

Department of Community Planning and Economic Development – Planning Division
Variance and Minor Subdivision Application
BZZ-3615 & MS-175

Date: August 13, 2007

Applicant: Jason MacDonald

Address of Property: 3144 Polk Street NE

Project Name: 3144 Polk Street NE

Contact Person and Phone: Jason MacDonald (612) 986-4246

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

Date Application Deemed Complete: June 19, 2007

End of 60-Day Decision Period: August 18, 2007

End of 120-Day Decision Period: Staff sent a letter to the applicant on July 20, 2007, extending the decision period to no later than October 17, 2007

Ward: 1 **Neighborhood Organization:** Audubon Neighborhood Association, adjacent to Waite Park Community Council

Existing Zoning: R1A Single-family District

Proposed Zoning: Not applicable for this application.

Zoning Plate Number: 6

Legal Description: See survey.

Proposed Use: Parcel A (northerly parcel) will be 4,790 square feet and is vacant and would allow for a new single-family home and Parcel B (southerly parcel) will be 5,241 square feet and contains an existing single-family home

Concurrent Review:

Variance: to reduce the required north interior yard setback from 5 feet to 4 feet to allow for an existing single family home.

Variance: to reduce the minimum lot width requirement from 40 feet to 38.2 feet to allow for the proposed north lot.

Variance: to reduce the minimum lot area requirement from 5,000 square feet to 4,790 square feet for the proposed north lot.

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Minor subdivision: that would create two lots at 3144 Polk Street NE; one for the existing single family home and one that would allow for a new single family home.

Applicable Code Provisions: Chapter 525, Article IX, Variances, Specifically Section 525.520(1) “to vary the yard requirements” and 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 developed for a new single family home.

Background: This application was heard at the July 16, 2007, City Planning Commission (CPC) public hearing. The commission voted to continue this item two cycles to the August 13, 2007, CPC hearing to allow the applicant sufficient time to submit the site plan showing the proposed location and the elevations of the proposed single family dwelling.

The proposed subdivision would create two parcels out of one parcel. The current parcel is approximately 80 ft. by 125.4 ft. 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 north, which could be developed for a new single family home. Parcel A is 4,790 square feet and 38.2 feet wide and this parcel is currently vacant. Parcel B is 5,241 square feet and 41.8 feet and is the site of the existing single family home.

The existing single family home is located 2.2 feet to the existing boundary that separates Lots 3 and 4. The applicant would not be successful in proposing to split the lot along the existing boundary due to the proximity of the existing home to the lot line without a conflict with the building code. Therefore, the applicant is proposing to adjust the lot line to allow a four foot setback between the existing structure and the proposed property line. The minimum interior side yard setback in the R1A District is five feet; therefore the applicant is applying for a variance to reduce the north interior side yard setback from five feet to four feet.

The lot width requirement in the R1A District is 40 feet. As previously mentioned, the property line would need to be adjusted in order to allow for the existing single family home to remain. The applicant is proposing to adjust the existing boundary between the platted lots to allow for a four foot setback from the existing home to the proposed property line. The maximum lot width variance allowed by the Zoning Code is 30 percent; the applicant is proposing to reduce the minimum lot width from 40 feet to 38.2 feet, which is a 4.5 percent variance.

The lot area requirement for a lot in the R1A District is 5,000 square feet. The proposed Parcel A is 4,790 square feet. The maximum lot area variance allowed by the Zoning Code is 30 percent. The applicant is proposing a 4.2 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

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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 Audubon Neighborhood Association or Waite Park Community Council.

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.**

Side yard setback: The applicant is seeking a variance to the north interior side yard setback from 5 feet to 4 feet to allow for an existing single family home as a result of the proposed minor subdivision. Strict adherence to the regulations would not allow for the existing single-family dwelling to remain on the property and allow for the proposed minor subdivision. As an alternative, the applicant could tear down or move the existing dwelling and simply propose a parcel split, however, staff believes that the existing single family dwelling is a reasonable use of the property.

Lot width: The applicant is seeking a variance to reduce the required lot width from 40 feet to 38.2 feet (4.5%) for the proposed Parcel A to allow for the proposed minor subdivision in the R1A District. It is the applicant's intent to preserve the existing single family home and in order to have compliance with the building code; the lot line would have to be adjusted, which would create a more narrow lot. Strict adherence to the regulations would not allow for the proposed subdivision or the existing single family home to remain on the property, because Parcel A would be less than 40 feet wide. The subdivision of the property will allow for the existing single-family home to remain on Parcel B and a future single family home on the newly created parcel and would constitute a reasonable use of the property.

Lot area: The applicant is seeking a variance to reduce the required lot area from 5,000 sq. ft. to 4,790 sq. ft. (4.2%) for the proposed Parcel A to allow for the proposed minor subdivision in the R1A District. Strict adherence to the regulations would not allow for the proposed subdivision or a future single-family dwelling on the newly created lot, because the proposed Parcel A would be less than 5,000 sq. ft. The subdivision of the property will allow for the existing single-family home to remain on Parcel B and a future single family home 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.

Side yard setback: While the applicant is contributing to the need for a variance by establishing the proposed property line, the circumstances upon which the setback variance is requested are unique to the parcel of land due to the location of the existing single family home. The alternative to the variance would cause a hardship to the property owner, by not allowing the existing single family home to remain.

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 lot is 80 feet in width and is zoned R1A Single Family District. The applicant is proposing to subdivide the property into two parcels, by adjusting the existing boundary between Lots 3 and 4, to allow for the existing single family dwelling to remain. Therefore, in order to be in compliance with the building and have the structure a minimum of 3 feet to the interior side property line, the applicant proposed to move the property line to allow for two lots, one at 38.2 feet and the other at 41.8 feet.

The applicant would have needed an additional .8 feet (or 9 inches) between the existing home and boundaries between Lots 3 and 4 to allow for the existing single family home to remain on the lot without a variance to reduce the minimum width of the parcel. This would be difficult due to the fact that the existing home has a foundation and full basement below and could not be moved from its present location. Staff does not believe the existing location of the single family dwelling is a circumstance created by the applicant.

Lot area: The conditions upon which the variance is requested are unique to the parcel of land and were not created by the applicant. The lot is approximately 10,031 sqft. in size and is zoned R1A Single-family District. The applicant is proposing to subdivide the property into two parcels, by adjusting the existing boundary between Lots 3 and 4, to allow for the existing single family home to remain on the property. Therefore, in order to be in compliance with the building and have the structure a minimum of 3 feet to the interior side property line, the applicant proposed to move the property line to allow for two lots, thereby reducing the lot area of proposed Parcel A to 4,790 square feet.

The applicant would need to acquire an additional 210 square feet of land to meet the minimum lot area in the R1A District without a variance. The property is adjacent to a large boulevard along St. Anthony Parkway and it would be difficult to obtain any additional property from the Park Board without a vacation. Staff does not believe the existing location of the single family dwelling is a circumstance created by the applicant. Staff believes that the overall surrounding area consists of a significant number of single-family homes on similarly sized lots.

- 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.**

Side yard setbacks: Staff believes that the location of the existing single-family dwelling will not substantially alter the essential character of the surrounding neighborhood. Staff believes that

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by allowing the single family dwelling to remain will not be injurious to the use or enjoyment of other property in the vicinity because it already exists on the property.

Lot area and width: Staff believes that due to the proximity of Parcel A to St. Anthony Parkway and the large boulevard adjacent to it, the parcel would be developed as to not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. The majority of lot widths in the immediate vicinity are 40 feet wide, however most are not located along the parkway. With a 38.2 foot wide lot, a new single family dwelling could be constructed at 25.2 feet wide, with adherence to the corner and interior side yard setbacks. Staff believes that 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.**

All variances: With consideration that this project was designed to comply with the building code, granting the proposed variances would likely have no impact on the congestion of area streets or fire safety, nor would the future single-family dwelling be detrimental to the public welfare or endanger the public safety.

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. There is an existing single-family home on the parcel. The applicant would like to create two separate parcels. Parcel A is 4,790 square feet and 38.2 feet wide and is the site of a future single-family home. Parcel B is 5,241 square feet and 41.8 feet wide and is the site of an existing single family home.

Zoning code:

The applicant has requested variances of the minimum lot width and lot area of the zoning ordinance. The R1A Single Family District requires a minimum lot width of 40 feet and lot area of 5,000 square feet and the proposed Parcel A will be 38.2 feet wide and 4,790 square feet. The required variances are included in this report. Parcel B will meet the zoning code's minimum lot width and lot area for the R1A District.

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 the existing location of the single family dwelling on Parcel B (southerly parcel) or the future development of a single family dwelling on Parcel A (northerly 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 another single-family dwelling will be proposed in the future on the other lot. 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.

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Parcel A is of sufficient lot width and area to allow for future construction of a single family dwelling without the need for variance. Parcel A is a corner lot with alley access to the rear. Staff believes that the site can support the required access to the property with the existing conditions.

- 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 interior yard setback variance:

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** to reduce the required north interior yard setback from 5 feet to 4 feet to allow for an existing single family home for the property located at 3144 Polk Street NE in the R1A Single-Family District.

Recommendation of the Community Planning and Economic Development Department – Planning Division for the lot width 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 38.2 feet to allow for the proposed north lot for the property located at 3144 Polk Street NE 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 area requirement from 5,000 square feet to 4,790 square feet to allow for the proposed north lot for the property located at 3144 Polk Street NE 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 3144 Polk Street NE; one for the existing single family home and one that would allow for a new single family home.

Attachments:

- 1) Statement and findings from applicant.
- 2) May 23, 2007, e-mail to Audubon Neighborhood Association and Waite Park Community Council.
- 3) June 11, 2007, e-mail from Lorrie Stromme confirming the applicants meeting with CM Ostrow on May 15, 2007.
- 4) Zoning map.
- 5) Hennepin County map.
- 6) Survey.
- 7) Photos.