: Parcel 1 is 10,050 square feet and is proposed for a single-family home. Parcel 2 is 12,260 square feet and contains an existing single-family home.

Concurrent Review: Minor subdivision.

Comprehensive Plan: The land use map of the comprehensive plan shows this area as residential.

Development Plan: The survey shows the existing building. The applicant has provided a drawing that shows a footprint for a possible single-family home. Please note that this structure does not meet the required setbacks in the R1 District.

Background: The applicant proposes to split the lot at 244 Morgan Avenue South into two lots. One lot will be for the existing single-family home and the other lot (north lot) will be for a new single-family home.

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.

All parcels are in conformance with the requirements of the zoning ordinance and the comprehensive plan. The comprehensive plan shows this area as appropriate for residential development. The subdivision is in conformance with the design requirements of the land subdivision regulations.

While the proposed minor subdivision meets the minimum requirements of the zoning code and the subdivision regulations including the lot width and lot area requirements, the lots that will be created will have irregular shapes that will make it more difficult to meet the required setbacks of the R1 District. While it is possible to place a home on the north lot without setback variances, the applicant has not provided a development plan that shows how they would build a home without setback variances. In general, lots should not be created that will require further variances to allow development. This is a self-created hardship. Therefore, staff is recommending denial of this subdivision. If the applicant can provide a development plan that would not require variances, staff would recommend approval of the subdivision.

2. Subdivision may 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 create two parcels out of one lot to allow for a new single-family home in addition to the existing single-family home. If the required setbacks are met, this should have little effect on the surrounding area and will not add 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 has a grade change that will require some alteration of the site, but it is not so great that it should prevent the applicant from obtaining building permits. The site does not present the other hazards.

4. The lot arrangement is such that there may 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.

The site has a grade change that will require some alteration of the site, but it is not so great that it should prevent the applicant from obtaining building permits. While the proposed minor subdivision meets the minimum requirements of the zoning code and the subdivision regulations including the lot width and lot area requirements, the lots that will be created will have irregular shapes that will make it more difficult to meet the required setbacks of the R1 District. While it is possible to place a home on the north lot without setback variances, the applicant has not provided a development plan that shows how they would build a home without setback variances. In general, lots should not be created that will require further variances to allow development. This is a self-created hardship.

5. The subdivision makes adequate provision for storm or surface water runoff, and temporary and permanent erosion control. The storm water drainage system shall be separate and independent of any sanitary sewer system. All plans shall be designed in accordance with rules, regulations and standards of the city engineer. Facilities intended to be dedicated to the City shall be located in perpetual, unobstructed easements of a width determined to be adequate and necessary by the city engineer. 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 uses.

Recommendation of the Community Planning and Economic Development Department - Planning Division:

The Community Planning and Economic Development Department - Planning Division recommends that the City Planning Commission adopt the above findings and **deny** the minor subdivision application for property located at 244 Morgan Avenue South.

Attachments:

1. Hennepin County Map.
2. Aerial photo of the site.
3. Survey.
4. Required setbacks.
5. Possible development plan.
6. Photos of site.